



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Monday, February 19, 2018  
7:00 PM

Regular

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### I. INTRODUCTION

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 19, 2018, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was led by Boy Scout Troop 4, and the roll was taken with the following results: Council Members TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, and RUFFIN were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of January 16, 2018 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Peters.

Ms. Amin explained the minutes from the February 5, 2018 meeting were not yet complete.

Mayor Treece explained there had been a request by a citizen to remove B34-18 from the consent agenda to old business.

Mr. Thomas asked that R21-18 be moved from the consent agenda to new business.

The agenda, including the consent agenda with B34-18 being moved to old business and R21-18 being moved to new business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

#### II. SPECIAL ITEMS

None.

#### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC2-18 Board and Commission Applicants.

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

COLUMBIA COMMUNITY DEVELOPMENT COMMISSION

Dibben, Carly, 1803 Stanford Drive, Ward 4, Term to expire November 1, 2018

COMMISSION ON CULTURAL AFFAIRS

Moore Wendy, 14B E. Burnam Road, Ward 5, Term to expire October 31, 2020

COMMISSION ON HUMAN RIGHTS

Jones, Brian, 2305 Longwood Drive, Ward 5, Term to expire March 1, 2021

Kilgore, Randall, 804 Fairway Drive, Ward 3, Term to expire March 1, 2021

PERSONNEL ADVISORY BOARD

Magill, Jason, 1209 Cunningham Road, Ward 4, Term to expire September 30, 2018

PUBLIC TRANSIT ADVISORY COMMISSION

Anderson, Ann, 1008 Claudell Lane, Apt. 104, Ward 1, Term to expire March 1, 2021

Marriott, Heather, 1118 London Drive, Ward 1, Term to expire March 1, 2021

Price, Cheryl, 2609 Whitegate Drive, Ward 3, Term to expire March 1, 2021

**IV. SCHEDULED PUBLIC COMMENT**

## SPC7-18 Thomas Devlin - Municipal Power Plant.

Mr. Devlin, 4115 N. Phoenix Road, stated he would like to speak about the Municipal Power Plant and the need to close it. The price of electricity on the wholesale electricity market was 2.5 cents per kilowatt hour today, and the production of electricity at the power plant could not match what could be purchased on the market. He did not feel it made sense to produce electricity when it could be purchased much cheaper. He commented that he had been trying to request records from the Utility Department with regard to the cost of the power plant over the last three weeks, and it appeared as though they did not have those records. He understood the City was spending a great deal of money on the power plant, and most recently, \$3 million had been spent on an upgrade to Boiler 8. He noted there were other issues as well, and the City was continually putting money towards it. He stated he was not sure those investments were paying off. He understood he could be wrong, but felt the cost-effectiveness of the power plant was in question, at least temporarily, and believed it was a money pit whereby they should stop spending money on it.

## SPC8-18 Jennifer Caldwell - Tenant rights and harassment.

Ms. Caldwell did not speak.

## SPC9-18 Peggy Placier - A documentary on the establishment of Eagle Bluffs as a waste water management system suggests that community activists, evidence, and national examples can eventually prevail.

Ms. Placier, 209 S. Greenwood Avenue, commented that a couple of weeks ago, she had viewed *Eagle Bluffs: Battle for the Wetland Treatment System* at the Wild and Scenic Film Festival. It was a documentary and primer on how citizens could influence city government. In the late 1980s, Columbia had been poised to solve its wastewater treatment problem by running a gigantic pipeline from the treatment plant to the Missouri River, which had been standard practice at the time. A handful of citizens that were not experts on waste treatment had studied the issue and had come up with an alternative, which they had taken to the Council, but it had failed 6-1 with former mayor, Mary Anne McCollum, being the sole yes vote. She noted the activists were easy to dismiss as some felt they were just some wild and crazy people. Through persistence, organizing, and eventual voter approval of a ballot proposal to raise sewer fees, those activists had prevailed, and Eagle Bluffs had been developed. As someone who visited Eagle Bluffs regularly, she had not known much about that engineering feat. She understood it had put Columbia on the map as a national model for wastewater treatment and a national destination for birders. She pointed out citizen activism had and could change the face of Columbia. She commented that Race Matters, Friends wanted to see this happen for systemic racism in all of its manifestations. She stated they were about building a constituency for addressing the Columbia's historical legacy through something beyond special months, markers, and low budget programs. She understood they might soon take a long awaited first step toward community-oriented policing, and it would be some time before they were able to see what would happen with it and whether it would truly transform standard practices. If they could create Eagle Bluffs, she thought they could also take comprehensive action in terms of social services, education, affordable housing, etc. to reduce levels of violence, allow for the better selection and education of police officers, provide for criminal justice reforms that reduced incarceration, and involve

leadership that invited robust levels of community engagement among those previously excluded and discounted. She believed Columbia had a long way to go in becoming the much vaunted and beloved community about which they tended to hear, and noted the wild and crazy people, primarily women, of Race Matters, Friends would keep at it.

SPC10-18 Sutu Forte - Ode to February 5th.

Ms. Forte read an ode to the council meeting that had been held on February 5, 2018, specifically with regard to the Shepard to Rollins trail project. She stated the night had been filled with high hopes and big disappointments. She questioned whether they had really listened well to one another or if they had just unplugged, gone through the motions, and voted to move on to the next item. She commented that waiting 20 years for a trail paled in comparison to the wait required to create a functioning riparian corridor, and wondered if public funds and services had been distributed fairly. She questioned whether public input had made a difference or if it had just been for show. She stated the experience had left her shaking, amazed, humbled, and starving for understanding of how this union of citizens and its government worked together. She was sure the more they were involved with each other, the better their lives and their home of Columbia would feel. She believed they all needed each other, and thanked everyone for their contribution to February 5, 2018.

## V. PUBLIC HEARINGS

PH6-18 Proposed upgrade of the water distribution infrastructure along Bryant Street between Ash Street and Switzler Street, and along Switzler Street between Garth Avenue and Lasalle Place.

Discussion shown with B41-18.

B41-18 Authorizing the upgrade of the water distribution infrastructure along Bryant Street between Ash Street and Switzler Street, and along Switzler Street between Garth Avenue and Lasalle Place; determining that the work shall be done by City employees or authorizing the Purchasing Division to issue a contract for the project.

PH6-18 was read by the Clerk, and B41-18 was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Ruffin asked about the time line for this project if it was approved. Mr. Johnsen replied 4-6 months, and noted it was intended to be done during the summer construction season this year.

Mayor Treece opened the public hearing.

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

**B41-18 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:**

## VI. OLD BUSINESS

B2-18 Voluntary annexation of property located on the northwest and southwest corners of the Brushwood Lake Road and Scott Boulevard intersection; establishing permanent M-N (Mixed-Use Neighborhood District) zoning (Case No. 17-238).

The bill was given second reading by Mayor Treece, and he explained the item had been withdrawn by the applicant.

**B34-18**      **Adopting the Rules of Procedure for the City of Columbia Board of Adjustment.**

B34-18 was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala understood the Board of Adjustment (BOA) was unique in that it had some autonomy, and asked if the Council was in the position to provide recommendations. Ms. Thompson replied she believed this process contemplated the ability to provide feedback if the Council was dissatisfied with the particular rules proposed. She explained the BOA was a quasi-judicial board with powers that were somewhat unique and that there were some consistency requirements with State of Missouri law and the ordinances of the City of Columbia.

Mayor Treece asked if the requirement for an applicant to be represented by an attorney was a part of the current procedure. Ms. Thompson replied yes. Mayor Treece asked if an applicant was always represented by an attorney or if the person was sometimes represented by an engineer. Mr. Teddy replied engineers had been a part of the team, but typically there was an attorney. Ms. Peters commented that she recalled some people speaking for themselves from her time on the BOA. Ms. Thompson replied it was dependent upon the type of business entity, and there was a requirement for an attorney for certain types of business entities because someone with the appropriate authority to speak on behalf of the entity was needed. Ms. Peters understood a private citizen would not need an attorney. Ms. Thompson stated that was correct, and clarified individual property owners could speak on their own behalf.

Peter Norgard, 1602 Hinkson Avenue, commented that he did not have anything against Rose Music Hall, but believed the BOA had acted in a manner inconsistent with its own stated rules and had inappropriately granted an application for variance on February 13, 2018. He explained the applicant had constructed a stage on the grounds of Rose Music Hall in the fall of 2017, and the evidence had indicated the applicant knew an application for a variance would likely be required as early as April, 2017. In addition, in spoken testimony at the BOA hearing, the applicant had made statements indicating they knew a variance was required. He pointed out the first condition that had to be true for the BOA to grant a variance included a provision that the variance address practical difficulties and unnecessary hardships, and for those difficulties and hardships to not be created by the actions of the applicant. Based upon the evidence and testimony, that rule had clearly been violated by the BOA when making its final decision. The particular ramification of this decision was that it established a precedent by which developers would simply construct non-compliant buildings and then ask for a variance. They would ask for forgiveness rather than permission. As Mr. Zenner had noted in his staff report, the granting of variances after the fact was a slippery slope. Mr. Norgard commented that the existence of procedures that did not adequately protect the public from unfair practices was not acceptable. He asked the Council to reject the proposed rules of procedure this evening and to request a set of procedures that contained real protections, which might include the routing of applications for variances through the appeals process versus going directly to the variance application process, the reading of the five criteria prior to a vote on each individual criterion, or prohibiting variance applications that came after the fact, i.e. after construction had already started. He felt it should be too late at that point to ask for a variance. He also suggested the Council ensure the Community Development Department created a checklist when accepting variances, and if staff determined a request to obtain a variance was not sufficient and the applicant disagreed, the applicant could have the right to appeal the decision to the Board of Adjustment. In addition, he asked the Council to consider modifying the language in Section 29-6.4(d)(2)(i)(A) of the Columbia Code of Ordinances, i.e. the Unified Development Code (UDC), pertaining to the practical difficulties and unnecessary hardships to specifically exclude financial hardship in a manner consistent with State of Missouri case law. He provided a handout as it

related to his recommendations.

Mayor Treece stated he was trying to separate the substantive concerns Mr. Norgard had with the procedural concerns as proposed in the rules of procedure. He understood there was not anything in the rules of procedure that would undermine the UDC, but that Mr. Norgard felt it might not go far enough to restate or codify the actions of the BOA. Mr. Norgard explained his concern was that the procedures, as they stood today, were not being followed. As a result, he was asking for relief from requiring more bureaucracy in a sense. He suggested people come out clearly for or against each specific criterion so there was a clear record. He wanted a clear paper record established to allow the Council to judge individual members of the BOA if a variance was inappropriately granted since the Council had the power to dismiss with cause. As it stood now, he did not feel there was enough to determine which specific BOA member had done something wrong.

Mayor Treece commented that when they had adopted the UDC, he had hoped they would follow it, and if there were concerns after a year or two, they would adjust it instead of granting variances as that created a patchwork of loopholes. He stated he had read the minutes and it appeared as though there were not many variances the BOA did not like, which was concerning. He asked how these rules of procedures failed to uphold the UDC or how they could they be strengthened. He noted he believed the reasons a variance could be granted was spelled out in the UDC. Mr. Norgard commented that one dealt with hardships, but the definition of hardship was vague. He understood there was case law in the State of Missouri that specifically precluded financial hardship as a reason to grant a variance request.

Mr. Skala asked Mr. Norgard if he would be satisfied if there was a request by the Council for a report from the City Counselor with respect to the issues he had mentioned that might be problematic, so the Council could provide feedback to the BOA. Mr. Norgard replied possibly. He commented that he almost felt they should obtain a legal opinion that would be adversarial to that of the City to potentially gain better feedback.

Mayor Treece stated his frustration was that he did not feel staff should be in a position of advising people on how to get around the UDC. They should be in the position of enforcing the UDC, and not in creating a pathway to a variance. Mr. Norgard explained that was a particular concern of his even though he had chosen not to talk about that tonight. He felt staff played a critical role in keeping the zoning regulations meaningful, and if staff was allowed to create loopholes, it would hinder the ability to prevent development that was not in keeping with the zoning code they had all agreed to be acceptable. He noted this would lead to a significant imbalance of power.

John Clark, 403 N. Ninth Street, stated he agreed with the comments of Mr. Norgard. He understood the BOA had the authority with respect to appeals of administrative decisions, and those standards were not the same as the standards for variances. He noted the applicant associated with Rose Music Hall had made a financial argument in terms of hardship, and four of the five BOA members had agreed to the variance. He pointed out case law did not recognize financial hardship as a hardship or practical difficulty with regard to the granting of a variance. He did not feel the variance should have been approved. He also felt the Assistant City Counselor that had been in attendance should have listed the five hardship areas and provided guidance with regard to what could and could not be considered by the BOA. He commented that he believed one solution was to move away from the idea of variances, especially those being requested after the fact. He suggested a change to the UDC. He stated he also felt the Assistant City Counselor should indicate how the decision could be appealed after the vote along with who might have standing to make an appeal. He wondered if he could file a petition to appeal the decision to the Circuit Court since he had spoken that evening. He recommended his suggestions be made a part of the rules so it was clear. He asked that the Council deny approval and refer this back to the BOA.

Mr. Skala commented that he was a bit concerned about this and suggested they obtain more information. He suggested they receive a report from the Law Department as a

start with regard to the issues brought up by Mr. Norgard, especially in terms of granting a variance after the fact.

Mr. Trapp stated he felt the concerns of Mr. Clark and Mr. Norgard were not incompatible with approving this and obtaining more information through the report process. He thought further revisions could be made later. He noted he had not heard anything that conflicted with the rules, and understood the changes had been unanimously recommended by the BOA. Approval would ensure the rules were in alignment with the provisions in the UDC. He did not think they wanted to hold up these necessary changes. He reiterated they could make further changes after receiving more information as he felt that was a separate process. He suggested they approve this and start a process for the next phase.

Mr. Thomas commented that he was not sure whether they should approve this and start the other process or fold the concerns Mr. Norgard had raised into the approval of this. He thought it was concerning there was a practice of intentionally building out of compliance and expecting to receive a variance later. It seemed as though the rules prohibited it, but the procedure for ensuring it was caught did not work. He understood, per discussion at the hearing, the owner had known the structure built was out of compliance, but had proceeded anyway, and then had asked for the variance. He thought the suggestion of Mr. Norgard of each BOA member voting on each condition required to grant the variance would tighten that procedure.

Mayor Treece explained he was concerned about passing this tonight and forfeiting the chance to have the BOA make any meaningful changes since it had not originated with the Council and the Council could not edit the rules. He stated he was not out to get any particular applicant. He only wanted a more rigid enforcement of the UDC, especially in this critical first 12-18 months, and did not see anything in the rules of procedure that encouraged the fidelity to the code. He noted he was inclined to table this, and ask the BOA to engage in additional rigor.

Mr. Pitzer commented that he was inclined to agree with Mr. Trapp in that these were rules of procedure specific to how the hearings and process were conducted. It specifically stated within the rules that wherever there was a conflict with the UDC, the UDC prevailed. He understood the powers of the BOA were derived from Chapter 29, Article 6 of the Columbia Code of Ordinances and that they always had the opportunity to amend the code in terms of the power and authority of the BOA. He thought it was more of the administrative process being laid out in the rules, and felt discussion about the powers, authority, and duties of the BOA could be handled separately.

Mr. Skala understood some of the changes were administrative because of a shift from the old zoning system to the UDC, but since a considerable amount of time had passed between the time the UDC had been approved and now, he did not feel there would be a penalty if this was to be delayed another month. Mr. Teddy stated they had been muddling through with the rules they had and had not changed the references because it had been a deliberate drafting process to change things they had been advised to change for other reasons. Mr. Skala asked if there was an immediate legal problem. Ms. Thompson replied the Council could revoke the rules of procedure and the BOA could operate under the law. The purpose of the rules of procedure was to provide more guidance to the public so they were aware of what would happen when they appeared before the BOA. She understood one of the items that had been mentioned was for it to contain guidance in case someone wanted to appeal a decision, and pointed out State Law was clear in that any citizen aggrieved by the BOA could appeal to the Circuit Court. She noted that could be added to the rules of procedure without any problem.

Mr. Skala commented that he was inclined to handle this all at once, and asked how much time would be needed to get the necessary information together to assist their decision. Ms. Thompson replied the BOA was a quasi-judicial body so they had final decision-making ability. They could likely add information to the rules of procedure as it related to appeals to the Circuit Court at their next meeting. Mr. Skala asked about the

other issues, such as the ex post facto for variances. Ms. Thompson replied anytime someone filed a request for a variance it had to go to the BOA because it involved property rights and due process requirements. Staff did not have the discretion to deny someone the right to appeal to the BOA. The BOA had to be somewhat self-policing or they were subject to appeal if their decision did not meet the standard of hardship. She stated the law was clear in that hardship could not be self-imposed, and they could not include all of the case law history as it related to decisions made by BOAs in terms of what might or might not be appropriate because it was all very fact specific. It was based upon the testimony presented at any particular hearing before the BOA. She noted it was subject to appeal if the Board granted a variance in a circumstance where it appeared all of the facts would show the hardship was self-imposed.

Mr. Skala stated he felt recommendations of the Council to the BOA could make the rules of procedure a better document given a report on what could be changed or improved, and asked if a month would allow enough time. Ms. Thompson replied some of the requests of Council could be added, but she was not sure everything mentioned could be added. She noted they could also provide the Council with a history of decisions made by the BOA. She pointed out the power of appointment was what the Council had over the BOA, and explained they could ask for a monthly report with regard to decisions to keep a closer watch on it. She noted the Council could even direct an appeal if they felt a decision made by the BOA was not in the best interest of the City.

Mr. Skala commented that he wanted an explication of some of those options and a report with changes that might make this a better process.

Mr. Skala made a motion to table B34-18 to the March 19, 2018 Council Meeting. The motion was seconded by Mr. Thomas.

Mr. Thomas noted there had been a case a few years ago that had similarities to the case Mr. Norgard had mentioned involving a fraternity building that had been constructed to be taller than permitted, and asked what had happened in that case. He understood in that situation the builder might not have realized the error. Mr. Teddy replied it was not the same as it had been a mistake whereby permits had been issued, and the violation had been discovered during construction. The recent case had alluded to a temporary use permit, and in the course of applying for the variation, the applicant had indicated it would basically be the same structure. He stated staff had understood it would be removed after the temporary period was over. Mr. Thomas understood the applicant had told staff that while the temporary structure was out of compliance, the permanent structure would be in compliance. Mr. Teddy stated that was correct. He explained a temporary structure could be temporary in duration or type.

Mr. Thomas asked if the BOA had failed to follow its own rules when it was apparent the applicant knew the stage was out of compliance. Mr. Teddy replied there were a lot of facts and he would not draw that conclusion.

Ms. Thompson pointed out the rules of procedure really did not have anything to do with the standard of conduct. The standard of review was set forth in the Code of Ordinances and in State law, which was then interpreted by case law over time. The complaints made tonight really did not have much to do with the rules of procedure. They had to do with whether or not the applicant had met the standard of review for hardship, which would not be changed by the rules of procedure. The procedures had to do with how they conducted business, and not what they decided.

Ms. Peters understood the goal was to clean up the rules based on the UDC. Ms. Thompson stated that was correct.

**The motion made by Mr. Skala and seconded by Mr. Thomas to table B34-18 to the March 19, 2018 Council Meeting was defeated by voice vote with only Mr. Skala, Mr. Thomas, and Mayor Treece voting in favor of it.**

**B34-18 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, SKALA, THOMAS, PITZER, PETERS, RUFFIN. VOTING NO: TREECE. Bill**

declared enacted, reading as follows:

## VII. CONSENT AGENDA

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

- B35-18 Approving the Final Plat of The Villas at Old Hawthorne Plat 9B, a Replat of a portion of Lot 5 of Old Hawthorne Plat 1, located east and west of Old Hawthorne Drive West; authorizing a performance contract (Case No. 18-3).
- B36-18 Approving the Final Plat of CGS Subdivision Plat 2 located on the south side of Broadway and west of Rothwell Drive (4006 W. Broadway); authorizing a performance contract (Case No. 18-22).
- B37-18 Approving the Minor Plat of Bryant Walkway Apartments I - McBaine, a Replat of a part of Lot 23 of Garth's Subdivision of Garth's Addition to the City of Columbia, located on the east side of McBaine Avenue and approximately 600 feet north of Ash Street (304 McBaine Avenue); authorizing a performance contract (Case No. 18-36).
- B38-18 Authorizing construction of a six-foot wide sidewalk along the west side of Oakland Gravel Road, between Blue Ridge Road and Edris Drive; calling for bids through the Purchasing Division.
- B39-18 Authorizing the acquisition of certain interests in real property for construction of a six-foot wide sidewalk along the west side of Oakland Gravel Road, between Blue Ridge Road and Edris Drive.
- B40-18 Authorizing Amendment No. 1 to the agreement for professional architectural services with Architects Design Group / ADG, Inc. for design services relating to the construction of the Police Precinct/Municipal Service Center North facility in the Auburn Hills Subdivision.
- B42-18 Authorizing a pole attachment license agreement with ExteNet Systems, Inc. for the installation and maintenance of communications facilities, distributed antenna systems and associated wireless equipment on City distribution poles.
- B43-18 Authorizing Amendment 8 to the general cooperative agreement with the Boone County Regional Sewer District relating to sewer service to property located on State Highway HH.



- B44-18 Authorizing a grant of easement for sewer purposes with Boone County Regional Sewer District to change the connection point of a new force main sewer line located adjacent to Creasy Springs Road.
- B45-18 Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for an aeronautical obstruction survey of Runway 2-20 at the Columbia Regional Airport.
- B46-18 Authorizing an agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for the design of isolated pavement repairs to Runway 2-20 at the Columbia Regional Airport; appropriating funds.
- R22-18 Authorizing an agreement with Central Missouri Community Action for HOME funds for construction of an affordable home to be located at 804 King Avenue.

**The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:**

### **VIII. NEW BUSINESS**

- R23-18 Declaring support for Community-Oriented Policing.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thomas commented that feedback from the staff, public, and various stakeholder groups had been woven into the language of the resolution, and if the resolution was adopted, Mr. Matthes would identify a member of the police department poised for an executive training opportunity to lead this planning process and develop a plan by August 31, 2018. He encouraged Mr. Matthes to lean heavily on Lieutenant Jones and Sergeant Hester, who had been engaged in implementing the pilot community-oriented policing program, while continuing to engage with all of the stakeholders in developing the plan. He asked the Council to support this resolution, which would move them forward toward a policing philosophy and program he believed everyone in community felt was needed.

Mr. Skala stated he believed this generally set the framework for where they wanted to go. He understood there had been comments from the public with regard to attaching a few more definitions to the resolution, and noted Mr. Clark had provided some feedback. He wondered if they should attach it to the resolution or be aware of it. Mr. Thomas commented that he felt this was a similar process to what they had done with Vision Zero, and when they had adopted the Vision Zero resolution, they had instructed Mr. Matthes to develop a plan utilizing staff resources and a binder of other resources. He suggested they include the resources provided by Mr. Clark and other stakeholders as part of an electronic binder of different resources for Mr. Matthes, and noted he was happy to coordinate it.

Mr. Skala commented that he felt they had lost control of the process in terms of Vision Zero as it had become a rather expensive process after it had started out modestly. He asked if they would be provided interim reports along the way as he did not want to

experience sticker shock at the end of the process. Mr. Matthes replied they could attempt to do that, and explained the Vision Zero process did not include interim reports as it had involved a relatively short time frame like this. He thought they could provide something at the midway point. He stated they would share everything they received and would consider everything. He noted sticker shock would be a part of the report because it would include various community-oriented policing strategies, some of which would not cost much while others would cost a lot. He commented that they would explore all of those in collaboration with the interested parties. He thought they would come back to Council with something similar to Vision Zero in terms of what they could afford today and what they might be able to afford in the future with new revenue. Mr. Skala explained he wanted a list of strategies along with the cost estimates for those strategies before the final report was completed. Mr. Matthes thought they could provide something along those lines.

Traci Wilson-Kleekamp commented that every time they spoke about community policing, it felt like there was a distraction in terms of staffing and money, and she wanted to pull it back to the philosophy. She referred to a fictitious movie called *Three Billboards Outside Ebbing, Missouri*, and noted her father's perspective was that the message was to keep killing. She stated the BBC would be in town on February 28 whereby they would have a larger conversation about police and race, but explained she had used that example because her father was essentially saying it was the status quo in terms of the conversation about police and race. As a result, when there was a front end conversation about staffing and money, she felt it was a distraction in that the reason they were in this situation was because they had not invested money as a political policy decision for 100 years. There was a reason communities had been marginalized and had been neglected. It was a political decision previous councils had made. In 2018, they had to reinvest what they had not invested in those times. She stated she wanted to caution them on conversations about money because community policing was really about transforming leadership and the practice of how they policed. Race Matters, Friends wanted them to embrace a philosophy. She commented that in technology, it had been called re-engineering. As business practices changed, they had to change software. There was re-engineering in every field as there was constant change, and policing was not any different. She noted every field and discipline had to embrace a realm of change by reviewing their practices. She agreed the money part was important, but the issue was to transform the leadership to get different outcomes. They needed to ameliorate the disparities because of the historical neglect of people of color in poor communities. She asked the Council to focus on how they could transform leadership for better outcomes, as the leadership mattered more.

Rachel Taylor, 119 Clinton Drive, stated she did not feel the midpoint was sufficient in terms of accountability, and pointed out the resolution clearly called for an accountability plan, which meant check-ins. She explained she had run global projects serving up to 90,000 people, and project management was not a one and done thing. She expected to see a schedule of accountable, check-ins on a bi-monthly basis for every work stream, and for the City to treat this project with the respect it deserved. She did not want 653 page unindexed presentation. She thanked the Council for listening to her and Race Matters, Friends by including her recommendations in the resolution. She was impressed they had gotten as far as they had, and that they were moving quicker than they had with the Mayor's Task Force on Community Violence recommendations of 2014.

Chip Cooper, 500 Longfellow Lane, commented that he was grateful for the depth and breadth of community engagement with regard to the future of policing that had been taking place in the community. The relationship between citizens and taxpayers and their police force was central to quality of life, piece of mind, and the economy. As a result, it was fitting and healthy to re-examine and debate this critical aspect of government periodically. He noted he had published several columns in the Columbia

Daily Tribune regarding the impressive nature of the longstanding community-oriented policing program in Lincoln, Nebraska. He understood Columbia had legitimate, time-tested options to consider as they moved deeper into the 21st century, and felt they could land on an approach that would knit them closer together, make them all feel safer, and ensure Columbia remained a place that many wished to live, work, and learn. He felt adopting this resolution tonight would take them one step closer to their destination and the continuation of the rich community discussion that was badly needed. By directing the City Manager to draft an initial plan for the implementation of the community-oriented philosophy and model, he thought they would sharpen the vision for Columbia's approach and allow a more refined and granular consideration for what it could actually look like, the cost, and the benefits it could yield. He strongly supported the adoption of this resolution.

Mary Ratliff, 211 Park de Ville Drive, stated the community was excited that Columbia would soon get to the place they had been trying to get to for a couple of years now. She noted the NAACP and other community members were supportive of this resolution, and pointed out they would continue to stay engaged in ensuring the changes envisioned were incorporated. She commented that the NAACP was committed to working with the City for as long as it took to ensure they made Columbia the beloved community where they all wanted to live and a place where they could disagree while still being civil. She stated she was sure they would not agree with everything, but hoped they could come together for a win-win situation for the City and the citizens of Columbia.

Mayor Treece asked Ms. Ratliff when their next citizen engagement meeting would be held. Ms. Ratliff replied March 27.

Chandler McLaurin, 1807 Jackson Street, explained he was a 20-year retiree of the United States Air Force and had spent about 15 of those years overseas observing other cultures. In addition, over those 20 years, the organization had changed significantly. When he had first enlisted in 1993, there had been three major commands in the Air Force, and those were tactical, strategic, and mobility. All of the functions of the Air Force had operated within those three commands except for special operations. Later they had decided to condense the organization into two major platforms, air mobility command and air combat command, and at the time, he had been at the Fairchild Air Force Base, which had a nuclear mission, and it was decided to throw the personnel together. This had saved money, but the outcome had been disastrous as morale was terrible. They had two different forms of culture at work and no clear leadership out of the process or any clear culture other than one of confusion. He understood money would be a restriction, but believed they needed to look at the cost of what would come if they did not invest the resources in programs as they were implemented. He commented that leadership was the single most important aspect if they were going to induce any kind of cultural change. They also needed to have measurements as people had to know how to operate, and had to be held accountable to reaching those measures. He suggested vocal leadership on this issue, and noted it would have to be a matter of follow, lead, or get out of the way. It could not be a situation of business as usual.

John Clark, 403 N. Ninth Street, commented that he did not feel this resolution was ready. He felt it was missing the President's Task Force on 21st Century Policing recommendations and the lack of legitimacy of the police force and its use of force absent the consent of the government. He explained there was also not a definition of community policing in the resolution, a model, nor a set of principles. He knew the Columbia Police Department (CPD) did not believe in the principles he had suggested as they believed in problem-oriented policing. As a result, it did not make sense to him to turn this issue over to the CPD. He did not feel anyone in the CPD was qualified to guide this. He thought they needed someone with independence and independent subject matter knowledge, and listed names of organizations and people that could assist. He understood Mr. Matthes would pick various strategies from a community-oriented policing handbook, and felt that was just piecemeal, ad hoc nonsense. It would not get them a

community-oriented policing model they could gradually implement. He did not feel this resolution met the minimum threshold of the good. He commented that Lincoln, Nebraska had worked hard and diligently on community policing for 40 years, and while they had made a lot of progress, they still had not made any real progress in involving the community in their policing actions. He did not believe Columbia could wait another 40 years, and noted they did not have to wait 40 more years. He suggested they adopt the principle of the importance of the degree to which police shared decision-making authority with the community as community-oriented policing emphasized shared equal decision-making authority with the community. He believed a well-designed strategic planning process with independent outside help would take them through all of the areas that needed to be addressed and would function as the mechanism to provide community consent and legitimacy to the policing system that came out of it. He reiterated he did not believe this resolution was ready without legitimacy and a definition-model set of principles for community policing. They would otherwise only receive strategies, which would lead to more problems.

Paul Love explained he was a council candidate for the Second Ward and a resident of the Parkade neighborhood, and stated he was pleased to see some progress was being made with regard to public safety. He commented that, currently, morale in the police force was bad as 80 percent felt it was toxic and 68 percent were looking for another job. He understood 30 percent had been with the CPD for less than two years. If they wanted to implement community policing, they needed people that enjoyed their jobs enough to stay with the CPD. It did not do any good to send people into the community to build relationships if they left because they hated their job. He noted they were over 100 officers short, and they would need those officers if they wanted to do community policing. It would involve an awful lot of money and require some tough decisions. He stated the officers would have to want to work in Columbia, and understood his council member had made some decisions that had irritated the officers quite a bit. If they approved this, he felt they needed to be willing to make sacrifices, and 130 officers would cost about \$1.3 million. The adoption of the resolution would be a commitment for decades.

D.J. Lynch, 2916 Leeway Drive, felt community policing would only be successful if the community was not so scared of cops. He commented that Sergeant Meyer and Sergeant Bishop were good cops and had become cops to help the community. He suggested those interested in how it was out there to ride with a cop and to ride with him as it was not pretty. He gave an example of college students walking out in front of him where they were not supposed to cross and the cop that saw it not doing anything. He felt violations of traffic laws needed to stop.

Dale Roberts, the Executive Director of the Columbia Police Officers Association (CPOA), commented that members of the CPOA were looking forward to being engaged in this project. He stated he appreciated a suggestion of Mayor Treece at the prior meeting and thanked the Mr. Matthes for taking Mayor Treece up on the idea of having the CPOA involved in the interview along with Chief Burton. He understood Mr. Matthes had selected Sergeant Robert Fox to coordinate the effort, and noted the CPOA was delighted with the selection. Sergeant Fox had the knowledge, skills, and ability to do something like this, had experience working with the community, and had respect from CPOA officers. He pointed out he was a SWAT leader and trainer, and the officers trusted him. He agreed there would likely be a cost to this, and at the end, there would be another discussion as to how much they could do with how many officers. In the meantime, they were ready to move forward.

Nina Hampton, 202 Bay Pointe Lane, understood the person chosen was Sergeant Fox, who was involved with SWAT, and noted she did not know what a SWAT leader would have to qualify him to lead the community policing effort. She thought he had been in charge in 2010 when they had gone into a home and shot a family's dog with kids present, and the video of that incident had been very disturbing. She reiterated she hated

to think he would be leading this effort.

Mr. Ruffin commented that he felt this was an exceptional moment they were experiencing. They had witnessed the CPOA, the CPD, the City Council, the City Manager's Office, and various community constituents coming together in agreement this was something that was needed. In his time on the Council, he had not seen this before. He believed this was an important moment that they did not want to overlook or discount. He explained he had always felt that when one had the opportunity to participate in a significant moment that it was important to realize there were those that had worked diligently before them. Even though they had the opportunity to vote on this resolution and to solidify it in terms of a spirit and vision, he reiterated they had to acknowledge the hard work that had occurred over the years bringing them to this point. They had to acknowledge the work had not begun with them and that the work would not end with them. It would continue far into the future. They had an important opportunity to say this was the spirit and vision of the community they desired and the type of policing they required for the City, and that they were here to make that happen for future generations. He acknowledged Mr. Thomas, who had done some of the critical work of drafting the resolution, and Mr. Trapp and Ms. Nauser, who had guided the process for a couple of years, which had resulted in bringing them to this point. He recognized the engagement of diverse community groups, who disagreed on many things, but were all in agreement on this one issue. He commented that he felt this was a living document that would change and evolve, but it would also set the parameters and vision for where they should go. He thanked all of those that had worked diligently in this season, and for those that had worked before and those that would come after them to continue the work.

Mr. Trapp stated he was in agreement with the comments of Mr. Ruffin. He understood a previous speaker had indicated they needed a clear statement from leadership, and this resolution was most significantly that clear statement from the political leadership indicating they endorsed the philosophy and concept of community policing and wanted to move forward with it in a real and practical way. He agreed measures would have to be identified. They knew there were disparities with regard to race and the traffic stop data. He felt they needed to offer legitimate explanations where they existed and identify practical measures to address them. It was something the community had demanded. He agreed they also had ongoing issues in terms of morale and support for the police. They had wrestled with all of these things with the Mayor's Task Force on Community Violence, and this was the next step. He commented that they had tried to bring some things forward, and had some missteps. Some of their specific measures had been successful while others had not. He stated they had continued to try to address it with greater competency and a greater sense of partnership, and the most complete community partnership they had seen in a long time. He thought it was important they passed this tonight, and he looked forward to being engaged in its implementation and its follow through. They could make it the physical reality where everyone experienced fair and impartial policing by a police force that was supported by the community and where they had this collaborative partnership between the community and police to keep the community safe.

Mr. Pitzer thanked Mr. Thomas, Mr. Trapp, and Mr. Ruffin for all of their work in getting them to this point, and noted it was heartening to see the different stakeholders come together in support of an issue where there had been so much disagreement in the past. He believed this had been the easy part in some ways, and thought the process of developing the plan would be difficult as would be the implementation of the plan. He felt it was important to embrace the philosophy and show the community the leadership of Columbia had thought it important enough to make this statement this evening. When it came to the issues of morale and staffing in the CPD, he pointed out those had been problems for quite a while. He commented that one of the most pleasing things to hear involved the reports back from officers in the community outreach unit who had the time, resources, and ability to engage in their communities and make a real and impactful

difference. They were also the officers that felt most engaged with their jobs and were the most committed to their communities. If they were able to offer that opportunity to more of their hardworking officers across the CPD, it would make a difference in improving morale and the lives and safety of everyone in the community. He reiterated the resolution tonight was important, and that the hard work would soon begin. He also pointed out those in agreement tonight might not be in agreement in a few months, but they needed to ensure they continued forward to address those differences and place some teeth behind the resolution.

Mr. Skala stated he agreed with Ms. Wilson-Kleekamp in that the changes they were discussing were paramount, and that the cost was somewhat secondary, but noted the costs were also real. He was not sure an additional 128 officers would happen in his lifetime, but thought a more modest request of 30-40 officers could be made at some point. The cost was about \$2 million per officer. He explained that when he had started in 2007, community policing had been a part of his platform, and they finally had a document, to the credit of some of his colleagues, pushing it. He emphasized this was the starting point, and that they would have to come together to make the changes. He reiterated the associated costs would be real and that they should look at this with their eyes open in terms of the leadership necessary to drive the process and the kind of budgetary considerations necessary to ensure it was implemented properly. He noted he would support this resolution.

**The vote on R23-18 was recorded as follows: VOTING YES: TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

R24-18            Establishing the Fair Housing Task Force.

The resolution was read by the Clerk.

Mr. Cole provided a staff report.

Mayor Treece asked if Mr. Cole would say the Fair Housing Task Force was a requirement of HUD. Mr. Cole replied it was a way to meet the requirements of their analysis to impediments to fair housing choice. Mayor Treece asked for the gateways to meet that requirement. Mr. Cole replied they needed to demonstrate they were engaging the public and ensuring outreach efforts to all of the different groups, to include minority groups and persons with disabilities. He noted that could be done in different ways. In the past, they had done this through three different focus groups, and this would be a more robust process. The AFH had triggered his suggestion of a more robust process, but the implementation of that regulation had since been delayed. He thought it was important to know they would be exceeding requirements with this Task Force. Mayor Treece asked if he saw the Task Force making recommendations to Council or if they would just be providing a report. Mr. Cole replied he thought they would do both. He believed they would review the data, provide a report, and make recommendations on how they should allocate CDBG and HOME funds as it pertained to fair housing and any policies that should be implemented to address fair housing needs. Mayor Treece asked Mr. Cole if he saw the target audience as being just publically funded housing or also housing available on the private market. Mr. Cole replied he thought it would be broader than just publically funded housing, but there was a section where they were required to focus on a review of publically funded housing.

Mr. Pitzer understood this was a Task Force, and asked if he saw this as a one-time group and that ongoing analysis was not needed. Mr. Cole replied he thought they would do the work and no longer exist when they were done with that work. Mr. Pitzer asked if there would still be a requirement from the federal government. Mr. Cole replied they were required to do a public engagement process as it related to fair housing every five years. Mr. Pitzer understood they would create a new task force every five years. Mr.

Cole stated that was likely. Mr. Pitzer asked Mr. Cole if he felt that was a better approach than having a standing body. Mr. Cole replied yes, and explained they were only required to do this every five years, and having it done once would inform their five year consolidated plan. He thought there would be very little work to do until the following cycle.

John Clark, 403 N. Ninth Street, explained he had been involved in a housing market analysis in 2003-2004, and the outcome of that analysis with the fair housing study was to remove impediments to barriers. He did not feel the work of this Task Force had to do with how many houses to build. It was about policies, such as the geographical distribution of houses and permanent affordability. He noted these were issues where both the City and Boone County needed to be involved, and it would get them back to mobile home parks and manufactured housing. He stated he enthusiastically supported this work, and felt this was a chance to address and develop an affordable housing policy. He understood the Boulder, Colorado City Council had indicated they would have a public discussion about whether they did not want any low income people in their community, which had been mean and contentious, and the outcome was that they wanted a significant number of people with low to moderate incomes living in rental properties that were of good quality and in single-family homes in Boulder. He believed that was what this Task Force should be about, and it was what they had the opportunity to do. In that light, he asked for changes to the composition of the Task Force. He did not feel it should be chaired by council members. He believed it should be chaired by a competent subject matter specialist, and suggested Rigel Oliveri or her staff. He also felt Community Development staff could assist with the process. He thought that was important as he viewed this as a preferred future visioning process and action, which would create policies. He suggested people from the building and development community, but not executive directors, and people from Boone County in terms of participating because they would not be able to think about long term policies without including them. He thought it would take more than fifteen members to be representative.

Mary Ratliff understood it was stated this was a requirement every five years, and that bothered her because it sounded as though they were establishing the Task Force to meet a requirement only. If they were going to establish a Fair Housing Task Force, they needed the Task Force to look at what was fair in housing in Columbia. She felt they also needed to ensure those appointed would look at affordable housing and housing in general. She stated they needed to view it for fair housing purposes, and not as something they had to do every five years.

Mr. Trapp commented that he believed Mr. Cole had a sincere commitment to address issues of fair housing. This particular modality was a rule required by HUD, and Mr. Cole had sought to do this community good through that process. HUD had delayed that rule due to changes in administration, and Mr. Cole had still brought the task force idea forward in its same robust process. He stated he had been heavily involved with the public input process with the last consolidated plan, which was one of the better efforts the City had done with regard to engaging diverse stakeholders and working the feedback into a plan. He thought Mr. Cole was particularly emblematic of community partnerships and developing a plan after asking what the community wanted to see. He believed Mr. Cole had developed a pretty good framework with the right kinds of stakeholders. He felt they should move forward with the acknowledgement that the requirement of doing it this way had been lifted. It appeared to be a more robust and engaging process than what they had done in the past and would provide more specific recommendations to address affordable housing. He believed bringing in more people and enlarging the community conversation would result in more actionable recommendations, which was what made him the most excited.

Mr. Skala stated he appreciated the work Mr. Cole had done on this. He commented that he was looking forward to some of the actions this group might take in terms of a broader perspective. He noted he viewed this as a self-examination in addition to

satisfying the requirements. If they were able to put together a committee to look at some of these issues in some depth and provide the Council advice for policy and ordinance changes, Columbia could become a much better place to live.

Mayor Treece commented that the housing market had changed significantly within the last five years, to include a gradual stratification of some high-end luxury apartments. They also had affordable, older housing stock, some of which was family-owned and leased, and generational, deteriorating slums. He felt all of that needed to be in mix with respect to the exploitation of tenants and with how they maintained fair and safe housing for the people in the community. He agreed with Mr. Clark in terms of them to having this introspection within the city limits and it potentially forcing people out into the County, and wondered if they might benefit from having County representation. He understood there was ongoing frustration with regulating rental housing in the county limits. He commented that another concern he had was with appointing two council members to serve as co-chairs of this group. He understood this had been done in the past, and worried about council members being spread too thin on this, especially when they had very good experts in the community with one of the largest fair housing lenders in the country and experts at the University.

Mr. Thomas emphasized the comments of Mr. Trapp in that this process had been a long time in the making and it was not just to satisfy a federal requirement. It was something several of them had been working on for a long time. He believed this Task Force with a broad range of stakeholders coming together to review best practices and make recommendations on affordable and fair housing policy was an important next step. He noted he hoped to see an affordable housing policy come out of this process, and suggested the Task Force look at some specific policies, to include inclusionary zoning as either an incentive based program to integrate affordable housing with market rate housing or as a regulatory program. He thought both had been successful in different communities in terms of increasing the availability of affordable housing and the important integration of multiple different income levels within neighborhoods, which was beneficial to a community. He stated he was open to the idea of County representation since the City and County were linked in the area of housing. He also suggested adding a representative from the Commission on Human Rights as that body had done a lot of work on housing for the last couple of years, and he felt that would add a lot to the Task Force.

Mayor Treece asked if anyone had thoughts about two council members co-chairing the effort. Mr. Thomas replied he would go with what Mr. Cole preferred as the person that would really do the work, and understood that included involving two council members. Mayor Treece asked if he would be one of them. Mr. Thomas replied he would consider it.

Mr. Pitzer commented that he would fall on the side of not having council members be a part of the Task Force. Generally speaking, that was his preference for all task forces and commissions, particularly when developing policy recommendations. He explained he was uncomfortable since they would account for two of the four votes necessary for something to move forward at the council level, and would have collaborated on a formal task force to develop policy recommendations.

Mr. Thomas noted he and Mr. Ruffin had co-chaired the Mayor's Task Force on Pedestrian Safety, and they had been non-voting co-chairs. They had attended all of the meetings and had heard all of the testimony, but they had not voted on anything. He agreed they should not be voting on recommendations to themselves.

Mr. Pitzer commented that fifteen members was about as high as he would want to go in terms of the number of members.

Mayor Treece made a motion to amend R24-18 by deleting "City Council" from item 3 under Section 2 so it read "Two (2) members appointed by the Council to serve as co-chair persons." He noted this provided flexibility in that they did not have to be council members, but could be council members.



The motion made by Mayor Treece to amend R24-18 by deleting "City Council" from item 3 under Section 2 so it read "Two (2) members appointed by the Council to serve as co-chair persons" was seconded by Mr. Pitzer.

Mr. Skala stated he had mixed feelings about this. He noted he and Mr. Trapp had co-chaired the Parking and Traffic Management Task Force, and although there was a sense of double-dipping, there was also a real value in the liaison position. He commented that he was not wed to it one way or another, and suggested they consider a non-voting position.

Mr. Ruffin asked if it was possible to compromise to indicate there would be one council member as an appointee. Mayor Treece replied that was an option.

Mr. Trapp explained he had mixed feelings too. He understood Mr. Thomas had volunteered and wondered if anyone else would be interested. Ms. Peters stated she would volunteer. Mr. Trapp commented that he felt a better amendment would be to make them non-voting as it would allow the council members to listen to all of the discussions and champion those issues. He noted he had served on two task forces, and had been able to answer questions about how things worked. He stated he had found it useful, and pointed out he would trust Ms. Peters and Mr. Thomas.

Mayor Treece withdrew his motion to amend R24-18 by deleting "City Council" from item 3 under Section 2 so it read "Two (2) members appointed by the Council to serve as co-chair persons, and Mr. Pitzer, who had seconded it, agreed to its withdrawal.

**Mayor Treece made a motion to amend R24-18 by adding "who shall be non-voting" to the end of item 3 under Section 2 so it read "Two (2) City Council members appointed by the Council to serve as co-chair persons, who shall be non-voting." The motion was seconded by Mr. Trapp, and approved unanimously by voice vote.**

Mr. Thomas made a motion to amend R24-18 by adding another seat to the Task Force for a member of the Human Rights Commission appointed by the chair of that Commission.

Mr. Skala commented that it was often useful to have odd numbers. Mr. Thomas stated he disagreed as it was unlikely for everyone to show up for every meeting.

The motion made by Mr. Thomas to amend R24-18 by adding another seat to the Task Force for a member of the Human Rights Commission appointed by the chair of that Commission was seconded by Ms. Peters.

Mr. Pitzer stated he felt the group was large enough. Mr. Skala agreed.

Mr. Thomas asked if the fifteen included the two council members. Mr. Trapp replied it did.

Mr. Thomas explained he and Mr. Ruffin had co-chaired the Mayor's Task Force on Pedestrian Safety, and it had been fifteen members plus him and Mr. Ruffin as non-voting members, and it had worked well.

Mr. Thomas asked Mr. Trapp how many members were on the Mayor's Task Force on Community Violence. Mr. Trapp replied there were thirteen members and the two council members.

Mr. Thomas stated he did not think having more people was a detriment as long as everyone was engaged.

Mayor Treece noted he was trying to find someone that was on the Human Rights Commission and on one of the other commissions as he felt that intersectionality would be helpful, but he was not coming up with anyone right now, and would defer to Mr. Thomas' suggestion.

Ms. Peters stated she had attended a recent meeting of the Commission on Human Rights, and had been impressed with how thoughtful they had been when talking about problems with housing. She thought they would bring an interesting view to this Task Force.

The motion made by Mr. Thomas and seconded by Ms. Peters to amend R24-18 by adding another seat to the Task Force for a member of the Human Rights Commission appointed by the chair of that Commission was approved by voice vote with only Mr. Skala and Mr. Pitzer voting no.

Ms. Thompson understood they would also change the fifteen to sixteen in Section 2 as a result of this amendment. Everyone understood and was agreeable.

Mr. Thomas asked if they wanted to talk about a Boone County representative as well. Mayor Treece replied he thought they could get there as it existed.

Mayor Treece commented that if they adopted the resolution tonight, the City Clerk would start advertising it for potential appointments at the second meeting in March.

Mr. Thomas understood the Council was not really making any appointments. Mayor Treece stated that was not true. He noted the chair of the boards and commissions would make their recommendations, and another eight voting members would be appointed by the Council.

**The vote on R24-18, as amended, was recorded as follows: VOTING YES: TRAPP, SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:**

R21-18 Expressing support for state legislation to prohibit the use of hand-held wireless communications devices while operating a motor vehicle.

The resolution was read by the Clerk.

Deputy Chief Gordon provided a staff report.

Mr. Thomas commented that he wholeheartedly supported this initiative.

**The vote on R21-18 was recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, RUFFIN. VOTING NO: NO ONE. ABSENT: TRAPP (Mr. Trapp stepped out during the vote on this item). Resolution declared adopted, reading as follows:**

## IX. INTRODUCTION AND FIRST READING

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

PR25-18 Establishing a revised policy for intergovernmental relations; adopting legislative tracking priorities for the 2018 federal and state legislative sessions.

B47-18 Rezoning property located on the east side of Paris Road, north of Brown Station Road, from District PD (Planned District) to District IG (Industrial District) (Case No. 18-14).

B48-18 Approving the Final Plat of Red Oak South Plat No. 2, a Resubdivision of Lot 2 of "Red Oak South, Plat No. 1," located southwest of the Grindstone Parkway and Norfleet Drive intersection; authorizing a performance contract (Case No. 18-21).

- B49-18 Authorizing a right of use license permit with Spring Creek Homes Association of Boone County for installation and maintenance of a private neighborhood identification sign within portions of the Vawter School Road and Foxcreek Way rights-of-way.
- B50-18 Authorizing construction of the FY 2018 sanitary sewer main and manhole rehabilitation project; calling for bids through the Purchasing Division.
- B51-18 Accepting conveyances for sewer, drainage and utility, and temporary construction purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B52-18 Accepting conveyances for utility, water utility, electric utility and underground electric utility purposes.
- B53-18 Accepting a donation from Central Bank of Boone County, Missouri for the 2018 Fair Housing and Lending Seminar; appropriating funds.
- B54-18 Authorizing an agreement with Boone County, Missouri for animal control services.
- B55-18 Authorizing an agreement with Boone County, Missouri for public health services.
- B56-18 Appropriating funds to offset expenses for Columbia Values Diversity Celebration activities.

## X. REPORTS

- REP13-18 Correspondence from the North 763 Community Improvement District (CID) regarding CID board membership.
- Mayor Treece appointed Ryan Vossen for the remainder of Mike Imhoff's term and asked if there was any objection by the Council. No one objected.
- REP14-18 Vision Commission Ordinance Change.
- Mr. Skala understood a draft ordinance would be brought to Council. Mayor Treece stated that was correct. He asked if it was the desire of Council to bring it forward. Everyone appeared to be agreeable.
- REP15-18 Animal Tethering Ordinance.
- Ms. Browning provided a staff report.  
Mr. Skala understood there had been a suggestion for additional language with regard to

supervised and unsupervised tethering, and asked Mr. Browning if she had an opinion. Ms. Browning replied that had been discussed by the Board of Health several years ago, and felt the language proposed would be easier to enforce, and that had not been the case. She thought this might provide some additional tools.

Mr. Trapp stated he would support moving forward with this change if what they currently had was not working. He asked Ms. Browning for her recommendations for the most effective change. Ms. Browning replied she thought they should start with supervision by saying the animal had to be supervised while being tethered. She pointed out there were legitimate reasons to tether an animal, but it should be done for short bouts of time. It should not be day after day after day without access to food or shelter.

Mr. Thomas understood enforcement might be more of identifying situations that were out of compliance, such as an animal being tethered while no one was home. Ms. Browning stated that was correct.

Mayor Treece asked if there was any objection to bringing forward an ordinance. No one objected.

REP16-18 Commission on Human Rights 2017 Annual Report.

Ms. Thompson provided a staff report.

Mayor Treece understood Ms. Wibbenmeyer in the Law Department had been looking at Columbia's history in fair housing, and they had always led the way ahead of state and federal advancements on fair housing laws. He noted he was excited to showcase it.

Ms. Thompson noted the Fair Housing and Lending Seminar was a part of the passport series for the Building Inclusive Excellence initiative.

REP17-18 Intra-Departmental Transfer of Funds Request.

Mayor Treece understood there was movement of \$2.7 million from inflow and infiltration to the sewer main and manhole project, and asked if that was the result of the action of Council at the last council meeting or if it was a typical transfer. Mr. Matthes replied he would have to look into it, but thought it was a typical transfer. Mayor Treece asked if it was a change of use. Mr. Matthes replied he did not believe so, and explained he thought it was being moved from a holding account to the project account, but would check.

## **XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ken Midkiff, 1005 Bellview Court, explained he was the Chair of the Environment and Energy Commission, on the Board of the Great Rivers Environmental Law Center, a member and former employee of the Sierra Club, a member of the Audubon Society, a member of the Center for Biological Diversity, Chair of the Missouri Clean Water Campaign, a lifetime member of various fishing organizations, a member of the Missouri Parks Association, a member of the ACLU, and a member of the Southern Poverty Law Center. He noted he spoke of those organizations to show he was an active and involved citizen, and pointed out he was speaking as a private citizen and not for any organization. He commented that there had been many shootings in the past few years, and listed some of them. He stated the most recent one, which had killed 17 people and injured another 14 people was at a school in Broward County, Parkland, Florida. He understood several elected officials had tried to blame the mentally ill, and that the mass killings would subside if guns had been kept out of their hands. He noted he did not agree, and explained the American Psychiatric Association asserted that only one percent of severely mentally ill people were responsible for killings, and others studies had shown 1-5 percent. As a result 95 percent of these types of killings were done by a person allegedly sane. No one knew they were about to kill until they did. The elected officials from Washington D.C. offered thoughts and prayers, but little else, and they were completely under the sway of the National Rifle Association (NRA). In the most recent national presidential election, Donald Trump had been a beneficiary of the NRA of over

\$11 million and Hillary Clinton had been a recipient of over \$19 million in negative ads. The NRA had spent upwards of \$31 million in the last presidential election. U.S. Senators had also benefited mightily from NRA contributions. Senator Roy Blunt had received \$4.55 million and Senator Mark Rubio had received \$3.9 million. He commented that his point was that they could expect nothing but the thoughts and prayers from elected officials in Washington D.C. He noted a campaign ad for Governor Greitens had showed him shooting an assault weapon. He stated he believed it was up to the City Council to act, and proposed an ordinance be enacted for sales of assault weapons to be absolutely prohibited in the City of Columbia and for appropriate penalties to be assigned for violations. He also wanted the possession of assault weapons to be illegal and for persons with assault weapons to be given a year to dispose of them. He did not want to allow a grandfathering clause either. He commented that he also wanted clips or magazines to be limited to 10 rounds, and persons possessing clips with more than 10 rounds to be given one year to dispose of them without any grandfathering clause. He noted law enforcement personnel should be exempt from these restrictions. He understood a number of states had recently taken these steps to include California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, and Oregon, and where state legislatures had failed to act, cities had. He listed Boston, Chicago, and Washington D.C. as some examples, and pointed out the courts had upheld the bans. He did not feel they should let NRA money take precedent over the lives of children and citizens of Columbia. The time for talking was over and the time for action was now.

Mayor Treece commented that he understood Missouri had a comprehensive statute occupying and preempting the entire field of political subdivision ordinances and legislation affecting and touching in any way firearms, components, ammunitions, and supplies. Mr. Midkiff stated he had looked and had not been able to find any preemption, but would take his word for it that the City could not act. Mayor Treece stated that was his understanding. Mr. Midkiff asked what would happen if the City still acted. Mayor Treece replied he did not know. He noted Missouri did not have the friendliest laws to allow such a thing as of November, 2017. Ms. Thompson stated she agreed the City had been preempted by the Missouri legislature in this particular field. If they decided to proceed, they would be engaged in litigation in terms of whether or not it was a violation of rights and would be subject to damages.

Mr. Midkiff understood they had experienced something similar with regard to the plastic bag ban, and asked if this was broader than that. Mayor Treece replied he thought it was broader and more specific to fire arms. Ms. Thompson stated it was similar to texting and driving as the City had been preempted from regulating cell phone use. She noted it had become more and more of a trend at the state level to preempt the ability of local government to manage its own affairs.

Mayor Treece understood Columbia, South Carolina had banned bump stocks because they had adopted the position that a bump stock was not a weapon or firearm, but an after-market product used to alter a firearm.

Mr. Skala commented that preemption was a topic on a national level per his participation at the National League of Cities conference.

Mr. Midkiff explained he was concerned because the federal government would not do anything on this issue, and doubted anything would be done in Jefferson City either. Mayor Treece stated he was sure Ms. Thompson would look into the issue further, and he was happy to share what he had found as well.

John Clark, 403 N. Ninth Street, asked the Council to reconsider their vote on the Fair Housing Task Force. He understood they had 14 voting members and two non-voting members, and suggested they invite Rigel Oliveri to either be the Chair or named as a specific fifteenth person.

Mr. Clark noted he thought he had heard four votes to table the item related to the Board of Adjustment. Mr. Skala stated he had too, but when he had asked for clarification,

there had only been three votes. Mr. Thomas commented that he had voted to table it. Mayor Treece stated he had as well. Mr. Skala noted he did too. Mr. Thomas asked if anyone else had voted in favor of tabling it. No one responded. Ms. Amin stated her notes indicated only those three had voted in favor of the tabling. Mr. Clark asked Mayor Treece to ask for a roll call vote on these types of things as he thought he had heard four in support of tabling. Mayor Treece commented that he typically says the yeas appear to have it, which would provide the opportunity for someone to request a roll call if they had heard it differently. Mr. Clark stated he thought the same thing had occurred with regard to one of the board and commission appointments, and noted he planned to get his hearing checked.

Mr. Clark commented that he was disappointed in Mr. Thomas, but was pleased with the comments of Mr. Pitzer on the idea of having council members on task forces. Task forces were about policy and council members should not be on them when they would vote on the item at a future council meeting. He did not feel it mattered whether the council member was a voting or non-voting member of the task force. He noted he felt this was a negative because the task force would then have the benefit of the thinking of the Council. The point of the task force was for independent thinking, advice, and research. He hoped Mr. Pitzer's dissents on governance principles would become the rule of the day in the future.

Corinne Bracko-Douglas explained she was a small business owner in Columbia, had military experience serving in the United States Air Force, and was an internationally certified martial arts and self-defense instructor. She asked the community to work together to protect its children. She noted the last week had been hard on a lot of them, and she had spoken with other community members to come up with possible solutions to help keep children safe while getting an education. She understood anything related to gun control would be difficult nationally, but felt they could still do something locally. She explained her small business provided clinical massage therapy services for healing and preventative care. She believed they had an injury in the country as children were dying unnecessarily at an exceptionally and unacceptable high rate. As with all injuries, she believed they needed to look at short-term healing goals, mid-term goals, and long-term prevention goals so they stopped allowing themselves and their children to be hurt. She did not feel they wanted to wait until they had to look back to ask themselves what they could have done. She understood the solution was multifaceted and felt they could work together given the number of highly educated people in Columbia. She noted knowledge was power, and suggested free educational seminars that could be accessed in person or online to teach people about active shooter scenarios and how best to react during that type of situation. She understood schools were participating in drills, but felt it would be prudent to teach what they could do prior to the event occurring in addition to how to react during the heat of the moment. They could teach people to be vigilant and learn how to look for warning signs of escalating social violence, provide tips on how to deescalate situations, and address the bystander issues when people not directly involved were inadvertently giving away officer tactical information via social media. She explained she had started teaching self-defense about five years, and one of the concepts was to be seen as a deterrent. An attacker would have a game plan in mind, and was looking for a victim to fit that plan, and currently attackers viewed schools as easy targets. She believed there were short-term goals they could achieve that would allow them to protect their children by not having their schools be seen as accessible marks. She commented that members of the community were asking for metal detectors to be installed in all of the schools. By removing the possibility of weapons being brought into the school, they decreased the risk of an assailant interfering with the education of children. Another quick, easy installation was to fit every door with a reinforced stopper that could be put into place from inside a room. She commented that in self-defense, three main barriers should be created to be seen as a deterrent, and those were physical,

visual, and situational. She thought they could have a visual barrier by having a group of people who were willing to check on the perimeter of schools as a mid-term goal. She suggested a committee be formed to gather and organize volunteers as a neighborhood watch for the schools. She noted the situational barrier was something they could not address since children needed an education, but explained they could ensure their safety was in place as much as possible while they were learning. She stated another mid-term solution that had been proposed was for the City to reassess its budget to work toward paying first responders a better salary. If first responders were properly compensated for the dangers of their occupation, they would likely see more people applying for these positions in the long-term, which would allow them to hire additional staffing. She commented that they also needed to address prevention and violent behavior in the society. Longitudinal studies had shown people who were abused at a young age tended to display disruptive delinquent behaviors, were more likely to have juvenile arrest records, and were more likely to be aggressive toward others as they aged. She asked the community to come together to provide education for current and future parents to help raise compassionate and empathic human beings. She agreed it would take a village to raise a child, and the community was a village. She felt they needed to assist in supporting each other and each other's children to create a better world than the world in which they currently lived.

Mr. Skala asked Ms. Bracko-Douglas if she had addressed the Columbia Public Schools (CPS) with her presentation. He noted some of this was a shared responsibility, and believed her comments would be of great interest to the CPS. Ms. Bracko-Douglas replied she would be more than happy to go to them. She explained the concept to come before the City Council had happened over the weekend. Mr. Skala explained the City and CPS were independent governmental bodies, and felt CPS would be interested in her comments. Mr. Thomas noted he thought the School Board held its meetings on Monday evenings and had open public comment opportunities.

Mr. Pitzer pointed out the Columbia Police Department had provided a couple of active shooter training education sessions, which had been popular. He stated he was not sure if Ms. Bracko-Douglas was familiar with those and whether they were along the lines of what she had envisioned. Ms. Bracko-Douglas replied she felt they could do more prevention. She understood people were taught to run, and if they were unable to run, they should hide, and if they were unable to hide, they should fight. She believed running from an active shooter in a school was incredibly ignorant. In order to run from flying bullets, a zigzag pattern was recommended, and school hallways did not allow for that. In terms of hiding, she felt bullets could get through walls and doors so reinforcement was needed. She reiterated metal detectors would be a first line of defense in terms of the ability to get weapons into schools, and door reinforcements would be a second line of defense. She understood the school in Florida had active shooter trainings, and 17 people still died.

Mayor Treece commented that he hoped a byproduct or main component of the community policing strategy would include school resource officers being at the middle and elementary schools in addition to the high schools so they were developing that rapport and relationship and police officers could identify the kids that needed extra attention early. He stated he took Ms. Bracko-Douglas' comments to heart and understood there was a Moms Demand Action event at the Capitol tomorrow and hearings on gun bills next week in Jefferson City. He agreed it would take all of them to make a change.

Jordan Narrol, 2116 Bridgewater Drive, stated he did not feel high-capacity magazines were guns and suggested they ban those and bump stocks as he believed that could be done under current law. He commented that he questioned the constitutionality of the laws at the state level depending on the interpretation of the constitution. He recommended the Council pass a law to test the system and challenge the state law.

Eugene Elkin, 3406 Range Line Street, commented that people needed more empathy from childhood to adulthood. He questioned the use of computers and cell phones instead of books at school. He believed someone needed to look at the issue on a psychological side.

Mr. Elkin stated he had asked repeatedly for newsletters and trash bags to be delivered to the six trailer courts.

Mr. Elkin noted he recently learned he was not recycling correctly, and felt others were likely not doing it correctly either. He suggested more education, and if changes were being made, the public needed to be updated. He commented that plastic bags were all over the world, and suggested they recycle them at Walmart.

Mayor Treece explained he had appointed members to the Mayor's Task Force on Bicentennial Celebration Planning last week, and wanted to announce them for the record tonight. They were Brent Gardner, Pat Fowler, Nate Brown, Eryca Neville, Anne Deaton, Chris Campbell, Tom Mendenhall by agreement with the Downtown CID, Deb Sheals by agreement with the Downtown CID, and Ann Rogers.

Mayor Treece noted the Boone County Clerk had closed polling places at Oak Tower and Paquin Tower for the April election, and as a result, he had reached out to the County Clerk to ask him to consider reversing that, but there were some associated federal deadlines so he had been unable to reverse it. He stated the County Clerk had indicated this was only for the April election based on likely turnout in those two areas. He commented that his concern was that there were 193 residents at Paquin Tower and 102 residents with 50 vacancies at Oak Tower due to construction delays, and they had some of the highest voting turnouts as a percentage. Those at Paquin Tower would now have to vote at the Boone County Government Center and those at Oak Tower would have to go to the Health Department. He noted Oak Tower residents were disabled or persons over 55, and there was not a continuous sidewalk from it to the Health Department. He understood Paquin Tower included almost all disabled and severely disabled residents. He stated he would like to coordinate the paratransit, Services for Independent Living, and other accessible transportation options for them. He understood the County Clerk had indicated he would try to exercise an aggressive absentee balloting effort, but noted it was not the same as voting the day of the election. He explained he wanted to make sure those voters were not disenfranchised. He asked City staff to have a plan to provide an orderly opportunity for those that wanted to vote to be able to vote.

Mr. Skala commented that the use of paratransit was a good idea in the short term, and wondered if the County Clerk could be advised to consider moving the polling place to Oak Tower and Paquin Tower during a time when those wards had municipal activity as it would be helpful to the residents that lived there and others.

Mayor Treece noted he had asked if it had been a manpower issue or if they were short election judges because they could potentially train residents at those locations as they had the right to exercise their right to vote.

Ms. Peters understood it was too late to move those back due to federal requirements, and pointed out the Sixth Ward voted at Paquin Tower. She thought it was interesting that the County Clerk had closed it. Mr. Ruffin pointed out they were both located in the First Ward, which caused him concern. Mayor Treece understood the Sixth Ward had voted at Paquin Tower in the past along with people on the University campus.

Mayor Treece stated he had received letters from the Columbia Board of Realtors, the Columbia Professional Firefighters, the Laborers Local 773, and the Columbia Police Officers Association requesting and strongly suggesting a state audit of the City. He thought this would be a great tool to help demonstrate public confidence in how the City handled its resources. He commented that he had promised open, honest, and



transparent government, and understood the Council could ask for an independent financial audit per Section 17 of the City Charter. If they needed more officers, he thought having an independent look at the City's finances by someone that did performance audits could help identify potential cost savings that could be redirected to public safety. He asked for a resolution to be prepared for the next council meeting inviting the state auditor to conduct an audit.

Mr. Thomas stated he would support asking for a resolution to be brought forward. Mr. Skala noted he was supportive as well.

Mayor Treece asked if anyone objected. No one objected.

Mr. Trapp commented that he had been on the Council when the shooting had occurred at Sandy Hook, and the Children's Grove had emerged out of it. It was a non-profit that was trying to address prevention from the perspective of making sure everyone was included, and starting that at a young age. He thanked Mr. Narrol for participating in the meeting, and understood the constitution clearly delineated power to the federal government, state government, and individuals. He did not believe cities had any constitutional powers and wielded a subset of state powers at their discretion as states were quick to remind cities if they began to try to engage in policies which they did not support. He stated plastic bags were a perfect example. He noted Columbia had decided not to ban them, but because they had held a discussion, the State of Missouri had passed a preemption law banning any city from restricting the use of plastic bags. He assumed bump stocks and large chamber magazines would also be included in the preemption law. As a result, he felt they needed to look at other forms of prevention if they were going to address the issue. He suggested those with grievances contact their state representatives. He explained he was not unsympathetic, but knowing what battles one wanted to fight and where to fight them was helpful in changing the future. He stated he was glad people were engaged and had come out to try to make the community safer and a more peaceful place. He thanked them.

Mr. Skala asked for a report regarding the issues that had been brought up earlier in the evening during the discussion on the Board of Adjustment and its rules of procedure. Ms. Thompson replied she would provide a report. She noted they would see there were a number of granted variances by the Board of Adjustment and very few denials.

Mr. Skala asked for a report with respect to inclusionary zoning and density bonus. He understood it was a hot topic at the national level and thought the report could inform them and start the conversation in Columbia.

Mr. Skala commented that he had made a suggestion for a movie night to show a documentary that dealt with structural racism, and asked if that was coming along. Mr. Matthes replied the movie had been purchased, and the license allowed them to share it with all employees. They were checking to see if it would allow them to publically show it.

Mr. Matthes asked for a copy of the letters Mayor Treece had referred to earlier in the evening with regard to a state audit. Mayor Treece provided Mr. Matthes a copy.

Mr. Thomas asked Mr. Matthes to provide some information about Sergeant Fox, who would be leading the development of a plan for community policing. Mr. Matthes replied he had interviewed five people that had expressed interest in taking on the project, and although all would have been able to do the work, he had chosen Sergeant Fox due to his understanding of community policing and his vision for policing in general. He noted Sergeant Fox had indicated police officers needed community policing just as much as the community, and stated the Council would soon meet him to get to know him a little

better. Mr. Matthes stated Sergeant Fox had started his career in the United Kingdom in the social service field, and had eventually come to Columbia as a police officer. He noted Sergeant Fox was with SWAT, but a lot of officers were involved with it as it was not a permanent assignment. He understood Sergeant Fox was well thought of by the officers and had been impressive in the interview process.

## **XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 10:12 p.m.