

TERM OF COMMISSION: September Session of the July Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers / Conference Call

PRESENT WERE: Presiding Commissioner Daniel Atwill
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Director of Resource Management Bill Florea
Planner Uriah Mach
Deputy County Clerk Jodi Vanskike

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

Public: Nancy Lenger, Denny Stephenson, Tim Crockett of Crockett Engineering, Larry Potterfield of Midway USA, Rusty Antel, Judge Gary Oxenhandler, Bill Powell, Kevin Crane, James Gray, David T. Smith - Missouri State Representative District 45, Kevin O'Brien, John Stafford of Stafford Family Charitable Trust, Sheila Plummer, Kayla Jackson Williams, Traci Kleekamp - President of Race Matters Friends, Jennifer Bukowsky, Robin Winn, Richard Shanker, Casey Berndt, Greg Mermelstein of the Missouri State Public Defender System, Judge Deborah Daniels, Chimene Schwach – Boone County Advocate Supervisor, Eugene Elkin, Craig Longhardt, Tom Watson, Micki Britton, Scott Cristal, Dan Viets, Barb Jefferson, Alvin Plummer, Dan Pingelton, David Spear (on the phone), Sydney Young, Larry Young, Ian Kleekamp (on the phone)

The meeting was called to order at 7:00pm.

P & Z

- 1. Request by Dale & Nancy Lenger to rezone from R-M (Multi-Family Residential) to A-2 (Agriculture) on 5 acres located at 5050 E Christian School Rd, Hartsburg**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed this request at its September 16, 2021 meeting and voted to

recommend approval by a unanimous vote. Staff recommended approval of the rezoning request. The Boone County Zoning and Subdivision Regulations are entered into the record of this meeting. The 31.8-acre property is located 1.3 miles south of Ashland, on the south side of Christian School Road near its intersection with Old Route A. The zoning is A-2 (Agriculture) and R-M (Residential-Moderate Density). The property is undeveloped. The adjacent zoning is A-2 to the north, west, and south, and R-M to the east. This is all original 1973 zoning. 22 property owners received notice of this request. The applicants are seeking to rezone 5 acres of their property from R-M to A-2. The Boone County Master Plan has designated this area as being suitable for agriculture and rural residential land uses. The sufficiency of resources test was used to analyze this request.

Utilities: The subject property is in Consolidated Public Water Service District #1. Boone Electric Cooperative can provide electrical service to this site.

Transportation: This property has direct access to Christian School Road, a publicly maintained road.

Public Safety: The subject property is 1.3 miles from the Southern Boone County Fire Protection District station in Ashland.

Zoning Analysis: The base presumption of any zoning change is in favor of the current zoning. Evidence must be brought forward that the requested zoning is more appropriate and that it can meet the sufficiency of resources test for such a change to be approved. In this case, the sufficiency of resources test indicates that the needs of the lower density A-2 zoning can be met by available infrastructure at this site and that A-2 is a more appropriate zoning for the property. This rezoning, if approved, expands the existing A-2 zoning on this property.

Property Owner Nancy Lenger stated they plan to do a family land transfer to one of her children.

Commissioner Thompson moved now on this day the County Commission of the County of Boone does hereby approve the request by Dale & Nancy Lenger to rezone from R-M (Multi-Family Residential) to A-2 (Agriculture) on 5 acres located at 5050 E Christian School Rd, Hartsburg.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #407-2021**

2. Request by 40 & J Development LLC to revise a previously approved plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed this request at its September 16, 2021 meeting and voted to recommend approval, with conditions as established by the previous Review Plan, by a unanimous vote. 14 property owners received notification about this request. The 193-acre property is located at the southeast corner of the intersection of US Highway 40 and State Route

J. The zoning is M-LP (planned light industrial) which went into effect in June of 2020. Adjacent zoning to the north is A-1, all other adjacent zoning is A-2. The property is being developed as an industrial/office park campus and is occupied by a single-family dwelling and a large distribution center warehouse currently under construction. The request is to revise the approved plan to allow the Phase 2 office building to reduce from three stories to two and increase the footprint of the building from 50,000 square feet to 69,000 square feet. The total square footage within the building will be reduced from 150,000 square feet to 138,000 square feet; a reduction of 12,000 square feet. The location of the office building has not changed and the parking area around the proposed office has been altered to fit the new footprint. The sufficiency of resources test was used to analyze the 2019 rezoning request with Review Plan from A-2 to M-LP and was repeated for this proposed revision. The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities:

Sanitary sewer service will be provided by Boone County Regional Sewer District; a drip irrigation treatment facility is currently under construction on proposed Lot 2.

Consolidated Water has a tower/storage tank within 2,000 ft of the property and a 12-inch water main on the property now. Internal components of the fire protection systems will be addressed with each building phase. Boone Electric currently serves the area and has facilities on the property currently. Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

Transportation:

The property has frontage on both US Highway 40 and State Route J. Phase 1 of the project will utilize a single point of access to the property using a driveway connection onto Route J. Phase 2 of the development establishes a second access point to Route J. An additional access point is also proposed to US Hwy 40. Each of these Phase 2 access connections is proposed to add a right turn lane at the new access points and these are shown on the plan. Additionally, a left turn lane for the new access point on US Highway 40 is proposed and is shown on the plan. US Highway 40 is generally a 24-foot two-lane paved roadway with 12-foot gravel shoulders. Route J is generally a 20-foot paved roadway with no shoulders. It is our understanding that MoDot has a plan to add shoulders to Route J in the next few years. A Traffic Impact Study (TIS) was provided for the proposal. The TIS identifies several improvements that are needed to support the proposed development. Phase 1 of the development is intended to provide limited overall traffic compared to the entire site build out. The 300,000 square foot warehouse draws predominantly from the I-70/Route J interchange. The additional truck traffic will use the off-ramps that are indicated as needing structural shoulder improvements to be adequate for truck traffic. The TIS indicates that the intersection of US Highway 40 and Route J requires improvement at the present time even without the proposed development. With the additional traffic of Phase 2, further improvements become necessary. The TIS does indicate that the additional turn lanes proposed at the new roadway access points, proposed with Phase 2, need turn lanes installed when these connections are created. The off-site improvements may be bonded as a means to comply with condition #3 related to Phase 2 of the development.

Public Safety Services: The site is within 3.3 road miles of County Fire Station 9 on Henderson Road.

Zoning Analysis:

When the rezoning to M-LP was approved the decision of whether the property was appropriate for an industrial park was made. The decision with this revision is confined to the impacts caused by the proposed revision. The proposed revision should have less potential to impact surrounding properties than the currently approved Final Plan. The screening and landscaping of the existing plan should lessen the visibility of the two-story office building from the neighboring properties and provide better screening of the site. The request does meet the sufficiency of resources test for service availability or potential availability. The existing conditions have been re-imposed as the underlying basis for the conditions remains unchanged. The property scored 65 points on the rating system.

The Planning and Zoning Commission recommendation includes the following conditions:

1) Prior to Final Plan

- 1) Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:
 - i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-feet tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.
 - iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
- 2) An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
- 3) The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.

2) Phase 1

- 1) Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
- 2) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

3) Phase 2

- 1) Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.

- ii) Westbound Right-Turn Lane on Highway 40 at Route J.
- iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
- 2) The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive.
{This is already shown on the plan}
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive.
{This is already shown on the plan}
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive.
{This is already shown on the plan}
- 3) If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
- 4) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

Commissioner Atwill opened the public hearing.

Tim Crockett from Crockett Engineering stated they concur with all the conditions that have been applied to the plan, and states many of the conditions have already been applied. Mr. Crockett stated they are asking for a two-story building instead of a three story, a slightly larger footprint but a much smaller building in nature. Mr. Crockett stated this comes to the Commission with staff support and approval from the Planning and Zoning Committee and they request the Commission's approval of this revised plan. Denny Stephenson read a typed statement which has been attached at the bottom of the minutes. Larry Potterfield of Midway USA stated he would like to thank the Commission, Resource Management and Crockett Engineering for all the work that has been put into this project. Mr. Potterfield stated he has been through the plant many times and it's a phenomenal investment in the community. Mr. Potterfield stated the bill so far is \$100 million and stated that doesn't include the building that they are going to build. Mr. Potterfield stated the building itself is far enough off the highway and thus won't be as noticeable as you might think. It's a two-story Victorian brick building designed to look like it's 100 years old. Mr. Potterfield stated he thinks everyone will love it, everyone will be proud they are from the Midway area and he can't imagine any thought that anyone will be disappointed that it's there. Mr. Potterfield stated this building is everything they have always said it would be, it has a beautiful campus and, in his opinion, everything will be positive going forward. Commissioner Atwill closed the public hearing on this item. Commissioner Thompson asked Director Florea to confirm that the item before the Commission addresses the plan revisions and the fundamental nature of the development. Director Florea confirmed.

Commissioner Atwill moved now on this day, the County Commission of the County of Boone approves the request by 40 & J Development LLC to revise a previously approved plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport, subject to the following conditions:

- 1) Prior to Final Plan
 - 1) Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:

- i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-feet tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.
 - iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
- 2) An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
 - 3) The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.
- 2) Phase 1
 - 1) Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
 - 2) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.
 - 3) Phase 2
 - 1) Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
 - 2) The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive.
{This is already shown on the plan}
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive.
{This is already shown on the plan}
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive.
{This is already shown on the plan}

- 3) If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
- 4) Lighting shall be shielded and oriented inward and downward so as to minimize glare and light trespass.

Commissioner Aldred seconded the motion.

The motion carried 3 to 0. **Order #408-2021**

3. Cedar Valley Subdivision. S1-T50N-R12W. A-2. Gregory A. Lynn, owner. Mark Robertson, surveyor

Director of Resource Management Bill Florea read the following memo: The property is located on N. Willet Road, approximately one mile north of Hallsville. The proposal divides a 13-Acre parcel into two lots. Lot 1 is a 7-acre lot and is currently undeveloped. Lot 2 is a 6-acre lot which contains an existing house, a shop, and a lagoon. This property is zoned A-2 (Agriculture) and is surrounded by A-2 original 1973 zoning. The property has direct access on N Willet Road, a publicly maintained roadway. The property is located in Public Water Service District #4, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. The property scored 36 points on the rating system. Any residential development on Lot 1 will require the installation of an engineered on-site wastewater treatment system under permit with the Columbia/Boone County Health Department. During the review process, County Staff and the Health Department were supplied a soil morphology test which determined that Lot 1 contained soils unsuitable for a lagoon. A wastewater plan for Lot 1 is on file and an advisory note is written on the Plat. Regarding the signed original plat provided, items in the drawing have been found to be inconsistent with the requirements of the Regulations. Per the Boone County Subdivision Regulations Appendix, A Section 3.4, the Final Plat must be drawn clearly and legibly. This same section within the Regulations indicates that the Plat must contain a north arrow. The surveyor was made aware during the review process on 8/06/21, 8/10/21 and 8/17/21 that there was not a north arrow on the survey which met those standards. The County Surveyor also provided review comments to the surveyor which stated, "Per Missouri Standards for Property Boundary Surveys... please provide a correctly oriented North arrow." The surveyor has stated he believes the logo at the top of his Plat also serves as the north arrow. It is recommended that the surveyor add a north arrow on the survey itself, rather than the title block, in order to provide the needed clarity. This arrow may be in whatever style the surveyor would like but the arrow needs to be clearly juxtaposed with the survey design. Per the Boone County Subdivision Regulations Appendix A Section 3.4, the Final Plat must be drawn clearly and legibly. A typographical error has been identified which renders a lot line bearing illegible. The proposed lot line between Lot 1 and Lot 2 appears to be two directions printed on top of each other. After consulting with the County Surveyor and Staff, it is recommended that a new original be provided, or the surveyor can choose to hand-write on the Plat legible directions. This was not discovered until the original was provided for the resubmission deadline. Staff recommends approval of the Cedar Valley Subdivision Minor Plat subject to the following conditions which shall be met prior to acceptance by the County Commission:

1. The signed original contains a clear and legible north arrow
2. The proposed lot line between Lot 1 and Lot 2 at 01'59'50" contain clear and legible bearings.

Such conditions shall be met within 90 days of Plat approval by the Planning and Zoning Commission Meeting or else approval is rendered void.

Commissioner Thompson moved now on this day the County Commission of the County of Boone does receive and accept the following subdivision plat and authorizes the Presiding Commissioner to sign it:

1. Cedar Valley Subdivision. S1-T50N-R12W. A-2. Gregory A. Lynn, owner. Mark Robertson, surveyor.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #409-2021**

Joint Communications

4. Second Reading: BCJC Administrative Authority to purchase radio equipment (First Read 09.23.21)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the Request for Administrative Authority to purchase replacement fixed assets in emergency situations for the remainder of FY2021 and FY2022.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #410-2021**

Commission

5. Courthouse Murals—Public Hearing and Decision on Location

Commissioner Atwill read the following memo: I would like to welcome you to the Boone County Chambers where County business is conducted is open public view. Many important public issues have been decided here and many more will arrive here for decision in the future. This is what local government and democracy are all about. Our form of government depends upon an open exchange of ideas and transparent governmental actions. Our purpose here tonight is to receive public input on the issue of whether to keep or remove the Sidney Larson murals from the Boone County Courthouse and what their disposition should be if removed. The County Commission is, by law, the responsible entity for the facilities and property owned by the County and as such has the responsibility of maintaining and managing all County property.

Our procedure tonight will be to allow all who wish to speak the time to do so. Mr. Oxenhandler and Mr. Antel initiated the discussion and will be allowed to speak first. Mr Bill Powell has articulated opposing opinions and will speak next. Both views will be given 15 minutes to present their thoughts. The views of these three will cover most of the issues that are involved. Others may sign in and will be called on in order. The sign in is for the purpose of getting your name and identification accurate. I would ask that each speaker make an effort to avoid repetition in the interest of time. We are interested in all ideas but repeating the same words does not improve the respective positions. A record of this proceeding will be kept and included in the permanent minutes of the County Commission official records. No action will be taken tonight by the County Commission. This matter will be placed on the agenda for a later Commission meeting and public notice of that will be posted in advance. You are welcome to attend that meeting when it occurs. The information received tonight will be evaluated along with any new issues that are developed. Before a vote is taken proposed orders will be prepared for consideration. Those orders will be placed on the regular Commission agenda which is available on the Commission website. We have received numerous written communications from citizens interested in this issue and they will all be included in the official record. If we have people attending by phone, we will allow comments after speaker identification. We are aware of the facts and circumstances surrounding the creation and placement of the murals. To save time and avoid repetition I will attempt to state some of the basic information that I don't think is in dispute. The murals are presently located in visible locations in the Courthouse stairwell. Pictures of the murals will be displayed on the screen. The artist who painted the murals was Sidney Larson, an accomplished artist who also taught at Columbia College. Sidney Larson was a highly respected professional who studied the works of other artists, including Thomas Hart Benton who influenced his technique. The murals in question were created in connection with the renovation and expansion of the Boone County Court House in 1994 and were designed by Mr. Larson with the help and encouragement of Judge Frank Conley, numerous lawyers and members of the community. Significant financial support was supplied by local families and institutions. Research was done to identify events that actually occurred in Boone County in the early decades after the County was founded in 1820. Today the murals are accompanied by explanations that are in place alongside the paintings. Many different events are depicted in the murals. Much of history, including the history of Boone County is not inspiring or pleasing. No effort was made by Mr. Larson to show people or events in favorable or unfavorable light. His illustrations may not be appreciated by some people today, but it was not his intent nor the intent of those who assisted and supported the project to be discriminatory or disparaging to any individual or group. The murals have been on display in the Courthouse more than 25 years. Public concern was not expressed, to my knowledge, until this year. The people who contributed to the development of the murals should be appreciated for doing what they thought was a noble and appropriate community service regardless of what happens. Other questions accompany the basic issue of placement:

Should historical representations of any kind be displayed in a Court House? Does the artwork have an adverse or improper impact on:

- Those accused of crimes
- Those involved in civil litigation
- Jurors

- Visitors

Does this artwork suggest a governmental attitude of unfairness? What rules should apply for future selection of items displayed? These questions and others may have different answers from different people. Some see it as valuable history and appropriate for public display in the central building of the County that is itself historic. Some will say the artwork is valuable but not appropriate in a place where the goal is the resolution of disputes and the administration of justice. Some may say the artwork is disgusting and unworthy of public display anywhere. Some will say it depicts good and bad aspects of local history, but a better balance of historical information is needed. At any rate, we are here for a public discussion.

During the public hearing, the following individuals read a written statement for the Commission, Denny Stephenson regarding Midway USA 40& J, Larry Young regarding the murals, and Bill Powell regarding the murals, These written statements will be included at the end of the minutes and will not be re-typed in the body of these minutes.

Commissioner Atwill opened the public hearing.

Rusty Antel, attorney-at-law, stated this got started in early July when Gary Oxenhandler approached him about it, because it had been on his mind for years. Mr. Antel stated Mr. Oxenhandler initially went to talk to the Presiding Judge about it, which resulted in a memo from the Presiding Judge dated July 16, 2021, that asked the Commission to remove the murals, which are described as “distractions”. Mr. Antel stated every person that enters the Courthouse should be treated with respect and dignity. Mr. Antel stated what the murals show are acts of indecency and what’s depicted in these murals is contrary to the court’s mission. Mr. Antel stated most people go to court because they have had a very bad moment, criminal cases, juvenile cases, etc, and many of the people who enter the Courthouse have some significant trust issues of the system. Mr. Antel stated while there is a racial component to some of this, it’s not only about race, it’s a justice and equity issue. We are not seeking any kind of destruction of the murals; we are simply asking that they be removed and relocated. Gary Oxenhandler stated he made a terrible mistake and is here to apologize for it. Mr. Oxenhandler stated from the first moment that he saw the Larson mural, he didn’t like it. Mr. Oxenhandler stated he thought it broadcast a threatening message that depicted graphic violence, a lynching, and a flogging by a law enforcement officer. Mr. Oxenhandler stated, over the years, he had many conversations about the propriety of such a mural in a courthouse, and stated some would say it marginalized women, others said it embolden white supremacy, but its insidious presence was always excused with comments like, “it’s art, and you don’t mess with art,” or “it’s our history and we need to be reminded of our history or we will relive it.” Mr. Oxenhandler stated the conversation would then end, and they would go their separate ways thinking, “it’s wrong”, “it shouldn’t be here” or “life’s busy, what can I do about it anyway”. Mr. Oxenhandler stated it is our current and continuing responsibility to find wedges and remove any to ensure full equity and equal opportunity for all. Mr. Oxenhandler stated we can, and we will advance if we have the strength, wisdom and fortitude to simply do the right thing, keeping in mind, our sworn duty as elected representatives to represent all our constituents. Mr. Bill Powell read a written statement

regarding the murals that has been attached to the end of the minutes. Judge Kevin Crane stated he does not speak for any of the judges, just himself as a citizen, in saying he thinks the murals should stay where they are in the courthouse. Judge Crane stated he has, on several occasions, taken tours through the courthouse and one of the stops they would make would be at the murals. Judge Crane stated he thinks the question is essentially, should the murals come down and the second question is if they aren't to be at the Courthouse, where do they go? Judge Crane stated he doesn't want them to come down at the Courthouse at all, so he isn't going to address the second question. Judge Crane stated he would like to ask the question why? Do the murals in any way eulogize the oppression of anybody, particularly African Americans, or those accused of crime? Judge Crane stated "absolutely not." Judge Crane stated those murals were unanimously endorsed by the Commission in 1994 or 1995 to be displayed there forever. Judge Crane stated he can't imagine that the Commission in 1994 was insensitive or racist, nor is this Commission insensitive or racist in 2021. Judge Crane stated what they are really talking about is art and history, and as with all art, it's subject to interpretation. Judge Crane stated it's his belief that the message of the artist was not to depict the injustices of the past in a positive way, but rather, to celebrate how far we as a people, and as a County have come. Judge Crane stated if they have to come down, they should be kept on County property. James Gray stated he is upset that we are even here about this issue. Mr. Gray stated this should never have happened from the get-go and if it did happen, it should have been a much wider vision. Mr. Gray stated this is not about Sid Larson, Sid Larson was a great man. Mr. Gray stated Sid Larson has pictures hanging up all over Columbia, and there's a hall named after him at Columbia College. Mr. Gray stated he sat on the committee of the Martin Luther King Memorial with Sid Larson. Mr. Gray stated if you want to talk about history, let's talk about how the slaves built the columns, let's talk about that mother and three babies who were auctioned off in front out here, let's talk about the lynching that happened on Stewart Road. Mr. Gray stated these are facts and reminders every single day. Mr. Gray stated this is not about Sid, it's about doing what's right for the people. David Tyson Smith, attorney and Missouri State Representative for the 45th District stated everyone is making this mural overly complicated. Mr. Smith stated this mural and the images are offensive. Mr. Smith stated when he started practicing law and walked into the courthouse, this is one of the first things he saw. Mr. Smith stated these pictures and images are offensive, and they are offensive to people of color. Mr. Smith stated not only that, one of the first stories he remembers at the firm he was working with, was a client who was offended by the murals. Mr. Smith stated that client thought they were offensive, racist, and that they needed to go, and this was about twenty years ago. Kevin O'Brien, District Defender for the Public Defender System in Boone County stated many times in his job, he is put in the position of meeting with his clients in the hall of the Boone County Courthouse. Mr. O'Brien stated his job is difficult because they are state employees, but their duty is to the people they represent, often disproportionate to minorities. Mr. O'Brien stated his clients need to trust him because he is advocating from his expertise and what he feels is their best interest. Mr. O'Brien stated these murals undermine their ability to connect with their clients. Mr. O'Brien stated in his opinion, the number one job of the Boone County Courthouse, is to safeguard justice, and due process of law and these murals undermine that. John Stafford with the Stafford Family Charitable Trust which made an initial contribution to the murals stated he's seeing that these murals are doing exactly what they are supposed to do. Mr. Stafford stated these murals should open discussion, and if you're not privy or don't know what some of the scenes depict, then I think you have a duty to study and understand. Sheila Plummer stated she is not from here, she has only been here since 1973, but she would like to talk about her personal experience. Ms. Plummer stated

when she comes into the Commission chambers, she is encouraged by what she sees hanging on the walls. Ms. Plummer stated everything in here says “We’re taking care of business; we’re doing it Missouri’s way”. Ms. Plummer stated she had the pleasure of working with Syd Larson at Columbia College and she knows what an incredible individual he is. Ms. Plummer stated she also knows what happens anytime she has ever walked into the Boone County Courthouse. Ms. Plummer stated she feels like someone has socked her in the gut – every single time. Ms. Plummer stated she has tried to go up the stairs and not look, but it’s there. Ms. Plummer stated she comes in as a black person and she sees a white man being whipped and wonders, if they are going to whip a white man, what kind of case is she going to have. Ms. Plummer stated they have two young black males with this wonderful plaque, that doesn’t apply to them at all. Ms. Plummer stated she doesn’t want to go into the Courthouse, it is a frightening experience. Kayla Jackson Williams, Attorney stated she was very hesitant to give any statement tonight for a variety of reasons, particularly because she didn’t want to seem controversial. Ms. Williams stated that’s exactly what the murals are and if you are being honest with one another, we are in a society where we can not move forward if we are not willing to have open conversations and call a spade a spade. Ms. Williams stated Mr. Powell had mentioned the black man in the murals that had the first butcher shop but noted that right in front of this butcher shop, there are three black men with no shoes, no shirts, chained and linked. Ms. Williams asked, how is there a free black man and slaves at the same time? Ms. Williams stated she knows everyone talks about the murals being historical and accurate, but what’s also accurate is hatred and division. Ms. Williams stated what we see in this mural is a man in a tree, who is presumably trying to get away from the violence below, but someone is still aiming a gun at him, yet he is no threat. Ms. Williams stated for her that symbolizes all the black men that are gunned down by the police who are also no threat. Ms. Williams stated this is wrong and we must acknowledge that it’s wrong. Ms. Williams stated she remembers a history that they should not have to repeat, and if anyone is worried about repeating history if the mural is removed, then she would ask them to look in the mirror and do a self-check, because if you believe that we will revert to hanging individuals, flogging individuals, whipping individuals because they stole a heifer and had to get whipped thirty two times and pay a \$12.00 fine, that’s a problem that they have in and of themselves. Traci Wilson Kleekamp, president of Race Matters Friends stated she would like to make a correction. Ms. Kleekamp stated the man on the ground at the end of the rope is a slave, not a white man. Ms. Kleekamp stated he was James Rollins client, and he stopped a mob from lynching him. Ms. Kleekamp stated all the black people in these pictures are in the background. Ms. Kleekamp stated the foreground has all the white people very big and prominent. Ms. Kleekamp stated she would like to take Sid Larson and interpretation off the table. Ms. Kleekamp stated she is concerned that we’re not talking about how we can create a better process for choosing art that’s inclusive, that’s really what’s at issue here. Ms. Kleekamp stated going forward, they need to make sure they are picking art that’s representative of the people in our community. Jennifer Bukowsky, criminal defense attorney stated she has walked past these murals at least a thousand times and has always felt that these murals were inappropriate. Ms. Bukowsky stated these murals depict a series of unfortunate, horrific events. Ms. Bukowsky stated most people appearing at the Courthouse are not there of their own volition, they are compelled to be there as witnesses, jurors or as parties to cases where their lives are being decided. Ms. Bukowsky stated she doesn’t believe that the artwork at the Courthouse should add to the intimidating ambiance there. Ms. Bukowsky stated the mural depicting the whipping is the one she finds the most problematic and it’s unfortunately in the most prominent position, where virtually every visitor sees it, and stated people going to juvenile court have to pass by

it at least twice. Ms. Bukowsky stated regardless of whether a new venue is available for the murals, they should be removed from the stairwells of the courthouse. Robin Winn, attorney at law, stated she speaks in favor and support of the mural being removed. Ms. Winn stated she believes it's possible to engage with this period of history in other ways, many clients of hers and members of the community find these murals frightening and intimidating making them very uncomfortable. Ms. Winn stated courts should be on neutral ground to settle disputes, not a poster child for whippings and hangings. Ms. Winn stated she does not believe you should forget about what happened in the past, but that's what museums are for. Rick Shanker stated he likes the art and the depiction of history but feels the murals should be moved to the Historical Society. Casey Berndt guardian ad litem foster care in Boone County stated the mural that has been spoken about the most tonight is on the stairwell leading to the ground floor where their juvenile office is located, as well as where juvenile court is held. Ms. Berndt stated in her opinion, those murals do not send the message that they want our children to receive, especially in times of such extreme stress. Greg Mermelstein Deputy Director of the Missouri State Public Defender System stated his office is very much in favor of relocating these murals. Mr. Mermelstein stated these murals have made it difficult for the Public Defender's System to improve or increase our hiring of African American attorney's. Mr. Mermelstein stated the staff and clients of his office have been concerned about these murals for years, and they have had candidates that have been in Columbia, who they would like to recruit to be attorneys, but who have felt offended by these murals and who have not wanted to work in Boone County because of them. Mr. Mermelstein stated he would also tell the Commission that this is an issue that is larger than Boone County. Mr. Mermelstein stated the Missouri Supreme Court has established a Commission on racial and ethnic fairness, which is examining the fairness and appearance of Courthouses around the state right now. Mr. Mermelstein stated Courthouses not only need to be just in what they do in their actions; they need to present the appearance of justice. Judge Deborah Daniels stated at the end of the day, she doesn't think that the role of the Boone County Courthouse is to be a museum or an art gallery. Chimene Schwach Boone County Advocate Supervisor stated she works in child protective service and she spends multiple days a week in the Courthouse, working with some of the people who have spoken here tonight. Ms. Schwach stated she has spoken to several colleagues at the Courthouse who are offended by the murals, she herself as a woman of color is offended, and has noticed that when you go to the Courthouse, there are no people of color. Ms. Schwach stated the Courthouse has one Marshall and a couple of attorneys occasionally, so people of color are already not well represented in the building, and stated the murals are not helpful in that. Ms. Schwach stated family court should be a welcoming place and they are hopefully working on getting families re-unified, working towards justice and the murals do not help that. Ms. Schwach stated the first impression that you see is lynching and whippings and people of color who are half clothed and chained. Ms. Schwach stated it's time to change the art in the house. Eugene Elkin stated he went to college to be an artist. Yes, this artwork was done quite well, but when you go into what each part of the painting represents, can we not realize in life some of us learn visual and some of us learn auditorily? Mr. Elkin stated maybe we could have a device where people could go up, put headphones on and be educated. Mr. Elkin stated it's been stated more and more that we are pulling our history from our public schools, and we never want to lose history. Mr. Elkin stated he still doesn't feel statues and murals need to be removed. Mr. Elkin stated he is here tonight to give two "no" votes, from him and his mother, to moving the murals. Craig Longhardt, artist stated when he hears the passion and the explanation of how much the murals have affected people looking at the artwork, he doesn't think the Courthouse is a place that they need to

impose education. Mr. Longhardt stated he was a psychiatric nurse for ten years, and he dealt with kids, did transfer with kids, went to court with kids and he doesn't think they need to see that. Tom Watson stated he knew Sid Larson, was in this painting, and stated everyone who spoke tonight sees what they want to see. Micki Brittan stated the first thing she would like to say is courthouse is not a School house. Ms. Brittan stated when she first moved here, a real estate matter took her to the Boone County Courthouse where she did see the murals. Ms. Brittan stated she was immediately intimidated by the mural and had no idea there was any controversy about it. Ms. Brittan stated the murals depict violence and oppressiveness, and most people would go to the Courthouse for a reason, not to look at art. Ms. Brittan stated these murals would be better served at the Historical Society since they are part of history, they don't belong in the Courthouse. Scott Cristal stated when he first saw the mural at the Courthouse he was really surprised. Mr. Cristal stated the first reason he was surprised was that the Courthouse would have artwork like that, and how graphic the images were. Mr. Cristal stated the key thing to think about with these is the perception. Mr. Cristal stated when people come in and see these, they get the impression that there's something not quite right about Columbia. Mr. Cristal stated he isn't saying they should cover history up, but if you want to study history through art, that would be at a museum where you can discuss it, no one goes to the Courthouse to do that. Dan Pingelton, attorney at law stated it wasn't that long ago that he would go up to Macon, MO frequently and up until the mid-90's, the courthouse had a monument up there of the fallen soldiers. Mr. Pingelton stated at the bottom it said "colored" and there were three names engraved, this was in the 1990's. Mr. Pingelton stated that offended him as a white man and he was going to the Courthouse to work there so he didn't have anything to worry about. Mr. Pingelton stated it was difficult to assure your client that they were going to receive justice in that Courthouse. Mr. Pingelton stated Boone County was different. They put up the murals and though he didn't like them, it was easy to come in and do his job. Mr. Pingelton stated about every 18 months when he was waiting over at the Courthouse waiting for a client to come into the council waiting room to talk about their case, he would have a client look at him and say what's up with the mural? Mr. Pingelton stated he would say he just wanted to concentrate on the client's case, because he knew the people who put it up, he knew the judges he'd been in front of. Sid Larson's paintings are in the Guitar Building he goes in everyday where his office is, and he knows what their intent was. Mr. Pingelton stated the effect however is much different, and he will tell you after doing this for 36 years, it is becoming harder to convince clients they are going to get a fair shake at the Boone County Courthouse. Barbara Jefferson stated she has been in the courtrooms at the Boone County Courthouse, more than once, and before she ever got to the courtroom, what came to her mind was this is not a good sign. Ms. Jefferson stated she felt as though she would not get justice there. Ms. Jefferson stated those pictures should not be in the Courthouse and while one side of her thinks they should be burned, the other side of her says they should go in the Historical Society and everyone should move on. Alvin Plummer stated what rings loud and clear to him has nothing to do with the art, the artist or whatever someone's interpretation might be, but "location location location." Mr. Plummer stated one of the battles he took on during his time in Jefferson City, had to do with the State's Division of Tourism when they wanted to promote Missouri as a place for people to come. Mr. Plummer stated he sat on a committee, they contracted with some people who were extremely adept at their field of advertising and attracting people to come and spend their money in this state. Mr. Plummer stated he sat there for a few hours, looking at all the photos and visuals that were put up and it was obvious to him when he saw those visuals, their advertising was directed at people who did not look like him. Mr. Plummer stated he made that observation and said, if

you're trying to broaden the horizon of this endeavor and bring many kinds of people to this state, these visuals aren't getting it. Mr. Plummer stated his point in that story is, the visuals depicted by these murals have nothing to do with how well they were or were not done, have nothing to do with the artist, it's that these visuals send the wrong message in the location of which they reside currently. They need to be moved. Dan Viets, attorney at law stated it would be better for these paintings to be in a different location. Sydney Young stated she was named after Sid Larson, her father was his protégé, and Sid was like a grandfather to her. Ms. Young stated when she thinks about these paintings, she thinks about where they can do the most good. Ms. Young stated while she agrees about the ability for these murals to educate people on the history of the County, the people coming into the courthouse aren't in the headspace to read about these images. Ms. Young stated the place these paintings could do the most good, is in a place where people can be educated about them the most, and the courthouse is not that place. Larry Young spoke next, and his written statement is attached to the minutes. Ian Kleekamp called into the meeting and stated he has four points he would like to add to the conversation, and he would like to read them. Mr. Kleekamp stated number one, what can we say when we find out these depictions are not accurate? Number two, were there paintings like this before 1993? Number three, are these inaccurate images permanent? Number four, if these questions can't be answered, were they painted there on purpose? If not, they should all be painted over, or they should be murals of real lawmakers who are real heroes to this city. David Spear called into the meeting and stated art is in ephemeral, it's meant to be moved around and it's time for these murals to be moved around. Someone from the audience asked if the Commission knew what the cost to move the murals would be. Commissioner Atwill stated he didn't know exactly, and that it would depend on where they were moved.

6. Public Comment

None

7. Commissioner Reports

Commissioner Thompson stated she would like to make sure they have the memorandum that's dated July 16, 2021 to the Boone County Commission from the Presiding Judge here in Boone County, Judge Jacobs, which reads after discussions regarding the murals in the Boone County Courthouse between the ground and first floor and the first and second floor, it is apparent that the images have become a distraction such that the Courthouse is not an appropriate venue for them. On behalf of the super majority of the Court, it is respectfully requested that the Commission remove the murals from the Courthouse. Commissioner Aldred asked if they will be conducting further Public Hearing's at this time, to which Commissioner Atwill stated he thinks they have heard everything there is to say about this topic, but if not, people can submit written comments. Commissioner Atwill stated he thinks they are the time where a plan needs to be come up with for whatever they are going to do or not do. Commissioner Aldred stated before we adjourn, he has two items to enter into the record. Commissioner Aldred stated the first is RSMO. 49.270 stating that the County Commission has control over all County property and the second is Boone County Monuments/Displays Policy. Commissioner Atwill adjourned the meeting.

Attest:



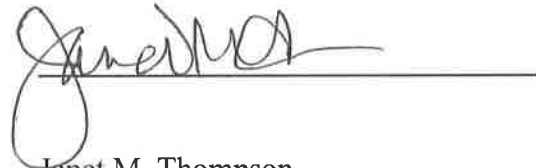
Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner