

TERM OF COMMISSION: April Session of the February Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Michelle Malaby
County Counselor John Patton

The regular meeting of the County Commission was called to order at 1:30 p.m.

SUBJECT: Request to Use Courthouse and Plaza Grounds

Commissioner Stamper moved that the County Commission of the County of Boone authorize use of the Courthouse Square by the National Peoples Campaign for a rally against the Contract for America on May 6, 1995 from 1:00 p.m. to 6:00 p.m.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 205-95.

SUBJECT: Authorize Disposal of Fixed Assets

Commissioner Miller moved that the County Commission of the County of Boone authorize disposal of surplus equipment from the County Data Processing Department and the Juvenile Justice Center as listed on the attached memorandum from County Commission Administrative Coordinator Beckie Jackson. The Presiding Commissioner is authorized to sign the fixed asset disposal forms.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 206-95.

SUBJECT: Award Bid No. 38-04APR95, JJC Landscaping

Juvenile Justice Center Superintendent Kirk Kippley recommended award to the second low bidder. The low bidder has not returned calls requesting a start date or references. The difference between the bids is \$54. The second low bidder will proceed the first day weather permits.

Commissioner Miller moved that the County Commission of the County of Boone award bid number 38-04APR95, Juvenile Justice Center Landscaping, to Central Missouri Hydroseeding at \$1,883.50, minus a two percent discount, for a total cost of \$1,845.83. The bid from Rost Landscaping and Design is rejected due to a lack of response to inquiries from the County.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 207-95.

SUBJECT: Certify Election Results: Hospital Trustees, County Constitution and Centralia Special Road District Commissioner

County Clerk Wendy S. Noren stated one candidate filed for the one open position on the Centralia Special Road District Commission. In such instances, statute allows the person who files to be elected without an election being held.

Commissioner Vogt moved that the County Commission of the County of Boone accept the following certifications:

I, Wendy S. Noren, Clerk of the County Commission and Election Authority in and for the County of Boone, State of Missouri, do hereby certify that at the Election held in the County of Boone, State of Missouri, on Tuesday, April 4, 1995, there were cast by the qualified voters of said County the following votes:

For Hospital Trustees:
(VOTE FOR TWO)

Tommy Faulkner	5,665
David A. Horner, Sr.	10,357
Ross Duff	9,941

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the County of Boone, done at office in Columbia, Missouri, this 11th day of April, 1995.

/s/ Wendy S. Noren
Clerk of the County Commission and Election Authority
in and for the County of Boone, State of Missouri.

The Presiding Commissioner is authorized to sign the certificates of election for David A. Horner, Sr. and Ross Duff, the two candidates receiving the largest number of votes cast.

The County Commission of the County of Boone does hereby accept the following certification:

I, Wendy S. Noren, Clerk of the County Commission and Election Authority in and for the County of Boone, State of Missouri, do hereby certify that at the Election held in the County of Boone, State of Missouri, on Tuesday, April 4, 1995, there were cast by the qualified voters of said County the following votes:

QUESTION 1

Shall a commission be chosen by the Thirteenth Judicial Circuit Court to frame a county constitution which shall be submitted to the voters of Boone County, Missouri?

Yes	10,075
No	6,586

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the County of Boone, done at office in Columbia, Missouri, this 11th day of April, 1995.

/s/WENDY S. NOREN
Clerk of the County Commission and Election Authority in
and for the County of Boone, State of Missouri.

The County Commission declares that Question 1 passes, due to a majority of votes cast in affirmation.

The County Commission of the County of Boone does hereby declare Dave Holsinger elected Commissioner of the Centralia Special Road District for a term of three years commencing April 4, 1995 pursuant to the provisions of 115.274 RSMo., 1994, in that the number of candidates for commissioner of the Centralia Special Road District did not exceed the number of positions to be filled at the April 1995 election.

The Presiding Commissioner is authorized to sign the certificate of election.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 208-95.

SUBJECT: Establish Speed Limits for Kent Drive and Rebel Drive

Assistant Public Works Director Frank Abart stated citizens requested review of the speed limits. It is recommended a 20 mile per hour speed limit be established for Rebel Drive and a 25 mile per hour speed limit be established for Kent Drive.

Commissioner Stamper moved that the County Commission of the County of Boone set the speed limit on Kent Drive at 25 miles per hour and the speed limit on Rebel Drive at 20 miles per hour.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 209-95.

SUBJECT: Award Bid No. 45-04APR95, Sand/Cinder Spreader; 46-04APR95, Snow Plows; and 47-04APR95, Concrete and Cement Products

Per the recommendation of Mr. Abart, Commissioner Stamper moved that the County Commission of the County of Boone award Bid Number 45-04APR95, Sand/Cinder Spreader to the low bidder, GM Supply Co.; Bid Number 46-04APR95, Snow Plow, to the low bidder, GM Supply Co.; and Bid Number 47-04APR95, Ready Mix Concrete and Cement, to the low bidder, Columbia Ready Mix.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 210-95.

SUBJECT: Reports from Commissioners

Commissioner Miller reported she and Commissioner Vogt attended the Missouri Association of Counties (MAC) Legislative Conference in Jefferson City. Issues affecting County government were reviewed. One they are particularly interested in is changing the term of Associate Commissioners to four years.

Commissioner Vogt reported the MAC Board decided to appoint a committee to look at different forms of government in the State.

Commissioner Miller reported she met with Columbia Public School District Superintendent Joel Denney to determine their interest in using the old Juvenile Justice Center as an alternative school for juveniles. A tour of the facility is planned for April 20, 1995.

Commissioner Stamper stated in regard to right-of-way acquisition for High Point Lane, the Commission requested the Department of Natural Resources (DNR) exchange five acres there for an equal amount of land on Old Highway 240 which the County acquired in the flood buyout program. The DNR can only exchange park land for land. The proposal was declined. The DNR would like Rock Bridge Lane closed. He advised them the Road and Bridge Advisory Committee voted unanimously to recommend the road not be vacated and expressed great concern with closing the road. It might be possible to acquire land adjacent to Rock Bridge State Park to exchange for the right-of-way.

Commissioner Miller stated she is anxious to find a solution. There are approximately six property owners whose provision of right-of-way is contingent upon the DNR providing right-of-way.

Following discussion, the Commission authorized Commissioner Stamper to look for contiguous property to exchange. Commissioner Stamper will report his findings to the Commission.

Commissioner Stamper reported a proposal has been made to replace the dumpsters at the Courthouse and in the alley south of the Government Center with a trash compactor. The City will provide and maintain a 14 cubic yard trash compactor; provide service as needed; provide and pay for electric usage; and bill individual users for the unit. Participants include the Government Center, Courthouse, Frederick Partnership, and Boone Tavern. The compactor would be located behind the Village Square Apartments on the south side of the alley on property owned by the Frederick Partnership. The County would provide a concrete surface for the compactor. The combined service rate would be reduced from \$625 to \$508 per month.

Commissioner Stamper moved that the County Commission of the County of Boone refer the issue of installation of a trash compactor in the alley south of the Government Center to Solid Waste Coordinator Gene Poveromo. Mr. Poveromo is directed to pursue the cooperative purchase of the compactor by the County of Boone, the Frederick Partnership and Boone Tavern.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 211-95.

SUBJECT: Request to Dispose of and Purchase Hand Held Radios

Captain Beverly Braun summarized her memorandum to the Commission dated April 4, 1995.

Commissioner Miller moved that the County Commission of the County of Boone authorize disposal of fourteen Midland, GE and Motorola portable radios and five charger units by trading them in for new units. The County Commission authorizes the Department to use excess funds budgeted for the purchase of new portable radios to purchase three additional portable radios for organization 1251 and one additional portable radio for organization 1255.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 212-95.

SUBJECT: Re-award Portion of Bid No. 25-14MAR95, Uniform Equipment

Captain Braun summarized her memo to the Commission dated April 7, 1995.

Commissioner Stamper moved that the County Commission of the County of Boone vacate the previous award (Bid Number 25-14MAR95, Uniform Equipment) of item number 8, 9, and 16 to Green Supply, Inc. and award the items to Law Enforcement Equipment Co., the next low bidder.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 213-95.

SUBJECT: Delete Pay Policy

Human Resources Director Mark Stone distributed and reviewed a draft of the policy.

Commissioner Vogt moved that the County Commission of the County of Boone approve the attached Delete Pay Policy to establish consistency in how time off without pay is granted to staff.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 214-95.

SUBJECT: Reports from Commissioners, Continued

Commissioner Stamper reported local attorney Skip Walther submitted an ordinance for Commission consideration which would regulate sexually oriented businesses. The ordinance has been referred to Mr. Patton for review.

Commissioner Stamper reported he met with the owner of the building previously occupied by the Public Defender. Commissioner Stamper agreed a substantial amount of damage had been done to the property and settled with the property owner for \$890.

Commissioner Stamper reported on a visit with Nancy Howard, J. D., the Executive Director of Phoenix Programs, Inc. She invited the Commission to the Phoenix House for a meeting. He believes they are interested in receiving Community Service Advisory Commission funding and want the Commission to know more about the operation.

SUBJECT: Public Comment

Marvin Rybolt, 3604 E. Christian School Road, Hartsburg, distributed a handout and stated there are people present to comment on writing a county constitution. The vote in the rural part of the County was two to one against the issue. He wishes City of Columbia residents happiness, prosperity and good health under their charter government, but rural county residents do not want one and do not feel it is fair that City residents are going to force it on them. Southern Boone County has not had any representation for forty years. Rural Boone County residents get what the City of Columbia decides is best for them. Mr. Rybolt stated they are sick and tired of it and asked the Commission not to force a charter on them.

Glenn Hoffman, 7181 N. Wagon Trail Road, stated he is not an anarchist, nor is he a fan of big government. He had difficulty evicting a tenant from a small mobile home court he owns in the Prathersville area who would not pay their rent and who called the Department of Planning and Building Inspection to complain about anything they could think of concerning the mobile home

court. By the time the Department came to investigate, the person had long since been evicted. That is an example of the kind of use which will be made of what is proposed in a charter. He has not met many of the people present, but suspects they have similar feelings about excessive government. He lives in the county because people in the city live toe to toe and nose to nose and need more regulations. Mr. Hoffman stated the ballot issue was sneaky in the sense that it did not say what it did when it was rejected before. One more layer of government costs more, but does not help. He does not want it.

Mr. Rybolt asked those present for this issue to stand. Eighteen people stood.

Bob Northup, 903 N. College, stated if Boone County becomes a charter government, unless it is changed within the charter, the county will not have the option of repealing planning and zoning. The planning and zoning ordinance contains a phrase which shows how abusive it is. That is that a non-agricultural building cannot be repaired without a permit. At this point, County government does not abuse that provision because a petition signed by five percent of the people voting in the last gubernatorial election can require the issue of repealing planning and zoning be placed on the ballot. If home rule is adopted, that will change.

Tom Hutchinson, 15500 N. Hopper Road, stated he operates a business 14 miles north of Columbia. More and more businesses are moving to Callaway County because they are tired of the layers of bureaucracy.

Erman Call, 12351 N. Silver Fork Hill Road, stated he has been concerned about this issue for some time. He operates a small business in northern Boone County. He does not have the problems that some do, but he can see the problems layers of bureaucracy cause. He worked for the City of Columbia for 27 years. He has spoken with people in the City about their frustration when they could not accomplish what they attempted to or could not obtain information. As one of the County Commissioners said, the City of Columbia can do whatever it wants to do, because the votes to pass the issue are there. That is true, but the Commission is thrusting something on rural voters that they do not want. That was mirrored in the vote which just took place and in the vote on the last charter which was written. Mr. Call stated he realizes the Commission represents people in the City of Columbia, but they also represent people in the County. The Commission needs to reconsider the matter.

SUBJECT: Discussion of Revised Subdivision Regulations

Commissioner Stamper stated the Commission expressed an intention to adopt the regulations today, but due to a delay in preparing the final document for review by the Commission, the vote will likely be scheduled for next Tuesday.

Director of Planning and Building Inspection Stan Shawver stated the Commission asked a subcommittee review two sections dealing with roads and streets and on-site sewage systems. The subcommittee met and revised section 2.1, Roads and Streets, under Appendix B. The subcommittee recommends a traffic analysis be performed under the supervision of the County Engineer for developments resulting in less than 100 living units. The developer would pay for the analysis. Developments of more than 100 living units would be subject to a traffic analysis prepared by a qualified registered engineer. The County Engineer can be considered in situations where he does not feel a traffic analysis would be necessary or in situations where a subdivision would result in a number of units barely exceeding the limit, such as 105 units. That was the only change to that section. The other section which reviewed deals with sewage disposal requirements on lots larger than 2.5 acres--at what point would a cost benefit analysis comparing the cost of on-site treatment with a collector system be required. The subcommittee felt that is an appropriate exercise and did not make any changes to the section.

Mr. Patton stated the provisions on track splits and lot line adjustments are new. Essentially, if you want to subdivide something which would otherwise qualify as an administrative survey or a minor plat, you can do so without complying with the regulations if you certify on the survey the land can not be developed. An exemption was created for lot line adjustments within platted subdivisions provided a new lot is not created and zoning regulations are not violated. In terms of the engineering committee report, his only question is whether the Commission wants to require a

traffic analysis on any type of plat. The Commission might want to consider waiving the requirement for minor plats or administrative surveys. The County Highway Engineer can waive the requirement on any proposed subdivision.

Commissioner Miller agreed with Mr. Patton's suggestion that the traffic analysis requirement be waived for minor plats and administrative surveys.

Commissioner Stamper stated what worries him is if someone develops a subdivision with the number of units just below the number which would trigger the traffic analysis requirement.

Mr. Patton stated there is a protection device whereby the Planning Director can require a traffic analysis if he sees a developer creating a series of minor plats adjacent to one another.

Commissioner Vogt stated the County Engineer can waive the requirement.

Mr. Patton stated is simply a question of whether it is a worthwhile use of his time.

The Commission agreed to include Appendix B in the document as it is written today. The Commission accepted both recommendations made by the engineering subcommittee.

SUBJECT: Public Comment, Continued

Winifred Colwill, RR 11 Countryshire, stated she is pleased the County Commission took up the issue of revising subdivision regulations. It is an important step in planning growth in the County.

An unknown individual stated he lives under the Columbia city charter. He owns a construction business. The individual described a near accident at Route PP and Highway 63 North this morning. The intersection is poorly designed. It was designed after a traffic analysis had been performed. Citizens have a right to choose their own destiny and do not need a stringent charter.

Bob Dietiker, 3100 W. Willis Road, stated each person here probably represents twenty to thirty others who would be here if they were not out earning a living.

Marvin Rhodes, 4251 E. New Haven Road, stated most of those present have always said they are from rural Boone County. We will not be able to say that if the Commission adopts the subdivision regulations. We will be confined to a City. Mr. Rhodes stated he will actually benefit from the revised regulations, but the Commission is taking the rural out of rural America.

Commissioner Stamper stated he feels Mr. Rybolt wants the Commission to take action. The County Commission does not have that option. Every registered voter in the County had an opportunity to vote on the issue. The process which follows is described by statute. He does not look at the City differently than another area of the County. He would remind those who say City of Columbia voters forced this issue on them that you forced a sales tax on them almost two years ago. Several comments were made about excessive government or growth. State statute does not allow taxes to be raised higher than the voters allow them to be. There are caps and limits. A provision could be included in the constitution which would be even more restrictive. The contents of the charter are unknown. The process for writing a constitution for the County is identical to that which resulted in the constitution of the United States of America. There will be an opportunity to approve or disapprove the constitution which is written.

Commissioner Vogt emphasized the constitution can be anything the people want. Everyone will have an opportunity to vote on the constitution. Their taxing authority will not change. As long as land is subdivided, the County will continue to grow. Commissioner Vogt encouraged those present to participate and stay informed.

Commissioner Miller concurred with the comments made by the Commission and added she would like to respond to comments about a comment she made to the Columbia Daily Tribune. On the morning after the vote, the reporter called to ask for her perceptions on the fact that the County voted against the issue and the City voted for it. She advised him voter turnout in the City was high because they had heavy issues on the ballot. Turnout in the County was light. She told

him one way you could look at it is there are enough votes in the City that it would not matter. Commissioner Miller stated she would like to remind people when the City protested the sales tax for road improvements and were against it, it would not have passed if County residents had not voted strongly. If a good constitution is written, she believes County voters will support it. If not, she believes citizens in the City will rally to defeat it. At this time the paper is blank and she hopes people will be open minded.

The meeting adjourned at 2:45 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner