

TERM OF COMMISSION: August Session of the August 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 Helen C. Sheehan

The regular meeting of the County Commission was called to order at 1:32 p.m.

SUBJECT: Open Bid 84-15AUG96, Locust Grove Church Road Improvement Project

Responses to the request for quotation were opened as follows:

| <u>Company</u> | <u>Location</u> | <u>Bid/No Bid</u> |
|------------------------------------|--------------------|-------------------|
| Emery Sapp & Sons, Inc. | Columbia, MO | Bid |
| Don Schnieders Excavating Co. | Jefferson City, MO | Bid |
| JC Industries, Inc. | Jefferson City, MO | Bid |
| Richardson & Bass Construction Co. | Columbia, MO | Bid |

SUBJECT: Release Surety Bond for Sewer Improvement, Valley Creek Subdivision Plat 7

Don Abell, Planner with the Department of Planning and Building Inspection, requested Godas Development, Inc. be released from the guaranty and collateral pledge and uniform subdivision improvement performance bond provided for installation of sanitary sewers in Valley Creek Subdivision Plat 7. It is also requested the commission authorize the Treasurer to release a certificate of deposit in the amount of \$10,046 which was deposited as a surety. The sewer system has been installed, inspected, mandrel tested and approved by inspectors for the Boone County Regional Sewer District.

Commissioner Miller moved that the County Commission of the County of Boone release the guaranty and collateral pledge and uniform subdivision improvement performance bond provided to the County for installation of sanitary sewers in Valley Creek Subdivision Plat 7. The County Treasurer is authorized to release the certificate of deposit in the amount of \$10,046.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 448-96.**

SUBJECT: Noise Level at Boone County Fairgrounds

Paul Urzi, 4005 Grace Ellen Drive, Columbia, stated a group of citizens is present today because of the noise level at the Boone County Fairgrounds. They live in a very quiet neighborhood. Since the fairgrounds moved to the area four years ago every concert can be heard by residents as if it were in their back yard. They are not against the Boone County Fair or any event held at the fairgrounds. However, they are perturbed by the noise level. The fairgrounds are located about 1.5 miles from his house. Last year, during the County Fair and the Balloon Festival it was unbearable to be outside every night of the events. He could not sit on the deck and carry on a conversation. The thumping of the music was audible inside the house. Mr. Urzi stated he called the County Commission, the fairgrounds and the Missouri Balloon Corporation. There was no response. In total frustration, he called Commissioner Stamper at home. He agreed to come over on a Monday night and listen. About twelve or thirteen neighbors were present for Commissioner Stamper's visit. Commissioner Stamper suggested they prepare a petition. Mr. Urzi stated on July 17, 1996, they submitted a petition signed by over 100 people. There was no response. During the 1996 County Fair, noise levels were mixed. On Monday, July 22nd the beat of the music, lyrics and announcements could be heard. He and many of his neighbors called George Harris and politely asked that the music be turned down. Mr. Harris said no. Mr. Urzi stated when he asked Mr. Harris what he should do, Mr. Harris told him to pull up a lawn chair and enjoy it. He replied that if he wanted to hear it he would pay to do so, but that he would prefer to sit quietly at home. Mr. Urzi stated Mr. Harris told him to go inside his house. Mr. Urzi stated he told Mr. Harris that he could hear the music in the house. Mr. Harris told him he should go on vacation, because he has permission from the County Commission to make as much noise as he wants. Not a sound

could be heard from the Tuesday night concert. The Thursday night concert began at an extremely loud level, but the sound was turned down to a lower level after an hour. Concerts can be given at a level where patrons can enjoy them, yet he and his neighbors do not have to listen to them.

Mr. Urzi stated about two weeks before the Balloon Festival, they received a call from Denise Garnier, who expressed concern with problems of the previous year. Ms. Garnier met with several neighbors. On the first night of the festival the noise was as loud as it has ever been. He could hear the sound in his bedroom, having penetrated three walls. He could hear the pounding of the bass with the television on. When he called Ms. Garnier the next morning to tell her what happened she indicated she would work on it. Not a sound could be heard from the concerts at 9:00 a.m., 1:00 p.m. and 3:00 p.m. He had to be at the fairgrounds that afternoon. The concert was plenty loud for patrons to enjoy. On Saturday and Sunday night, the noise level was again too loud. After they complained Ms. Garnier, a Deputy Sheriff, and someone else came to his house and took a noise level reading. He invited them into his back yard, onto the deck and into the house to hear how loud it was. They left without saying anything. On Monday night the concert was as loud as ever. In total frustration, he called and requested a time on the County Commission agenda. His neighborhood is being held hostage to events at the fairgrounds. Today is a work day so many people could not attend this meeting. Mr. Urzi read the petition. Mr. Urzi noted when Planning and Building Inspection Director Stan Shawver measured the noise level in his back yard last year it was 58 to 59 decibels.

Cyndi Olson, 3305 Shoemaker, Columbia, stated she resided at 2100 Lovejoy Lane last year. Ms. Olson stated during the Balloon Festival she could hear the noise in her house--

Commissioner Stamper asked this year or last year?

Ms. Olson replied last year. She could hear the noise in her front and back yard. One evening the sound shook the windows. She and her husband moved nine tenths of a mile farther from the fairgrounds. They can still hear the sound in the front and back yard. She asked that people holding functions at the fairgrounds be asked to contain the noise within the required limits.

Latif Terkman, 4008 Grace Ellen Drive, stated he considers the noise coming from the fairgrounds to be a problem. Sometimes it is unbearable. You have to shout over the noise. You must run your air conditioner to help alleviate the noise. The noise invades his family's privacy. His children are at a tender age. About 70 percent of college aged people have problems with their hearing due to their experience in life when they were younger. Mr. Terkman stated he tries to be peaceful and calm in his neighborhood. He likes the way the neighborhood is and would like it to stay that way. When the land on which the fairgrounds are located was used for an airport it never bothered him. He can take the litter the crowds leave and the traffic jams because he can do something about them, but he cannot stop the noise. He wishes the commission would do something about it.

Mary Brockman stated they hear a lot of noise. When you sit on the deck, it sounds like you are in a jungle with bongo drums. Sometimes you can hear the words they say. The noise drives you nuts. She likes to sit in her yard in peace and enjoy herself. The noise is annoying.

Connie Cornell, 3809 Grace Ellen Drive, Columbia, stated she and her husband support everything Mr. Urzi has said. He has expressed their feelings adequately.

Commissioner Stamper stated the noise level has not changed. It is not the level at which sound is played, but surrounding conditions which determine how far sound travels. One major condition is wind and wind direction. He believes the sound is more audible in the neighborhood in question when the wind is blowing from the north. Another condition is what is going on at the Fairground--how many people are present and whether there are objects present to absorb the sound. The Balloon Corporation assured him the sound has been kept pretty much at a constant level this year. The stage was repositioned to face the Correctional Facility instead of the neighborhood. The County Commission is in a difficult position.. The petition submitted to the commission was received at a late date given the significance of the concern by the neighborhood. It should have been delivered at the first of the year, not twenty days before the event starts. Legal questions have been raised that the County Commission is unable to answer. The commission being asked to not only to monitor the sound level, but to lower the limit placed on

the conditional use permit issued to the Fair Board. He does not know if that can be done. The question has been referred to John Patton, legal counsel for the commission, who has been gone. Once a permit is given, the county's responsibility is to ensure the permit holder complies with conditions placed on the permit. Commissioner Stamper stated he did not receive a single telephone call complaining about the noise until Tuesday.

Mr. Urzi stated he called.

Commissioner Stamper stated he has no record of contact by Mr. Urzi or anyone else in the neighborhood. Commissioner Stamper stated he has monitored the noise level every night. He has been on the fairgrounds, listening to the music, he even stopped at the top of the hill a couple of times. He believes the sound levels were much better this year than in the past. He does not know that the commission can require the Fair Board to hold such events in the Coliseum as the petition requests. The annual County Fair is exempt from the conditional use permit condition regulating noise levels at the fairgrounds.

Mr. Urzi asked why?

Commissioner Stamper replied that was part of the public process. To learn why, you would have to go back to the time the issue was debated and discussed. A county fair is a complete community project. He would be disappointed with someone saying they can do whatever they want. That would not be a polite or community spirited statement.

Mr. Urzi stated he would have to dispute the statement that the level has remained constant. He has worked in this business for 27 years. He has spoken with several musicians who have played at the fairgrounds who complained the music is played too loud.

Commissioner Stamper advised Mr. Urzi that the commission has received his statement for the record. He is trying to provide a factual response. They are not going to debate the issue. Commissioner Stamper stated if he covers his microphone with his hand, less sound will come out of the speakers. In the same way, the number of people on the fairgrounds, the number of parked vehicles and wind direction all affect sound transmission. This neighborhood does not have the problem that people building homes adjacent to the fairgrounds will have, in fact the additional homes will help absorb the sound. The dilemma is how to manage use of an economic enterprise zone such as the fairgrounds. The commission decided to establish a tolerable decibel level and attempt to manage it. The ambient decibel level of this neighborhood is 30 to 35 decibels, from cars passing and dogs barking. He is not a professional sound engineer, nor does the county have one on staff. A study may have to be done. Commissioner Stamper stated he is proud that a much better job has been done this year.

Mr. Urzi again disputed the consistency of the decibel levels.

Commissioner Stamper stated the commission is trying, but he does not think the commission can stop the noise from coming into their neighborhood regardless of the decibel level set.

Mr. Urzi stated the noise was eliminated for two days this year.

Commissioner Stamper again stated a lot of conditions are involved.

Mr. Urzi stated he does not feel this is acceptable.

Commissioner Stamper stated they have set what they think is a reasonable threshold and have tried to monitor it. The commission will review the petition submitted in detail. Even if the sound is under the limit, he is not sure that there will be no noise in the neighborhood.

Mr. Urzi stated he has to disagree. Their homes are a mile to a mile and a half away. There are hills and trees between the neighborhood and the fairgrounds.

Commissioner Stamper replied the elevation of the neighborhood is substantially greater.

In response to a question from the audience, Commissioner Stamper replied the conditional use permit issued for the fairgrounds requires that the sound level not exceed 50 decibels beyond 300 feet from the property.

The individual asked does the condition allow higher levels, such as when the wind is blowing from the north or when the crowd numbers less than 3,000?

Commissioner Stamper replied no.

Elizabeth Gold, 2213 Grace Ellen Drive, asked has the noise level been measured this year?

Commissioner Stamper replied no. The commission did not request it be monitored this year because no formal complaints had been made. He only received one anonymous telephone call regarding an event this year. The petition asks the commission to reconsider the overall policy.

Ms. Gold stated it is a matter of perception in the neighborhood concerning what is a problem and what is not. Clearly the decibel level within the specified range around the fairgrounds can be measured. All she could possibly ask is that the decibel level be monitored and enforced.

Commissioner Miller stated she has been an observer for both balloon events. She lives on Northridge which is also close to the fairgrounds. On Tuesday and Wednesday, the wind was from the south. The sound was carried in that direction. Balloons flying on those days went in that direction. On Monday, there were no winds in the morning. Wind has a lot to do with how sound travels.

A member of the audience asked Commissioner Miller if she knows for a fact that winds were blowing in that direction?

Commissioner Miller replied yes. She goes with the pilot and they take wind readings.

A member of the audience asked Commissioner Miller if she chased balloons Monday night and if so, were the balloons all over the City of Columbia?

Commissioner Miller replied yes.

The individual replied the noise was very loud Monday night.

Commissioner Stamper again stated there are lots of factors involved. If the sound level is held to 50 decibels it could still be very loud in the neighborhood.

A member of the audience stated enforcing the current regulation would be a start.

Commissioner Miller stated the commission approved installation of soccer and ball fields at the County Farm. No noise levels were placed on that request. She is concerned the neighbors will consider that a problem.

Mr. Urzi stated all they are asking for is a peaceful and quiet neighborhood.

In response to questions from the audience, Commissioner Stamper replied the commission will monitor the decibel level. They will probably have to acquire professional services. The results will be made part of the public record. They will also provide an official response to the petition submitted following review by legal counsel.

SUBJECT: Human Resources Department Budget Revision: Advertising

Human Resources Director Mark Stone stated last year he requested additional funds for advertising. A total of \$6,600 was spent in 1995. They budgeted \$6,000 for 1996. He compared advertising in 1995 and 1996. This year more managerial and professional positions have been advertised. Such positions are advertised beyond Columbia and Jefferson City. They have also placed advertisements in minority publications. Advertising costs have also risen. He believes they will need \$3,000 to complete the year.

Commissioner Miller moved that the County Commission of the County of Boone authorize the following budget revision:

| <u>Department</u> | <u>Account</u> | <u>Account Title</u> | <u>Transfer From</u> | <u>Transfer To</u> |
|-------------------|----------------|----------------------|----------------------|--------------------|
| 1123 | 86800 | Emergency Fund | \$3,000 | |
| 1115 | 84300 | Advertising | | \$3,000 |

Explanation: To cover advertising cost for remainder of year.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 449-96.**

SUBJECT: Report on US Army Corps of Engineers Public Notice

Commissioner Stamper reported on a notice from US Army Corps of Engineers regarding a request for a commercial dredging operations on the Missouri River. The notice will be posted.

SUBJECT: Reports from Commissioners

Commissioner Miller reported the US Hot Air Balloon Nationals have been going very well. Based on her observations, people who allowed launches and landings on their property were more than happy to have pilots and their crews there. This morning a pilot landed about a mile off the road at the McBee farm due to loss of fuel. Because of winds, the pilot was in the air for an hour and a half before reaching her first target. The third task was canceled completely. There are cattle on the McBee farm. They never left the trees. All the pastures were electrically fenced. Mrs. McBee asked a neighbor to take the pilot from the farm on the cow path, opening every gate, so the pilot could retrieve the balloon. At one point there was no gate. They pulled up the fence and laid it down and had the pilot drive over it in order to load the balloon. People have been wonderful. Sometimes there are negative comments about farmers being unhappy with the event. Commissioner Miller stated some people would be unhappy regardless of what happened. For the most part pilots are congenial and are very conscious of livestock. They go out of their way to avoid disturbances.

Commissioner Stamper stated there are a handful of people who are vehemently opposed to the event, but there have been very few incidents or problems. The pilots and visitors are being very careful. Landowners are taking additional steps to care for their livestock.

Commissioner Stamper reported the Circuit Court Administrator expressed concern with security of records at the North Facility. Precautions taken by the Facilities Maintenance Department have been reviewed. Additional barriers and security have been placed in the building.

The meeting adjourned at 2:23 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

ABSENT

Linda Vogt
District II Commissioner