

TERM OF COMMISSION: May Session of the May 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 Ashley Williams

The regular meeting of the County Commission was called to order at 6:30 p.m.

SUBJECT: 1 - 5 Year Plan for Boone County Roads

Public Works Director Frank Abart briefed the audience on the 1 - 5 Year Plan for Boone County roads. He explained that the recommendations for road improvements were a preliminary draft and was subject to change. He said the plan was designed to be flexible with regard to public input. Mr. Abart explained the different levels of improvement and said that work done on Highpoint lane was not originally part of the Proposition 2 plan, but due to a petition and requests from residents of the road, the surface was chip/sealed. He said that was public input, and he paid attention to it.

Commissioner Stamper convened a public hearing.

Jerry Carrington, 729 Merrick, said that during the meeting at Ashland he had made two comments. He said that citizens had wanted input on the blacktop from Easley to Wilton and wanted input for the interchange on Highway 63 south. He said that he thought that the proposal was a good start, but felt that both Proposition 1 and 2 were unsatisfactory. Mr. Carrington cited his concerns:

1. The priority of maintenance on existing roads;
2. The flexibility of Proposition 1 and 2;
3. Public safety and the design of roads;
4. The lack of professional standards.

He said the plan is too flexible and that level one and two improvements are not on any time schedule. He said he thought it would take 5 to 7 years to get something off the drawing board and if a project takes 5 years then County staff would be on hold. Level three and four, he said, are almost regular maintenance projects and basically are what this meeting is about. He asked the Commission why, when using tax dollars on roads, wouldn't they change alignments and buy rights-of-way to purchase and protect public investment.

Instead of the Fifty in Five from Proposition 1, he said, with a yearly level of level three improvements, the County would improve 11 miles for \$1.5 million. There's no hurry to get these roads built, if they can't be built right, he said. Mr. Carrington said that the public could be injured, even killed because the lip of the asphalt by the ditch. He suggested the roads be built to a typical section.

Mr. Carrington then cited the lack of professional standards. He said the measure of success of the Commissioners and the Public Works department is setting a goal, completing it on time and to County specifications and with the allocated money. Another way to measure success, he said, is to see how many change orders have been completed at the end of a project. Obermiller Road, he said, had eight change orders, one for over \$60,000. He said they needed to look at how many property owners had property taken through condemnation.

Mr. Carrington said that people in subdivisions, taxpayers, people close to the city and out in the county want their roads maintained and said that this should be their main concern, not building new roads. People in El Chaparral, he said, have paid their taxes, but their home values don't show that.

He suggested that they change the definition of Level two and level three to include a typical section to reflect the taxpayer dollars. He said they are using five to six inches of asphalt, have no

typical sections and no rights-of-way. He said they were not solving problems, just creating them. He said they needed to purchase new right-of-way and to have those permanent rights-of-way surveyed.

Last but not least, he said, he wanted them to look at Obermiller Road. He said it was completed on a level for \$1.37 million for 1.67 miles of road. That road, he said, winds down to the flood plain at the city limits and two weeks ago there was nine inches of water over the road. Mr. Carrington said the County was building roads that were coming into the city limits and said they should get further into the hinterlands. He said they should pave the furthest roads out and then come back to the city limits.

Commissioner Stamper asked Mr. Carrington to define a typical section.

Mr. Carrington said that it was a design of the road, the ditches, slopes and purchase of rights-of-way. If the County doesn't cut the ditches and just paves in place, some roads could be 20 feet or less. He said if the roads weren't changed now, it would just cost the County money later.

David Horner, 1904 Tremont Court, said he disagreed with the speaker. He said he travels New Haven road at least once a day and thought it was a real winner. He said he didn't think they needed a highway to handle the traffic. His only suggestion was that the County stripe the road. He asked if there was a possibility to extend the chip/seal from New Haven South to Obermiller Road.

Betty Melvin, 3301 Wilcox Road, asked for an explanation of the Obermiller/Blackfoot road. She said she didn't understand why the end of the road goes under water every time it floods. She said she didn't see what paving it had done other than cut down on the dust.

She asked why they didn't channel some of the money into improving all the County roads that are gravel right now. She said her road in particular. She said there were no ditches to the north and they were in a flood plain. When it floods, she said, the water runs down the road and goes into the creek. There have been a couple of accidents on the road and the police didn't ticket anyone because they said the road wasn't wide enough for two cars to pass side-by-side.

Commissioner Stamper said that Obermiller/Blackfoot was one of the four roads promised under Proposition 1. He said it was part of the major thoroughfare plan and had been designated as an arterial level street with an improved portion across Creasy Springs road to hook into Highway 763. Twenty years down the road, he said, it will become a connector to the west. He said the Commission had learned flexibility in Proposition 1. Instead of naming level one or two projects, he said, they would evaluate the projects at the time they were to be done in order to get away from fixed projects in order to address the greatest priorities.

Steve Turner, 5665 Creasy Springs road, said that Obermiller is a nice road, but you can't drive through it when it rains. Fenton Road, he said, isn't even wide enough for two cars to meet.

Commissioner Stamper said it was their hope that the city would request for joint funding on that portion as it connects, or that it would be addressed in the city's capital plan.

Commissioner Miller said the County had worked with the city, and while they recognized their need, they didn't have the funding set aside.

Mr. Turner said that was kind of hard to understand when the projects were funded by tax dollars.

Mr. Abart asked Mr. Turner if it was his desire than rather do what's proposed, rather to pump money into the general maintenance of existing roads.

Mr. Turner said the County ought to at least get the road to where two cars can meet on it.

Commissioner Stamper said they anticipated working on Creasy Springs road next year. He said that right-of-way acquisition had been difficult and the road would require substantial improvements in some places.

Commissioner Miller explained that the County had just recently committed money from Proposition 1, earmarked the funds for the Creasy Springs road project.

Walter Minner, 4609 O'Neil Road, said he travels into down on Wilcox road to Route E or he takes Obermiller/Blackfoot. He said the water over Obermiller is a problem. He said he had talked to the city about what they were going to do, but hadn't gotten a good answer. He asked if they could put in ditches or culverts and to make the rest of the road level with the bridge. He also said he would like to see some guardrails around the creek on Wilcox.

Theodore Jensen, 5555 Howard Orchard Road, said they hoped to see their road paved, even though it's not on the schedule. He said that would probably be asking for more than they could ever expect, but hoped they could seek a little bit of maintenance. The County, he said, has done a pretty good job spreading gravel, but what needs to be done more frequently is grading and blading, although that request didn't lessen their desire to see the road paved.

Larry Burree, 2607 Alamos, asked about paving the streets in El Chaparral and said that people in the country have better roads than they do. He asked if they could have a County truck plow the roads instead of the contractors hired by the County. He said they go through the subdivision too fast and their blades are so light that they bounce up and down.

Commissioner Miller said this was the first complaint she had ever heard about the contractors.

Mr. Burree said the roads were slicker now than they had ever been.

Mr. Abart clarified that Mr. Burree was requesting more emphasis on existing roads, particularly subdivision roads. He said that the County has big plans for El Chaparral and explained that they were working with a consulting engineer to address the whole of the problems in El Chaparral.

Bruce Florea, 4316 South Coats Lane, echoed his concerns from his neighbor across the creek. He said he hoped when the road grader comes down that road, he asks him to come down Coats Lane. Those who are doomed to live on gravel roads, he said, have suffered and resources have been taken from the maintenance budget for new construction. The last time Vawter School Road was improved, he said, they didn't see a road grader all summer long. He said that after a reasonably good rain the water washes a sharp ditch where you almost have to come to a complete stop in order to cross that ditch. He said it was just roughly a mile after Gillespie Bridge Road.

Commissioner Stamper said the County hoped to replace Coats Bridge in 2001.

Mr. Florea said he hoped he would live long enough to see that.

Ms. Melvin said that she felt the County does a good job and appreciates the snow removal and gravel and said that maybe the County should get a group together to look at all the roads.

Commissioner Stamper said they hear from a lot of people about the roads.

Ms. Melvin said she didn't want the Commission to think they wanted only their roads taken care at the expense of everyone else.

Commissioner Stamper closed the public hearing.

Commissioner Vogt pointed out the members of the Road Policy Advisory Committee in attendance this evening. She said that was the group that looks at any variances for roadways into subdivisions and develop policies for the County to follow.

Commissioner Miller clarified Mr. Carrington's statement that the County's shouldn't build more roads before taking care of the ones already in existence. She said the County has only built an extension of Roger I. Wilson Drive to benefit the Sheriff's department and the armory. She said the County just takes care of the roads that are already there.

Mr. Carrington said that level two was called a new road.

Mr. Abart explained that they were simply working on roads that the County already maintains.

Commissioner Stamper thanked everyone for coming out and gave the history of Proposition 1 and 2 and closed the public hearing.

SUBJECT: Boone County Animal Ordinance

Commissioner Miller gave the history of the proposed changes to the animal ordinance.

Commissioner Stamper explained that the proposed changes were a draft and that this evening they would be taking comments on that draft.

Jerry Worley, supervisor for animal control, said they had added additional language to describe a vicious dog. The changes, he said, were made so that a dog does not have to injure someone before it can be labeled as a vicious dog. He then explained the process: that an animal control officer would investigate the dog, an appeal of that decision could then be made to the director of health and an additional appeal would go to the Circuit Court.

Commissioner Stamper convened a public hearing.

Gene Basinger, 19335 Hartsburg, asked how the Commission had determined there was a problem with vicious dogs. He asked about the statistics: problems in subdivisions, rural areas, and asked what is happening in the city. How many problems do we really have? He said he is a land surveyor and spends a lot of time in the rural areas of Boone County where he meets dogs every day. Five of the six dogs that he met yesterday, he said, would be considered vicious dogs under this ordinance. Mr. Basinger said he read nothing in the proposed regulation that tells about a person's recourse.

Commissioner Miller said this was not the whole ordinance, just the proposed changes.

Mr. Basinger said then he should have been provided with the whole ordinance. He showed the information he had gotten and said he hadn't even been told there was to be a road hearing this evening. He asked who would make the determination and what would be a person's recourse if their dog was declared vicious. He said he thought they were going way overboard, unless he could be shown a tremendous problem with dogs. Mr. Basinger said that he had hunting dogs and asked if his dogs would be declared vicious if they got into a fight amongst themselves.

Commissioner Stamper asked who, in that scenario, would file the complaint.

Mr. Basinger said that do-gooders might see his dog and another in a fight, or that maybe a neighbor does and he claims the dog to be vicious. Under this proposal, he said, all dogs owned by law enforcement agencies will be considered vicious. These regulations, he said, are extremely short-sighted, unneeded and that there isn't a problem in Boone County. The city, he said, doesn't have any regulations that comes close to this and they have a tremendous amount more dogs to deal with.

Mr. Worley said the proposed change is the identical language used by the city of Columbia for their animal ordinance.

Mr. Basinger said the proposed changes were unreasonable and short-sighted. He said that planting a computer chip in a dog or having a liability policy will not keep a dog from being vicious.

Commissioner Stamper said that the City/County Health Department could provide the statistics of how many dogs were investigated as being vicious versus how many were declared vicious. He said this ordinance was not based on the judgment of a forty year old man, but the lack of judgment of a six-year-old kid living next door to an irresponsible dog owner. He said the changes came forward because of a complaint from the neighbor of a man who owns two Rottweillers and a German Shepherd right next door to the neighbor's day care center. He said the changes did not add a level of bureaucracy, but rather fine tuned the ordinance by determining recourse.

Commissioner Stamper said there was no problem with two hunters and their dogs, but that the ordinance addressed subdivisions and communities where a person sometimes doesn't take care of their dog.

Commissioner Stamper said that the dogs next door to the day care center were reported on four occasions to animal control and had crossed the fence into their yard.

Commissioner Miller said the dog did bite the woman who owns the day care center.

Mr. Basinger said he understood that there are bad dogs out there, but that this ordinance goes too far. He also said he understood that subdivisions have different problems than the country

Chuck Wilson, 2735 West Milcreek Court, praised the Commissioners for this process of good government. He said it was too bad they couldn't pass a stupid owner ordinance. He said he is in the insurance business and has spent 26 years in law enforcement and has trained German shepherds since 1969. He said that last summer he went to his office on Worley St., across from Columbia Square Apartments and a gentleman stepped out of the bushes, hands in his pockets, with a sweatshirt pulled tight around his face. He said the man didn't see his German shepherd and within a minute the dog was on guard. Mr. Wilson said the individual immediately put his hands up, said he had no problem and turned around and walked away. A gun, he said, can't run around the house and bark. A dog, he said, will warn you. He asked if a person would rather be bitten by a dog or shot. Mr. Wilson said if this ordinance were a piece of human legislation it would be unconstitutional and suggested that rather than reinventing the wheel, to look at ordinances in areas where dog bites have been reduced. He said they should use those laws and exemptions to put this thing in perspective and based on what dogs were put in this world to do.

Mireya Del Castillo, 801 Independence, said she owns three dogs she is afraid will now be considered vicious. She said they bark and defend her yard. Ms. Del Castillo said she didn't know why they had created this revision of the law when the previous law worked fine. She said she was concerned with the language of the ordinance, especially section 1.3 that describes a "terrorizing" manner. She said she is terrorized by mice and frogs, but is not terrorized by dogs and said this ordinance leaves the door open for anyone to say they are terrorized by a dog.

Commissioner Stamper told Ms. Del Castillo that she lives in the city and that the proposed wording is the same language used in the city's animal ordinance. He explained that this ordinance is proposed for areas outside the Columbia city limits.

A resident of 1516 Daniel Boone Boulevard, said there are dogs who bite without displaying any of the vicious dog bites and said that his son was bitten in the face by a boxer. The dog was quiet and when the boy tried to pet him, the dog bit him, so the characteristics of a vicious dog, he said, were moot. He also said that he has a dog that displays a lot of the traits defined in the ordinance as vicious, but only in his own yard. When he leaves the yard, he said, the dog is afraid of everybody. It takes 20-40 minutes, he said, for a deputy to reach his house, but the dog is always there.

Barbara Wren, 615 Bluff Dale Drive, said she did not realize this ordinance was already in effect in the city. She said she lives on an acre lot inside the city limits and has people fishing in the backyard without her permission. She said she keeps her two dogs kenneled during the day and in the house at night and they bark at the people trespassing through her yard and under this ordinance could be declared vicious. She said that as a health care worker, she is concerned that someone may be bitten by their own dog and be afraid to be treated for fear the dog will be labeled as vicious.

Commissioner Miller clarified that the investigations of dogs are complaint driven.

Ms. Wren said she would like to see things defined a little bit better.

Commissioner Stamper said that the requirement to report a dog bite is not part of the animal ordinance, but is part of the health code.

Ms. Wren said that the dog would then be declared vicious.

Mr. Worley said, no, that animal control would just check to see that the dog had been vaccinated against rabies.

Ms. Wren asked how a kennel for a vicious dog would be built.

Mr. Worley said that it should extend into the ground so the dog can't dig its way out and needs to be of a sturdy construction. The only proposed change, he said, is the kennel must be ten feet from the property line.

Ms. Wren said she also had a problem with the 12" leash requirement. She said she always walks her dog on a long leash and then draws it up temporarily when someone walks by. Ms. Wren said she's never had any problems.

Commissioner Stamper said that there is no requirement for a dog to be on a leash in the County unless it has been declared vicious.

A Boone County resident said that she couldn't affect the city's ordinance, but hoped she could the county's. She said her main concern is the subjective description of a vicious dog. She challenged the Commission to be very specific in their intent.

Anne Gafke, 325 Dripping Springs Road, owner of a dog obedience training school, said that several members of her building and her students agree that Boone County needs something that will reduce the number of dog bites and that the ordinance would deal with a truly dangerous dog, but should not include dogs that are not dangerous. She said that most people fail to consider the amount of time they need to spend with their dogs and perhaps keeping them fenced or leashed by a competent person would prevent most dog bites. She also suggested that rather than one person determining a dog's character to form an ad hoc committee to draft model legislation concerning dogs.

Mary Ellen Chilton, 3818 Oakland Gravel Road, said she wasn't aware this ordinance was already in effect in the city. She said she called three different insurance agents and all of them said they would not insure a dog declared vicious. If that's already a part of the policy, she said, no owner would be able to comply. Reality, she said, and the recommendations do not match.

Commissioner Stamper said they were aware of that, and that once a dog is declared vicious, the owner has a whole new set of challenges.

Commissioner Miller said it was possible to get the insurance, it was just costly.

Ms. Chilton said she called several different agencies and it would be impossible.

Mr. Wilson said it would be impossible.

Ms. Chilton said the fate of the dog would be sealed.

Johnene Baxter, 10151 Hague Road, said she has lived in Boone County for some time and enjoyed the companionship of a dog her whole life. She said she trains Rottweillers for obedience titles, drill team exhibitions and competed in a national championship last winter. She said her concerns were based on her dog's general appearance, and that people could perceive him as being vicious. Ms. Baxter said she supported an ordinance that protects dogs and responsible dog owners and is directed towards irresponsible dog owners involved in cruel or illegal activities. She said she would like to see the ordinance improved to accomplish those goals.

John Roche, 3120 Big Timber Drive, said they acquired their large dogs for protection and in order to instill a reasonable fear in people who come to their house and who don't belong there.

Commissioner Stamper said that in the case of Lady, a dog in the County that was declared vicious by the department and where the owner was noncooperative, the department felt the ordinance didn't give the County the grounds to deal with an owner. He said if you had a neighbor with a 100 pound dog that they were not taking care of that was on your property

threatening your livestock or your children, wouldn't you want an ordinance with some teeth in order to deal with the owner of the dog.

Mr. Roche said he would personally deal with it without bringing the legal authorities in.

Commissioner Stamper said that can't be done in Gregory Heights. He said that fire arms are not the best solution.

Mr. Roche said he thought it would be possible to reach some type of an agreement with a dog owner.

Commissioner Stamper said in some cases, maybe, but that the ordinance is written for the cases when you can't.

Mr. Roche said he was concerned with section 1.4.4 that added the muzzle requirement. What good is a dog running with his wife, he asked, if the dog has a muzzle on it.

Commissioner Vogt said it would only need a muzzle if it's been declared vicious.

Kate Flemington, 5703 Creasy Springs Road, said she had a tremendous problem with the wording and that some people are more fearful of dogs than others. She said the ordinance also didn't take into account territorial responses and that many owners unwittingly encourage that behavior.

Commissioner Stamper said that the testimony was becoming repetitious and asked for the discussion of new issues.

A resident from 200 East Broadway, Ashland, asked if every complaint would be investigated and what was the process between the investigation and the issuance of a summons.

Mr. Worley said that an animal control officer would go to the scene, evaluate the animal, talk to adjacent neighbors and do their best to size up the situation. Only after that, he said, could a summons be issued. If the dog owner disagrees with the findings of the investigation, they could appeal to the director of health and a public hearing would be held. If at the end of that ruling, he said, the owner could take their appeal to the circuit court.

She asked if the animal control officers have training to determine if a dog is vicious.

Mr. Worley said he didn't know if schooling was available, but said they have years of working forty hour weeks. He said they were well-trained and qualified and have excellent judgment. He said he didn't think that of all of the situations discussed this evening, that would have had a dog declared vicious.

Commissioner Vogt asked out of how many investigated complaints were dogs ruled vicious.

Mr. Worley said, as a guess, out of 131 bites, only five or so dogs were declared vicious. A lot of the dogs bites, he said, were when a dog bit his owner and they just checked to see that the dog was vaccinated against rabies.

Betty Melvin, 3301 Wilcox Road, said that she understood the Commission's intent is to protect and not to take away pets. But, she said, while the intent is good the law is a little vague. What is intended to happen and how it might be interpreted down the road, she said, could be different.

Clark Minipacker, Fenwick Kennel, 1105 W. Gleason, said that inadvertently and unknowingly she had been in possession of six dogs that had been deemed vicious by a circuit court. She said she had boarded them from five days to two weeks. Four of those dogs, she said, were destroyed. Not once, she said, did any of the dogs show viciousness towards another dog or person. They were out of their territorial area, she said, and suggested that instead of an animal control officer determining viciousness, that the determination be made by a panel.

Andrea Meinhart, 2506 Hollyhock Drive, said she just purchased a home in the county. She said that her concern with the changes was that the range of normal canine behavior is absent from the proposal. She said there was no provision for a dog's rehabilitation and removal of the vicious label and no attention given to the evaluation of the animal. She cited ordinances in other states. Even the American Kennel Club, she said, offers a three strikes you're out policy. Ms. Meinhart said she looked into the city's curriculum, through the University of Missouri, for their animal control officers and found that of the 15 curriculum components, only one is animal behavior.

Jamie Sieveking, 1304 Main Street, Boonville, said that a dog should not be labeled vicious until actually vicious and that the dogs should be presumed innocent until proven guilty.

Commissioner Stamper closed the public hearing.

SUBJECT: Domestic Utilities Tax

Commissioner Stamper gave a brief history behind the domestic utilities tax and convened a public hearing. No one testified and the hearing was closed.

The meeting adjourned at 9:14 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