

TERM OF COMMISSION: May Session of the May Adjourned Term

PLACE OF MEETING: Hallsville Community Center

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: Boone County 1-5 Year Road Plan

Public Works Director Frank Abart briefed the audience on the 1- 5 Year Road Plan and described Levels One through Seven.

Commissioner Stamper convened a public hearing.

David Carter, 6801 East Mount Zion Church Road, asked what was being done to Mount Zion Church Road other than tearing it up.

Mr. Abart said there was no way to create road improvements without causing some inconvenience. He said the improvements were pretty major.

Mr. Carter said it had been patched three times and got worse every time.

Barb Corwin, 7760 Mount Zion Church Road, asked what level of improvements were being done to the road.

Mr. Abart said Level two.

Ms. Corwin said there had not been much improvement to the grade and that it was being paved with the existing ditches. She said that the subgrade has not been prepared and asked if there was an engineering plan for the project because there seemed to be no rhyme or reason to the work. She said there was no coordination between the County and the phone or cable companies.

Mr. Abart said that often times the weather dictates where they work. The utilities, he said, were not correctly marked by the utility companies and he said he didn't know how to avoid those types of problems.

Robert Wise, Mount Zion Church Road, asked who decided if a road should be chip/sealed. He also asked about the intersection of Mount Zion and Heck Road. He said it was going to become dangerous now that traffic speeds have picked up.

Mr. Abart said that the intersection will become a four-way stop and has been designed as a safety project in the next five years.

Mr. Wise said he had requested in the past that clay from his bank be used to help people see over the hill.

Commissioner Stamper said he thought that Mount Zion Church Road had averaged 700 to 850 cars in the traffic count and they had decided to use the chip/seal in an effort to gain control of the surface so it could eventually be overlaid. He said this road has a lot of drainage problems and the issue of culvert replacement is often a judgment call made by the staff.

Mr. Abart said there were soft spots that needed to be looked at.

Commissioner Miller said that chip/seal on a road is also a dust control policy.

Bob Bedsworth, 10281 Highway OO, said that according to the schedule of road improvements, Academy Road does not touch Highway U. He said he hoped that type of oversight was not

indicative of how little the department knew about roads in Boone County. He said he was also concerned with the way that adjacent landowners were treated. St. Charles Road is being widened and the County is taking property from the north side where houses have been there for years, and leaving the south side untouched where there's only a fire station.

Mr. Bedsworth also said that the Mount Zion Church is historic and hoped that no fence or trees would be removed from the south side.

He asked about the 1/2 cent sales tax that improves roads based on traffic counts. He asked if traffic counts were an accurate way to select a road and suggested that connector roads should also be looked at, although they would not receive the best indications by traffic count. Mr. Bedsworth also questioned the utility policy and urged the Commission to adopt a policy that would help determine where lines are placed. He said he wanted to know why this winter the County hired trucks to haul gravel instead of using County trucks year round. Mr. Bedsworth said that when the voters approved the 1/2 cent sales tax they expected that money to go on roads. \$1 million, he said, built the overpass at the fairgrounds and another \$100,000-\$200,000 went to the MKT trail.

Commissioner Stamper clarified that the \$200,000 spent on the trail came from the General Revenue. He said the County hired private contractors to haul gravel when they discovered a discrepancy in road maintenance between the southern and northern portions of the County in order to catch up. It was more efficient, he said, than hiring staff and purchasing equipment. Traffic counts, he explained, are a first indicator that the County can't keep up with maintenance on a road, the second indicator, he said, are the road's status as a connector road.

Mr. Abart said the County has tried to implement utility policies, but found the County has no legal authority to do so. They can, he said, dictate the necessity of a permit. Mr. Abart also said that he has worked with a group involved with the Mount Zion Church and the County will not impact their situation.

Duane Quick, 7909 Mount Zion Church Road, said he is the father of two driving-age teens and said that safety was his main concern. He said the junction at Hecht and Mount Zion Church Road is dangerous and the traffic either needs to be slowed or visibility needs to be increased. He asked if there was an exemption for the legal weight limit on County trucks and said he had serious concerns about the subgrade.

Doug Hubble, 8400 E. Schooler Road, said he travels Mount Zion Church Road every day and suggested the County stop all work and return the road to gravel. He said he was concerned with his road and the way the road grader keeps it. He said that Schooler Road had 12 houses on it and had the traffic counts to warrant paving it. Mr. Hubble said he had voted twice on the road tax and still haven't gotten what has been promised.

Mr. Abart said he would look at the situation.

Johnene Baxter, 1051 Hague Road, asked about the Spiva Road safety project.

Mr. Abart said that the road was being straightened to run directly over the railroad tracks at North Brown Station Road. He said the project should be completed in sixty to ninety working days.

Angie Hubble, 8400 East Schooler Road, said that as the city grows and spreads and as land is annexed, many of the new roads built by the County are becoming part of the city. She suggested investing the limited amount of funds out in the County.

Commissioner Vogt said there are nine cities in the County who all pay this tax and that the Commission tries to address road issues for all people.

Mr. Carter asked if the County would reseed areas where ditches were cut. He said that when he signed his right-of-way to the County, the plan was to cut back and now the road as being paved in place. For the right-of-way he signed over, Mr. Carter asked what he would get now in return.

Mr. Abart said Mr. Carter could get his right-of-way back.

Mr. Carter said he'd call first thing in the morning.

Commissioner Stamper closed the public hearing.

Commissioner Stamper said he hoped that the public would evaluate the road projects on the finished product as well as the interim process and he apologized for the transitional inconveniences.

SUBJECT: Boone County Animal Ordinance

Commissioner Stamper convened a public hearing.

Commissioner Miller said that there were proposed changes to the ordinance and that based on past testimony, the definitions seemed to be the biggest concern.

Jerry Worley, city/county health department, outlined the changes and the process for an investigation and appeal.

Jeannie Harrison, 1000 Hague Road, said her main problem was with the definition of a vicious dog. She said she has two Australian Shepherds that run loose and under this definition could be considered vicious, but she wants them on her property.

A resident of 578 North Grace Lane, said that he has two Labradors that could be classified as vicious because he's been bitten by his own dog. He said he couldn't label the dog vicious, but some people are afraid of a mouse if it squeals.

Helen Jameson, 1300 Trobridge Road, said the road project shows how the County is increasing in population and that social laws become more necessary. She said she could not support the proposed changes because they were open to subjectivity. Ms. Jameson said there are truly vicious dogs, but not many and suggested that any legislation have the potential for an intermediary position and would give the opportunity for a negligent owner not have the label permanently attached to their dog. She urged the Commission to pursue proactive and positive legislation.

Louis Tritschler, 2300 Lost Woods Lane, a veterinarian, said that most dogs are not mean and that too much is being put on the dog and not enough responsibility is being put on the owner. He said that \$100,000 of insurance won't solve any problems. He said he has had dogs all his life who were watchdogs but don't bite. Dr. Tritschler said there were too many ifs, ands or buts in the law and that the ordinance needed to be tightened up.

Herman Cole, said he had a problem with the definitions of a vicious dog. He said his dog is a good dog, but that he would raise Cain when someone pulls up in the driveway. Dogs, he said, are territorial by nature. He said that the ordinance says little about domesticated animals. He asked why the animal control officer needed to supervise the implanting of a microchip in a dog that's been declared vicious.

Commissioner Stamper said it was to ensure the chip is implanted.

Mr. Worley said that each chip has a code and it was to ensure that the correct code is on record.

Marcia Gafke, 325 East Dripping Springs Road, said that her dog already has a microchip implanted and asked if declared vicious, would she need another microchip.

Mr. Worley said, no, they would just need the code on the chip.

Ms. Jameson commented on maintaining consistency in the policies of the city and county and suggested that just because the city uses this particular language, doesn't mean that the county should, too.

Commissioner Stamper closed the public hearing.

Commissioner Stamper clarified that the people here testifying are not the problem. Nor, he said, is there a problem in the rural area, but there is in a place like Gregory Heights. He said they had heard a lot of testimony and arguments on the vagueness of the draft.

SUBJECT: Domestic Utility Tax

Commissioner Stamper gave a brief history of the utility tax and opened the public hearing.

Mr. Cole asked what utilities are covered by the tax.

Commissioner Stamper replied they were water, sewer, electricity, gas and phone.

Mr. Cole asked what the average additional tax might be per family.

Commissioner Vogt said on a \$20 water bill the tax would be .10 cents and on a \$50 utility bill it would be .25 cents.

Mr. Bedsworth said the tax was no small amount. He said that heating bills and phones are getting to be expensive.

Commissioner Miller explained that it was a mistake that the tax wasn't collected with everything else when the 1/2 cent sales tax was first passed. She clarified that the utilities were covered in the ballot language that voters approved.

Mr. Bedsworth said this issue should be submitted to the voters.

Ms. Jameson asked what would happen if the tax was not collected.

Commissioner Stamper explained that the County would have to cut back the current budget by \$300,000 to \$400,000.

Commissioner Miller said the loss over ten years would be \$4.6 million.

Commissioner Stamper closed the public hearing.

The meeting adjourned at 8:10 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