

TERM OF COMMISSION: May Session of the May Adjourned Term

PLACE OF MEETING: Ashland City Hall

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Ashley Williams

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

SUBJECT: 1-5 Year Plan for Boone County Roads

Commissioner Miller opened the public hearing, explaining that Commissioner Stamper would be in late.

Public Works Director Frank Abart presented the 1-5 Year Plan for Boone County Roads. He explained that funding for the plan would come from money generated from the passing of Proposition 2. He said that the plan was not cast in concrete and that for the first time since he had been director for Public Works, they wanted to ask for public input regarding future road plans. He said there was no right or wrong and that they were interested in public input since the plan was paid for with tax dollars. Mr. Abart said that the County had never had the opportunity or the funding to create a ten year plan and they wanted the public hearings to see what direction the people of Boone County wanted to go.

Commissioner Vogt clarified that Mr. Abart was not the public works director for the first five year plan and that while they did not have public hearings at that time, there was public input. She said they formed the road policy advisory committee to look at all of the roads in Boone County. Tonight, she said, if there were issues with roads not on the plan, then they needed to hear about them.

Mr. Abart said the first year would be the most important. He said the proposed draft included two bridge replacements, one on Red Rock Road, the other on Hatton Chapel. Focusing on roads near Ashland, he said that Martin Road and Crump Lane would form a connector route to Highway 63.

Marvin Purcell, 4880 Clellie Harmon Road, asked why Crump Lane was included in the plan and not Clellie Harmon, when it had more houses on it.

Mr. Abart said that Harmon Road had been requested.

Mr. Purcell said he had requested it.

Mr. Abart said the two other roads on the plan at this time are Sinclair Road, which comes south and connects to route K and Highpoint Lane from Hillcreek to Route K.

Commissioner Miller asked Mr. Abart to explain the different levels of improvement.

Mr. Abart explained that Level One would include major reconstruction; Level Two were maintenance projects that would be paid but would require more preparation; Level Three were pave in place projects where they would make safety improvements where they could; Level Four is another surface upgrade with minor improvements.

Commissioner Miller asked Mr. Abart to go through the plan for the next five years.

Mr. Abart said he would just go over the roads south of I-70. In the year 2000, he said, they have Olivet from WW to Richmond, which will connect two pavements at that time. Liberty Lane from Palis Nichols to hold Highway 63 to connect the interlocking loop and then Range Line Road to Route H to Route AB. In 2001, he said, the rest of the connections for Range Line Road are included; 2002 is the plan for Woody Proctor, Route N to Smith Hatchery, Hartsburg Bottom Road to Bush Landing. In 2003 Deer Park Road and Highway 63 to Deer Knoll, Clellie Harmon,

Route DD and Crump Lane are schedule. In 2004 they have scheduled Rippetto to Cunningham Road, Rippetto to MM, and Nashville Church Road to Route DD.

Commissioner Stamper arrived, apologized for being late, and opened the floor for public comment.

Kristie Hilgedick, 5330 Dee Woods Road, asked if Dee Woods was originally in the five year plan and if so, why was it taken off.

Commissioner Miller said that Dee Woods had been part of the working documents, but was not included in the final draft.

Mr. Abart said it was listed because of the traffic counts, but had not been assigned a completion date.

Ms. Hilgedick said they had a contractor who lived on their road and who does a lot of work and has heavy trucks driving up and down the road. She said there were a lot of chuck holes at the entrance of the road.

Mr. Abart asked her if she was interested in seeing Dee Woods Road moved up on the schedule.

Dale Lenger, 5120 Christian School Road, Hartsburg, said he had been home when they paved Christian School Road. He asked if, when asphalt is applied directly over gravel, should it be graded and rolled. He also asked if an oil base should be applied to the gravel so the asphalt adheres to it.

Commissioner Stamper said that department strategy is not to shoot the surface with prep oil when that much asphalt is laid for a base. He said that on a finish coat, it's understood that a shot of oil would be necessary. Commissioner Stamper said they were not finished with the roadway yet.

Mr. Lenger said that there were 200 to 350 yards that was gravel and that asphalt was put over it. To his knowledge, he said, the gravel was not graded or rolled

Mr. Abart said that according to a representative of the Missouri Department of Transportation, when you make asphalt 5" deep then it's not necessary to go ahead and shoot the subgrade.

Mr. Lenger said his concern was if moisture would get between the two levels, and if the drainage isn't proper, then the water will get trapped. He said that if an oil was applied to seal the water from the gravel if the ditches ever got too full.

Commissioner Stamper said the County's strategy has always been in line with the state's. He said he would want to base his judgments on the final project.

Mr. Lenger asked if people who lived on the road were notified. He said that morning at 6:30 a.m. there were 25 dump trucks on their road. He said he was concerned about his children getting on the school bus and about the traffic problem that was created.

Mr. Abart asked what would work best, an ad in the paper or a direct mailing to residents on the road.

Mr. Lenger said he doesn't always read the newspaper, but if something comes in his mailbox he does.

Commissioner Vogt asked if posting on the road would be a good idea.

Mr. Purcell said that one bridge that was repaired wasn't posted until you reached the bridge. When you got there, he said, you seen the bridge was out and that's where the sign was.

Mr. Lenger said that the trucks that hauled the asphalt to Christian School Road were carrying 16-20 tons of material and under that weight, the chip/seal fell apart. Instead of filling the holes with rock, he said, the holes were filled in with the dirt.

Commissioner Stamper said that it had been a question of economics. A judgment call, he said, was made on the site to fix the hole with asphalt, based on the crews working knowledge. He said the question was whether to leave trucks full of asphalt sitting while the hole was filled with gravel, or if you filled the hole with asphalt and continued to work.

Mr. Lenger said he was concerned with the longevity of the road. He said he's lived there for 26 years and the hill was always soft.

Mr. Abart asked if the loose material was pushed back in the hole.

Mr. Lenger said he had pictures. He also said he was concerned with the ten inch curb that he had to drive over to enter and exit his driveway. He said it would be nice to have some rock there to reduce the jump. It's a paved road now, he said, and traffic has increased by ten miles an hour and it's difficult to get on the road when you have to go over the ten inch jump.

Mr. Abart explained that the turnouts are part of the finishing work.

Mr. Purcell said the crew should have used a backhoe to fill the hole with rock and then it would have been solid.

Mr. Abart said that method would have been as good as any, but when you have ten loads of asphalt cooling off, sometimes the best alternative is to use alternatives on hand. He did say they shouldn't have put the loose material back in the hole.

Raymond Forsee, 6375 Raymond Forsee Road, asked who was responsible for maintaining Peterson Lane, the County or the city. He said it had been maintained twice in three years.

Mayor of Ashland Dale Helms said that if Mr. Abart would let him know, they would be happy to maintain their portion.

Mr. Lenger asked about the maintenance program for paved roads.

Mr. Abart introduced Greg Edington and said that Mr. Edington was in charge of developing the One to Five Year Maintenance plan. He said he hoped to have that completed before the end of the year.

Commissioner Stamper said there was a plan for existing paved roads and occasionally, at the end of the season, will chip/seal a road until it can be overlaid again. He said he imagined this program would be consistent with the current plan.

Mr. Purcell asked why the County always uses 1 1/2 inch rock on the roads. He said if they would use inch rock, there would be better roads.

Commissioner Stamper asked for an example.

Mr. Purcell said that they had used 1 1/2 inch gravel on the road where he lives. He said he asked why they were using boulders.

Commissioner Stamper said the size of the gravel usually has to do with the condition of the road.

Ms. Hilgedick asked why they had chosen roads in the flood plain and wanted to know the impact of a flood on pavement.

Mr. Abart said that the way the area floods, the department thought it would be better as an asphalt road. When the state repaired Highway 63, he said, they found it was easier to pour concrete without having to put gravel on a mile of road. He said it's faster to repair if there is only one piece.

Commissioner Stamper said that the roads are also chosen by the car count. He said higher car counts mean the road is reaching a level that is harder to maintain.

Commissioner Miller said that their experience during the '95 floods was that there wasn't much damage. Unless a levee blows, she said, she was pretty confident in the roads. She also said they were trying to create connection loops.

Mayor Dale Helms, 200 Norma Lane, said he's gotten several calls on Martin Lane, from people who wanted to see it paved as soon as possible. A lot of folks use that bypass during what we call rush hour, he said.

Jerry Carrington, 729 Merrick, Columbia, said that people on the election have two things they would like to see considered: one, he said, was blacktop from Easley to Wilton to complete that loop and in order to see the eagles and two, was to be able to comment on the location of the interchange on Highway 63.

Russell Martin, 17133 Old Highway 63, asked about the problem of creek edges cutting down the road width to one car. In some places, he said, you can't get a combine through.

Commissioner Miller said that she and Frank Abart, an urban conservationist, had looked at how roads had been affected.

Mr. Martin said that when you turn north up to Marvin's, just past that on Christian School Road, is a ditch that needs a culvert.

Mr. Lenger said he was reminded of a ditch with a culvert that fell off and instead of fixing it, they just paved over it. He said he was concerned about the school buses traveling the roads that are chipping off into the creeks.

Commissioner Stamper said there is an emergency provision to help fix those areas. He said he thought the roads might be fixed the latter part of this year or early next year.

Mr. Martin said they would want it fixed before the first ice storm.

Commissioner Stamper called a recess at 7:25 p.m. and the meeting reconvened at 7:35 p.m.

SUBJECT: Boone County Animal Ordinance

Commissioner Stamper reported they had heard from several citizens late last year who were concerned with vicious dogs, in particular where neighbors live close together. He said the perception of the folks who testified was that there was a real risk to children. The question became, then, does Boone County have sufficient grounds to control vicious dogs. He said the Commission requested a study by the board of health, who came back in February with a draft document. The draft, he said, is a recommendation, and tonight they hoped to hear comments towards the validity of those changes.

Jerry Worley, of the Department of Health, said that most of the concerns with the previous language was that a dog had to bite before it could be classified as vicious. He explained that if animal control receives a vicious dog complaint, the case will be investigated. If the dog is jumping against a fence, trying to bite or threaten a person, the proposed change can allow that dog to be classified as vicious. If the owner does not agree, they can appeal to the Director of Health, a hearing will be held and that decision can also be appealed at the Circuit Court level.

Commissioner Miller said that the other changes have to do with the owner's responsibility when classified with a vicious dog.

Commissioner Stamper convened a public hearing.

Raymond Bade, 205 Oak St., asked what to do with dogs that are attacking cattle.

Mr. Worley said that the ordinance allows that a dog that attacks livestock can be declared vicious. He said there is some burden of proof to make sure they have the right dog.

Mr. Bade said that last week there were three dogs that were at this point not a menace to the cattle. He said they left when he arrived, but he couldn't tell if they were mean. He said that in the past he's had two or three big dogs attack calves and the older calves stood them off. He said he disbursed them in his own manner.

Ernie Flora, 203 West Oaks, asked what a farmer is justified to do.

Shoot 'em, said Commissioner Vogt. The state law provides for that, she said.

Mr. Bade said that a farmer isn't always there to protect the cattle.

Commissioner Stamper said they don't get many calls for that situation and that rural people have their own ways of dealing with them.

Ms. Hilgedick asked about rules of trespass, say if her dog was on someone else's lawn.

Mr. Worley said they could pass a leash law as part of the animal ordinance, but that it was not part of the proposed changes.

Mr. Flora asked what justified a leash law within the city.

Commissioner Stamper said he couldn't answer that question.

Mr. Worley said the ordinance would not apply in the City of Columbia.

Andrea Meinhart, 2506 Hollyhock Dr., from the American Kennel Club, said the position of the kennel club is to support the vicious dog ordinance, but that they opposed the proposed wording. She said it was too broad and asked who would make the determination that a dog was vicious.

Commissioner Stamper said that an animal control officer would make that determination.

Commissioner Vogt asked Ms. Meinhart if she had suggested wording to offer.

Commissioner Stamper said it should be noted that the proposed changes were complaint driven. The criticism, he said, is that it's awfully easy to have neighbor versus neighbor ending up with a vicious dog declaration over a fencing issue.

Ms. Meinhart asked what type of professional experience the animal control officer's have.

Mr. Worley said that the animal control officers were very well trained and had eight to ten years of experience. He said they send them to all of the training they can give them.

Ms. Meinhart asked if they were trained in animal behavior.

Mr. Worley said yes, through classes offered at the University.

Ms. Meinhart asked what department through the University that the curriculum was offered.

Mr. Worley said it was through the law enforcement department.

Commissioner Stamper closed the public hearing.

SUBJECT: Domestic Utilities Sales Tax

Commissioner Stamper said that this evening's discussion was to whether or not to continue the application of the 1/2 cent sales tax to domestic utilities. The County Commission, he said, has until June to decide whether or not to continue the tax.

Mike Dalton, 5140 Dee Woods Road, asked why the money went to the General Revenue fund and not to the road tax fund.

Commissioner Stamper said that was the first application of the funds. When the 1993 sales tax on roads was approved, he said, the Commission was authorized to have another 1/2 cent sales tax on utilities directed to capital improvements on roads. Another 1/2 cent goes to the General Revenue fund. We took two actions, really, he said.

Mr. Bade asked what the domestic utilities included.

Commissioner Stamper said electric, gas, water, sewer, telephone and cable.

Commissioner Stamper closed the public hearing.

The meeting adjourned at 8:00 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner