

TERM OF COMMISSION: December Session of the October Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Keith Schnarre  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Shawna Victor

The meeting was called to order at 1:31 p.m.

**Subject: Boone County Roadway Regulations Chapter I: Vehicular Traffic Regulations – Final Public Hearing and Adoption of Regulations**

Commissioner Schnarre stated the County has revised the regulations and added an appendix listing all the County roads and their speed limits.

Commissioner Miller moved to adopt the Boone County, Missouri Roadway Regulations Chapter 1: Vehicular Traffic Regulations; having published notice of public hearing and conducted three public hearings as provided by law.

Commissioner Elkin seconded the motion.

John Gibson, 7225 County Road 407, Fulton, was present in opposition to these regulations. He believes it would be a mistake for the County to approve these regulations today. The reason for that is primarily is that this ordinance, which basically been twice rejected by the Courts, does not comply with the Missouri Statute that authorizes it. There is no provision in Missouri law for the imposition of blanket speed limits by first class counties. Instead you are restricted to apply speed limits on county roads where there are congested areas. In addition to that, it is Mr. Gibson's belief that the current speed limits in many places are insufficient to provide for both the public safety and the expedition of the public's business.

Mr. Gibson stated today's proposal is the result of the most resent decision by the Boone County Circuit Court. This proposal to fix the problem is simply a band-aid approach, the same one that has been applied in the past, instead of attacking the real problem which is to perform the responsible and appropriate setting of speed limits on these roads.

The County will have, after the expiration of the road tax, spent approximately \$120 million to build county roads. In many cases, these roads were originally gravel road and were brought up to modern standards at the expense of citizens in this county and other counties. Yet the speed limit has remained at 35 mph even though the roads have been built well enough to accommodate higher speed limits. The impact of such a situation is

that normal people driving a normal and reasonable speed get more speeding tickets and when they get the speeding tickets they are technically going more miles in excess of the posted speed limit resulting in higher fines and indirect effects on their insurance rates and points against their driver's license. These are the negative things that are happening to the citizens that the Commission represents and he believes they should be concerned about them.

Mr. Gibson believes that the Commission needs to take a rational approach of evaluating all the new roads to set appropriate speed limits to accommodate both public safety and the expedition of the public's business. \$120 million is a lot to pay for dust control. He believes the public deserves that kind of serious effort. That effort may not be lengthy or time consuming. He noticed in the appendix of this document that the roads are split off from intersection to intersection. That may be a good idea for maintenance purposes or other physical needs of maintaining the roads but in terms of setting speed limits he does not believe this is necessary. He believes one person could spend a week driving the roads, make a rational evaluation about the speed limit and come up with a much better program than what is in place now.

Because of the thirteen years that the County has had this situation with newly paved roads with gravel road speed limits, thousands of citizens have paid millions in unwarranted and excessive fines. This is a harmful thing to the people and this should be something that is addressed and corrected and the current proposal does not do that. It is to be expected, that should the Commission approve this today, that once again it will be challenged in court. He does not know when that will happen but suggests it will be sooner rather than later. He is before the Commission today and he has also made numerous court appearances on this, far more court appearances and time and effort than he saves in traffic fines because this is something he is concerned about. It is not his intention to harm Boone County, its government, or its citizens, but does believe that his point is a valid point and wants to make it as forcefully as he can.

He urges the Commission not to pass this today and to set it aside. He suggests the County Highway Administrator survey the roads and make an evaluation of what the speed limit ought to be. He is aware that the County does have a program that is a scientific method to determine appropriate speed limits on roads; this is called the 85<sup>th</sup> percentile. He believes this is a good way to setting speed limits that does not leave it to the discretion of an individual. He believes the County could set up a program to do this analysis that would take more time and effort and when the Commission has its annual review of these regulations then this suggested program could be incorporated into the regulations.

Commissioner Schnarre closed the public comment.

Commissioner Schnarre stated on roads where there is a higher traffic count the Public Works Department does perform a 85<sup>th</sup> percentile test.

Commissioner Miller noted sometimes the 85<sup>th</sup> percentile sometimes will lower a speed limit.

Commissioner Elkin stated he does not disagree with Mr. Gibson; in the past when the County has improved roads the speed limits were not always adjusted. He believes the County is doing that now and also uses the 85<sup>th</sup> percentile. To do a speed study on all roads as suggested by Mr. Gibson would be very time consuming and expensive for the County.

Commissioner Miller stated the two times this has been challenged in court; the first was when Boone County moved to a first class county and did not realize it was the county's duty to set the speed limits and tickets were thrown out at that time. The second time was thrown out on a technicality that the Commission did not have three public hearings. It is not the ordinance that is bad but it was the process that was used. She is comfortable with approving the regulations as presented today. This means that speed limits will not be changed throughout the year because there has to be three public hearings. In the future, speed limits will be changed once a year.

There was no further discussion and no further public comment.

The motion passed 3-0. **Order 561-2003**

**Subject: Information Technology – Second Reading and Approval of Budget Revisions**

Commissioner Elkin moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1123-86800: Emergency Funds	\$20,000.00	
1194-22000: Mail Services – Postage		\$20,000.00

Said budget revision is for postage to cover the mailing of personal property declarations for the Assessor's Office.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 562-2003**

Commissioner Elkin moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1194-10100: Mail Services – Salaries and Wages	\$1,235.00	
1194-91100: Mail Services – Furniture		\$185.00
1194-71600: Mail Services – Equipment Lease		\$500.00
1194-59000: Mail Services – Motor Fuel		\$500.00
1194-48000: Mail Services – Telephones		\$50.00

Said budget revision is to cover minor year end adjustments for Mail Services.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 563-2003**

Commissioner Elkin moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1170-22500: Information Technology – Subscriptions	\$6,000.00	
1170-37220: Information Technology – Travel	\$2,500.00	
1170-48000: Information Technology – Telephones	\$2,500.00	
1170-70050: Information Technology – Software Services Contract		\$11,000.00

Said budget revision is to provide funding for the Microsoft Software Assurance.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 564-2003**

**Subject: Clerk’s Office – First Reading of Budget Revision**

Wendy Noren, Boone County Clerk, was present on behalf of this item.

Wendy Noren stated she is requesting the Commission waive the second reading for this item. This is a budget revision to pay for administrative fees to ASI. The November and December bills have already been paid. The reason for this budget revision is because when the County added employee premiums in July, the administrative fees increased beginning in August.

Commissioner Miller moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1123-86800: Emergency	\$1,526.00	
1192-71104: Employee Benefits – Administrative Services		\$1,526.00

Said budget revision is to cover ASI fees for November and December 2003.

Commissioner Elkin seconded the motion.

Ms. Noren noted the County has paid the same fees to ASI since 1994.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 565-2003**

**Subject: Planning and Zoning – First Reading to Adopt of Revisions to Zoning Regulations**

Stan Shawver, Planning and Zoning Director, was present on behalf of this item.

Stan Shawver stated the Commission has been working diligently to review the proposed revisions to the zoning regulations. The Commission has previously adopted revisions to sections 1 to 5. Over the past few months the Commission has had numerous work sessions to review the regulations, requested some changes, and have finally arrived at the final draft of revisions to sections 6, 7, 8, 9, 10, 11, 12, 14, 15 and adoption of sections 23, 24 and 25.

Commissioner Schnarre stated the Planning and Zoning Commission has been working on these revisions for years and they presented this to the County Commission in August.

The Commission has been working on these items and are satisfied with the revisions.

Commissioner Schnarre opened the floor for public comment.

Pat Smith, Planning and Zoning Commission Chair, 4601 Akeman Bridge Road, Columbia, thanked the Commissioners for their time they spent on these revisions and additions. There are three items the Commission changed in section 25, Sign Regulations that she would like to address. This is the section that received the most public comment and input. In the 10 public hearings the Planning and Zoning Commission held and before public hearings were conducted, people spoke about the sign regulations. In the visioning report the citizens of Boone County noted their intent to keep an aesthetic rural quality and wanting to maintain that quality. Also, a few years ago, 55% of voters in Boone County opposed the statewide billboard question on the ballot, which failed.

The first item she would like to comment on is amortization. It seems to her that people are not going to be treated fairly and somewhere down the road people are not going to have to abide by the same laws as others if there is amortization.

Her second issue is public safety and one is billboards in general. The Planning and Zoning Commission requested the County Commission have billboard only on Highway 63 and I-70 because truthfully that is the only place the Planning and Zoning Commission thought there should be billboards. She sees now the County Commission wants to allow billboards on Highway 22. If this is opened up to two lane highways, what is the next highway that will allow billboards? She is encouraging the Commission to only allow billboards on Highway 63 and I-70.

The final issue is the electronic messaging boards. She believes these are also an issue to the public safety. If someone takes their eyes off the road just a moment too long and one person is killed that is one person that could have not been lost in Boone County.

These are her concerns about the Sign Regulations that the County Commission has made.

Commissioner Schnarre closed the public comment.

There was no further discussion or public comment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval at the December 30, 2003 meeting.

**Subject: Authorize Closed Session (610.021.9 and 610.021.2)**

Commissioner Miller moved to authorize a closed session on Tuesday, December 23, 2003 immediately following the regularly scheduled Commission Meeting at 9:30 a.m. The meeting will be held in the Commission Chambers of the Roger B. Wilson Boone County Government Center at 801 E Walnut, Columbia, Missouri, as authorized by 610.021(2) RSMo. to discuss leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore, and 610.021(9) RSMo. to discuss preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 566-2003**

### **Commissioner Reports**

*Commissioner Schnarre*

No reports at this time.

*Commissioner Miller*

#### *Soil and Water Conservation Commission*

Commissioner Miller stated she attended the Soil and Water Conservation meeting last week. They are still working on the urban conservationist position. They also discussed the stream buffer ordinance.

She noted the new plat books are available. These plat books are also on CD.

#### *Mid-Missouri Tourism Council*

Commissioner Miller stated the Mid-Missouri Tourism Council is still working on the promotion of the Columbia Regional Airport. The third flight began on December 15. The flights have been 70% full and if these numbers remain the same then a fourth flight might be added after January 1, 2004.

The new Visitors' Guides are available.

The Tourism Council is working on a membership drive. There are volunteers that man the tourism booth at Lake of the Woods and this has been successful. Also, the Council

is doing the secret shopper program. This program has people go to into store and ask store clerks about Columbia. If the store clerk is good at promoting Columbia/Boone County then they receive a gift certificate.

Meeting with Mitzel and Scroggs

Commissioner Miller stated she attended the meeting on the JJC project. There have been two minor change orders for this project, one for unsuitable soil and the other for kitchen equipment. There have only been seven weather days for this project.

Boone Electric Cooperative/Public Works

Commissioner Miller stated the County received a check for \$4,400 as the County's membership in the Boone Electric Cooperative. Public Works is a member of Boone Electric Cooperative.

*Commissioner Elkin*

No reports at this time.

There was no public comment.

The meeting adjourned at 2:02 p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Keith Schnarre  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner