

TERM OF COMMISSION: September 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
Deputy County Clerk Michelle Malaby
County Counselor John Patton

The regular meeting of the County Commission was called to order at 1:30 p.m.

SUBJECT: Form University Estates Neighborhood Improvement District

Neighborhood Improvement District Coordinator Andy Lister reviewed his memorandum to the County Commission dated August 27, 1996. Mr. Lister noted Mr. and Mrs. Slavitt, who own Lot 16, signed the petition, then requested their names be removed prior to the time the petitions were submitted to the County Clerk. Mr. Slavitt called about three days ago and asked if their names could be added to the petition. They are not included in the total number of property owners signing the petition.

In response to a question from Commissioner Stamper, Mr. Lister replied the Public Works Department does not have a recommendation concerning the Nichols and Johns properties. The department wanted the commission to be aware of the issues. While it would be difficult to build on the two lots owned by the Johns, it would not be impossible. In this subdivision, there is a fairly clear delineation between large and small lots. One point made by Mr. and Mrs. Johns is that if each of their lots is assessed they will have three shares, but the size of their lots in total is smaller than many of the larger subdivision lots which will have only one assessment.

Commissioner Stamper commented such points need to be made during the hearing process. He was contacted by the Nichols family. He asked them to provide additional information on how the lots are assessed. Without a substantial easement, it would be difficult to develop the second lot. The Boone County Regional Sewer District advised them additional access to the lagoon will be denied.

The commission discussed whether they should state their intent concerning the lots owned by the Nichols and Johns families prior to or following the public hearing.

Commissioner Miller questioned whether property owners in the proposed district signed the petition assuming a certain number of property owners would share the cost.

Mr. Lister replied the petition does not address how many shares there will be. However, one could count the number of lots. In discussing these issues, staff could see arguments on both sides of the issue. If someone chose to subdivide a lot after assessments were made, the county could not increase their assessment.

Commissioner Stamper stated a policy on how to deal with this type of situation is needed.

Commissioner Stamper recognized the presence of Joe Nichols.

Mr. Nichols stated he would have to give himself an easement through his existing driveway in order to build on his other lot. He received a letter from the Boone County Regional Sewer stating they will not allow another lot to be hooked into the lagoon.

Commissioner Miller stated the lagoon should be built to handle every lot in the subdivision. She serves on the Boone County Regional Sewer District Board. They have an obligation to provide sewer service to lots included in the development, even it means modifying the lagoon.

Commissioner Stamper showed Commissioner Miller the letter from the Sewer District.

Commissioner Stamper stated Mr. Nichols would not be assessed if the fifteen acres without road frontage were located behind his home. Commissioner Stamper questioned whether the county

should establish a policy that when the county agrees to assess only one of two tracts in a district, the tracts need to be combined into one. Commissioner Stamper again questioned when the commission should decide assessment issues.

Mr. Lister replied he believes statute requires the commission evaluate such issues at the public hearing and when construction is complete and the order for assessment is made.

In response to a question from Commissioner Miller, Mr. Lister replied lot 8 is included in the district. Mr. Anderson, the original subdivision developer, owns four lots: lot 8, one north of lot 8, one left of the cul-de-sac, and the lot surrounding the lagoon site. Mr. Anderson does not believe he benefits from paving the road in front of the property along Old Plank Road because he has hundreds of feet of access. On the north extension of Campus where construction ends, the road deteriorates to a path. Mr. Lister stated as a compromise, he should be charged one assessment even though he will not have property fronting on the improved road. The matter was discussed during the neighborhood meeting. Everyone seemed to think the compromise was reasonable.

Commissioner Miller stated she would like an opportunity to look at the Nichols and Johns properties.

Mr. Lister noted the department generally takes the position that if a lot cannot be built on, is should not be assessed.

Commissioner Stamper advised Mr. Nichols the district boundaries will not be changed prior to the public hearing. The commission plans to research the matter further.

Mr. Nichols asked if the lot was owned by someone else, would that make a difference?

Commissioner Miller replied the commission would not allow property to be developed this way.

Commissioner Stamper moved that the County Commission of the County of Boone adopt the following:

AN ORDER DETERMINING THE ADVISABILITY OF THE UNIVERSITY ESTATES NEIGHBORHOOD IMPROVEMENT DISTRICT AND ORDERING THE CREATION OF A NEIGHBORHOOD IMPROVEMENT DISTRICT FOR THE PROJECT IN BOONE COUNTY, MISSOURI.

WHEREAS, pursuant to the authority of Sections 67.453 to 67.475, inclusive, RSMo., titled the Neighborhood Improvement District Act (the "Act"), proceedings have been undertaken for certain improvements for a neighborhood improvement district in Boone County, Missouri; and

WHEREAS, a petition signed by the owners of property within the proposed neighborhood improvement district has been filed with the Boone County Clerk requesting improvements designated as the University Estates Neighborhood Improvement District (the "Project"), said petition stating (a) the project name for the proposed improvement, (b) the nature of the improvements, (c) the estimated cost of the improvements, (d) the duration of the assessments for the improvements, (e) the boundaries of the improvement district to be assessed, and (f) the method of assessment; and

WHEREAS, said petition has been examined by the Boone County Clerk and found to have been signed by the owners of more than two-thirds by area of all property within the proposed district:

NOW, THEREFORE, BE IT ORDERED BY THE COUNTY COMMISSION OF BOONE COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Commission of Boone County, Missouri hereby finds and determines that the petition requesting the Project is complete and proper in all respects.

Section 2. The County Commission finds and determines that the Project is advisable and orders a neighborhood improvement district to be established for the Project.

A. The project name for the Project shall be:

University Estates Neighborhood Improvement District

B. The nature of the improvements to be made shall be as follows:

Repairing and paving of Hillside Drive, Hilltop Drive and Campus Drive in order to bring it up to acceptable standards for paved county roads for county maintenance.

C. The estimated cost of the proposed improvements is **\$179,500.00**, all of which will be assessed against the property within the District. The final cost of the Project assessed against the property within the District (and the amount of general obligation bonds of Boone County, Missouri issued therefor) shall not exceed the estimated cost by more than 25%.

D. Assessments against the property within the District will be in substantially equal annual installments over a period of not more than ten years.

E. The boundaries of the Neighborhood Improvement District to be assessed for the costs of the improvements are described on Exhibit A attached hereto. A map of the District is also included in Exhibit A. The District is located entirely within Boone County, Missouri, and is not located in whole or in part within the limits of an incorporated city.

F. The proposed method of assessment is: Final improvement costs shall be assessed equally on a per lot/tract assessment and shall be payable in not more than ten (10) substantially equal annual installments in accordance with the laws of the State of Missouri and consistent with the administrative policies of the County of Boone.

Section 3. The improvements included in the Project are hereby authorized and the County Commission is ordered to cause plans and specifications for the Project to be prepared.

Section 4. Boone County expects to make expenditures on and after the date of passage of this Order in connection with the Project, and Boone County intends to reimburse itself for such expenditures with the proceeds of notes or bonds of Boone County. The maximum principal amount of notes or bonds expected to be issued for the Project is \$224,375.

Section 5. This Order shall be in full force and effect from and after its passage by the County Commission.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 471-96.**

SUBJECT: Report on Neighborhood Improvement District Projects

Mr. Lister reviewed his memorandum to the commission dated September 4, 1996. Mr. Lister stated Walnut Brook Neighborhood Improvement District was substantially complete in November, 1995. The estimated project cost was \$141,243.75. The final cost was \$86,807.74. Mr. Lister stated Lake Sundance Neighborhood Improvement District was substantially complete in June. The estimated project cost was \$111,365. The final cost was \$105,229.12.

Mr. Lister reviewed procedures the county follows upon completion of projects. In anticipation of an upcoming bond sale, letters were sent to property owners in August, advising them of the

outstanding balance of their assessment. Property owners will be given an opportunity to pay the amount prior to the bond sale. No bills were sent to property owners in Walnut Brook or Lake Sundance. No payments are due at this time.

Mr. Lister stated he prepared a letter for signature by the commission, thanking Brent and Kristine Stewart for their generosity in donating easements for the Bearfield Neighborhood Improvement District.

Commissioner Stamper read the letter and indicated the commission will sign it.

SUBJECT: Award Bid 87-04SEP96, Elevating Scraper

Purchasing Department Director Beckie Jackson reviewed her memorandum to the commission dated September 5, 1996. Two responses to the request for bids were received. The Public Works Department would like to contract for the lease of an elevating scraper and contract for scraping services, including equipment and manpower.

Mr. Abart commented he does not anticipate they will need to rent the equipment for more than one month.

Commissioner Stamper stated contracting for services will be an interesting experience. He would like to loosen restrictions in the bid documents concerning the age of machinery. Penalties for not meeting certain standards could be included instead.

Commissioner Stamper moved that the County Commission of the County of Boone award bid 87-04SEP96, Elevating Scraper, to Char-Al Farms of Columbia, Missouri for scraper services in the amount of \$105 per hour, and to Tri-State Construction Equipment Co. of Ashland, Missouri for lease of a John Deere Elevating Scraper in the amount of \$6,450 per month. The County Commission does hereby approve, and authorize the Presiding Commissioner to sign, the attached agreements.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 472-96.**

SUBJECT: Report on Letter from TCI Regarding Programming Change

Commissioner Stamper reported on receipt of a letter from TCI Cablevision notifying the commission of a programming change. The letter will be posted for public viewing.

SUBJECT: Report on Letter from City of Columbia Regarding Service Provided by Sheriff's Department at Balloon Festival

Commissioner Stamper reported on receipt of a letter from the City of Columbia regarding the fine service provided by the Sheriff's Department during the balloon festival this year.

SUBJECT: Resolution Authorizing Acquisition of Easements by Eminent Domain for Rangeline Road and New Haven Road Improvement Projects

Mr. Patton stated two tracts of land need to be acquired. One involves an estate where the county simply cannot discern all the heirs. The other tract is owned by reticent property owners who do not want to provide the easement. An offer was extended.

Commissioner Stamper moved that the County Commission of the County of Boone adopt the attached resolution authorizing acquisition of easements by eminent domain for the Rangeline Road and New Haven Road improvement projects.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 473-96.**

SUBJECT: Reports from Commissioners

Commissioner Stamper reported on a tour of roads yesterday and his meeting with Mr. Abart this morning. The intersection of Nursery School Road and Route K will be addressed with an engineering study. Funds for the project will be requested in the 1997 budget.

Commissioner Stamper reported the commission received a letter from Sheriff Ted Boehm regarding the purchase of 1997 patrol cars. He is requesting \$6,248 from the emergency fund to purchase eight patrol cars this year. One car will replace one which was recently totaled in an accident. Commissioner Stamper stated he will advise Sheriff Boehm to prepare the paperwork.

Commissioner Stamper reported the bathrooms in the Courthouse should meet requirements of the Americans with Disabilities Act (ADA) by September. Two bathrooms at the north facility will be converted into one unisex bathroom in order to comply with ADA requirements.

Commissioner Miller reported on her attendance at the Soil Conservation Service board meeting this morning. Frank Gordon reported the new area conservationist has changed their policy on working with urban areas. More time will be spent in urban areas.

The meeting adjourned at 2:16 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