

TERM OF COMMISSION: November Session of the November 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 Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 10:30am.

Subject: First reading of Budget Amendment for Grounds Improvements

Commissioner Miller stated that this budget amendment is to cover the cost of adding a name to the Major Contributor plaque.

Commissioner Miller read a budget amendment into the public record as follows:

| | |
|---------------|---------------------------------|
| AMOUNT | (increasing) ACCOUNT |
| \$1000 | 4030-91700 Grounds Improvements |

Explanation: to correct Major Contributor plaque.

Commissioner Stamper stated that the amendment would be placed on the County Commission agenda following the required ten-day waiting period.

Subject: Naming of an Unnamed Roadway

Ryland Rodes stated that the Planning and Building Inspection Department received a request to name a privately owned and maintained roadway, Rambling Rose Road. He gave the description and exact location of the road (see order).

Commissioner Vogt asked if this road would remain private.

Ryland Rodes stated that if the lots were cut down, the roads would have to be built to County specifications.

Commissioner Vogt moved to approve the request to name an unnamed roadway, which is currently privately owned and maintained, Rambling Rose Road. Said road being in Section 11, Township 49 North, Range 12 West; beginning on the south side of Eric Lane approximately 300 feet east of the intersection of Eric Lane and Hillview Drive and running in a south direction for approximately 1065 feet; further shown as a 50' access easement on the survey recorded in Plat Book 32, Page 17 of the Boone County Records.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 455-99**

Subject: Budget Revision for 3rd Floor Construction

Bob Ormiston stated that this budget revision was needed to accommodate the renovation of the 3rd Floor for the new mail machine. He stated that the budget revision amount is for \$9,000.

Commissioner Miller moved to authorize a budget revision as follows:

| AMOUNT | (decreasing) ACCOUNT | (increasing) ACCOUNT |
|----------|--|----------------------------------|
| \$9,000 | 1123-86800 Emergency | |
| \$11,800 | 1194-71600 Equipment Leases & Meter Charge | |
| \$20,800 | | 1194-91200 Building Improvements |

Said revision is for additional expenses incurred in the 3rd Floor Construction.

Discussion: Commissioner Stamper stated that the new mail machine would not fit into the previous space for the mail operations. Therefore the 3rd Floor had to be renovated in order to accommodate it.

The motion passed 3-0. **Order 456-99**

Subject: Award Bid 39-27OCT99 Duplex Oil-less Compressor

Marlene Ridgway stated that at the time of the bid opening for this item, the County had only received one bid response. She stated that after contacting several vendors, the Purchasing Department felt that if the date were extended, then it would result in more competition for the bid. She stated that by November 3rd the County still had not received any other bids.

Marlene Ridgway stated that the Purchasing Department opened the bid from Columbia Compressed Air and the Purchasing Department is now recommending award of the bid to Columbia Compressed Air. She stated that the total cost for the bid is \$7,890.313, which will be paid out of the Facilities Maintenance budget.

Commissioner Vogt moved to award bid 39-27OCT99 as follows:

| FOR | TO |
|----------------------------|-------------------------|
| Duplex Oil-less Compressor | Columbia Compressed Air |

Said bid is awarded per the attached recommendation from the Purchasing Department. It is further ordered that the Presiding Commissioner be hereby authorized to sign the agreement.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 457-99**

Subject: Housing Report

Scott Melton presented the Housing Report for the Public Housing Authority. [A copy of his report was placed in the 1999 Public Record File.] He stated that the vouchers and certificates were no longer listed separately. He stated that as of October 1999, the PHA switched to the home-choice (only) voucher system.

Scott Melton stated that Boone County is slightly overleased. He stated that the PHA is having difficulties in the rural areas due to unavailability of units. He stated that there has been significant progress in the Section 8 Housing program in the urban area of Boone County.

Scott Melton stated that a new home-ownership program is in the discussion phase at this time. He stated that the program would likely be finalized in 2000. He stated that the program would not benefit a large amount of participants, in that the participants would have to earn a certain level of income in order to afford a down payment. He stated that the program would also require extensive counseling. He stated that the Public Housing Authority is in the process of proposing a 1-yr and a 5-yr plan. He asked that the County Commission offer input on the programs.

Commissioner Vogt asked Scott Melton to elaborate on the extensive counseling for the home-ownership program.

Scott Melton stated that the assistance would be fairly limited. He stated that therefore the counseling would involve how to go about getting a loan, what lenders to use, and how to manage their income to pay the note.

The County Commission thanked Scott Melton for the report.

Subject: Budget Revision for Fuel and Vehicles (Commission Office)

Commissioner Vogt stated that this revision is needed to cover the time and travel expenses used in communicating with the Centralia Office.

Commissioner Miller asked if the County Commission office pays for the fuel for all of the pool vehicles.

Commissioner Vogt stated that certain departments use a card and a fuel machine.

Commissioner Stamper stated that the County pool, fuel bills are paid by the Commission office in order to keep track of the mileage and usage of the vehicles.

Commissioner Vogt moved to authorize a budget revision as follows:

| AMOUNT | (decreasing) ACCOUNT | (increasing) ACCOUNT |
|--------|----------------------|----------------------------|
| \$636 | 1121-91100 Furniture | 1121-59200 Vehicle Expense |

Said revision is to cover Class 5 shortage.

There was no discussion.

The motion passed 3-0. **Order 458-99**

Subject: Budget Revision for DOVE Grant

Commissioner Stamper stated that these funds have already been received. He stated that this budget revision reflected a modification.

Commissioner Stamper moved to authorize a budget revision as follows:

| AMOUNT | (decreasing) ACCOUNT | (increasing) ACCOUNT |
|---------|-----------------------------|----------------------|
| \$2,710 | 1261-10100 Salaries & Wages | |
| \$903 | 2630-10100 Salaries & Wages | |
| \$1,375 | | 1261-37220 Travel |
| \$1,335 | | 1261-23001 Printing |
| \$458 | | 2630-37220 Travel |
| \$445 | | 2630-23001 Printing |

Said revision is to adjust DOVE Grant per MO Department of Public Safety Notices (10/14/99)

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 459-99**

Subject: Change Order 3, 4, 5, 6 for the St Charles Project

Frank Abart stated that \$89,000 was encumbered at the outset of this project to cover the cost of possible change orders. He stated that the County has not even come close to using all of that money.

Frank Abart stated that Change Order No. 3 is in the amount of \$4,015 for pavement markings and traffic striping. He stated that Change Order No. 4 is in the amount of \$18,350 for labor and materials to install a 12-inch watermain across the section of St Charles. He noted that this was left off of the original plan by mistake. He stated that Change Order No. 5 is in the amount of \$17,044.65 to install additional traffic barricades and related signage and also includes furnishing and installing subgrade stabilization material. He stated that Change Order No. 6 is a credit of \$2,713.70 to adjust final pay quantities to reflect actual in place quantities.

Commissioner Stamper moved to approve Change Orders # 3, 4, 5, 6 of the St Charles Improvement Project with J C Industries for services as outlined in the following amounts:

| | |
|-----------------|----------------------------------|
| Change Order #3 | \$4,015 |
| Change Order #4 | \$18,350 |
| Change Order #5 | \$17,044.65 |
| Change Order #6 | (in credit amount of) \$2,713.70 |

It is further ordered that the Presiding Commissioner be hereby authorized to sign all documents related to the above change orders.

Commissioner Vogt seconded the motion.

Discussion: Frank Abart stated that the amount of Change Orders #1 and 2 were in the total amount of \$3,140.47.

The motion passed 3-0. **Order 460-99**

Subject: Change Order for Reconstruction of Spillway at Roemer Dam

Commissioner Stamper stated that this for a maintenance spillway adjacent to Obermiller Rd. He stated that this was not included in the original project. He stated that he hoped that this would reduce a lot of the annual maintenance on the project.

Commissioner Miller moved to approve Change Order No. 1 for the Spillway Reconstruction at Roemer Dam in the amount of \$10,080 and authorize the Presiding Commissioner to sign said change order.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 461-99**

Subject: Set Multiple Speed Limits

Frank Abart stated that this listing is an update that the Public Works Department completes depending on the number of changes that they have on the roadways each year. He stated that this also includes roadways that have been accepted into the County for maintenance and roads in the Neighborhood Improvement Projects.

Commissioner Stamper moved to adjust the speed limits as listed on the attached memorandum/documentation from the Public Works Director pursuant to Section 1.3.0 Chapter 1 of the Roadway Regulations.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt stated that she has received a lot of citizen feedback to the effect that once a road is paved, the speed limit on it should be raised. She stated that her response to that is always that the speed limit is based on the condition of the roads i.e. curves, hills, surface etc.

Frank Abart stated that this was correct. He also noted that the Public Works Department works with traffic consultants to determine what the speed limit of a given road should be.

The motion passed 3-0. **Order 462-99**

Subject: Conditions for Riggs Quarry Conditional Use Permit

Commissioner Vogt stated that everyone has worked well together to try to come to consensus on these conditions. She stated that in preparation for this discussion, she asked Stan Shawver to comprise a list of the conditions placed on the APAC Quarry versus the proposed conditions to be placed on the Mertens Quarry.

Commissioner Vogt stated that a lot of the conditions (proposed for the Mertens Quarry) are directed at controlling the noise level from the quarry. She stated that a major concern for the neighborhood is blasting. She stated that the neighborhood is concerned about the impact that the blasting will have on the foundation of their homes.

Commissioner Vogt stated that the Mertens Quarry made a request for a temporary asphalt plant. She stated that the real issue for the neighborhood is that they did not want to listen to a generator all night long.

Commissioner Stamper asked the County Commission debate the conditions that they have disagreement on.

The County Commission agreed that they did not have disagreement with the conditions listed in the Conditional Use Permit (drawn up by Skip Walther, attorney for the applicant).

Commissioner Stamper asked if there was anyone else that would like to comment on this subject.

Trudy Pulley, 2202 W Williams Rd stated that there were several conditions that the Mertens Quarry agreed to that were not listed on the Conditional Use Permit. She stated that those conditions included the following: reduce the request for CUP to 130 acres, place a stop sign at the exit of their property, continue to manage the small wetlands on their property, afford liability for any personal property damage due to blasting activities. She stated that Mertens agreed to these conditions in September, however those conditions were not listed on the Conditional Use Permit.

Trudy Pulley stated that she had not heard anyone agree to the Saturday operations. She stated that the neighborhood agreed to longer hours during the week in order to have their weekends free. She stated that it had also been indicated to the neighborhood that Mertens Quarry would not stockpile waste rock in the buffer area.

Commissioner Vogt stated that Mertens Quarry did agree not to stockpile, except for overburden in the buffer area.

Trudy Pulley stated that there was a discrepancy between the Mertens agreement not to do that and the wording in the Conditional Use Permit. She stated that there had also been discussion

about the roadway on top of the berm and the scale house. She stated that the understanding was that the scale house and roadway would be moved to be more in line with the new entrance.

Commissioner Vogt stated that she recalled the conversation about the scale house. She stated that it was her understanding that the Mertens would have the scalehouse in the buffer area until the location of the quarry was moved. Commissioner Vogt stated that if the Mertens had a problem with that, she did not recall what it was.

Skip Walther stated that he would elaborate on this matter during his testimony.

Trudy Pulley stated that the last issue was the construction scraper. She stated that the construction scraper is probably the noisiest piece of equipment that is being used at the quarry. She stated that the neighborhood would like to see the use of the construction scraper cut down to about 40 hours.

Trudy Pulley reiterated that she and the rest of the neighborhood would like to have their weekends available and free of noise.

Skip Walther, Attorney (offices at 700 Cherry St) stated that the hours of operation are identical to the hours of operation for the APAC Quarry. He stated that those hours of operation are to carry out the functions of the quarry. He stated that it would significantly impact the quarry if it were not allowed to operate on Saturdays. He stated that the restrictions that they already agreed to were the only ones that they could live with and still operate a quarry.

Skip Walther stated that the movement of scalehouse would cost approximately \$50,000. He stated that it is not something that they would like to do. He stated that the discussion with the neighborhood at the last meeting (that Trudy Pulley was present at) was to the effect that the quarry had stopped constructing the berm and would plant more trees in an attempt to make more of a buffer between the road that is on top of the burn and the surrounding properties. He stated that they made it clear at the last meeting that they did not plan to move the scalehouse because of the significant cost of that action. He stated however that the gate to the scalehouse would be moved.

Skip Walther stated that it is not true that the scraper is louder than the crusher. He stated that the scraper activities occur at numerous construction sites. He stated that the scraper would have to be used to build the road inside the property. He stated that the quarry also needed to be able to use the scraper during the hours that people are available to work.

Skip Walther stated that Trudy Pulley often spoke in terms of "we," he stated however to his knowledge, she was the only one in disagreement with the terms as outlined in the CUP. He stated that his previous contact was Jan Bell. He stated that to his knowledge, Jan Bell is in agreement with all of the terms outlined in the CUP.

Commissioner Vogt asked Skip Walther if the scalehouse is presently within 200 feet of the property line.

Doug Mertens stated that he believed that the scalehouse is outside of 200 feet of the property line. He stated that if it is within the 200 feet, it is just barely within.

Commissioner Vogt asked Skip Walther to elaborate on what activities occur around the scalehouse.

Skip Walther stated that the scalehouse has scales embedded in the ground. He stated that trucks drive up onto the scales to be weighed (to calculate the amount of rock and the charge for the rock).

Commissioner Vogt asked how many trucks are weighed in the scalehouse per day.

Doug Mertens stated that with the present business of the quarry, there are about 200-250 trucks per day. He stated that this number would decrease after the highway project is completed.

Commissioner Vogt asked if the scale was on the west side of the scalehouse away from the road.

Skip Walther stated that the scale is on the east side of the scalehouse, but noted that it is immediately adjacent to the scalehouse.

Commissioner Miller stated that the Mertens stated (during the original hearing) that they would limit the acreage to 130.

Skip Walther stated that this was an approximation. He stated that the acreage has been limited to 130 based on the buffers and the restricted area. He stated that the 130 acres was agreed to with the knowledge that there would also be a 200' buffer. He stated that the buffers and restricted areas are specifically defined in the CUP.

Commissioner Vogt stated that there is also a creek in the buffer area that is restricted by the Department of Natural Resources.

Commissioner Miller asked if the Mertens would continue the present wetlands through their contract.

Skip Walther stated that the Mertens have to continue the wetlands to be in compliance with the contract.

Commissioner Miller asked if it would be problematic to place a stop sign at the entrance and exit.

Skip Walther stated that it would not be. He stated however that he did not think that this needed to be included in the CUP.

Commissioner Miller agreed that this clause did not need to be included in the CUP. She stated that the only concern that she has in on the weight limit of the trucks. She stated that she realized that this is not the quarry's job, however she stated that every other quarry tries to help keep the trucks that leave their quarries from being overloaded. She stated that she did not feel it unreasonable to ask the quarry to try to monitor that activity.

Commissioner Stamper stated that this was not a condition that was placed on the APAC Quarry.

Commissioner Vogt stated that there are already measures in place to monitor those activities. She asked why the County would want to duplicate those regulations.

Commissioner Miller stated that every other quarry identifies monitoring the weight limit of trucks as part of their job.

Commissioner Stamper asked Commissioner Miller to explain how every other quarry performs this function.

Commissioner Miller stated that other quarries use a scale chart that identifies how much the trucks can carry.

Commissioner Stamper stated however that the quarry could not prevent a truckdriver with multiple axles on his truck from lifting one of those axles after leaving the quarry.

Commissioner Miller agreed that they could not. She stated however that she wanted the quarry to be cognizant of the weight limits.

Doug Mertens stated the quarry has become increasing cognizant and alert to the weight limits since their request for a conditional use permit.

After brief discussion, the County Commission, County Counsel John Patton, and Skip Walther agreed to the following modifications for the CUP:

- Page 4, Section 3, Part (2) shall read: The Buffer Area may be used *only* stockpiling of overburden and top soil and for haul purposes, subject to the further restrictions set forth in subparagraph (3) of this paragraph.
- Page 5, Section B, Part (5) words *Planning and Building Inspection Director* shall replace the word Commission
- Page 7, Section E, Part (3) words *newspaper of general circulation designated by the Planning and Building Inspection Director* shall replace the words Columbia Daily Tribune
- Page 7, Section E, Part (3) the following sentence shall be added: *Notice of hearing shall be mailed to any party having filed a request for notice with the Planning and Building Inspection Director no later than first or last publication—notice to be mailed concurrently with the publication*
- Page 8, Section G add the sentence *Survey to be approved by the Planning and Building Inspection Director*
- The following clause shall also be added as a condition of the permit: *Minimal Monumentation completed (by Mertens L.L.C.) to help identify survey lines in the field.*

Commissioner Stamper stated, in response to a question posed by Jan Bell, that the Conditional Use Permit is considered part of the property and could be transferred if the property were to be sold.

Jan Bell asked if the quarry would still be able to perform certain functions on Sunday.

Doug Mertens clarified that some activity does occur on Sundays, however the occurrence is rather infrequent and based on special circumstances. He stated however those activities could occur at anytime.

Commissioner Miller stated that she was under the impression that there would not be a lot of trucks hauling in and out of the quarry outside the hours of operation.

Skip Walther stated that as a practical matter, in the general day to day operations, this would not occur. He posed the question of whether the quarry should be allowed to meet individual challenges as they arise or whether the quarry should have to come before the County Commission every single time those challenges occurred. He stated that due to the relative infrequency to those special circumstances it would be preferable to have the hours of operation given to the quarry on a flexible basis. He also stated that he did not feel that the risk to the neighborhood is sufficiently great enough to require that the quarry have to appear before the County Commission every time a special circumstance occurred.

Commissioner Vogt stated that she felt all along that it would inappropriate to have the property owners (neighborhood) come to County government every single time there is a special need. She stated that therefore the County Commission put conditions in place under which the quarry would be allowed to operate. She stated that everyone worked very hard to establish those conditions. She stated that she tried hard to look at all of the facts and listen to all of the comments. She noted that the Mertens' integrated some conditions into the CUP that were not required or proposed.

Commissioner Vogt moved to approve a request by Mertens, L. L. C. and Mertens Construction Co., Inc. for a Conditional Use Permit for the Riggs Quarry (with modifications as discussed) and authorize the Presiding Commissioner and the Director of Planning and Building Inspection Department to sign the permit. The permit shall be granted upon approval of the findings of fact and conclusions of law.

Commissioner Stamper seconded the motion.

Discussion: Commissioner Miller agreed that a condition should not be established that “the neighbors are coming to town every time something happens or that the Mertens have to come before the County Commission every time something happens.” She stated that she also agreed that there should not be a duplication of regulations. She noted however that she could not base this decision on the Mertens’ ability to operate the quarry. She stated that she agreed with some of Commissioner Vogt’s earlier comments that the Mertens’ are wonderful owners and neighbors. She stated however that a decision had to be made on the property, rather than the people that own the property. She stated that she would like to see the hours of operation be the same of the crusher except in the event of governmental contracts.

Commissioner Stamper stated that he would like to be very careful to not place a condition within this CUP that was not present in the other one (APAC Quarry). He stated that there has been a lot of time spent on this. He stated that Boone County is (and is perceived as being) a County that cares about the impact that businesses have its citizens. He stated that neither the Mertens, the Riggs neighborhood, nor the County Commission were completely happy with the CUP, however this issue has been pursued in the proper fashion. He stated that he was ready to approve the CUP with the conditions as previously stated (and the modifications during this meeting).

The motion passed 3-0. **Order 463-99**

Subject: Discussion of Vacancy on the Board of Adjustment

This discussion was tabled.

Subject: Authorize closed session pursuant to Section 610.021 (3) RSMo.

The County Commission agreed to hold a portion of the closed session [pursuant to Section 610.021 (1)] immediately following the meeting and adjourn the remainder of the closed session (pursuant to Section 610.021 (3) until 1:30pm.

Commissioner Miller moved to authorize a closed session immediately following the scheduled meeting on November 24, 1999 to discuss the hiring, firing, disciplining or promoting of an employee of a public governmental body pursuant to Section 610.021 (3) RSMo.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 463A-99**

Commissioner Reports

There were no reports given.

There was no public comment.

The meeting adjourned at 11:50pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner