

TERM OF COMMISSION: June Session of the May 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
County Counsel John Patton
Deputy County Clerk Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 7:00pm.

Commissioner Stamper stated that the primary purpose of this meeting is to discuss planning and zoning issues. He stated that the format for the meeting would be as follows: staff report, comments from applicant or agent of applicant, public hearing, rebuttal by applicant or agent of the applicant, discussion of the commission. He also asked that all those giving comments sign in, state their name and address for the public record, and state if they are present in support of or opposition to the issue. He also asked that testimony be succinct and focused.

Subject: Request by Janice M. Smith on behalf of the Missouri Rural Water Association to rezone from A-1 (Agriculture) to C-GP (Planned Commercial) of 10.16 acres, more or less, and to approve a review plan for a planned development located at 6101 E. Angel Ln., Ashland

Stan Shawver presented the following staff report:

This property is located 2 miles north of Ashland and 6 miles south of Columbia at the intersection of Angel Ln. and Highway 63. The property is zoned A-2 (Agriculture), as is all of the surrounding property. There is a house, pole barn and several small sheds on the property. This request is to rezone the property and approve a Review Plan that will permit the Missouri Rural Water Association to utilize the property and existing structures for their state headquarters. The house will be used for office space and the barn will be used for storage and training. The plan indicates that there will be 2 signs, both measuring 3' x 6'. This property is served by Consolidated Public Water District No. 1. Electricity is provided by Boone Electric Cooperative. The site is located within the Southern Boone R-1 School District, though the proposed use is a tax-exempt entity. The wastewater system will consist of an on-site system. The plan indicates that the entrance will be re-located from its present location to a point on Angel Lane. The lighting will be limited to one dusk-to-dawn light. Parking will be provided for 17 vehicles. The master plan designates this area as being suitable for agriculture and rural residential land uses, but it should be pointed out that the plan does show commercial and industrial use near Columbia Regional Airport. Staff notified 8 property owners about this request. Staff recommends approval of the rezoning to C-GP and approval of the review plan for the MRWA Office Park, with the condition that:

- The site is restricted to the permitted uses of the C-O (Commercial Office) district.

Stan Shawver stated that the Planning and Zoning Commission conducted a public hearing on this matter. He stated that a motion was made to recommend approval of the request. He stated that the motion was approved with the condition recommended by staff.

Commissioner Stamper stated that Commissioner Miller was en route to the meeting. He stated that she had to attend a meeting in Ashland and was on her way back to attend the County Commission meeting.

Commissioner Stamper called the Applicant or Agent of the Applicant forward for testimony.

Ron Shy, Agent of the Applicant and Janice Smith, Owner were present on behalf of the request.

Ron Shy, 5600 S Hwy KK stated that the Missouri Rural Water Association is (on a less organized basis) has been in existence since 1966. He stated that the Missouri Rural Water

Association was formally organized in 1971. He stated that the duties of the Missouri Rural Water Association are to assist the legislative efforts of the Missouri Rural Water Districts and certain sewer districts and municipalities.

Ron Shy that the Missouri Rural Water Association has been looking for a new location for some time. He stated that the association had hoped to move closer to Jefferson City or near the Columbia Regional Airport. He stated that the proposed site (request) is ideal in that it is halfway between Columbia and Jefferson City.

Ron Shy stated that the impact on the neighborhood (sewer and traffic) would be minimal considering that the association only has two full-time people and two part-time people.

Commissioner Stamper stated that the title of the initial design is "Office Park." He asked if it was anticipated that there would be other offices located on the property.

Ron Shy stated that there are no plans for other offices on the property at this time. He stated that the title was one that he created.

Ron Shy gave a brief explanation of the site plan.

Commissioner Stamper convened a public hearing on the request.

Bill Robinson, 412 W Stone St (Sturgeon) stated that he has been employed by Consolidated Public Water Supply District No. 1 for the past 12 years. He stated that he is also a member of the site selection committee for the Missouri Rural Water Association. He stated that the association is in need of the extra space for parking, etc. He stated that he is in favor of the request.

There was no one else that wished to speak.

Ron Shy stated that he checked with Tom Schauwecker, Assessor about the issue of property tax (raised during the Planning and Zoning Commission meeting). He stated that the Missouri Rural Water Association does in fact pay property tax.

Commissioner Vogt and Commissioner Stamper agreed that they were both in favor of the request, however they did not feel comfortable voting on the issue in Commissioner Miller's absence.

Commissioner Miller arrived.

Commissioner Vogt and Commissioner Stamper gave Commissioner Miller an overview of the discussion that had taken place regarding this request.

Commissioner Miller stated that she was also in favor of the request.

Commissioner Vogt moved to approve a request by Janice M. Smith on behalf of the Missouri Rural Water Association to rezone from A-1 (Agriculture) to C-GP (Planned Commercial) of 10.16 acres, more or less, and to approve a review plan for a planned development located at 6101 E. Angel Ln, Ashland.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 269-2000**

Subject: Request by James and Donna McManama on behalf of United States Cellular to locate a transmission facility including a 400' tower on 14.7 acres located at 10901 E Hwy 22, Centralia

Stan Shawver gave a staff report as follows:

This property is located immediately west of the City of Centralia. The property is zoned A-2 (agriculture) as is all of the surrounding property. This request is to place a transmission facility on the property that will include a 400' tower. This site is served by Union Electric and is located within the Centralia R-6 School district. Water service is not required by this land use. The master plan designates this area as being suitable for commercial land uses. Due to the height of the tower involved in this request, staff notified 35 property owners. The original zoning for this tract is A-2. There have been no previous requests submitted on behalf of this property. The proposed use is consistent with the plan and staff recommends approval.

(Commissioner Sloan stated that she would abstain from any discussion or voting on this request since she does direct business with U. S. Cellular.)

Stan Shawver stated that the application fulfills all of the criteria for a transmission facility. He stated that the Planning and Zoning Commission held a public hearing on the request and made a motion to recommend approval of the request. The motion received six yes votes and one abstention.

Commissioner Stamper called the Applicant and Agent of the Applicant forward for testimony.

Ken Jacob (Agent of the Applicant) and Steve Rhinerson, United States Cellular Project Manager for site location were present on behalf of the request.

The statements made by the applicants on behalf of the request at the June 15th Planning and Zoning Commission meeting are inserted here as a background reference:

Ken Jacob, Attorney at 1001 E Walnut, Suite 20, Columbia

Steve Rhinerson, Area Project Manager of 850 Twixt Town Rd NE, Cedar Rapids, IA 52405

Patrick Armstrong, RF Engineer, of 850 Twixt Town Rd NE, Cedar Rapids, IA 52405

Mr. Jacobs represents the property owner as well as U. S. Cellular. His clients are asking for a conditional use permit (C.U.P.). They have already submitted an application, which they believe, has met all the requirements of the Ordinance and requested the application become part of the record.

The location is on a farm near Centralia. There are no other structures nearby. The location can be found on Exhibit H in the application. The reason the tower is needed is because U.S. Cellular tries to provide a service to their customers that has seamless coverage. Exhibit J illustrates the propagation maps, which show the areas where there is no coverage. They tower is 400 feet. The simulation can be seen on Exhibits H and I. It is a guide tower.

Patrick Armstrong, U.S. Cellular is committed to providing seamless coverage to their customers and assisting them in their everyday communication needs as well as emergency needs, (i.e. 911). This 400 feet tower will provide coverage in the Centralia area, along with Hwy 22. In order to connect this tower with the Company's other facilities nearby, they use a microwave link, and in order to get a line of sight for that microwave link they need their transmit dish at 400 feet. That is why they are requesting the 400-foot guide tower.

Ken Jacobs addressed the tower requirement of co-location. This tower has the capacity of holding 21 other antennas other than the 7 they plan to place on the tower. Exhibit H illustrates the equipment building. The Ordinance also requires the tower to have lighting for towers over 200 feet, so does the FAA. The tower will be painted red and white and it will also have a light at night and nothing during the day. This is explained in Exhibit I of the application. The landscape plan is in Exhibit F. They will plant trees around the site of the facility. The security is an 8-foot fence with three barbed wires on the top. If someone did manage to get over the fence and open the door it would set off an alarm to a central location and that location would call the police.

They have met all the requirements of FAA and FCC.

Mr. Jacobs explained the comments of the response form for Commissioner Caruthers. The tower structure has the capacity of holding 21 additional antennas. The response forms were from other tower owners in the region confirming that their towers would not satisfy the tower needs of U.S. Cellular. There will be other companies that will desire to co-locate on this subject tower. The preliminary tower design in the application spells out where the antennas will be able to be placed and what the tower will support. 00

Ken Jacob stated that this transmission facility is needed in order to provide seamless coverage for the cellular phone customers in this area. He stated that there are no other towers in the area that can provide the coverage needed for this area. He stated that there are other towers (several miles away) that were contacted by United States Cellular as possible co-location sites. *He noted that the regarding those other sites and the subsequent contact by United States Cellular is provided at the end of the CUP application, a copy of which is available for the public record.* He stated however that all of these tower locations are too far from the service area to provide adequate coverage.

Steve Rhinerson that the proposed tower would be a 400' guide tower. He stated that the 400' tower is needed to transmit microwave signals to the other United States Cellular transmission facilities.

Ken Jacob stated that other companies have already began to show interest in co-locating on the proposed tower. He stated that the tower would provide space for 28 antennae (3 of which would be used by United States Cellular). He stated that the only lighting for the tower would be the red signal that would be visible only at night. He also noted that the majority of the equipment for the tower would be on the ground. He stated that the landscape plan is in an agricultural zone. He further stated that an 8' fence would secure the area.

Ken Jacob stated that this transmission facility has complied with all regulatory conditions.

Commissioner Stamper convened a public hearing on the request.

There was no one that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Vogt noted that there was no opposition to this request. She stated that in fact, people seemed to welcome this transmission facility.

Commissioner Vogt moved to approve a request by James and Donna McManama on behalf of United States Cellular to locate a transmission facility including a 400' tower on 14.7 acres located at 10901 E Hwy 22, Centralia.

Commissioner Miller seconded the motion.

Discussion: Commissioner Miller cited a letter from Duke Communications and that company's reference to conducting a structural analysis of the site. She asked: who is responsible for the structural analysis of the site location or an RF study?

Ken Jacob stated that co-location agreements are always a difficulty. He stated that when he reviews the form, there are 8 different questions that he asks. He stated that then the tower owner (of the site that his clients wish to co-locate on) is sent the engineering report. He stated that a map of the area and a description of the equipment will need to be placed on the structure.

Commissioner Miller noted that she thought that the response from Duke Communications was a little curious.

Ken Jacob stated that there is no one on his staff that is capable of performing that kind of analysis. He stated that it is a very difficult thing to do. He further noted that if other site

locations work for the company he is representing, then it would be their preference to use those sites.

The motion passed 3-0. **Order 267-2000**

Subject: Request by Allen and Judy Ronnebaum to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 38 acres, more or less, located at 3125 N Rte Z, Columbia (appeal)

Commissioner Stamper called for a staff report on this request.

Stan Shawver noted that the applicant was not present.

Commissioner Stamper asked what the procedure is for a request on appeal from the (Planning and Zoning Commission) when the applicant is not present.

Stan Shawver stated that when a request comes forward with a recommendation for denial from the Planning and Zoning Commission, the applicant is required to file an appeal and appear before the County Commission. He stated that if the applicant does not appear before the County Commission, the application is summarily dismissed.

Commissioner Stamper stated that the County Commission would handle the other items on the Commission agenda and return to this matter at the end of the meeting (in order to allow time for the applicant to appear).

The County Commission returned to this item after handling all other agenda items. The applicant was still not present.

Commissioner Stamper moved to deny the request by Allen and Judy Ronnebaum to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 38 acres, more or less, located at 3125 N Rte Z, Columbia (appeal).

Commissioner Vogt seconded the motion.

Discussion: Commissioner Stamper stated that the County Commission really has no choice but to deny this request since the applicant has not completed the appeal procedure.

Stan Shawver stated that the applicant would not be able to return with the exact same request for one year. He noted that the applicant could modify his request and resubmit it at any time.

A member of the public asked if property owners within 1000' of the request site would be notified again if the request was returned or modified.

Commissioner Stamper stated that they would.

The motion passed 3-0. **Order 268-2000**

Subject: Hackman Acres. S18-T46N-R12W. A-2. Norlan and Barbara Hackman, owners. Brian David Dollar, surveyor.

Stan Shawver stated that he did not have this plat in hand. He asked the County Commission if they would like to handle this matter at a later date.

The County Commission stated that they would proceed with the matter.

Stan Shawver presented a staff report as follows:

The property is located on the north side of Calvin Drive, approximately ½ mile west of Route M. The property is currently occupied by a house, a barn, a shop and a lagoon. All of the structures and the lagoon are on proposed Lot 2.

All lots will have frontage on and direct access to Calvin Drive. Right of way sufficient to provide a 33' half width will be dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

The property is located in the Consolidated Water District Number 1 service area.

On-site wastewater systems will be used for sewage disposal. The applicant has submitted a plan showing the location of future wastewater systems on each lot. The applicant has also submitted a request to waive the requirement to provide a wastewater cost-benefit analysis. It should be noted that the existing lagoon, located on proposed Lot 2, does not meet the minimum setback requirement. If it becomes necessary to rebuild the lagoon it will be done so in compliance with the regulations. A note has been placed on the plat regarding this issue.

The Existing house on proposed Lot 2 is also in the front setback area. No additions will be allowed to the house within the setback area. In addition, if the home is damaged to the extent of 75% or more of its value, by any means, it will have to be rebuilt in compliance with all county regulations.

The property scored 25 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Stan Shawver stated that the plat received unanimous approval by the Planning and Zoning Commission.

Commissioner Miller moved to receive and accept Hackman Acres and authorize the Presiding Commissioner to sign the plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 270-2000**

Subject: East Locust Grove Plat 1. S2/T48N-R12W. R-S. Floyd and Donna Wade, owners. Ronald Lueck, surveyor

Stan Shawver presented the following staff report:

The property is located on the south side of Locust Grove Drive between Pin Oak Blvd. and Lake of the Woods Road. The parent tract of approximately 40,000 square feet is being divided into two tracts of roughly equivalent size. There is an existing house located on proposed Lot 4A.

Both lots will have frontage on Locust Grove Drive, which has a 50-foot right of way. No additional right of way will be dedicated by this plat. The owner has requested a waiver of the requirement to provide a traffic analysis.

The site is in PWSD #9 service area; however, it is in an area that has a territorial agreement with the City of Columbia. Therefore, the City of Columbia will provide water service.

Sewer service will be provided by the BCRSD. The sewage will be conveyed by the district to the City of Columbia sewer system for treatment. This property is part of the Pin-Oak Neighborhood Improvement District. It is important to note that the sewer district has informed us that the Pin-Oak NID assessment was established on the parent tract. Therefore, if either of the lots in this plat defaults on the NID payment both lots are in jeopardy. The district recommends that the NID assessment be paid in full prior to selling either of the lots.

This plat has 83 points on the point rating scale.

Staff recommends approval of the plat and waiver requests.

Stan Shawver stated that the plat received unanimous approval by the Planning and Zoning Commission.

Commissioner Vogt moved to receive and accept East Locust Grove Plat 1 and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 271-2000**

Subject: Authorize the Presiding Commissioner to sign the Award of Contract from the Department of Public Safety for the Tracking and Recovery System

Commissioner Stamper stated that the Tracking and Recovery System has been reported on several times during County Commission meetings. He stated that he needed to be authorized to sign the award of contract to accept the funds from the Department of Public Safety.

Commissioner Stamper moved to authorize the Presiding Commissioner to sign the Award of Contract #98-NCD5-085 from the Department of Public Safety in the amount of \$7,166 for the Tracking and Recovery System.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 272-2000**

Commissioner Reports

Commissioner Miller

Commissioner Miller stated that she received a request from the city of Hartsburg to reallocate the funding provided by the County for sidewalk repair to use instead for the placement of a large water line. She stated that city of Hartsburg is working on the installation of additional fire hydrants. She stated that the reallocation of funds should be formally authorized since these are Healthcare Profitshare funds.

Commissioner Miller moved to authorize the city of Hartsburg to reallocate their Healthcare Profitshare funds to allow for the extension of a 6' water line for fire hydrants.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 266-2000**

Commissioner Miller reported that there is a problem at the Reality House with water running inside the front door (which was related to the lowering of the entrance of the facility). She stated that the berms next to the building have since been scheduled for removal. She stated that the architect has developed a proposal (for bid) that will cost between \$33,000-\$39,000.

Commissioner Stamper stated that this has been a longstanding problem.

Commissioner Miller stated that she would work out the (financial) details with the Auditor's Office and attempt to bring the item forward on the Thursday Commission agenda.

Commissioner Miller reported that she arrived late to the Commission meeting because she was attending a neighborhood association (Basnet Dr) meeting in Ashland. She stated that the meeting was very good and the neighborhood asked a lot of questions about different things. She stated that she would take Mr. Sapp to Ashland tomorrow in order to respond to the questions presented and review some of the areas.

Commissioner Stamper

Commissioner Stamper did not give reports.

Commissioner Vogt

Commissioner Vogt did not give reports.

There was no public comment.

The meeting adjourned at 7:45pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner