

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Director of Planning and Zoning Stan Shawver
County Counselor CJ Dykhouse
Deputy County Clerk Kristina Johnson

The meeting was called to order at 7:00 p.m.

Planning and Zoning

David Butcher with Crockett Engineering and Gary Wilson the property owner, were both present on behalf of this item.

- 1. Request by Gary and Rhonda Wilson to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) and approve a Review Plan for Silver Creek Subdivision on 19.21 acres, more or less, located at 5450 E. Hwy 124, Hallsville.**

Mr. Shawver stated the property is located on the south side of Highway 124 approximately 1400-feet west of Hallsville. The parent tract is 80.61 acres in area and is occupied by two single family residences. The portion of the parent tract that is the subject of the rezoning request is 19.21 acres and is occupied by one of the existing residences. The current zoning for this property is A-2, which is the original zoning. Zoning to the north (across 124) is A-R. All other adjacent zoning is A-2. The Master Plan identifies this site as being suitable for residential land uses. No previous requests have been made on behalf of this property.

The application includes a request to rezone the property to Agriculture Residential-Planned, AR-P along with the required review plan and a preliminary plat. The proposal is to create 8-residential lots varying in size from 2.00 to 3.11 acres. If approved, the resulting density will be one home per 2.4 acres.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- The property is in Public Water Supply District 4. There is a 10-inch diameter waterline in place along the frontage of this property.
- The developer proposes to connect to the City of Hallsville sewer system. Hallsville has confirmed that it is willing to provide the connection. That connection will be in place prior to recording the first plat.

Transportation

All lots except Lots 2 and 4 will have direct frontage on 124. Lots 5 and 3 will have a shared access point, Lots 6 and 7 will have a shared access point, Lot 8 will have direct access to 124. Lots 1, 2, 3 and 4 will share a common privately maintained access. The privately maintained access strip will be used exclusively for this subdivision until it is dedicated and built as a public street.

All access points to Hwy 124 will require permits from MoDot. MoDot has reviewed the proposed location of the privately maintained access for compliance with sight distance requirements.

Right of way sufficient to provide a 33' half-width right of way will be dedicated on the final plats.

Public Safety Services

The property is within 1.7 miles of the nearest fire station. Public safety services to this location should be adequate for the needs of the development.

Three locations are show for the placement of subdivision identification signs. However, Boone County sign regulations only allow one such sign per street frontage and the sign must be located within 75' of the subdivision entrance. The sign location shown on Lot 8 does not meet the 75' criteria and must be removed. The two locations on Lots 1 and 3 may remain but only one may have an actual sign installed on it.

The property scored 78 points on the rating system. Staff notified 21 property owners about this request.

Staff recommended approval of the rezoning and the review plan.

The Planning and Zoning Commission conducted a public hearing on this request during their November 18, 2010 meeting. There were 10 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the rezoning request be approved. That motion received unanimous support.

Next, a motion was made to recommend that the Review Plan be approved with the following

conditions:

1. The 66' wide private access strip shall be relabeled from "Unplatted Access Strip" to "Private Access Strip". It shall be used exclusively for vehicular and utility access to Lots 1-4 until such time as the owner improves it as a public street and dedicates it to the public in accordance with a future subdivision plat.
2. The developer shall submit a maintenance plan and agreement for the private access strip with the final plat that creates Lot 1, 2, 3 or 4. After approval by the County, the developer shall record the agreement prior to recording the final plat for any of the lots that abut it. The recorded book and page of the maintenance agreement shall be cross referenced on all final plats that create lots 1-4.
3. All subdivision identification signs shall comply with the Boone County Zoning Regulations. The location on Lot 8 shall be removed from the review plan. Only one sign can be placed along the road frontage either at the location shown on Lot 1 or Lot 3 but not both.

The motion also carried.

Mr. Butcher stated he represents Gary and Rhonda Wilson. Mr. Butcher stated they support all of the corrections that were asked of us and they do not want to make a big deal out of this but they would just like to answer any questions asked of them.

Commissioner Elkin asked when it will be required to be upgraded.

Mr. Shawver stated if any future development takes place.

Commissioner Pearson stated currently the whole thing is owned by the same party, correct.

Mr. Shawver stated yes.

Commissioner Pearson asked what happens if the property owners sell it and the new buyers decide to develop it.

Mr. Shawver stated the subdivision regulations require that they would have to have access to the road.

Commissioner Pearson stated that would really be his only concern, is to ensure that there really would be a public road at that point.

There was no one present to testify in support of this item.

There was no one present to testify against this item.

1. Rezone

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by **Gary and Rhonda Wilson** to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture - Residential) on 19.21 acres, more or less, located at 5450 E. Hwy 124, Hallsville.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 558-2010**

2. Review Plan

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by **Gary and Rhonda Wilson** for a Review Plan for Silver Creek Subdivision on 19.21 acres, located at 5450 E. Hwy 124, Hallsville, with the following conditions:

1. The 66' wide private access strip shall be relabeled from "Un-platted Access Strip" to "Private Access Strip". It shall be used exclusively for vehicular and utility access to Lots 1-4 until such time as the owner improves it as a public street and dedicates it to the public in accordance with a future subdivision plat.
2. The developer shall submit a maintenance plan and agreement for the private access strip with the final plat that creates Lot 1, 2, 3 or 4. After approval by the County, the developer shall record the agreement prior to recording the final plat for any of the lots that abut it. The recorded book and page of the maintenance agreement shall be cross referenced on all final plats that create lots 1-4.

All subdivision identification signs shall comply with the Boone County Zoning Regulations. The location on Lot 8 shall be removed from the review plan. Only one sign can be placed along the road frontage either at the location shown on Lot 1 or Lot 3 but not both.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 559-2010**

2. Public hearing for East Area Plan

Mr. Shawver stated as the Commission is well aware the process has been followed to study an area that is currently right outside the city limits of Columbia. A similar process has just been used on the Northeast Area Plan up around the high school site. Continuing that successful planning process the City and County Planning and Zoning Commissions worked for an area

identified as the East Area. The idea of this is as land that will be annexed into the City in the future there will be a plan in place to help guide the City in allocating zoning and land uses. In the past, the County land use plan is in effect but this has just been a guide to the City and the City has not necessarily paid attention to it. This is an effort to really focus on an area, to see how the County plan works, to engage the citizens of the study area to get their thoughts and comments on a planning process, and then to incorporate that into a plan. Now, essentially this is a Columbia plan but the County has adopted the Northeast Area Plan as a sub plan to the County's comprehensive plan. So this is the sub plan for the County's master plan. The process was very public and the City took a lot of public comment. They incorporated much of what the public suggested into the City plan. The City Planning and Zoning Commission recommended that the City adopt it. The City Council just adopted it about two weeks ago. The County Planning and Zoning Commission also endorsed it and so the plan is here tonight as part of the adoption process. By statutory direction any changes to the master plan require that the County Commission conduct a public hearing before they adopt it and so that is the purpose of this meeting. This public hearing has been properly advertised and so Mr. Shawver stated that what he would suggest is to take any public comments that the public may have. Mr. Shawver stated he would not recommend the Commissioner's adopt it tonight but rather that the plan would be adopted by resolution at a later date.

There was no one present to testify in support of this item.

There was no one present to testify against this item.

Commissioner Pearson closed the public hearing on the East Area Plan.

3. Plat Acceptance for:

- a. Haystack Acres Addition Plat 2. S18-T49N-R12W. Oakland Missionary Baptist Church of Columbia, Missouri, owner. James V. Patchett, surveyor.**
- b. Rold Acres. S18-T49N-R11W.Lloyd E Cunningham, owner. Michael L. Klassing, surveyor.**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

Haystack Acres Addition Plat 2. S18-T49N-R12W. Oakland Missionary Baptist Church of Columbia, Missouri, owner. James V. Patchett, surveyor.

Rold Acres. S18-T49N-R11W.Lloyd E Cunningham, owner. Michael L. Klassing, surveyor.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 560-2010**

Public Hearing on FY 2011 Budget (Auditor's Office)

June Pitchford the Boone County Auditor was present on behalf of this item.

4. FY 2011 Budget

The complete 2011 Proposed Budget Report can be found at the following locations for public review:

- 1) Boone County Auditor's Office Rm 205 in the Government Center**
- 2) Boone County Clerk's Office Rm 236 in the Government Center**
- 3) <http://www.showmeboone.com/Budget%202011/Default.htm>**

Ms. Pitchford stated the County budget law requires that the County Budget Officer prepare a proposed budget for the Commission by November 15. The County is required to hold at least one public hearing before the Commission can actually adopt it. Prior to the public hearing the document has to be available for the public to have access to it for at least ten days. Ms. Pitchford stated the County has met and exceeded that ten day requirement and at least five days notice must be given of the hearing. So the purpose of the hearing is not to educate the Commission because the Commission is very familiar with the budget but rather allow for the public to comment on the budget or ask questions. Ms. Pitchford stated that being said she would be happy to recap any information presented.

Commissioner Pearson stated he suspects there are some folks present that are concerned about the revenue allocation. Commissioner Pearson asked that Ms. Pitchford explain how the County has approached the budget.

Ms. Pitchford stated fourteen months ago a subcommittee was formed and the subcommittee has been working and is still working toward preparing one or more recommendations for consideration for the larger group. Without that process being completed the 2011 budget includes the same allocation for revenue sharing and revenue replacement as the 2010 budget. That was discussed in work sessions early on in the process and everyone was in agreement that until everyone was in agreement that until a new policy is developed that the budget should reflect the existing policy. That is what the budget contains for 2011.

Commissioner Pearson stated the intent on the Revenue Allocation Committee back in August or September of 2009 was setup with an understanding that the County would come back and discuss this with the total group before the County did anything. With that being said is there anything else Ms. Pitchford, you would like to add.

Commissioner Pearson opened the hearing.

Gary Riedel stated he is representing the Centralia Special Road District. Mr. Riedel asked if the 2011 budget reflects the same allocations regarding the Road and Bridge as it did in 2010.

Ms. Pitchford stated she believes the distributions that the Riedel is referring too are characterized in three different accounts. Ms. Pitchford stated the Special Districts that would be the account in which the County distributes to the Centralia Special District has actually gone slightly up in 2011; the revenue replacement allocation has a budget in 2010 of \$1,890,000.00 and in 2011; the revenue sharing account in 2010 \$552,500.00 and in 2011.

Mr. Riedel stated so what you are telling me is that what we worked on this past summer will not be reflected in this budget.

Ms. Pitchford stated well.

Mr. Riedel stated the stuff we worked on this summer. Commissioner Pearson you know what I am talking about and you are saying that is not reflected in this budget.

Commissioner Pearson stated I do not think that it is.

Ms. Pitchford stated my understanding as the Budget Officer was that, that process was not completed in time.

Commissioner Pearson stated the County would take what the sub committee had done and bring it to the full group for discussion before the County made any further determination on what to do. Commissioner Pearson stated he does not want to stop Mr. Riedel from stopping here however on December 8th is the forum by which the County plans to bring forward with the full group and discuss the ideas from the subcommittee. Commissioner Pearson stated that is probably a better forum for this discussion, there will be a PowerPoint presentation to go through this thing so that everyone gets a chance to see it and see how this works. Commissioner Pearson stated we will be reviewing where the County was last year and then we will have discussions.

Mr. Riedel inquired who would be invited to this.

Commissioner Pearson stated everyone is welcome.

Mr. Riedel stated so this means that there is no possibility that this will be initiated in the 2011 budget.

Commissioner Pearson stated he does not know and they will have to see what happens as a result of the discussion.

Mr. Riedel stated the reason he is here tonight is he wanted to urge the Commission to delay these changes until the 2012 budget year. Mr. Riedel stated he does not think this process is sufficiently complete and Mr. Riedel stated he believes the proposal has some inequities in it that penalize some parties and reward others. Mr. Riedel stated this would not unify Boone County which the Commission will need for sales tax. Mr. Riedel stated he is not present to ask the Commission to change it or tell them to change it, what is being asked is for a full

process.

Commissioner Pearson stated he believes that was the intent all along. Commissioner Pearson stated we wanted to have a meeting, it would have been ideal to have a unanimous consent on the outcome of this within the subcommittee but we did not, but to go forward and say here is what we have at this point and see how acceptable it is and possibly get some other input. When we started this process over a year ago we were asking for volunteers to participate in that committee and we had a few so we may have an opportunity to have more participation.

Don Burmann stated he will not be able to be present for the meeting on December the 8th and so he would like to make his comments at this time. Don Burmann read into the record the following:

County Road Tax Revenue Sharing

I recently became aware of the new road tax allocation formula. I understand that the present formula is not sustainable; however, the smaller communities rely upon this money as virtually their sole source of funding for road projects. Obviously, everyone wants their fair share, and it's been pointed out that Columbia has not received its fair share in the past. The real question is: How do we define what a fair share is?

I believe that we must consider more than just the county's half cent sales tax; we need to define the problem in the proper terms.

I've also been told that the Centralia Special Road District is double dipping, but Columbia is double dipping as it has its own half cent sales tax. This is a tax not JUST on Columbia citizens but on **ALL** county residents who shop in Columbia. And, who does not shop in Columbia?

In the past, the small towns and cities had their own retail shops; however, over the years, Columbia has increased as a regional sales center at the expense of the small towns and cities. Today there are very few retail shops left in these communities. This means that we have no choice but to do most of our shopping in Columbia. When we do so, we pay not only the county's half cent sales tax but Columbia's half cent sales tax. In addition, within the last few years almost all retail shopping outlets in Columbia have established TDD's with their own half cent sales tax. These last two taxes, while levied on all Columbia shoppers, only provide for Columbia streets.

The rural towns and cities could adopt a half cent transportation sales tax, but they have little, if any, retail sales upon which to collect it. Is it fair that we must support Columbia streets after it has taken our retail shops from us?

Maybe, the county's role should be one of leveling the playing field. The county could redistribute the wealth of the sales tax by directing a larger percentage to the smaller towns and cities as well as the Centralia Special Road District. This has been the case in the past, and, as I pointed out, there is some justification for this since Columbia is the cause of our retail shops going out of business. We are not suggesting that Columbia be allocated no money, just a smaller share than proposed.

There is even value in this to Columbia as it relies upon the residents of Boone County and the smaller towns and cities to make up the remainder of the workforce it needs. When new businesses come to Columbia, some employees will live in these smaller communities just as with many of the existing businesses. Businesses are aware of this. Will Columbia still be considered a good fit for potential businesses when the streets in the smaller cities and towns are full of pot holes because they do not have the funds to repair them?

As to the Centralia Special Road District, Centralia and the road district cooperate and share work. When one is hurt, it hurts both of us. The numbers I have seen indicate that the road district operates very efficiently with the money it has. The people in the road district choose to continue with their road district, but this formula may be the end of it. People are concerned that if it disappears, the service will not be as good, and it will cost more to the county. That would not be a good thing.

Then there is the added advantage to the county commission that when someone living in the road district calls one of them about the roads, you can tell them they are calling the wrong people and don't have to listen to their gripes about the quality of the roads.

Ben Austin the Mayor of Hallsville was present on behalf of this item. Mr. Austin stated he has a little bit of a smaller budget and this will impact him a little more. Mr. Austin stated he believes that they are in favor of a new formula or a different formula. Mr. Austin stated he

would like to see a representative from each municipality from within the County if there is a new committee formed on this. Mr. Austin stated he would like to see that the smaller areas do not get hit quite so hard.

Commissioner Pearson asked if there were any more individuals who wished to speak on any item in the budget.

Commissioner Pearson closed the 2011 budget hearing.

Sheriff's Department

Captain Chad Martin from the Sheriff's Department was present on behalf of this item.

5. Subrecipient Monitoring Agreement between the City of Columbia, and the County of Boone Missouri (first reading)

Captain Martin stated the Sheriff's Department is requesting approval of the Subrecipient Monitoring Agreement between the City of Columbia and the County of Boone for the fiscal year 2010 Justice Assistance Grant for their percentage of that. The County is the primary recipient of the JAG grant. The agreement has been drafted by the County Attorney CJ Dykhouse and has been forwarded through the City Council.

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

6. Request to Transfer Above Authorized Transfer Salary for Dustin Richards (first reading)

Captain Martin stated the Sheriff's Department is requesting approval to transfer Dustin Richards to 106% above midpoint. There was a resignation from a sergeant which prompted to Dustin Richards promotion request. Both of these promotions were done by tenured employees that were using a standard base to base increase.

Commissioner Pearson requested what the difference in salary was.

Captain Martin stated both will actually be paid less then the person who was in the position before them.

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

7. Request to Transfer Above Authorized Transfer Salary for Crystal Homan (first reading)

Captain Martin stated this is a similar situation. Crystal Homan was a corporal being promoted to sergeant. Crystal Homan has been with the department since 1992.

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

Purchasing Department

8. 55-26Oct10 Telephone Business Handsets Term and Supply (second reading, first read during the day 11/30/2010)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 55-26Oct10 Technology Resource Center of America LLC to Technology Resource Center of America. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 561-2010**

Commission

9. County's Energize Missouri Communities grant (first and second reading)

Commissioner Miller stated this is a fund created from the energy grant monies. This will allow the County to use the funds for match and keep these budgets separate. With the federal grants, specific funds must be created.

Commissioner Pearson stated the County received \$219,000.00 in Energy Grant Funds for County buildings. Commissioner Pearson stated they expect to save quite a bit of money on the energy efficient updates and hope to set a good example for the rest of the entities in the County.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize that all grant reimbursement revenues received from the County's Energize Missouri Communities grant, awarded to the County in FY 2010 and funded from the American Recovery and Reinvestment Act of 2009, be deposited into a capital projects fund (Fund 405, General Capital Fund) to be used to improve and enhance energy systems throughout various county facilities. All monies deposited into the capital project fund will be subject to County Commission budget authority.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 561-2010**

10. Public Comment

11. Commissioner Reports

The meeting adjourned at 7:55 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner