

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  
Planning and Building Inspection Department Planner Don Abell

The regular meeting of the County Commission was called to order at 7:00 p.m.

Commissioner Stamper removed item number two, "Contract with GTE for E-911 System Upgrade", from the agenda, stating the commission is still evaluating the contract.

**SUBJECT: Request by Godas Development, Inc. to approve a final development plan for Lakeview Mall Phase I, Planned Commercial Development on 4.16 acres, more or less, located at 5641 E. Clark Lane.**

Mr. Abell reported the review plan was approved by the commission in April, 1995. Mr. Abell reviewed conditions placed on the plan at that time. The western portion of the property is being developed as Phase I. The Planning and Zoning Commission considered the initial plan in July, 1996. They did not believe the landscape plan was complete and were concerned with the sight/distance of the middle access onto Clark Lane. Many area residents present at the meeting expressed concern with the landscape plan, stormwater runoff into the lake, and replacement of landscaping materials. The Planning and Zoning Commission tabled the request. In August, the Planning and Zoning Commission reviewed the matter again. The landscape plan had been completed and the middle access point had been moved fifty feet to the west. The Planning and Zoning Commission voted to recommend approval of the final plan, with the conditions that:

1. Dedication documents be acceptable to utilities and public works and be recorded prior to the issuance of any building permits.
2. Fire hydrants be in place and in operation prior to the issuance of building permits.
3. Improvements to Lakewood Drive be completed and approved for acceptance by the Public Works Department prior to occupancy of the building.
4. No temporary occupancy permits be issued for this structure, unless the above conditions have been met.

Mr. Abell stated the revised final plan directs stormwater runoff to the rear of the lake dam, addressing the concern raised by neighbors. Potential outdoor seating for a restaurant is located on the south side of the structure rather than the north. Concerns about replacement of dead or sickly landscaping plants were addressed with a note on the landscape plan stating they will meet the City of Columbia requirements concerning landscaping.

In response to a question from Commissioner Miller, Mr. Abell replied the developer can proceed with a portion of a planned development. Lakewood Drive will be improved to county standards even though that portion of the property is not being developed at this time.

Tom Schneider, attorney with offices at 11 N. 7th Street, Columbia, stated he represents the applicants. Mr. Schneider stated Dan Brush, the engineer, is also present. Mr. Schneider stated numerous concerns and issues were raised during review of the plan. The applicant made extensive efforts to address and resolve the concerns, as described by Mr. Abell.

Commissioner Miller moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the final development plan for Lakeview Mall Phase 1, Planned Commercial Development on 4.16 acres, more or less, located at 5641 E. Clark Lane, with the following conditions:

1. Dedication documents be acceptable to utilities and public works and be recorded prior to the issuance of any building permits.
2. Fire hydrants be in place and operations prior to the issuance of building permits.
3. Improvements to Lakewood Drive be completed and approved for acceptance by the Public Works Department prior to occupancy of the building.
4. No temporary occupancy permits be issued for this structure, unless the above conditions have been met.

Commissioner Stamper seconded the motion, called for comment. Motion passed unanimously. **Order 463-96.**

**SUBJECT: Accept Hunter's Bend as County Road**

Public Works Department Registered Land Surveyor David Piest reviewed his memorandum to the County Commission dated September 3, 1996. Mr. Piest stated Hunter's Bend Road is located approximately one half mile north of State Highway Y. It runs west from Robbie Forbis Road, then south, within the East 1/2 of Section 11, Township 46 North, Range 12 West.

In response to a question from Commissioner Miller, Mr. Piest replied Hunter's Bend does not abut a blacktop road.

Commissioner Miller moved that the County Commission of the County of Boone accept the Quit-Claim Deeds, Easement For Public Roadway Purposes, Drainage Easement, and Utility, Drainage and Road Slope Easements for Hunter's Bend Road. The County Commission accepts Hunter's Bend Road for county maintenance, as detailed within the attached Order of Acceptance of Road as County Road. The Presiding Commissioner is authorized to sign the attached Roadway Maintenance Acceptance Certificate.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 464-96.**

**SUBJECT: Accept Columbus Court in Concorde East Plat 1 as County Road**

Mr. Piest reviewed his memorandum to the County Commission dated August 29, 1996. The road is located approximately .4 miles south of Interstate 70 on the east side of Rangeline Road in the south 1/2 of Section 7, Township 48 North, Range 11 West.

Commissioner Miller moved that the County Commission of the County of Boone accept Columbus Court for county maintenance as detailed within the attached Order of Acceptance of Road as County Road and authorize the Presiding Commissioner to sign the attached Roadway Maintenance Acceptance Certificate.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 465-96.**

**SUBJECT: Accept Frideriki Lane and Pinehurst Drive in Valley Creek Plat 7**

Mr. Piest reviewed his memorandum to the County Commission dated June 25, 1996. Pinehurst Drive is located approximately one fourth mile north of Clark Lane. It runs north from Godas Drive a distance on 615 feet. Frideriki Drive runs north from Pinehurst Drive, and connects with the existing Frideriki Drive, a distance of 132 feet.

In response to a question from Commissioner Stamper, Mr. Piest replied this portion of Pinehurst Drive currently does not connect with the existing Pinehurst Drive.

Commissioner Stamper stated according to someone who contacted him, if this is approved a county maintained road would be attached to a non-maintained road.

Mr. Piest apologized for not being able to address the situation. He recalls there is some type of problem with the existing portion of Pinehurst.

The commission requested the item be postponed to provide Commissioner Stamper an opportunity to investigate.

**SUBJECT: Accept Marigold Court and Daisy Drive in Lake Capri Subdivision Block 3**

Mr. Piest reviewed his memorandum to the County Commission dated August 29, 1996. Mr. Piest stated the roads are located approximately one half mile north of State Highway HH off Hickory Drive in Section 10, Township 49 North, Range 12 West.

Commissioner Miller stated when the county is asked to accept roads for maintenance, the roads should meet subdivision regulation requirements.

Mr. Abell noted this development was initiated prior to the latest revision of the subdivision regulations.

Commissioner Miller moved that the County Commission of the County of Boone accept Daisy Drive and Marigold Court for maintenance as detailed within the attached Order of Acceptance of Road as County Road. The Presiding Commissioner is authorize to sign the attached Roadway Maintenance Acceptance Certificate.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 466-96.**

**SUBJECT: Application for Permit for Organization Use of Courthouse Ground by the Missouri Alliance for Choice for Rally**

Commissioner Stamper stated within days orange construction fencing will be installed on the Courthouse Square. Only about ten percent of the Square will be usable. Applicants need to be made aware of the construction. The area in front of the Courthouse will not be available for use. The concrete circle adjacent to the Government Center can be used.

Commissioner Stamper moved that the County Commission of the County of Boone approve an application for permit for organization use of Boone County Courthouse Grounds by the Missouri Alliance for Choice for a Rally on Saturday, September 7, 1996 from 1:00 p.m. through 4:00 p.m.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 467-96.**

**SUBJECT: Void Commission Order 437-96 to Correct Amount of Contract with Reality House and Authorize Budget Revision to Establish Budget for Services**

Following an explanation by Ms. Malaby, Commissioner Stamper moved that the County Commission of the County of Boone approve the attached Community/Social Service Agreement with Reality House for services related to Work Place Readiness. The County will forward \$17,500 upon signing the contract. Prior to July 1, 1997, the County will forward the balance of the approximate \$35,000 total amount in equal monthly payments. The County Commission does hereby void Commission Order 437-96.

The County Commission does hereby authorize the following budget amendment, waiving the ten day comment period:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>Decrease</u>	<u>Increase</u>
1255	03411	Federal Grant Reimbursement	\$35,000	
1255	71100	Outside Services		\$35,000

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 468-96**

**SUBJECT: Juliet Bowling Rollins Revocable Trust**

Mr. Patton stated the Juliet Bowling Rollins Revocable Trust was created for the benefit of her daughters. He believes the trust is rather sizable. Ms. Rollins made Boone County the contingent beneficiary in the event her daughters die without having children. The daughters are apparently of an age that it is questionable whether they will have children. Mr. Patton stated he received a telephone call and correspondence from Jennifer Huckfeldt of Herb Willbrand's office saying they intend to file a petition to reform the trust agreement. Ms. Rollins is dead. The trust is now irrevocable. They are not getting maximum investment yield from the funds. The types of investments they can make are very conservative. They want the County of Boone to consent to the modification. First National Bank advised them they could achieve better yield if it had broader authority to invest the trust proceeds.

In response to a question from Commissioner Stamper, Mr. Patton replied Boone County is the only contingent beneficiary. If the county receives the funds, they must be used to benefit disabled children.

In response to a question from Commissioner Stamper, Mr. Patton confirmed the Circuit Court would have to approve the modification. Judge Roper will not simply "rubber stamp" the request. Mr. Patton read a portion of the petition and stated they are asking that the county waive service of process and consent to the reformation.

In response to a question from Commissioner Stamper, Mr. Patton stated he has no idea what the amount of the trust is. He assumes it is a large amount of money--a six figure sum--given the involvement of the bank.

Following discussion, Commissioner Miller stated the current limitations seem a little stringent. Her concern would be giving them the ability to buy junk bonds.

Commissioner Stamper stated he is willing to approve the request, provided Mr. Patton represents the county during the proceedings.

In response to a question from Commissioner Miller, Mr. Patton replied the county would only be waiving notice of this action, not all future actions.

Commissioner Stamper moved that the County Commission of the County of Boone authorize County Counselor John Patton to sign the Waiver of Notice of Action and Service of Process and Consent of Reformation of Trust Agreement (Juliet Bowling Rollins Revocable Trust). Mr. Patton should represent Boone County when this matter is heard by the 13th Judicial Circuit Court.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 469-96.**

**SUBJECT: Discuss Removal of Bradford Pear Trees from Courthouse Square**

Commissioner Stamper stated four Bradford Pear trees in front of the Courthouse were donated to the county about twenty years ago by then County Commissioner Carolyn Lathrop. The trees have matured to a point where they are very brittle. One has suffered significant wind damage. Construction on the Courthouse Square may disturb the roots of the trees to the point where they might die. There are also concerns relating to visibility and pedestrian traffic mobility. Numerous trees will be added to the Courthouse Square.

Commissioner Miller stated they are at the end of their lifecycle. She would like to replace them with other ornamental trees once construction is complete.

Commissioner Stamper moved that the County Commission of the County of Boone authorize removal of four Bradford Pear trees from their location in front of the Courthouse.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 470-96.**

The meeting adjourned at 7:44 p.m.

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Linda Vogt  
District II Commissioner