

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel K. Atwill
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Director of Resource Management Stan Shawver
Planner Uriah Mach
County Counselor CJ Dykhouse
Paul Morefield
Chris Sander
Deputy County Clerk Cameron Clarke

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

Purchasing

1. RFP Award Recommendation: 3 1 - 1 OJUL 12 - Online Bill Payment Concentrator Services for the Boone County Collector (first and second reading)

County Counselor CJ Dykhouse was present on behalf of this item. Mr. Dykhouse stated Ms. Lensmeyer planned to be here, but a family medical issue arose. Mr. Dykhouse stated about two years ago we realized online bill pay had become really popular and people were creating accounts for the Boone County Collector. Mr. Dykhouse stated many of those checks were received after January 1st, and taxpayers were upset they had to pay penalties. Mr. Dykhouse stated last year we did a test run with this company, and they were able to electronically capture online bill payments from all of the different banks, and if they were directed to Boone County they could be submitted electronically. Mr. Dykhouse stated it worked fairly well. Mr. Dykhouse stated after the 2011 tax season the Collector commenced a request for proposal process to see if there were any other companies. Mr. Dykhouse stated after the RFP process, there was a recommendation to go with the company we used last year. Mr. Dykhouse stated the reason this is a first and second reading is because our pilot contract expires on September 1, and taxpayers have gotten used to this service so we don't want a gap.

Commissioner Atwill asked if we pay a fee for this service.

Mr. Dykhouse stated the taxpayer pays the fee.

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby award RFP 31-10JUL12 – Online Bill Payment Concentrator Services for the Boone County Collector to Creative Payment Solutions. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

The motion carried 2 to 0. **Order # 411-2012**

2. Cooperative Contract: 3/2009 – Philips AED Term & Supply (second reading, first read 8/23/2012)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the utilization of City of Columbia cooperative contract: 3/2009 – Philips AED Term & Supply with Philips Electronics North America Corporation. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order # 412-2012**

3. Amendment #4 - MM58 - Bituminous Material (second reading, first read 8/23/2012)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve Amendment Number Four to MM58 – Bituminous Material with Vance Brothers, Coastal Energy, and Missouri Petroleum. It is further ordered the Presiding Commissioner is hereby authorized to sign said amendment.

Commissioner Atwill seconded the motion.

The motion carried 3 to 0. **Order # 413-2012**

Resource Management

4. Request by Missouri Soybean Association to revise a permit for an Agri-business oriented to the agricultural community on 98.36 acres located at 5601 S Rangeline Rd., Columbia.

Director of Resource Management Stan Shawver read the following memo:

The minutes for the Planning and Zoning Commission meeting of August 16, 2012 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on Rangeline Road, approximately 3 ½ miles east of the city limits of Columbia. The subject property is approximately 98 acres in size and is zoned A-1 (Agriculture) and is surrounded by A-1 zoning. In addition to the subject tract, the applicants own an adjacent 92 acres to the northwest. This is all original 1973

zoning. The Boone County Master Plan identifies this area as being suitable for rural residential and agricultural land uses.

The applicant is requesting a revision to their conditional use permit to operate an agribusiness oriented to and exclusively serving the agricultural community. In August of 2011, materials submitted to Boone County Resource Management indicated that the applicant desired to construct a building for use as an office and lab on their agricultural property. The applicants have done so and are now seeking to expand their operation with the construction of an additional building. As a facility and use which is exclusively serving the agricultural community, the activities described by the applicant allow them to apply for this conditional use permit.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing local regulations, this use should not be detrimental to or endanger the public health, safety, comfort, or general welfare.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The application materials describe the structure desired, a 6250 square foot building. The remainder of the subject property is being used for agricultural purposes on the majority of its acreage. That is consistent with the activity on the surrounding properties, which are being used for agricultural and rural residential land uses, with agriculture being most common. The neighborhood notification brought forward a complaint that exterior lighting on this property was not being properly focused inward and downward so as not to leave the site. This situation needs resolution in order for this criterion to be met. The applicant's testimony, along with that of the public, may be indicative as to whether this criterion is met beyond the complaint voiced.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

If operated in conformance with existing county regulations, the use should comply with this criterion. Public testimony may be indicative as to whether this criterion is met.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access, and drainage.

Water service will need to be expanded by the extension of a water main from existing Public Water Service District #9 infrastructure. Road access is off of Rangeline Road, an asphalt-surfaced, county-maintained, public right of way. Wastewater treatment is through a compliant on-site submerged flow wetland system.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The establishment of this conditional use permit will not impede the normal and orderly development and improvement of surrounding properties. The limitations of the existing road and utility infrastructure will restrict development far more than approval of this conditional use permit.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

Access to this site is off of Rangeline Road, a publicly dedicated, county-maintained road. The use is not expected to be a major traffic generator, and any increased traffic should not overload existing public streets. The applicant's testimony, along with that of the public, may be indicative as to whether this criterion is met.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-1 zoning district.

Zoning analysis: The use requested in the previous application has been reviewed and considered appropriate for an agribusiness. The return of this request to the Planning & Zoning Commission in exactly twelve months indicates the limitations of this use were set properly. This conditional use permit meets a technical analysis of the criteria identified in the Boone County Zoning Ordinance for approval.

Staff recommended approval of the request with the following conditions:

Farm implement sales & service will not be conducted on this property.

Construction will be limited to the structures shown on the application and further development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.

The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, and the Columbia/Boone County Health Department.

The Planning & Zoning Commission conducted a public hearing on this request during their August 16, 2012 regular meeting. There were six members of the commission present during this hearing.

Following the public hearing, a motion was made to recommend approval of the request with the following conditions:

- Farm implement sales & service will not be conducted on this property.
- Construction will be limited to the 2 structures shown on the application and further development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.
- The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, & the Columbia/Boone County Health Department.
- Any exterior lighting on the project shall be oriented inward and downward so that no light leaves the property.
- The existing wall pack lights shall be shielded so that no light leaves the property.
- The issuance of a building permit is contingent upon the installation of the shields over the existing wall pack lights reducing the light emission to a level acceptable to staff.

That motion carried and so the application comes forward with a recommendation for approval.

Chris Sander was present to comment on this item. Mr. Sander stated he was present on behalf of the Missouri Soybean Association. Mr. Sander stated most of the items with the exception of the lighting are fairly well described in the staff report. Mr. Sander stated he comes with an apology from Dan Ludwig; he was contacted by a neighboring property owner six weeks ago about the lighting, and the message was passed along to a contractor. Mr. Sander stated on Friday some modification to the lights was made, but it seems what has been done isn't enough yet. Mr. Sander stated the electrician was supposed to install motion detectors today. Mr. Sander stated security is the primary purpose of the lights. Mr. Sander stated Mr. Ludwig indicated the modifications made to the lights was not what he had planned, so what has been done so far is not the final goal. Mr. Sander stated we're just asking for approval with the named conditions. Commissioner Elkin stated the proposed building runs over the top of a sewer line; that's not a good thing.

Mr. Sander stated we had a meeting with staff yesterday to talk about stormwater, and the

building inspection folks indicated they won't allow that. Mr. Sander stated the plan is to slide the building about 20 feet to the south.

Commissioner Elkin stated there was some discussion about stormwater and impervious surfaces, and asked if we're good on that.

Mr. Shawver stated they've followed the stormwater design so far. Mr. Shawver stated with the drought it's hard to see how effective it may be working. Mr. Shawver stated the design Mr. Sander put together keeps the runoff to the level that existed prior to construction.

Commissioner Elkin asked if there is a gate on the property.

Mr. Sander stated no, there's a very gentle ditch along the side of Rangeline Road, so it wouldn't do much good without fencing the whole property.

Commissioner Elkin asked how high the new building will be.

Mr. Sander stated about 20 feet.

Commissioner Elkin asked if combines and equipment would be kept in there.

Mr. Sander stated yes, and other agricultural equipment.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by Missouri Soybean Association to revise a permit for an Agri-business oriented to the agricultural community on 98.36 acres located at 5601 S Rangeline Rd., Columbia, subject to the following conditions:

- Farm implement sales & service will not be conducted on this property.
- Construction will be limited to the 2 structures shown on the application and further development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.
- The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, & the Columbia/Boone County Health Department.
- Any exterior lighting on the project shall be oriented inward and downward so that no light leaves the property.
- The existing wall pack lights shall be shielded so that no light leaves the property.
- The issuance of a building permit is contingent upon the installation of the shields over the existing wall pack lights reducing the light emission to a level acceptable to staff.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 414-2012**

5. Request by Paul Devert Morefield and Barbara Ruth Morefield Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4.26 acres, more or less, located at 4715 E Clellie Harmon Rd., Ashland.

Director of Resource Management Stan Shawver read the following memo:

The subject property is approximately 1/3 of a mile to the north of Ashland, on Clellie Harmon Road and Pearman Road. The subject tract is approximately 4.26 acres of a 45.43 acre tract, separated by Clellie Harmon Road. The subject tract is zoned A-1 (Agriculture), and has A-1 zoning to the east and north, and A-2(Agriculture) zoning to the south and west. The applicant is seeking the rezoning for purposes of executing a family transfer. The property has been used for agricultural purposes in the past. The subject tract has been separated from the bulk of the parent tract by Clellie Harmon Road, which also serves as the dividing line between A-1 & A-2 zoning.

The Boone County Master Plan designates this area as being suitable for agricultural and rural residential land uses. The Master Plan also identifies a “sufficiency of resources test” to be used in determining whether there are sufficient resources available to support the proposed uses.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: The subject property is located in Consolidated Public Water Service District #1, Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District. Residential land uses can be served by available utilities.

Transportation: The subject tract has direct access on to Clellie Harmon Road & Pearman Road, county-maintained public rights-of-way.

Public Safety: The subject tract is located in the Southern Boone County Fire Protection District, whose nearest station is located in the city of Ashland, approximately 1/3 of a mile to the south.

Zoning Analysis: This rezoning would allow for the proper development of the 45 acre tract. With Clellie Harmon Road dividing the subject tract from the parent tract, rezoning to allow for legal subdivision of the property is appropriate.

The property scored 63 points on the rating system.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during

their August 16, 2012 regular meeting. There were seven members of the commission present during this hearing.

Following the public hearing, a motion was made to recommend approval of the request.

That motion carried and so the application comes forward with a recommendation for approval.

Mr. Shawver showed the Commissioners a map of the subject property. Mr. Shawver stated the original zoning followed the road instead of the section line, which is fairly typical.

Commissioner Miller asked how long the road has been there.

Mr. Shawver stated its been there forever.

Paul Morefield was present on behalf of this item. Mr. Morefield stated we live in the house in the green triangle, and across the road is a smaller triangle we want to rezone so we can deed it to our daughter and son-in-law. Mr. Morefield stated there used to be an old house there, 30-40 years ago, but we tore it down. Mr. Morefield stated the only thing there now is a grain bin, which can easily be removed. Mr. Morefield stated the County water runs along the north edge of the property, and there is an electric pole on the property. Mr. Morefield stated we want them to take care of us when we're older. Mr. Morefield stated his son lives in the other house, so we'll have one on each side.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by the Paul Devert Morefield and Barbara Ruth Morefield Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4.26 acres, more or less, located at 4715 E Clellie Harmon Rd., Ashland.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 415-2012**

6. Accept a Final Development Plan for Furlong Acres Planned Development prepared for Karen Kay Furlong Heritage Trust on 22.7 acres, more or less, located at 20635 and 20803 N Tucker School Rd., Sturgeon.

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated this is the land that was rezoned from A-1 to A-1P last month. Mr. Shawver stated they wanted to keep the houses and sell off the land. Mr. Shawver stated this will allow them to proceed with that.

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the request by the Karen Kay Furlong Heritage Trust to accept a

Final Development Plan for Furlong Acres Planned Development prepared on 22.7 acres, more or less, located at 20635 and 20803 N Tucker School Rd., Sturgeon.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 416-2012**

7. Pace. S3-T50N-R13W. A-2. Teresa Larkin, owner. Steven R. Proctor, surveyor.

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated these physically create the individual lots.

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:

1. Pace. S3-T50N-R13W. A-2. Teresa Larkin, owner. Steven R. Proctor, surveyor.
2. Furlong Acres. S17-T51N-R12W. A-1P. Karen Kay Furlong Heritage Trust, owner. Brian David Dollar, Surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 417-2012**

8. Furlong Acres. S17-T51N-R12W. A-1P. Karen Kay Furlong Heritage Trust, owner. Brian David Dollar, Surveyor.

This item was covered as a part of Commission order 417-2012.

9. Road and Bridge Improvement/Repair Cooperative Agreement with Hallsville (first reading)

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated this is the reallocation of unspent revenue sharing money from the old program. Mr. Shawver stated it's for \$125,000, and this will close out the books on the previous purchase orders for Hallsville.

Commissioner Atwill 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.

10. Budget amendment for Village of Hartsburg (second reading, first read 8/16/2012)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to reallocate prior years funds for the Village of Hartsburg:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2049	84200	PW – Administration	Other Contracts		50,000.00

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 418-2012**

11. Acceptance of Security Agreement and Cash Deposit for Meyer Industrial Drive Extension (second reading, first read 8/23/2012)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Stormwater Erosion and Sediment Control Security Agreement between the Robert M. Lemone Marital Trust and Boone County, Missouri. The terms of this agreement are stipulated in the attached contract. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 419-2012**

Commission

12. Lease Agreement -- 609 E. Walnut (first reading)

County Counselor CJ Dykhouse was present on behalf of this item. Mr. Dykhouse stated this is a lease from Samuel Trapp LLC on the old law office building. Mr. Dykhouse stated this is a five year lease, with a monthly fixed rent of \$2,310. Mr. Dykhouse stated we've been given a check in the amount of \$4,620 which represents the first month's rent and security deposit. Mr. Dykhouse stated there is a planned renovation period from September 1 through the end of 2012 which will be rent free, so the first check will be January's. Mr. Dykhouse stated we received an invoice from Maly, and we have agreed to pay half of his Commission, which amounts to \$1,940.40.

Commissioner Elkin asked who is responsible for utilities between now and the end of the year.

Mr. Dykhouse stated they will be. Mr. Dykhouse stated further Commission action will be required for signage and remodel plans. Mr. Dykhouse stated the lease has a personal guarantee from Samuel Trapp.

Commissioner Elkin asked what this office specializes in.

Mr. Dykhouse stated he is a personal injury lawyer, and this would be a satellite office.

Commissioner Atwill 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.

13. Board Appointment (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint/ reappoint the following:

Name	Board	Period
Paul Prevo	Building Code of Appeals	Effective: 8/28/2012 Expires: 8/28/2017
Paul Prevo	Board of Parks	Effective: 8/28/2012 Expires: 8/28/2016

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 420-2012**

14. Approve Closed Session authorized per RSMo 610.021(2) at 9:00 am on 8/29/2012 (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Wednesday, August 29, 2012, at 9:00 a.m. The meeting will be held at the Boone County Fire Protection District, as authorized by 610.021 (2) RSMo. to discuss the leasing, purchase or sale of real estate by a public government body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order # 421-2012**

15. Approve Closed Session authorized per RSMo 610.021(1) at 1:30 pm on 8/29/2012 (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Wednesday, August 29, 2012, at 1:30 p.m. The meeting will be held in Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by 610.021(1)

RSMo. to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Atwill seconded the motion,

The motion carried 2 to 0. **Order # 422-2012**

16. Public Comment

17. Commissioner Reports

The meeting adjourned at 7:43 p.m.

Attest:

Daniel K. Atwill
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner