

TERM OF COMMISSION: April Session of the February 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 Commission Administrative Coordinator Linda Sloan  
County Counselor John Patton  
Director of Planning and Building Inspection Stan Shawver

The regular meeting of the County Commission was called to order at 7:04 p.m.

Mr. Shawver reported **Hardeep Bhullar, for Robert L. Stockton, requests to amend a permit for a go-cart track located at 9687 E. I-70 Drive NE, Columbia.** The site is located approximately four miles east of Columbia. The two acre tract is part of a 17 acre tract zoned REC (Recreation). Zoning to the west is A-R (Agriculture-Residential); to the north and east, REC; to the south, on the other side of Interstate 70, A-2 (Agriculture). Water service is provided by Public Water District No. 9. There are on-site wastewater facilities. There is a go-cart track on the site, and a miniature golf course and driving range adjacent to the site. Mr. Bhullar's land was rezoned from A-R to REC in September, 1994. The driving range operated under a conditional use permit granted in 1986. A conditional use permit for the go-cart track was granted to Mr. Stockton in December, 1994. Mr. Stockton would like the commission to remove the restriction that prohibits more than one go-cart on the track at a time. The 1973 master plan and the 85 percent complete draft of the 1996 plan designate the area as suitable for agriculture and rural residential land use. Staff notified eleven property owners of this request. The Planning and Zoning Commission, at their meeting on March 21, 1996, voted unanimously to recommend approval.

Robert L. Stockton, 2750 N. Route Z, Columbia, stated he presented letters to the commission which state his position.

Commissioner Stamper opened the public hearing. There was no response.

In response to a question from Commissioner Vogt, Mr. Stockton replied no privately owned go-carts are allowed. They would like to have five carts on the track at one time. There are two types of carts: kiddie carts, for children age eight through twelve, and mini-Indy carts, for children age thirteen and older. Kiddie carts and mini-Indy carts will not be on the track at the same time. A two-seater cart is available for parents and children under age eight. The two-seater cart will not be allowed on the track with mini-Indy carts.

In response to a question from Commissioner Vogt, Mr. Stockton replied they have not had problems with other conditions placed on the operation. Demand has been for slower carts for younger drivers.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Hardeep Bhullar, for Robert L. Stockton, to amend a permit for a go-cart track located at 9687 E. I-70 Drive NE, Columbia, by removing the condition of allowing only one go-cart on the track at a time. All other conditions placed on the request shall remain in force.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 197-96.**

Mr. Shawver reported **Gerald Sims, for Illinois Valley Paving Co., requests a temporary concrete batch plant on 5.16 acres during construction of Highway 63, located at 950 E. Highway 124, Hallsville.** The site is located approximately six miles west of Hallsville, east of the intersection of Highway 63 and State Highway 124. The tract is zoned A-2, as is all surrounding land. Public Water District No. 7 provides water service. Illinois Valley Paving Co. was awarded the State Highway Department bid to pave Highway 63 from north of Prathersville to Highway 124. They would like to place a concrete batch plant on Mr. Sims' property to use while paving this section of highway. There have been no previous requests submitted on behalf of this property. The 1973 master plan and the 85 percent complete draft of the 1996 plan designate the area as suitable

for agriculture and rural residential land use. Staff notified 22 property owners concerning this request. The Planning and Zoning Commission voted unanimously to recommend approval of the request, with the condition that the plant be removed within 45 days of completion of the state contract.

Gerald Sims, 13850 Highway 63 North, Hallsville, and Jerry Goins, Illinois Valley Paving Co., Winchester, Illinois, were present. Mr. Sims stated the plant will be approximately 2,033 feet east of the new highway. The plant will be needed for about two and half months.

Commissioner Stamper opened the public hearing. There was no response.

Commissioner Stamper thanked Mr. Sims and the Illinois Valley Paving Company for making this request. Several times people have set up a plant without asking. They do impact the community.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Gerald Sims, for Illinois Valley Paving Co., for a temporary concrete batch plant on 5.16 acres during construction of Highway 63, located at 950 E. Highway 124, Hallsville, with the condition that the concrete batch plant be removed within forty-five days of completion of the state contract.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 198-96.**

Mr. Shawver reported **Ralph D. Gates requests a temporary permit to allow sporting clays on 25 acres located at 12300 E. St. Charles Road, Columbia.** The site is located approximately 6.5 miles east of Columbia at the Callaway County line. It is landlocked on the Boone County side. Access is from the east from Callaway County, across Cedar Creek. Services are not available. The site is the south 25 acres of a 49 acre parcel. It is zoned A-1, as is all surrounding land. In September, 1993, a conditional use permit was issued for an outdoor recreational facility. It has been used for a paint ball game area under conditions placed on the request at that time. The applicant operates a shooting range on adjoining land in Callaway County. This request is to allow the south 25 acres to be used for sporting clay shooting stations for four days this summer. The 1973 master plan and the 85 percent complete draft of the 1996 plan designate this area as suitable for agriculture and rural residential land uses. Staff notified four property owners of this request. The Planning and Zoning Commission voted unanimously to recommend approval of the request. Two members abstained from voting.

Ralph D. Gates, Route 6, Columbia, stated they are hosting the National Sporting Clays of America (SCA) Competition and World International 5-Stand Tournament from July 30, 1996 through August 4, 1996. This temporary usage of the land facilitates a safer and better tournament operation.

In response to a question from Commissioner Stamper, Mr. Gates replied the World International 5-Stand Tournament will be held on the existing skeet fields. People from twelve countries and about forty states will attend the event. Participation is limited to 225 people. The land usage will be for the National SCA Tournament--a 200 target event to be held August 3rd and 4th. It is limited to 540 people. Total attendance will probably be between 400 to 600 people. It will provide a cash injection into the community of about \$300,000 to \$1 million.

Commissioner Stamper opened the public hearing. There was no response.

Commissioner Stamper asked Mr. Gates if the conditional use permit issued in 1993 is still being used?

Mr. Gates replied the last people there were from the Attorney General's office. They conduct some law enforcement training there.

Commissioner Vogt read the conditions placed on the 1993 conditional use permit, outlined in Commission Order 333-93. Commissioner Vogt asked will the same conditions be followed in the use of the property described tonight?

Mr. Gates replied high visibility tape will not be used, other than what is currently in place. The planned use includes three sporting clays stands. No alcohol is allowed during the hours of

competition. The hours of competition will depend on how many people enter. They may begin as early as 8:00 a.m. and continue as late as 6:00 p.m.

In response to a question from Commissioner Vogt, a shooting station is a four foot by four foot square constructed of landscape timbers which the person stands in. You cannot swing the gun beyond a certain zone.

In response to a question from Commissioner Stamper, Mr. Gates replied he does not know if he will make a similar request in the future. He was asked to host the event. He discussed the event with the Columbia Convention and Visitors Bureau. They were intrigued by the concept and are enthusiastic. Area motels are receiving reservations for the event. He was called by a person from Australia who is bringing ten people. If it goes well, the opportunity exists to host the event again.

Commissioner Miller stated it is an asset to the county to host events of short duration which generate revenue.

Commissioner Vogt asked Mr. Gates what he plans to do with the gravel road people use to get to the event?

Commissioner Stamper replied Mr. Gates would probably ask what the County Commission is going to do.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Ralph D. Gates for a temporary permit to allow sporting clays on 25 acres located at 12300 E. St. Charles Road, Columbia, for the period from July 30, 1996 through August 4, 1996.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 199-96.**

Mr. Shawver reported **Pauline Semon, for Zimmer Radio of Mid-Missouri, Inc., requests a permit for a 287 foot FM radio tower located at 8450 N. Boothe Lane, Rocheport.** The site is located south of Woodlandville, about six miles south of Harrisburg. The site is zoned A-1, as is all surrounding land. Access is from Boothe Lane. The land has been used for agricultural purposes. This request is for a conditional use permit for a transmission facility containing a 287 foot tall radio tower. The site is situated so the tower will remain on the Semon property should it collapse. No previous requests have been submitted for this property. The 1973 master plan and the 85 percent complete draft of the 1996 plan designate this area as suitable for agriculture and rural residential land uses. Property owners within 1,500 feet of the proposed site were notified. Staff notified six property owners. The Planning and Zoning Commission recommends approval of the request. Their motion received six yes votes and one no vote. One member abstained.

David Rogers, attorney with offices at 813 E. Walnut, stated he represents Ms. Semon and Zimmer Broadcasting, owner of Big Country of Missouri, who will operate the station. The tower will be painted and have a soft red flashing light on top. There will not be a strobe light. The triangular tower, though tall, is a small structure. The face of the triangle is 24 inches wide. The tower ordinance encourages the use of existing towers. There are no other towers within the allowable FCC area to accommodate this. Public use and negotiated, shared use of the tower will be allowed as required. The tower base, containing a small building, three guy wires, and a chain link fence, will be about 1,300 feet from Boothe Lane. The tower base will be visible only from the Semon property. Only the needle tower and red light will be visible elsewhere. The tower base is over 400 feet from the nearest adjacent landowner and over 1,000 feet from the nearest home. The tower meets Federal Aviation Administration restrictions concerning painting and lighting. The tower will emit two tenths of one percent of allowable maximum electromagnetic emissions. It will also meet a new, stricter standard about to take effect. The person who spoke in opposition at the Planning and Zoning Commission meeting, cited aesthetics of the tower and how it might affect surrounding landowners. Mr. Rogers circulated photographs of the type of tower proposed and described its visibility. Mr. Rogers introduced David Obergoenner, Director of Engineering for Zimmer Broadcasting.

Commissioner Stamper opened the public hearing.

Craig Clark, 1409 Jake Lane, Columbia, stated last September he purchased a tract of land located approximately 2,000 feet from the tower site. Last Friday, he requested Commissioner Vogt accompany him to view the area from his building site. Ms. Semon graciously allowed them access to the site. Mr. Clark asked Commissioner Vogt to confirm they were able to see the site.

Commissioner Stamper stated the purpose of this part of the hearing is to hear testimony, not to cross examine the commission.

Mr. Clark apologized, then stated the site is visible. Mr. Clark displayed an aerial photo of the site. Mr. Clark stated this past weekend, he and his wife looked at towers. There is a comparable tower south of Interstate-70 near Midway. If this site looks like that property, they will not build on their selected site. The home they plan to build will increase area property values. Choosing not to build is an indication of market decrease and probably a devaluation of property in the area. People will see the tower and it will decrease the value of property.

Commissioner Stamper asked Mr. Clark to elaborate.

Mr. Clark stated they purchased agriculturally zoned land, but will use the land as a residential tract. They plan to build a home which is approximately 3,500 square feet in size above grade and 1,000 square feet in size below grade. They plan to purchase an additional 4.1 acres in order to be in the Columbia School District and provide a buffer around their home.

John Watt, 7660 N. Boothe Lane, Rocheport, stated he is the closest landowner to the proposed tower. The tower will lower the value of his property for future development. Round FM dishes on the tower will be visible from quite a distance. The only landowners who will benefit from the tower are the Semons. He has lived there 22 years and plans to live there for the rest of his life.

Commissioner Stamper asked Mr. Watt how the tower is different from the Public Water Supply District No. 1 water tower?

Mr. Watt replied they are not different. He had no way to stop the water tower. There is also a high voltage power line on the other side of his property. He had no way to stop it. No one wants to build under it. Mr. Watt asked Commissioner Stamper if he would like to live under it?

Commissioner Stamper replied no, but he does like having lights and water.

Mr. Watt replied everyone does. He is not against progress.

Commissioner Stamper stated he does not know how to have such things without inconvenience.

Mr. Watt asked where does it stop? If the tower is approved, only one side of his land will not have something obtrusive on it. Should he just lay down and say bring it on? Mr. Watt asked Commissioner Stamper if he had live there 22 years, would he?

Commissioner Stamper replied that is not the question. This is not a cross examination. The purpose is to offer testimony in support of or in opposition to the request.

Mr. Watt apologized.

Commissioner Stamper stated there is no need to apologize, Mr. Watt should just state what he believes to be the down side.

Mr. Watt replied the downside is lower property values and having to look at the tower for the rest of his life.

Commissioner Vogt stated she spent time with Mr. Clark looking at the property and discussing the situation with him. She has not spoken with Mr. Watt, but has seen his property. She understands what he is saying.

Peggy Kirkpatrick, Executive Director of Central Missouri Food Bank, 2000 Pennsylvania Drive, Columbia, stated she is present to speak on behalf of Zimmer Broadcasting. Central Missouri Food

Bank is a regional disaster and hunger relief organization which covers 29 counties in central and northeast Missouri. Their service area is almost identical to the radio listening radius of their station. They could not do what they do without Zimmer Broadcasting. During the flood of 1993, two radio stations basically became emergency broadcast stations. Listener response was overwhelming. That is just one example of their assistance. The free air time they have given the Food Bank would exceed \$150,000 in value. They have been pillars of support in the community in terms of public service.

Rod Kelly, 1012 Bellview Court, Columbia, stated he had the pleasure of broadcasting Rock Bridge Bruin football and basketball on a Zimmer Broadcasting station. It was a tremendous community service to have the games on the air. Mr. Kelly read several letters supporting his assertion. Mr. Kelly stated the radio stations are part of the community and provide a great service to Rock Bridge Bruin fans.

In rebuttal, Mr. Rogers stated the building sites of both opponents are well over 1,000 feet away from the site. The 24 inch wide tower will be barely visible. In regard to property values, a certain amount of these requests accompany a growing, vibrant community. There will be electric lines, water towers and radio towers. This one is located about as unobtrusively as one could be. Mr. Rogers, who earlier stated he lives near the City of Columbia water and light plant smokestack, stated he has had his home MAI appraised twice in the previous five years. The smokestacks are not mentioned in either appraisal as an issue of concern or value. The public service testimony is important. One of the radio stations is suffering from insufficient tower capacity. To continue to offer public service they need a tower to make the station a competitive player in the market.

Mr. Obergöenner stated the antennas they plan to place on the tower will be six feet or less in diameter and will be of an open grid construction. There are much larger towers south of Interstate-70. Many are over 1,000 high.

In response to a question from Commissioner Miller, Mr. Shawver replied the applicants meet all criteria outlined in the tower regulations.

In response to questions from Commissioner Stamper, Mr. Rogers replied the Federal Communications Commission, for this type of radio station, designates an area on a map in which to locate a tower. There are no towers in the area. The station is currently using a smaller tower. This would replace that tower. If the request is not granted, they will probably not buy the radio station, which is losing money.

Commissioner Stamper requested the gentlemen who spoke in opposition elaborate on their concern that the tower will be detrimental to the value of their property.

Mr. Clark replied he believes this area will be a residential, rather than an agricultural area. Boone County is growing. People in the area will develop their land. This tower will not be an asset to a residential area. There is adequate radio power in the area. He can clearly tune in six radio stations when he is in the area. This is a Howard County radio station. There is adequate power for the Zimmer stations in the Columbia area. His understanding of the regulations was that there only had to be one person whose property was hurt--

Commissioner Stamper asked Mr. Clark if he has any testimony, any factual evidence, that implies a tower will negatively impact his property value.

Mr. Clark stated he has not had time to put together a study evidencing that, nor does he think the applicants could provide a study showing it will increase property values.

Commissioner Stamper stated that is not their responsibility.

Mr. Clark stated he feels that as a property owner, if he does not believe he can build a home on his property because the tower is built nearby, the market is decreased. The number of people willing to build homes within 2,000 feet of a tower will be less. There will be less of a market than if there were no tower there.

Mr. Watt stated he spoke with a land appraiser about property values. The appraiser indicated the tower will not increase property value. The appraiser said it is rather expensive to substantiate a decrease in value, you have to use actual cases in the same area. Mr. Watt stated he did not want to spend a lot of money to try to prove it would decrease his property value.

In response to a request from Commissioner Miller, Mr. Rogers and Mr. Obergoenner described the photograph they presented of a 305 foot tower in Boone County. Mr. Rogers noted a new subdivision is being developed within 200 feet of the tower in the photograph.

Commissioner Vogt stated she is somewhat sympathetic with the property owners who spoke in opposition, but in researching the matter, she found towers had no impact on property values. Some people do not object to living near towers; others find them to be obtrusive. This tower is not as visible as she imagined it would be. There are things in this area, such as the water tower and power lines, which already upset a quiet kind of landscape.

Commissioner Miller stated the comment was made that this will be a residential area at some point. There is no guarantee of that. The commission cannot make a decision based on what the future may or may not hold. The proposed tower is one of the least obtrusive she has seen.

Commissioner Stamper stated the commission must weigh the public good against the impact on adjacent landowners. He has recently become very familiar with the impact hog operations can have on land. There are things which could have a greater negative impact on property than a tower. Such things can be done without requesting land be rezoned. Towers are not beautiful, but they are necessary. We all like the things they facilitate: television, radio, telephones, and electricity. While he is sympathetic to those who wish to live in the area, they did buy agricultural land. Deciding whether to support placement of a tower next to a residential neighborhood would require additional debate.

Commissioner Stamper moved that the County Commission of the County of Boone approve a request by Pauline Semon, for Zimmer Radio of Mid-Missouri, Inc., for a permit for a 287 foot FM radio tower located at 8450 N. Boothe Lane, Rocheport.

Commissioner Vogt suggested a condition be placed on the request that a bond be purchased to cover the cost of dismantling the tower at the end of the lease period if it is not in use.

Mr. Rogers suggested the alternate condition that the tower be dismantled if it ceases to be used for a period of 180 days.

Following discussion, Commissioner Stamper amended his motion to add the following condition: should the communication tower cease to be used for radio transmissions for a period of time greater than 180 days, it will be removed.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 200-96.**

**Request by Dick and Liane Huckfeldt to rezone from A-R (Agriculture Residential) to C-G (General Commercial), 1.02 acres, more or less, located at 24201 N. Fairgrounds Road, Sturgeon.**

Mr. Shawver stated this site is located approximately one quarter mile north of Sturgeon, south of the intersection of Highway 22 and Fairgrounds Road. Land to the east, west and south is zoned A-R. The .76 acre tract immediately north of this site was rezoned C-G in 1982. The applicant wants to build self storage units, a use which will require a conditional use permit. This site is in the Sturgeon School District. Water service is provided by Public Water District No. 10. There have been no previous requests submitted for the property. The 1973 master plan and the 85 percent complete draft of the 1996 plan designate this area as suitable for agriculture and rural residential land uses. Staff notified seven property owners concerning the request. The Planning and Zoning Commission voted to approve the request, with five yes and three no votes.

Dick Huckfeldt, 24201 N. Fairgrounds Road, Sturgeon, stated they own Sturgeon Mini-Storage. Their current building is full and they want to expand. It is a good location and there is a need for additional storage facilities.

In response to a question from Commissioner Stamper, Mr. Shawver replied the reason for the disparity in the vote is due to the request being for general rather than planned commercial.

Commissioner Stamper opened the public hearing. There was no response.

In response to a question from Commissioner Vogt, Mr. Huckfeldt replied he did not consider asking for planned commercial zoning, possibly due to ignorance. That may be the way they should have approached it.

Commissioner Stamper stated the commission prefers planned commercial. It gives the commission control of future use of the property. However, this is a small piece of property.

Mr. Huckfeldt agreed, stating it would be difficult to add wastewater treatment facilities.

Mr. Shawver noted Mr. Huckfeldt is referring to setback standards for domestic lagoons for residential purposes. When property is zoned commercial it falls under the Department of Natural Resources regulations. Other options are available for the disposal of wastewater.

In response to a question from Commissioner Stamper, Mr. Huckfeldt confirmed it is proposed to locate a new school on the tract of land across the road.

Commissioner Miller stated she would prefer planned commercial because this is at the entrance to Sturgeon. However, it is such a small tract and is limited.

In response to a question from Commissioner Miller, Mr. Shawver replied an antique shop/flea market is located on the commercially zoned property immediately to the north. The original intent for the zoning was a service station, but there hasn't been a service station there for years.

Commissioner Stamper advised Mr. Huckfeldt the request makes the commission uncomfortable because it amounts to spot zoning.

Commissioner Miller stated it is comforting that the Huckfeldts built their house to the south. If they sell the land, they will have to live with what is put there, or whoever buys it will have to.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Dick and Liane Huckfeldt to rezone from A-R (Agriculture Residential) to C-G (General Commercial), 1.02 acres, more or less, located at 24201 N. Fairgrounds Road, Sturgeon.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 201-96.**

Mr. Shawver reported **Audrain Cooperative Association and Farmland Industries, Inc. request to rezone from A-1 (Agriculture) to M-G (General Industrial), 1.45 acres, more or less, located at 22501 N. March Road, Centralia.** The site is located approximately three fourths mile west of Centralia on March Road. Land to the north, east and west is zoned A-1. The 2.47 acre tract to the south was rezoned from A-1 to M-G (General Industrial) in 1977. That site has been used by Audrain Cooperative Association for seven years. They would like to expand their operation by building an addition to their building. This site is in the Centralia School District. Water service is provided by Public Water District No. 10. March Road is a public road maintained by the Centralia Special Road District. The 1973 master plan and the 85 percent complete draft of the 1996 plan designate this area as suitable for agriculture and rural residential land uses. Staff notified nine property owners concerning the request. The Planning and Zoning Commission voted unanimously to recommend approval of the request.

Lou Leonatti, PO Box 758, Mexico, stated he is a lawyer representing the Coop. Also present is Cole Hain who will operate the facility for Audrain Cooperative Association. The Audrain Coop is located on Highway 22 in Thompson, Missouri between Mexico and Centralia. This facility is located west of Centralia by the Farmland Facility, between Gateway Western and Norfolk Southern right-of-way. There is an existing 5,400 square foot building. They work with dry and liquid fertilizer and other farm chemicals. They want to add 4,400 square feet to the structure with a 3,200 foot apron containment area. They serve Boone, Randolph and Audrain counties.

Mr. Hain clarified they are not expanding their operation, but are bringing it into compliance with Department of Natural Resources regulations.

Commissioner Stamper opened the public hearing. There was no response.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Audrain Cooperative Association and Farmland Industries, Inc. to rezone from A-1 (Agriculture) to M-G (General Industrial), 1.45 acres, more or less, located at 22501 N. March Road, Centralia.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 202-96.**

Mr. Shawver presented the **final plat of Triple B Doors Subdivision, located in Section 3, Township 47 North, Range 12 West, zoned C-G. Charles W. Bell is the owner. Timothy D. Capehart is the surveyor.** This is a five acre tract.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign the final plat of Triple B Doors Subdivision, located in Section 3, Township 47 North, Range 12 West, zoned C-G. Charles W. Bell is the owner. Timothy D. Capehart is the surveyor.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 203-96.**

Mr. Shawver presented the **final plat of River City Southpark Subdivision located in Section 8, Township 48 North, Range 14 West, zoned C-GP. Missouri River City, Inc. is the owner. J. Daniel Brush is the surveyor.**

Commissioner Miller moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign the final plat of River City Southpark Subdivision located in Section 8, Township 48 North, Range 14 West, zoned C-GP. Missouri River City, Inc. is the owner. J. Daniel Brush is the surveyor.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 204-96.**

Mr. Shawver presented the **final plat of Chapman Garden Subdivision, located in Section 5, Township 48 North, Range 13 West, zoned R-M. Roy and Lois Chapman are the owners. J. Daniel Brush is the surveyor.**

Commissioner Miller moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign the final plat of Chapman Garden Subdivision, located in Section 5, Township 48 North, Range 13 West, zoned R-M. Roy and Lois Chapman are the owners. J. Daniel Brush is the surveyor.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 205-96.**

Mr. Shawver presented **Valley Creek Plat 4, located in Section 3, Township 48 North, Range 12 West, zoned R-M. Godas Development, Inc., is the owner. James V. Patchett is the surveyor.** The Planning and Zoning Commission approved the plat months ago, but there were details concerning sewer and water service which had to be worked out.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign Valley Creek Plat 4, located in Section 3, Township 48 North, Range 12 West, zoned R-M. Godas Development, Inc, is the owner. James V. Patchett is the surveyor.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 206-96.**

**SUBJECT: Assessor Budget Revision: Furniture**



In response to a question from Commissioner Vogt, Commissioner Stamper stated the workstation is for a new employee the Assessor plans to hire.

Commissioner Vogt moved that the County Commission of the County of Boone authorize the following budget revision:

<u>Organization</u>	<u>Account</u>	<u>Account Title</u>	<u>Transfer From</u>	<u>Transfer To</u>
2010	91100	Furniture & Fixtures		\$2,200
2010	86800	Emergency Fund	\$2,200	

Explanation: To cover budget shortfall in furniture and fixtures.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 207-96.**

**SUBJECT: Authorize Disposal of Sheriff's Department Vehicles**

Commissioner Stamper moved that the County Commission of the County of Boone authorize disposal by auction of nine 1993 Ford Crown Victorias, a 1988 Ford Mustang, and a 1989 Chevrolet, used by the Boone County Sheriff's Department.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 208-96.**

**SUBJECT: Authorize County Counselor to Employ Appraiser**

Mr. Patton stated appraiser John Kirby performed extra work for a county project. He may be needed in the future should the County pursue acquisition of property. His fee is \$75 an hour. Mr. Patton requested permission to use Mr. Kirby on an as needed basis. To date Mr. Kirby has submitted a bill for \$75.

Commissioner Vogt moved that the County Commission of the County of Boone authorize County Counselor John Patton to employ appraiser John Kirby at his standard rate of \$75 per hour on an as needed basis.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 209-96.**

**SUBJECT: Reports from Commissioners**

Commissioner Miller stated the City of Columbia would like the commission to approve the agreement concerning art on the Courthouse Square and appoint the County's two designees for the review committee on Thursday. They would also like the commission to act on the agreement concerning the location of the Health Department.

Commissioner Vogt reported the Solid Waste Committee will have a booth at the Earth Day festival.

**SUBJECT: Public Comment**

Dale Patek, 8700 N. Hartley Road, Murry, stated his home has been inspected by the Department of Planning and Building Inspection three times. It has been found to be unsound and an occupancy permit will not be issued. It will probably have to be torn down. Why did the inspectors allow the house to progress so far?

Mr. Shawver replied the County has not said they will not issue an occupancy permit. As he recalls, Mr. Patek had a private inspector closely review the structure. Mr. Shawver stated there are very few things on the inspector's list that do not meet minimum code. Mr. Patek requested an inspection, but kept the county inspector from inspecting the entire house.

Mr. Patek stated he did not stop the inspector.

Mr. Shawver replied the contractor did. Ultimately, the contractor and owner are responsible for complying with code, whether the county inspects the structure or not.

In response to questions from Commissioner Stamper, Mr. Shawver replied the county performed building inspections as they were called for. The contractor told the inspector certain areas were not complete and asked that they not be inspected. The contractor and owner are responsible for calling for all inspections.

Commissioner Stamper stated the commission has heard about this situation. While it is easy to point a finger at the county, Mr. Patek's relationship with his builder should be one that would ensure he built a home which meets code.

Mr. Patek stated he is suing the contractor. The bank is calling the note due on April 25. There is no way the house can be completed. He may lose everything.

In response to a question from Commissioner Vogt, Mr. Patek replied he has a list prepared by Mike Krause. Mr. Krause says there are numerous code violations.

Mr. Shawver replied the county will be happy to testify on Mr. Patek's behalf in court.

In response to a question from Commissioner Stamper, Mr. Patek replied he realizes the county inspects structures to ensure they meet minimum standards. It may be time to upgrade the standards and to keep a better eye on contractors.

In response to a question from Commissioner Vogt, Mr. Patek confirmed he feels his government should have protected him better. The county should examine requiring contractors to carry insurance or be bonded.

Mr. Shawver replied the county is bound by what statute allows it to do. The only license the county can require is an electrical license. There has been discussion at the state level of requiring contractors to be licensed as part of the ongoing discussion of having a state building code. There is extensive resistance to a state building code. In regard to the comment that stricter inspections are needed, Mr. Shawver stated he receives about six calls a week stating that inspections are too stringent. Striking a balance is difficult.

Commissioner Stamper stated Mr. Patek is in a very difficult position. He does not know what the county can do to help. The commission is proud of the Department of Planning and Building Inspection. He does not believe the Department is responsible for the contractor choosing to perform shoddy workmanship. Mr. Shawver has offered to work with Mr. Patek however he can to assist Mr. Patek in getting the house to meet code.

The meeting adjourned at 8:45 p.m.

Attest:

\_\_\_\_\_  
Don Stamper  
Presiding Commissioner

\_\_\_\_\_  
Wendy S. Noren  
Clerk of the County Commission

\_\_\_\_\_  
Karen M. Miller  
District I Commissioner

\_\_\_\_\_  
Linda Vogt  
District II Commissioner