

TERM OF COMMISSION: March 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
Deputy County Clerk Michelle Malaby
Neighborhood Improvement District Coordinator Andy Lister

The regular meeting of the County Commission was called to order at 1:34 p.m.

SUBJECT: Formation of the Hillview Acres Neighborhood Improvement District

Neighborhood Improvement District Coordinator Andy Lister reported on the Hillview Acres Neighborhood proposed Improvement District. Mr. Lister reviewed his March 13 memo to the Commissioners. Hillview Acres is a subdivision north of Columbia on the south side of O’Rear Road approximately one mile east of Brown Station Road. The subdivision includes approximately 4500 feet of County maintained, rock surfaced roads typically 20 to 25 feet wide with ditches. The proposed project would include paving the streets with asphalt, clearing the ditches and replacing driveway culverts where needed.

An application for Petition to Form Neighborhood Improvement District was submitted to Boone County Public Works on May 29, 1992. Petitions were delivered to the Neighborhood but were not returned to Boone County. A second application was submitted on August 5, 1995. New petitions were delivered to the Neighborhood on Monday, February 24, 1997, and returned to Public Works and filed with the County Clerk on March 6, 1997. These latest petitions had a cost estimate of \$231,000 and called for the project to be funded by a \$100,000 Community Development Block Grant and the remainder to be funded by Boone County through the Neighborhood Improvement District Program.

Area calculations revealed that the petitions were signed by the owners of 60 of the 86 lots in the proposed district, representing 69.77% by number and 70.14% by area.

As of this date, March 13, 1997, there remain five unpaid tax bills within this proposed district. The Community Development Block Grant (CDBG) is due by this Monday, March 17 , 1997.

Mr. Lister said that one of the unpaid tax bills was to be paid today.

Commissioner Miller asked if the four unpaid tax bills were part of the petitioners and wanted to know if they were aware of the project and didn’t want it.

It was Mr. Lister’s understanding that there was one individual who was two years delinquent in paying their property tax, two intended to pay by this weekend and one individual had been a problem in the neighborhood.

Commissioner Stamper asked for public comments.

Anita Biswell, 6003 E. Robin Lane, Columbia, MO, addressed the Commissioners. Ms. Biswell said that this had been a major project for the neighborhood and that they were trying to obtain major funding from the CDBG. She said the group had accomplished a lot in a short time and she asked that the Commissioners approve the formation of the Neighborhood District so that they could continue with the CDBG application to obtain the additional funding.

Commissioner Stamper asked if past history showed that all taxes needed to be paid before the initiation of the project or if they were to be paid at the formation of the project.

Mr. Lister replied that since he had been with the County, he had not had any projects with delinquent taxes. He did say that Clearview had one.

Commissioner Miller said that she had checked the taxes of the Clearview Neighborhood personally before the project was allowed to go forward.

Commissioner Stamper said he didn't have a problem with forming the project and allowing it to proceed, but he was concerned with allowing a Neighborhood Improvement District to go to construction with taxes unpaid.

Ms. Biswell asked the Commissioners how they could get around the fact that one property was unpaid.

Commissioner Vogt said she was a firm believer that the taxes would have to be paid since public money was being used to fund projects.

Commissioner Stamper said that there was another neighborhood who faced this same issue and they drew the lot in question out of the district.

Mr. Lister said that this lot was right in the middle of the proposed district.

Commissioner Stamper said they were not in a position today to allow the district to go forward with taxes unpaid.

Commissioner Vogt said that loaning money to somebody not paying their taxes was not a good investment for the County.

Ms. Biswell asked if they could exclude one property from the NID.

Mr. Lister said there was technically no reason why they couldn't do that.

Commissioner Miller asked if the district was formed today, if the CDBG took awhile and the tax sale was to go through in August - then the worse case scenario was there would be only one year of unpaid taxes.

Mary Andrews, 6105 E. Robin Lane, Columbia, MO, addressed the Commissioners. She said that according to the deed of records, Jerry Nichols is listed as the owner of the property in question. When she went to speak to Mr. Nichols she learned that he does not reside there and hasn't since the 1970s. Mr. James Lindsey is living there and stated that he owns the property and has been paying the taxes since the 1970s. Ms. Andrews said that they have tried to locate Mr. Nichols, but have been unable to.

Ms. Andrews asked if they formed the NID in order to proceed with the grant application, if at the time they were ready to start construction and in August the property went to sale at auction, then the new owner would have to pay the taxes. She asked again if it was their option to exclude this tract of land.

Commissioner Stamper said that it had never been done when the tract of land was in the center of the development, but there was one neighborhood where a landowner did not want to be included, although they received a portion of the benefits of the improvements. Commissioner Stamper did not encourage that option, but stated it was the decision of the neighborhood. He said that there had been other districts that have changed after the formation of the neighborhood and that there was some time to change their lines.

Ms. Andrews said she would not be willing to pay the back taxes because of the legal issue involved.

Commissioner Vogt asked if they formed the Hillview Acres Neighborhood Improvement District, then could the tax issue be dealt with as the process continued. She clarified that they couldn't begin the project until the taxes were paid, but the district could be formed.

Commissioner Vogt moved that the County Commission of the County of Boone does now on this day the County Commission of the County of Boone does hereby accept the following certification:

I, Wendy S. Noren, County Clerk in and for the County of Boone, State of Missouri, hereby certify that the attached petitions contain the signatures of the property owners who own property equal to at least two-thirds by area of all real property located within the proposed Hillview Acres Neighborhood Improvement District.

In testimony whereof, I have hereunto set my hand and affixed the seal of the County of Boone, State of Missouri, this 13th day of March, 1997.

/s/ Wendy S. Noren (seal)
County Clerk
Boone County, Missouri

In that the attached petitions meet the requirements set forth in section 67.457.3 RSMo. and Commission Order #424-91 for the formation of neighborhood improvement districts:

THE COUNTY COMMISSION HEREBY APPROVES THE ADVISABILITY OF THE IMPROVEMENT AND ORDERS THE ESTABLISHMENT OF THE HILLVIEW ACRES NEIGHBORHOOD IMPROVEMENT DISTRICT TO BE DESCRIBED AS FOLLOWS:

All of Lots 1 through 19, of Hillview Acres, Block One as shown on the plat recorded in Plat Book 10, Page 79, records of Boone County, Missouri, and

All of Lots 31 through 52, of Hillview Acres, Block Two as shown on the plat recorded in Plat Book 10, Page 92, records of Boone County, Missouri, and

All of Lots 53 through 62 and 65 through 99, of Hillview Acres, Block Three as shown on the plat recorded in Plat Book 10, Page 106, records of Boone County, Missouri.

The final cost of the improvement shall not exceed the estimated cost of \$231,000.00 by more than twenty-five percent (25%). The County Commission hereby orders the County Public Works Director to make plans and specifications for the proposed project and file said plans and specifications with the County Clerk of Boone County, Missouri.

The Commission further orders that the improvement costs shall be assessed equally against each parcel described on Exhibit "A" attached hereto and shall be payable in not more than ten (10) substantially equal annual installments in accordance with the laws of the State of Missouri and consistent with the administrative policies of the County of Boone, and the clerk shall prepare an assessment list and notify the property owners of a public hearing on the proposed improvement.

This order is contingent upon no petition signer withdrawing their name before 5:00 p.m. on Tuesday, March 18, 1997, and upon approval of the Community Development Block Grant application to be submitted to the State of Missouri by March 17, 1997.

Commissioner Miller seconded. Motion passed unanimously. **Order 104-97.**

Ms. Biswell asked if she could tell her grant writer to proceed. She stated that if the grant does not go through, she still wanted to proceed with the NID by getting enough signatures on a new petition to continue with the project. She said the neighborhood was not willing to back out unless the people felt it was too much money.

Commissioner Vogt replied that there was a process of taking the Neighborhood Improvement Development projects in turn and Hillview Acres was moved up on the list because of the block grant and that it wouldn't be fair to other districts to allow Hillview Acres to remain in their slot on the list. The Commissioners had agreed that this project would benefit the entire County, should the neighborhood obtain the grant money.

Ms. Biswell said that the application had been submitted in 1992.

Commissioner Vogt clarified that the petition was started in 1992, but wasn't finished.

Commissioner Stamper asked that the focus be kept on the current process and encouraged everyone to think positively.

SUBJECT: Reports from Commissioners

Commissioner Stamper reported that due to a death in the family, he would be unable to attend the evening work session with the Planning and Zoning Commission and the first of the three Farm Bureau public hearings. Commissioner Miller will chair the public hearing and Commissioner Vogt will act as chair for the Planning and Zoning Commission.

Commissioner Miller reported on the Hartsburg City Council meeting. They had discussed the long-range master plan of the County and how they could incorporate their long-range efforts. They are also applying for a block grant in hopes of upgrading water lines for fire protection in the downtown business area and the newly annexed area. They are working with the National Guard Reserves to build up the trail that was not built up during the last flood.

Commissioner Vogt had no report.

Commissioner Stamper reported on a conversation with Ray Beck on the arrangement and proposal with Water District No. 2.

The meeting adjourned at 2:06 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