

TERM OF COMMISSION: June Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Shawna Victor

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

Subject: Planning and Zoning

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

A. Request by the Larry W. Potterfield Revocable Trust for a permit to manufacture and assemble products on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia

Mr. Shawver stated this property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1,000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The site was tentatively approved for rezoning to M-LP (planned light industrial) along with a review plan last month. The current zoning for the property is C-GP and will remain so until a Final Plan for the Planned Industrial Development is signed and accepted. The list of Allowed Uses on the approved Review Plan contains “manufacture or assembly of metal or fiberglass items such as firearms”. This use was approved conditioned upon receiving a Conditional Use Permit (CUP) for this use as required under the regulations. If approved it will be legitimized as an Allowed Use for the Final Plan; if it is not approved the use will have to be removed from the Final Plan. This use has been an incidental component of the

current business on the site and the CUP is being sought to eliminate any confusion about the level of activity. This use has been a component of the existing business. The master plan designates this area as being suitable for commercial land uses. The proposed conditional uses are consistent with the established activities of the site. As a conditional use permit the proposal must meet the seven criteria from the zoning ordinance to be eligible for approval.

The property scored 80 points on the rating system. Staff notified 17 property owners concerning this request. Staff's analysis of this request is based on the uses described in the application. Staff recommends approval.

The Planning and Zoning Commission conducted a public hearing on this request on June 17, 2004. Seven members of the Planning and Zoning Commission were present. A motion was made to approve this request and this motion received unanimous approval. The final development plan was also approved at that meeting so the M-LP zoning is now in place.

Kevin Schweikert, 506 Nichols Street, Columbia, and Stan Frink, 5875 Van Horn Tavern, Columbia, were present on behalf of this request.

Commissioner Schnarre asked if this is an expansion of the current business. Stan Frink stated that is correct. The business has been assembling mainly plastic products for the last ten years. With the rezoning, it is to their understanding they need a Conditional Use Permit to continue the assembly.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved to approve the request by the Larry W. Potterfield Revocable Trust for a permit to manufacture and assemble products on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 250-2004**

B. Request by Bob and Kristin Baker for a permit for a day care center located at 2337 S El Centro Ct., Columbia

Mr. Shawver stated this site is located in El Chaparral subdivision, just east of Columbia off of State Highway WW. The property is zoned R-S, as is all of the adjacent property. There is a single family dwelling on the property. The applicants operate a home day care with 10 children on the site. This site is located within the Columbia Public School District. Water service is provided by Public Water District No. 9. The Boone County Fire Protection District operates a fire station across from the entrance to El Chaparral subdivision. Electric service is provided by Boone Electric Cooperative.

This request is for a conditional use permit for a childcare facility, having up to 24 children. This will be a state licensed facility.

Prior to approving a conditional use permit, the Commission must consider whether a proposed use meets the criteria outlined in the zoning regulations. Staff analysis of this request is based upon information provided by the application. Those criteria are addressed as follows:

(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 county regulations, the use should comply with this criterion

(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 applicants currently operate a day care facility on their property. Staff is unaware of any complaints regarding the use and enjoyment of other properties in the vicinity due to the operation of this facility. An increase in clientele should have no impact. However, public testimony may be indicative as to whether this criterion is met.

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

There is no indication that the proposed use will impact property values. However, 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.

The site has access to public water and roads. A fire protection station is located nearby. At this time, no additional construction is proposed for the site, so drainage should not be an issue.

(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.

This is an existing developed area. The applicants already operate a day care facility on their property. The requested expansion of this use will not impact further development in the area.

(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.

The subject site is located at the southernmost end of the subdivision. Traffic is already being generated by the existing use. Traffic generated by the use will increase, however the projected increase in traffic is at a reasonable level. However, public testimony 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 R-S zoning district.

The master plan designates this area as being suitable for residential land uses. The proposed use is consistent with the master plan. Staff notified 73 property owners about this request. Staff recommends approval.

The Planning and Zoning Commission conducted a public hearing on this request on June 17, 2004. One person spoke in opposition to this request and one letter of opposition was submitted also. A motion was made to approve this request and this motion received unanimous approval.

Bob and Kristin Baker, 2337 S. El Centro Court, Columbia, were present on behalf of this item.

Kristen Baker stated this is a request to increase their existing facility by a maximum of 10 children to serve their current families that are either expecting or have children that will be attending school in the fall so they can replace them with pre-schoolers but continue to have them as before/after school children. There are also other families in the area that

have been on a waiting list but have not been able to serve those needs. She and her husband run their business together. Out of the 24 children, four would be their own so the facility will not be considered a center but a family group home.

Commissioner Schnarre asked how long has the facility been in operation. Mrs. Baker stated 8 ½ years.

Commissioner Schnarre asked if all the children are from the El Chapparel neighborhood. Mrs. Baker stated not all the children are from the neighborhood.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre stated Joan Berry Morris, 2050 S. El Dorado, sent in a letter in opposition to this request because she believes there will be an increase in the traffic and questions whether this is within the subdivision regulations.

Commissioner Elkin asked if a daycare is considered a commercial activity. Mr. Shawver stated the existing day care is considered a home occupation under the County zoning regulations. The request would be considered a conditional use under agricultural and residential zoning. He does not know if this would be a commercial activity under the neighborhood covenants.

Commissioner Elkin stated it was brought up that this type of activity, according to the neighborhood covenants, is not permitted. He asked the Bakers if they have researched this. Mr. Baker stated they have checked the covenants and the way the covenants reads is that anyone who conducts any type of business in their home would be in violation of the covenants. According to that, the Bakers have been in violation for the last eight and a half years.

Mrs. Baker noted they spoke with an attorney about this and the attorney advised them to move forward based on the covenants being 30 years old with no revisions and there are so many violations in El Chapparel that it would be in the neighborhood association's hands to make any changes.

Commissioner Elkin stated he has been meeting with the neighborhood association. The association has been discussing the covenants and is trying to reorganize. He is sure there are state requirements the Bakers have to meet for the day care. He believes they could be at risk at making any improvements to their home if the association begins enforcing the covenants, which is where they are headed.

Mrs. Baker asked if Commissioner Elkin has been told that the neighborhood association will say it's not ok. Commissioner Elkin stated not specifically on this issue but they will start enforcing the neighborhood regulations.

Commissioner Elkin asked John Patton, County Counselor, if the Commission is at risk if this request is approved, knowing that this request could be in violation of neighborhood covenants. John Patton stated the County regulations are separate from neighborhood covenants.

Mrs. Baker stated she was told that if someone wanted to not allow them to have commercial activity, where they were bringing in any money, then all the other 30-plus residents in El Chapparel that are running some sort of business would not be allowed either. She believes the neighborhood would be in favor of keeping those business, which range from fishing repair to other home day cares. That was the legal advise they received.

Mr. Patton stated if it is a permitted use in the area then it is ok. Restrictive covenants should have no implication in the Commission's decision making process.

Commissioner Elkin stated he has received some comments on the possible increase in future traffic. If this is approved there could be 24 separate vehicles coming to the Bakers' home in the future. Mr. Baker stated the majority of their expansion will be for school aged children for before/after school care and summer care. Most of those children go to Cedar Ridge Elementary, which is located in the neighborhood. In the future, the majority of the children will be neighborhood children.

Mrs. Baker stated earlier she mentioned that four of those children are theirs so the cap will actually be at 20 children. In the 8 ½ years they have been in business, not one time has there been enrollment that has included at least half of the children as sibling pairs.

Commissioner Miller asked where the stub and collector streets will be placed when the Smith rezoning was approved for the tract east of El Chapparel. She asked if it would be between lots 37 and 38 of El Chapparel. Commissioner Elkin stated that is correct.

Commissioner Miller stated that would eliminate some traffic going through El Chapparel because they can use the collector street.

Mrs. Baker stated this will be close to their house.

There was no further discussion on this request.

Commissioner Elkin moved to approve the request by Bob and Kristin Baker for a permit for a day care center located at 2337 S El Centro Ct., Columbia.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 251-2004**

C. Request by Diane Heuer to approve a revised Review Plan for Nemow Subdivision Planned Commercial Development on 2.86 acres located at 16827 N Old Hwy 63 North, Sturgeon.

Mr. Shawver stated this site is located on the west side of Old Highway 63 approximately 7 miles south of Sturgeon and 1.5 miles north of the intersection with Highway 124 West. The property is zoned C-GP (Planned Commercial), all of the surrounding property is zoned A-2 (Agriculture). This request is to approve a revised review plan for the property to allow a warehouse/barn to be removed and replaced with an office for the business that will be the same size or smaller than the removed structure. The uses are still limited solely to the insulation business. The area contained within the planned development is 2.86-acres. This property was originally zoned A-2, but in 1975, 5 acres were rezoned REC (Recreational) to allow a commercial stable. At some point thereafter, the original barn was converted and used in conjunction with an insulation business and was granted rezoning in 1997. This site is within the service area of Public Water District No. 10, and is within the Harrisburg School District. Staff notified 18 property owners concerning this request. The property scored 30 points on the rating system.

Staff notified 10 property owners concerning this request. Staff recommends approval of the revised review plan.

The Planning and Zoning Commission conducted a public hearing on this request on June 17, 2004. A motion was made to approve the revised review plan and this motion received unanimous approval.

Diane Heuer, 16827 N Old Highway 63 North, Sturgeon, and Kevin Schweikert, 506 Nichols Street, Columbia, were present on behalf of this item.

Diane Heuer stated she tore down the old building and has put up a modular office unit. It looks better than the old barn. After 27 years, she is trying to get the office out of her house. She believes they have replaced it with something that will look a lot better than what sat there for 40 years.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by Diane Heuer to approve a revised Review Plan for Nemow Subdivision Planned Commercial Development on 2.86 acres located at 16827 N Old Hwy 63 North, Sturgeon.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 252-2004**

D. Request by T-Vine Enterprises, Inc. to approve a Final Plan for Settler's Ridge Planned Commercial Development on 3.72 acres located at 8000 N. Route B.

Mr. Shawver stated this property is located north of Columbia on State Highway B and State Highway HH. The property within the boundaries of the plan is part of a 117.02 acre parcel for which a Review Plan and Preliminary Plat was approved in 2002. This Final Development Plan is a portion of the first phase of the development that will also include 61 lots for single family dwellings and 17 lots for two-family dwellings.

The subject tract is zoned A-2 (Agriculture) with CG-P zoning pending approval of the final development plan. Land to the east is zoned R-D and R-S, to the north is A-2 with an approved Review Plan for CG-P, to the west, across Route B is A-2 with an approved Review Plan for RS-P and RD-P, to the south is CG-P.

Although two lots are shown on the development plan, the property has not yet been platted. A final plat for Phase 1 of Settlers Ridge is pending. The property is under a pre-annexation agreement with the City of Columbia for the purpose of obtaining sewer service. A condition of the agreement requires the developer to obtain plat approval from the City of Columbia prior to approval by Boone County. This restriction applies only to the plat, not to the Final Development Plan.

The property is located within the Boone Electric service area. The proposed development lies within the Hallsville R-4 School District. Water District Number 4 provides water service to the property. Sewer service will be provided by the City of Columbia.

The purpose of this final plan is to finalize the change in zoning from A-2 to CG-P. No structures are shown on either of the proposed lots therefore no construction can occur on either lot until a Revised Review Plan and Final Plan are approved. A note to this effect appears on the Final Plan.

Both lots will access off of Settlers Ridge Drive, which will be constructed with the first phase of the subdivision.

Staff recommends approval of the plan.

The Planning and Zoning Commission supported Staff's recommendation and comes forward with a recommendation for approval.

Ron Shy, 5600 S Highway KK, Columbia, was present on behalf of this item.

Ron Shy stated these lots are being shown as part of the grading process of the Phase I residential development. These two lots, although no final development is shown on the lots such as buildings, will be ready for sale or offering for sale by the owners. This is primarily why they are doing this, preparing a new review and final development plan once a use design is ready.

Commissioner Miller asked if this has to come back when the building is determined. Mr. Shawver stated that is correct.

Commissioner Elkin stated this property address is shown as 8000 N Route B but has access to Route HH. Mr. Shawver stated that is correct and this is not an exact address.

Commissioner Elkin asked if this was originally zoned A-2 and was approved contingent on a review plan at what time. Mr. Shawver stated that was in 2000.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by T-Vine Enterprises, Inc. to approve a Final Plan for Settler's Ridge Planned Commercial Development on 3.72 acres located at 8000 N. Route B.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 253-2004**

E. Petition submitted by Eagle Knoll LLC to vacate and re-plat Lots 9, 10, 11 and 12 of Eagle Knoll Plat 1.

Mr. Shawver stated the department received a petition to vacate lots 9, 10, 11, and 12 of Eagle Knoll Plat 1. The subdivision is located in southern Boone County on Mt. Pleasant Church Road. The purpose of the request is to vacate and re-plat is clear up an unused sewer easement across the lots. By re-platting it will show the proper dedication location for the sewer line.

Section 1.8.2 of the Subdivision Regulations requires the County Commission conduct a public hearing prior to proceeding with the vacation or re-plat.

Del Hinshaw, Managing Member of Eagle Knoll LLC, was present on behalf of this item.

Del Hinshaw stated the reason for this petition is for the need to vacate the original plat is because the sewer lines were not installed in the easement that was drawn on the plat. If the sewer lines were built in the drawn easements the lots would have been unbuildable because you cannot build on top of a sewer. Fortunately, the company installing the sewer lines recognized this and installed the sewer line between lots 11 and 12. This is a request to be able to re-plat as to how it was built.

Commissioner Schnarre asked Mr. Hinshaw if they would be re-platting the same number of lots. Mr. Hinshaw stated that is correct. There will be no change in the dimensions of the lots and the re-plat will reflect the correct sewer easement.

Commissioner Schnarre asked if there were any other utilities on the four lots. Mr. Hinshaw stated all the utilities are on the four lots, including the sewers.

Commissioner Miller asked Mr. Shawver if the Sewer District does not do inspections to make sure utilities are within their easements. Mr. Shawver stated inspections are done through contract work with the City of Columbia. He does not believe the field inspector checks the easement when looking at the construction and installation.

Commissioner Miller stated she knows there are times when they do not know where something is in the ground and there are problems in the future. She asked how many things are out there and not in their easement? Just this week she has had three items come up that were not in their easement.

Commissioner Elkin stated the County does not know there is an easement where there is a sewer line.

Mr. Hinshaw stated the plat was drawn with a sewer easement but that is not where the sewer was placed.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved to approve the petition submitted by Eagle Knoll LLC to vacate and re-plat Lots 9, 10, 11 and 12 of Eagle Knoll Plat 1. Said vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 254-2004**

F. Request by Kassie Claughton to rezone from R-S (Single Family Residential) to C-G (General Commercial) on 1.56 acres, more or less, located at 2660 Starke Lane, Columbia. (*Appeal*)

Mr. Shawver stated this property is located just north of Columbia at the intersection of Oakland Gravel Road., Starke Avenue and Highway 63. The property is zoned R-S (Single Family Residential). Property to the north across Strake Avenue is zoned M-L and is the County Fair Grounds. Property to the east, south and west is zoned R-S. There is a modular dwelling on this property. This request is to rezone the site to C-G (General Commercial) zoning. The original application indicated that the applicant was seeking C-G or C-GP (Planned Commercial) zoning; however, none of the required plans were submitted that would allow the staff to evaluate this as a C-GP request, so it has been reviewed strictly on the basis of seeking C-G zoning. This site is located within the Columbia School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by the City of Columbia.

The original zoning for this tract is R-S. The tract itself was created when Highway 63 was constructed and this parcel was separated from the parent tract that is on the other side of Highway 63. The modular home was placed on the property in 1988 and the garage was built in 1996.

The master plan designates this area as being suitable for residential land uses. Staff notified 9 property owners about this request.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation and public safety services.

The site is served by Boone Electric Cooperative. The applicant indicates that the proposed use will be a commercial establishment focused on providing family activities; however the C-G zoning permits a wide variety of activities. Boone Electric should have no problem serving the site with additional electric service if it is required.

This is located within the Columbia water service area. Depending on the type of structure built and its actual uses, it may be necessary to upgrade the water service to meet fire flows.

This site is directly off of Highway 63 and access is provided by Starke Ave. There is good access to this site.

The nearest fire station is located within two miles. The Sheriff's Department is on the west side of Highway 63. Other emergency services have ready access to the site due to the proximity of Highway 63.

Staff notes that there are several commercial sites in the vicinity of this request, however, with the exception of the county owned property, these developments have been planned. While this site is being used for residential purposes under the existing zoning, staff does acknowledge the potential for commercial use. However, past commission action has been to limit new commercial zoning to planned developments.

The Planning and Zoning Commission conducted a public hearing on this request on June 17, 2004. A motion was made to deny this request and this motion received unanimous support. The applicant filed an appeal in a timely fashion and is before the Commission this evening on appeal.

Otto Trachsel, 3702 Wayside Drive, Columbia, was present on behalf of the applicant of this item.

Otto Trachsel stated they were not told that this should be a planned commercial when they started. They would like to have the planned commercial zoning approved. They will submit engineered plan to the Commission for their review before they start construction.

Commissioner Schnarre asked Mr. Trachsel if he would like to change to planned commercial and withdraw the general commercial request. Mr. Trachsel stated that is correct.

Commissioner Schnarre asked if he would like to withdraw the general commercial

request at this time. Mr. Trachsel stated that he has already spent his money, according to staff, so he might as well proceed.

Commissioner Schnarre stated if Mr. Trachsel withdraws this request he would be able to come back next month with a planned commercial request. If the Commission denies the general commercial request then he would have to wait 12 months. Mr. Shawver stated that is correct.

Mr. Trachsel stated he does not have anything to gain by withdrawing the request.

Mr. Trachsel stated if the Commission approves this they could make it contingent on plans. They have an engineering group working on this right now. They did not have enough time to get everything on paper.

Commissioner Elkin asked if the Commission can approve planned commercial at this meeting. Mr. Shawver stated no.

Mr. Trachsel stated they are planning on putting up a 70'x120' building with a parking lot and landscaping. They would like for this to be a family entertainment center that might serve draft beer, have an arcade area, and possible batting cages.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller stated she believes it is in the Commissions best interest with their investment in the area and the process used in the past requiring planned commercial for this type of development. At this time she would have to vote to deny the request.

Commissioner Elkin stated for the County's investment and the future investment he would prefer to see planned commercial.

Mr. Trachsel stated there is a possibility that the land across the highway will be annexed into the City and he can take this request to the City.

Commissioner Miller moved to deny the request by Kassie Claughton to rezone from R-S (Single Family Residential) to C-G (General Commercial) on 1.56 acres, more or less, located at 2660 Starke Lane, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 255-2004**

G. Receive and Accept the following plats:

- **Friendship Church Estate.**
- **Natures Crosswalk**
- **Fitz.**
- **Waulters Ridge.**
- **Boone Industrial Park, replat lot 6.**
- **Concord Estates Plat 1-A.**
- **Meadow Acres.**
- **Shadow Ridge**

Commissioner Miller moved to receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Friendship Church Estate.
- Natures Crosswalk
- Fitz.
- Waulters Ridge.
- Boone Industrial Park, replat lot 6.
- Concord Estates Plat 1-A.
- Meadow Acres.
- Shadow Ridge

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 256-2004**

Subject: Public Hearing – Proposed Village of Pierpont

Commissioner Miller thanked the residents that have come to the meeting this evening. She believes it is important that the Commission hears from the residents of the area about their desires for the area. This has been in the works since the beginning of this year. Justin John, Bob Miller and Bud Frew have worked with an attorney and the municipal league and tried to go through the best procedures to incorporate the Village of Pierpont. After they hired an attorney, they held a meeting, in which she attended, and they discussed what needed to happen. The County Counselor reviewed the State Statutes to see what was required to be able to meet the minimum requirements to incorporate a village within the state. The Statute states that two-thirds of the taxable inhabitants of any town or village within the state can petition their County Commission to become a town or village. The only item that is outlined that they did not want to see was taking in large

undeveloped tracts of land.

The petition was received in April and the signatures were checked to see if 66% of the residents of the proposed area signed the petition. The signatures were verified and all but three households signed the petition. She requested Mr. John, Mr. Miller, and Mr. Frew to do some research on the history of the Pierpont area. This is a natural set area because it is bordered on three sides by Rock Bridge State Park and it is really like a small community. She believes the sense of community is what they are trying to preserve.

Justin John, 1901 E. Highway 163, Columbia, stated to most of the residents of the Pierpont area, it has been a community even though it was not incorporated. They have found paperwork for the Pierpont area dating back 100 or so years. There have been three post offices in Pierpont with the most recent being in 1906. Pierpont has always been an established community with some type of business. There was a school there at one time. Most of the people that live in Pierpont have been residents of the area their whole life or live on land that was owned by their parents or grandparents. It has been Pierpont for over 100 years.

Mr. John stated they have done everything anyone has told them to do for getting this process started. They are letting the Commission review what they have done now and if there is anything else that needs to be done they will do it.

Commissioner Miller asked if they would speak about their meetings with the County elected officials.

Bud Frew, 7480 S. Highway 163, Columbia, stated he had a meeting with all the County elected officials to discuss how they would accept Pierpont and what the costs would be for Planning and Zoning, road maintenance, health and other costs. The costs are negligible to the community. If there are permit costs or actions to be taken on a given parcel of land that cost would roll back to the individual and not to the community.

There would be some community costs that would have to be shared through some sort of taxation. It has been suggested that they review a minimal tax on electricity. This could be done if the community approved the tax. That seems to be approximately \$1,000 to \$1,500 per year. There are some incorporation costs that would be minimal with the County and State. There are some attorney costs that would have to be shared in the initial set up, if this is approved.

Mr. Frew noted Pierpont is a quite community. It is a strange community in that everyone tends to their own business until something happens that needs some community involvement. People don't ask if they can help, they just do. For example, he was in a meeting one night in Kansas City and got back around 7:00 p.m. in a snow storm. When he got back, his gate was open and he thought some of his cattle had gotten out. He found that six people had round up his cattle and were waiting for him to take them back to his

property. This is just the kind of community Pierpont is and this is what they want to maintain. It is a close knit community but yet no one bothers anyone else.

They were concerned there was a move in taking some of this land into the City of Columbia. They thought they should take some action to prevent this yet maintain the community as it is today.

Commissioner Miller stated it is her understanding from the meetings they have had is they want to adopt the same regulations that are in place with the County. Those regulations will have to be managed by a Planning and Zoning Commission. In talking with someone, there may have to be a moratorium to allow for time to adopt the regulations.

Mr. John stated this would be discussed when they received the authority to do so. If this is approved then they will have the authority then they can hold trustee meetings. Right now, they are just individuals just trying to get stuff done.

Commissioner Miller stated some of the costs will be elections costs, the cost of maintaining the quarter- to one-half mile length of Tomlin Hill Road.

Mr. Frew stated election costs, according to Wendy Noren, Boone County Clerk, could be around \$600 per year. The costs could be less if there are no issues or if an election is done during the regular election cycle. If a special election has to be held then the costs could be more. They do not see any need for a special election at this time but that does not mean there will not be one in the future. Most of the costs that could come up will roll back to the individual land owner.

He noted a comment was made about them wanting to sidestep development but he does not know where any development could take place. The land in the proposed Pierpont area is all developed.

Commissioner Miller stated if the Commission does act upon this petition then the Commission is required to appoint the first Board of Trustees.

Bob Miller, 1905 E. Highway 163, Columbia, stated they have been through the state law and they hope the Commission will approve this petition.

Commissioner Schnarre opened the floor for a public hearing.

Donald Green, 8030 S. Tomlin Hill Road, Columbia, spoke in opposition to the request. After further discussion it was determined that Mr. Green does not live in the proposed area that will be incorporated.

Joy Rissmiller, 7601 S. Highway 163, Columbia, stated she signed the petition and

attended all the meetings. Anytime there has been an opportunity to voice approval she has been there. She does not know what else she can say to make that drive home a little harder. She sees no negatives with this and a whole lot of positives to preserving what she moved out there for. She is in support of this request.

Commissioner Miller asked if there is anyone present that did not sign the petition. All those present signed the petition.

Ryan Reddick, 2371 E. Highway 163, Columbia, stated he is in favor of the incorporation. He and his wife moved to the area eight or nine years. This is something feel strongly about and they would like to preserve the integrity of the community.

Ron Skiles, 7901 S. Tomlin Hill Road, Columbia, stated he is in support of this request.

Lucille F. Schoen, 2050 E. Highway 163, Columbia, stated she moved to the area around 18 years ago. It is a nice community. The reason she moved out there was for the peace, quite and isolation. She would like for that to remain. She supports the request.

Ronald Harmon, 7601 S. Highway 163, Columbia, stated he is in favor of this request.

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre stated there were six people within the area that did not sign the petition.

The Commission will take action on this item during a regular Commission meeting in the near future. It will follow the same two reading process as all other requests.

Commissioner Schnarre asked Mr. Patton if he had any comments on this item.

Mr. Patton asked if anyone had verified the proposed boundary. Commissioner Miller stated no one has verified this but there is a GIS map of the area.

Mr. Patton stated GIS can identify all the taxable parcels but someone will need to check the legal descriptions.

He believes all the criteria have been met according to State Statutes.

Commissioner Elkin asked if the protocol is to conduct one public hearing. Mr. Patton stated State Statutes does not address whether a public hearing has to be conducted just that at least 2/3 of the taxable residents have signed the petition. This is for existing communities.

Commissioner Elkin asked if the distance from existing municipal limits is a factor since this is an existing community. Commissioner Miller stated that is correct. The legal description was revised to exclude areas identified by the GIS Department. They had to scale back from their original boundary because it was within the two mile border.

Commissioner Elkin asked what responsibility the Commission has if further action is taken. Mr. Patton stated the Commission is responsible for appointing the first trustees.

Commissioner Miller stated when they spoke with Mr. Shawver, as with any other community, if anyone wants to do improvements or make a change to their home that the County has a contract with the community that identifies the fees will be paid to the County.

Mr. Patton stated they could adopt their own building code.

Commissioner Miller stated the boundaries will be verified.

Commissioner Schnarre stated he does not have a problem with the request to incorporate the village. He understands the sense of community as he was raised in a small town. Small communities gel together and do a lot of things as a community. When there is an existing border that identifies the community that helps with the community atmosphere.

Commissioner Miller stated during the public meetings, they made sure that all the costs were discussed such as liability insurance. This was done to make the residents aware there will be some increase in costs in living in the Village of Pierpont. Based on the information she has received, she believes the residents understand the trade-off and feel it is worth it.

Commissioner Elkin stated this is democracy at its best and being able to have the freedom to do things like this. He does not have any problem with this request.

Mr. Miller thanked the Commission for their consideration on this issue.

Commissioner Miller noted a list of names of people who are interested in becoming trustees has been turned in. She requested that if anyone is interested in serving as a trustee to let the Commission know because when the first reading is held those names can be included in the order approving the request.

Subject: Authorize Closed Session (610.021.3 RSMo.)

Commissioner Miller moved to authorize a closed session on Wednesday, June 30, 2004 at 11:00 a.m. The meeting will be held in Room 243 of the Roger B. Wilson Boone County Government Center at 801 E Walnut, Columbia, Missouri, as authorized by 610.021(3) RSMo. to discuss hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 257-2004**

There was no public comment.

The meeting adjourned at 8:10 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner