

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
County Counselor C. J. Dykhouse
Planner Uriah Mach
Director Resource Management Stan Shawver
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Public Hearing and Petition submitted by Enrich Properties LLC for permission to vacate and re-plat lots 218, 219, 220, 221, 222 of Clearview Plat 6 Replat 2 as shown in Plat Book 17, Page 7 of Boone County Records.**

Stan Shawver read the following staff report:

This property is located in Clearview Subdivision north of Columbia. The petitioner purchased five lots on Rocky Fork Drive in Clearview Subdivision. The lots are zoned R-M (Moderate Density Residential). This request is to vacate lots 218, 219, 220, 221 and 222 of Clearview Subdivision Plat No. 6, Replat No. 2, which was platted in March 1983. Clearview Subdivision Plat No. 6, Replat No. 2 is a replat of clearview Plat No. 6 Replat No. 1 which was recorded in 1976. Which was a replat of Plat No. 6 which was recorded in 1973.

If the petition to vacate the 5 lots is approved, the petitioner has indicated the intent to change the 5 lots into 8 lots.

The 5 existing lots total 70,700 sq. ft. of area. In the R-M (Moderate Density Residential) zoning, one dwelling unit is permitted for every 2,500 sq. ft. of area. An area of 70,700 sq. ft. would allow a total of 28 residential units to be developed. Replatting the lots into 8 smaller lots would mean that multiple family dwellings would no longer be possible.

Boone County Zoning Regulations require at least 10,000 sq. ft. to build a duplex. The existing lots are large enough for a duplex on each lot, for a total of 10 dwelling units.

If all of the new lots are equal in size, then the average lot size would be 8,837 sq. ft. – an area too small for a duplex. Eight single family residences could be built; one per lot.

In accordance with Section 1.8.1.3 of the Boone County Subdivision Regulations in order to vacate or replat a subdivision lot, the County Commission is required to find that the vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not generally adversely affect the health, welfare, or safety of person owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Staff notified 56 property owners within 500 feet of the subject site.

The Commissioners had no comments at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Dan Brush said he is with Brush & Associates and is the surveyor/engineer on this project. Also here is Chan Rich, the owner and developer of the lots. As staff reported, we intend to take the five duplex size lots and convert them into eight single family home lots which would be more in line with the current character of the neighborhood.

Commissioner Miller asked if the utility easements will remain.

Mr. Brush said that is correct. They have been assisted by the Sewer District on this as well.

Commissioner Thompson confirmed that the lots on the other side of the street are single family lots.

Mr. Brush said yes they are.

There were no further questions or comments from the Commission.

Commissioner Atwill asked if there is anyone else present that would like to speak, on behalf or in opposition of this request.

John Donnelly said he lives across the street from the proposed lots to be re-platted. The street at this point is too narrow and needs to be widened. At this point, it would be very hard to back out of the driveway if there are cars parked on the other side of the street.

Commissioner Miller said that will not be changing. There still will be no parking on that side of the street.

Mr. Donnelly said he is concerned that the smaller lots may affect his property value.

Commissioner Miller said typically single family is preferred over duplexes.

Mr. Donnelly said he agrees with that and would rather have these than rental properties.

Commissioner Thompson noted that the staff report listed the zoning for duplex sized lots to be 10,000 sq. ft. and the existing lots are that size, but the new plans call for the eight lots to be smaller in size where they will not be able to build duplexes which would create less vehicles across the street.

Mr. Donnelly asked if the street will be widened.

Commissioner Thompson said there are no plans for that at this time.

Commissioner Atwill noted that the staff report said this will not adversely affect the character of the neighborhood or traffic conditions.

Mr. Donnelly said only if there is no parking on that side of the street.

Commissioner Miller said it states no parking and it will stay no parking, so that won't be a problem. There could be 10 units today, but with this proposal, it is eight, so you are better off with this request.

Mr. Donnelly concurred with that.

There were no further comments or questions and the Commissioners thanked Mr. Donnelly for speaking tonight.

Commissioner Atwill asked if there is anyone else that would like to speak on this issue. There were no other speakers and Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve a petition submitted by Enrich Properties LLC for permission to vacate and re-plat lots 218, 219, 220, 221, 222 of Clearview Plat 6 Replat 2 as shown in Plat Book 17, Page 7 of Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #254-2016**

2. Public Hearing and Request by EKD Properties V LLC to approve a Revised Review Plan for Bobcat of St. Louis Planned Commercial Development on 35.91 acres, more or less, located at 1101N Lenway Dr. Columbia.

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their April 21, 2016 meeting.

The minutes for the Planning and Zoning Commission meeting of April 21, 2016, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their April 21, 2016 regular meeting. There were eight members of the commission present during the meeting.

The property is located at 6989 I-70 Drive N.E., approximately 4 miles east of Columbia. The 36.94 acre tract was originally zoned A-R (Agriculture-Residential). In 1994, 17.12 acres was rezoned to REC (Recreation), the remaining 19.82 acres retained the original A-R zoning. The golf driving range was allowed by conditional use permit in 1989. In January 2005 the north 29.44 acres of the property was rezoned to RS-P(Planned Residential Single-Family) and the south 7.5 acres was rezoned to CG-P(Planned General Commercial). A final development plan and preliminary plat was also approved showing 88-residential lots and 2-commercial lots. In October of 2005, a new plan was filed requested expansion of the C-GP area. Zoning adjacent to the property is as follows: north – A-1(Agriculture) and A-R; east – A-R; south – A-2(Agriculture); west – A-2.

The current application is being filed to update the current status of the property in order to coordinate required improvements. Some practices and structures were out of compliance with county regulations, some structures had been built in previously unidentified areas, and establishment of a new plan allows all parties involved in improving this property to have a common starting point.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities: Public Water District Number 9 provides water service to the property. Since the prior approval, the required infrastructure improvements have been made to this property. Wastewater is handled by the Boone County Regional Sewer District at their facility to the east of this site.

Transportation: A traffic analysis prepared by Crockett Engineering Consultants was submitted with the previous request. MoDOT reviewed the traffic study and agreed with the conclusion that no improvements to I-70 Drive N.E. are warranted because the base traffic flow is low enough that even with the additional traffic generated by the previously proposed development, the street will continue to function at level of service A. At this time, there is no reason to dispute the prior analysis.

Public Safety Services: There is no indication that public safety services are not readily available to the property.

Zoning Analysis: The proposed plan is essentially the prior plan updated to reflect as-built conditions. The land use has not significantly changed, however the as-built conditions did not match with the approval from 2005. Several parts of the plan were never built and in seeking compliance for violations of the plan, a need to determine what was present and what was not was identified. Matching the approved plan with the existing conditions allows for improvements to be evaluated off of a common starting point and keeps the plan accurate.

The property scored 56 points on the rating system.

Staff recommended approval of the plan.

The Planning & Zoning Commission conducted a public hearing on this request during their April 21, 2016 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the revised review plan.

The motion was approved unanimously, so the request comes forward with a recommendation for approval.

The Commissioners had no comments at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Andy Greene said he is with Crockett Engineering and the staff report detailed very well what is required. Basically, this is to update the current positions of the site. The old review plan never was approved and this new plan is to update the current status of the property in order to coordinate required improvements.

Commissioner Atwill asked if there is anyone else present that would like to speak on this request. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by EKD Properties V LLC to approve a Revised Review Plan for Bobcat of St. Louis Planned Commercial Development on 35.91 acres, more or less, located at 1101N Lenway Dr. Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #255-2016**

Joint Communications

3. Second reading; Tower Agreements between Boone County, Missouri and the following:

- **American Tower Asset Sub II, LLC – Tower location Sturgeon, MO**
- **Jim Wyatt – Tower location New Franklin, MO**
- **Coyote Hill Christian Children’s Home – Tower location Harrisburg, MO**
- **Curators of the University of Missouri – Tower location Columbia, MO**

(1st read 5-26-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached tower agreements between Boone County, Missouri and the following:

- American Tower Asset Sub II, LLC, Tower location: 17620 N. Hwy. 63, Sturgeon, MO

- Jim Wyatt, Tower location: 245 County Road 440, New Franklin, MO
- Coyote Hill Christian Children's Home, Tower location: 610 State Route Y, Harrisburg, MO
- Curators of the University of Missouri, Tower location: 5550 U.S. 63 Hwy. South, Columbia, MO

It is further ordered the Presiding Commissioner is hereby authorized to sign the attached Tower Agreements.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #256-2016**

Human Resources

4. Second reading; Request to Hire Above Flexible hiring Maximum – Treasurer's Accountant position (1st read 5-26-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request to hire above the authorized transfer salary for position number 212, Accountant, and does hereby authorize an appropriation of \$52,000 for the salary of said position.

It is further ordered that the Boone County Commissioners are hereby authorized to sign the attached Request to Hire Above Flexible Hiring Maximum form.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #257-2016**

Purchasing

5. Second reading; Cooperative Contract SW190 to purchase one (1) John Deere Commercial Mower (1st read 5-26-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the State of Oklahoma Cooperative Contract SW 190 to purchase one (1) John Deere Z960M Commercial Mower from Deere & Company using local distributor Farm & Power – Lawn & Leisure of Columbia, MO.

The terms of the Cooperative Contract are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #258-2016**

6. Second reading; Approve contract amendments for Photocopier Maintenance assignment from Data Comm to Marco Technologies (1st read 5-26-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendments which will re-assign Photocopier Maintenance from Data Comm, Inc. to Marco Technologies, LLC. The original contracts to be amended are:

- C213093004
- 42-09DEC08
- 1715

- C215080007
- 61-14DEC11
- DIR-SDD-509
- 03-22FEB11

The terms of these amendments are stipulated in the attached Contract Amendments. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendments.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #259-2016**

Juvenile Justice Center

7. Second reading; Request approval to apply for the Juvenile Detention Alternative Initiative Grant (1st read 5-26-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached grant application by the Juvenile Justice Center for the Annie E. Casey Foundation – Juvenile Detention Alternatives Initiative grant.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #260-2016**

Treasurer

- 8. Second reading; 2015 Tax Sale Surplus for Allison N. Braman and Megan L. Kinkade (1st read 5-26-16)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the disposition of surplus, per attached summary order description, to Allison N. Braman and Megan L. Kinkade in the amount of \$31,036.83, as recommended by the County Treasurer.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #261-2016**

Commission

- 9. 1st & 2nd reading; Organizational Use of the Government Center Chambers by Mid-Missouri Peaceworks for October 16, 2016**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Chambers by Mid-Missouri Peaceworks for October 16, 2016 from 12:00 p.m. to 4:30 p.m.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #262-2016**

10. Public Comment

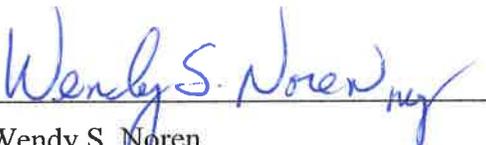
None

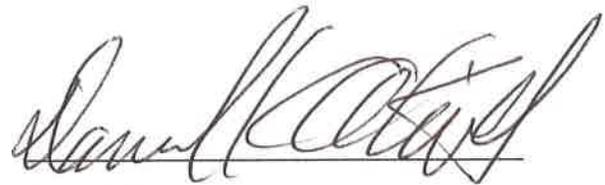
11. Commissioner Reports

None

The meeting adjourned at 7:24 p.m.

Attest:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner

