

TERM OF COMMISSION: December Session of the December 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 Counselor John Patton
Deputy County Clerk Melanie Stapleton

The regular meeting of the County Commission was called to order at 7:00p.m. by Commissioner Stamper.

Subject: Request by Robert Lemone on behalf of Simon Steel, Inc to rezone from Commercial to Planned Industrial

Commissioner Stamper stated that this was a Planning and Zoning Commission meeting wherein land issues were discussed.

Commissioner Stamper discussed the format for a Planning and Zoning meeting. He stated that the format was as follows: Staff report, Agent or Applicant comments, Public hearing, Close public hearing, Commission discussion, Motion.

Stan Shawver presented a report on the request. He stated that this property was located at the west side of Hwy 63 S adjacent north of the Triple B Doors. He noted that the current zoning was general commercial. He stated that the applicant was purchasing a 4.18 acre tract. He stated that one lot was proposed to 2.4 acres and the second lot was proposed to be 1.78 acres. Stan Shawver stated that the planned industrial zoning applied to the 2.4 acre tract only.

Stan Shawver stated that the request was before the Commission and that the request was still for fabrication. He stated that the Planning and Zoning Commission had approved the request.

Commissioner Stamper asked if the applicant or the agent of the applicant was present.

Skip Walther (agent and attorney) represented the applicant. He stated that his client had been operating a facility for the manufacture and sale of iron products. He stated that the applicant wanted to move his facility to Hwy 63. He stated that his applicant was asking that the area be rezoned to planned industrial. He further noted that the business would have an attractive courtyard area that would be visible from the highway.

Commissioner Vogt asked if Mr. Walther had stated that an invitation would be extended to a merchant (who manufactured stone items) to sell his items at this location.

Skip Walther stated that the merchant would be polishing marble and granite rock and selling it at this facility.

Commissioner Stamper asked Stan Shawver about a previous request for this piece of property.

Stan Shawver stated that in December the Planning and Zoning Commission had received a request to rezone about a 110 acres. He stated that it did not include this parcel of land because Mr. Simmons did not want to change the commercially zoned property on the frontage.

Commissioner Stamper opened the Public Hearing on the matter.

Commissioner Stamper asked for comments three times.

There was no public comment.

Commissioner Stamper closed the Public Hearing.

Commissioner Miller asked if this land was currently commercial. She asked if the only reason that it needed to be rezoned was because there would be metal manufacture.

Skip Walther stated that this was correct.

Commissioner Stamper asked if Mr. Simmons's current office was located on Prathersville Rd.

Mr. Simmons stated that it was.

Commissioner Vogt asked about the tools and machinery needed for the fabrication.

Mr. Simmons stated that he used weight presses, and shears for cutting metal.

Commissioner Miller moved to approve the Plan submitted by Robert Lemone on behalf of Simon Steel for 2.4 acres more or less located at 5881 S. Hwy 63 S.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 558-98**

Commissioner Miller moved to approve the rezoning request by Robert Simmons on behalf of Simon Steel, Inc. from C-G Commercial to Planned Industrial to be effective upon approval of the Final Review Plan.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 558A-98**

**Subject: Petition to vacate and replat Tract No. 2 of Lake Acres Subdivision,
 presented by Parker and Edyth Jenkins**

Stan Shawver stated that this subdivision was located west of Hwy 63 north of Columbia. He stated that Mr. Jenkins owned lot No. 2 (he has a house on the property).

Stan Shawver noted that Mr. Jenkins wanted the lot vacated in accordance with Section 18.12 of the Subdivision Regulations so that it could be replated under Section 1.28 of the Subdivision Regulations.

Stan Shawver stated that regulations required a public hearing to be convened on this matter. He further noted that all property owners within 500' had been notified and had not expressed comments to the staff.

Mr. Jenkins stated that it was very hard to find land to build on, therefore he wanted to try to keep part of his land for that purpose. He stated that the house they planned on building would be about 2500' (one of the largest in the neighborhood). He stated that he did not think that it would detract from the area.

Commissioner Miller asked Mr. Jenkins if he was going to share his pond.

Mr. Jenkins stated that he had not wanted to, however he needed to have a wide acreage in order to meet the regulations.

Commissioner Vogt asked if all this property belonged to Mr. Jenkins.

Mr. Jenkins stated that he owned the 19 acres. He further noted that the land did not lend itself to any further subdivision.

Commissioner Vogt asked Mr. Jenkins if he planned to rent the other pieces of property.

Mr. Jenkins stated that he would have to sell the other pieces in order to build the new house.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper invited public comment, testimony, or questions on the matter three times.

There was no comment on the matter.

Commissioner Stamper closed the public hearing.

Commissioner Vogt stated that this seemed like a reasonable request.

Commissioner Vogt moved to authorize a Vacation and allow the Replat of Tract No. 2 of Lake Acres Subdivision, as presented by Parker and Edyth Jenkins, contingent upon approval of the replat of Tract No. 2. And further ordered that the vacation would not take effect until the replat has been submitted.

Pursuant to this order, the Presiding Commissioner is hereby authorized to sign any documents pertaining to said vacation and replat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 559-98**

Subject: Brittany Acres. S29-T50N-R11W. A-2. James and Virginia Baskett, owners. Brian D. Dollar, surveyor.

Stan Shawver stated that this was a one-lot subdivision. He stated that the Planning and Zoning Commission had approved this request.

Commissioner Stamper stated that there was no need for a Public hearing on this matter.

Commissioner Stamper asked Mr. Baskett if he wanted to offer any comments on this subject.

Mr. Baskett stated that he was heavy in debt right now, and was requesting this so that if anything happened to him, his wife would have this 13 acres.

Commissioner Stamper asked for comments from the Commission.

Commissioner Vogt moved to receive and accept a minor plat for Brittany Acres. S29-T50N-R11W. A-2. James and Virginia Baskett, owners. Brian D. Dollar, surveyor. And further order that the Presiding Commissioner be hereby authorized to sign said plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 560-98**

Mr. Baskett thanked the Commission.

Subject: Murray Estates. S23-T48-R14W. A-2. Otsie and Ramona Murray, owners. Bill R. Crockett, surveyor.

Stan Shawver stated that this was a three-lot subdivision. He further noted that the Planning and Zoning Commission had approved this request.

Commissioner Miller asked why this had changed from 5 lots to 3 lots.

Stan Shawver stated that the property owner did not want to put in water lines and fire hydrants.

Commissioner Miller moved to receive and accept a minor plat for Murray Estates. S23-T48N-R14W. A-2. Otsie and Ramona Murray, owners. Bill R. Crockett, surveyor. And further order that the Presiding Commissioner be hereby authorized to sign said plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 561-98**

Subject: Naming of an Unnamed County Road

Commissioner Stamper asked the individuals speaking on the subject to state their names and addresses.

Michele Holmes, 17401 Rte O, Harrisburg, MO. She stated that they were appearing before the Commission to request a naming of an unnamed County road. She stated that they needed a correct address for the Fire and Sheriff's departments to be able to reach her residence. She further noted that they were trying to run a business out of their home and their customers had trouble locating their house because their house did not have the proper address.

Michele Holmes stated that they had been in contact with the Secretary of State's Office and the Attorney General's Office and no one had suggested that they were out of place. She stated that in fact they had been encouraged to pursue this matter.

Commissioner Stamper noted that this matter had been taken up before and they had (by Commission action) declined to name the road.

Michele Holmes asked what was next then.

Commissioner Vogt wanted to know in what way the Holmes' address was not correct.

The Holmes clarified that the address that was assigned to them (street name) was not where they actually lived.

Commissioner Stamper asked what street name was assigned to their address.

Michele Holmes stated that it was Rte F, which was not the road that they lived on.

Another member of the Holmes family stated that two different times, a contractor had tried to find their residence and could not locate it. He further stated that in the case of an emergency, this could be serious.

Commissioner Stamper asked if it would not be simpler to move the mailbox to Rte F.

The Holmes' wanted to know why someone would do that.

Commissioner Stamper stated that it was the County's perception that this road was not a County road. He stated that the County had stepped in and replaced the bridge, but it had never been established that this was a County road.

A member of the Holmes family stated that it was in the County records.

Commissioner Stamper stated that the evidence had never been presented to the Commission.

Commissioner Vogt stated that the Commission had stated when they agreed to fix the bridge (due to a hardship), that they would not maintain the road. She further stated that the Commission had made it clear that the maintenance of the bridge was a one-time deal.

Commissioner Vogt stated that in the Commission's estimation of things, the Holmes' address was Rte F.

A member of the Holmes family used the Government center as an example. He stated that the Commission would not want their mail delivered 2 blocks away from where they were actually located.

Commissioner Stamper stated the Government center was a good example. He stated that the address of the Government center was 801 E Walnut, however the building did not actually sit on E Walnut. He stated that therefore the address did not always reflect the presence of your front door.

Commissioner Vogt stated that she did not believe one could get to the Holmes' house without coming off of Rte F.

Darren Holmes stated that people could not find this house. He stated that there was no such place as 1704 Rte F.

Commissioner Stamper stated that there was this location, because mail was delivered to this address.

Darren Holmes stated that the mailman took it upon himself to deliver the mail to the wrong address.

Commissioner Stamper stated that where the mailbox was placed was up to the Holmes.

Darren Holmes stated that it was almost a quarter of a mile from their driveway.

Commissioner Stamper stated that a lot of people had mailboxes further away than that. He stated that the difference of opinion here was that this was a County road. Commissioner Stamper stated that there had not been evidenced presented to this Commission that the road had been accepted as a maintained, dedicated County public right-of-way.

Michele Holmes asked if any of the maps concerning the road stated anything about this.

Commissioner Stamper stated that their motion on this matter when the pipes were replaced was specific.

Michele Holmes stated that to their knowledge, the road had not been vacated.

Commissioner Stamper stated that by its lack of use, it had been vacated.

Darren Holmes stated that it had been in continued use, which was under State statute.

Commissioner Stamper stated that points were being argued that had been argued before. He stated this had been requested and acted upon.

Michele Holmes stated that she did not understand why they were not being treated like their neighbors.

Commissioner Stamper asked who had a neighbor that had a road that was their driveway.

Michele Holmes stated that this was not their driveway.

Another member of the Holmes family stated that this was the same as a dead-end County road. He cited King road as an example.

Commissioner Vogt asked who owned the property on both sides of this road.

Michele Holmes stated that they owned property on the other side of Rte F.

Commissioner Stamper stated that they (the Commission) were not present to debate those other roads. He stated the order was specific and it stated that the pipes would be replaced, but the road would not be maintained.

A member of the Holmes family stated that he could not understand how the bridge could be replaced and the road not be a County road.

Commissioner Stamper stated (as the Holmes should recall), that the Commission was divided on that issue. He stated that it had been decided by majority vote.

Commissioner Stamper stated that based upon a vote of the Commission due to a hardship that had been described, a decision had been made to put culvert pipes back in, in place of the bridge. He stated that when they did so, they were specific in the motion to indicate to the Holmes and everyone else involved, that the County was not accepting responsibility for the road.

Darren Holmes stated that he did not understand. He asked if you could just abandon a road at will. He asked if the Commission could just vote not to take care of a road, and that became law.

Commissioner Stamper stated that this was the way that it could work.

Commissioner Stamper stated that to his knowledge, there had been no substantial evidence presented that this Commission that this was a County road. He stated that if there had been any evidence, the Commission would have a different discussion. He stated that there was significant feeling in the Commission, that this was a driveway, and not a County road. He stated however, due to the hardship, there was a decision made to replace the bridge with the culvert pipes and specifically state in the order that the County was not responsible for the road.

Darren Holmes stated that it did not seem right for a fifth generation that had lived and was trying to run a business on this road to be abandoned.

Commissioner Stamper stated that they (the Commission and the Holmes) did not see this the same way.

Darren Holmes asked if one of Commissioner Stamper's campaign goals had been to hard surface 50 miles of road in Boone County a year.

Commissioner Stamper stated that this was not correct.

Commissioner Vogt stated that businesses in Boone County had to have paved surfaces for their parking lots.

Michele Holmes stated that they were just selling cattle.

Another member of the Holmes family stated that this was their livelihood. Commissioner Vogt stated that all kinds of people in Boone County had businesses and maintained their own driveways.

Another member of the Holmes family stated that this was not a driveway.

Commissioner Stamper stated that this was where the disagreement was.

Michele asked what evidence was lacking to prove this was a County road.

Commissioner Stamper stated that there were no recorded documents that showed the road being dedicated to public right-of-way.

Another member of the Holmes family stated that these documents were destroyed and that they had demonstrated this.

Michele Holmes stated that the earliest record that they could find of the road, was of other roads being petitioned off of this road around 1907 or 1910. She stated that they had maps from that and maps from 1988. She stated that they could not find the earliest evidence of this road and was told that the maps of it were destroyed.

Another member of the Holmes family stated that five generations of his family had witnessed County maintenance all of this time, since 1910.

Commissioner Stamper stated that there was no evidence of County maintenance presented to the Commission (during the last two times the Holmes had appeared) either by the County crews or any other format. He stated that the records were clear on this matter and the tapes (for these meetings) were available.

Commissioner Stamper stated that he felt the County Commission had went a long way when it ventured in and put the pipes in and replaced the bridge. He stated that the Holmes had received a lot more than most other places in the County due to the hardship. He stated that now they (the Holmes) were back because they thought it was some sort of trap to get the County to maintain the road.

The Holmes stated that this was not true.

Commissioner Stamper asked why they were here then.

Darren Holmes stated that this whole situation could be fixed by a proper road sign for emergency calls and two loads of gravel.

Commissioner Stamper stated the mailbox could also be moved to Rte F. Commissioner Stamper stated the Holmes were asking the public to pay for this and he felt that this was unreasonable.

Darren Holmes stated that he thought this had always been a County road and there were records showing that it was a County road, and now the County wanted to abandon it. He stated that it had been under State statutes. He asked if State statutes meant anything.

Commissioner Stamper stated that if the Holmes had evidence, they should give it to the attorney and litigate.

The Holmes stated that this was what they would do.

Commissioner Reports

Commissioner Miller

Commissioner Miller stated that they had received a letter about the fact that the city of Columbia was handling their Adult Entertainment issue. She stated that there was a request that the County consider doing something so that business that were managed by City ordinances did not move out of the city limits (to avoid ordinances). She stated that she wanted to see what the Commission's thoughts were on the subject. She stated that this was concerning a request from the Midway School.

Commissioner Vogt stated that they had agreed to give this issue to the Planning and Zoning Commission.

Commissioner Stamper stated that they had agreed to let the Planning and Zoning Commission evaluate this subject and come back to the Boone County Commission.

Commissioner Vogt stated that they had received also another letter.

Commissioner Miller stated she thought they were receiving more letters so that the County could get something in place.

Commissioner Stamper

Commissioner Stamper reported that he had received a contact from Judge Conley and David Knight. He stated that a couple of foundations had paid Sid Larson to paint two murals on the two landings of the County Courthouse. He stated that these same foundations had contact with a photographer who had taken three black and white photos. He stated that the pictures were of the Katy Trail, the Burr Oak tree, and a water scene.

Commissioner Stamper stated that the photographs were secure and the photographer wished to hang them from the third landing at the Courthouse. He stated that the County would need to retain Mr. Prost to encase them in some way. He stated that there was no need for light.

Commissioner Stamper stated that with the permission of the County, he would like to evaluate how much they would cost. He asked if there were any objections.

Commissioner Miller stated that she just wanted to make sure that they had some place to go.

The Commission agreed to check into things further.

Commissioner Vogt

Commissioner Vogt gave no report.

There was no public comment.

The meeting was adjourned at 7:45p.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