

TERM OF COMMISSION: April Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Joshua Norberg

The meeting was called to order at 1:30 p.m.

Purchasing

Tyson Boldan, Purchasing was present on behalf of these items.

1. Staples Agreement (first reading)

Mr. Boldan stated this is an agreement with Staples of Farmington, MA, addressing contract 05-11JAN05 – Office Supplies. Staples recently purchased Corporate Express. This agreement ensures that we have received the correct discount structure on our existing contract.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with an appropriate order for approval.

2. 17-03APR09 – Deed Record and Index Books (first reading)

Mr. Boldan stated the bid for Deed Record and Index Books Term and Supply closed on April 3, 2009. Two bids were received. Purchasing and the Recorder’s Office recommend award to Bear Graphics Inc. for offering the lowest and best bid for Boone County.

This is a term and supply contract. Contract will be paid from Department 2800 – Storage and Preservation, Account 23000 – Office Supplies. \$9,500.00 is budgeted for this term and supply contract.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with an appropriate order for approval.

3. 24-14APR09 – Sapp Building Erection (first read on 4/14/09)

Mr. Boldan stated the bid for Sapp Building Erection closed on April 14, 2009. Three bids were received. Recommendation for award is to Prost Builders for Alternate #1 for the Sapp Building Erection at the Boone County Fairgrounds, which includes new, 24 gauge insulated snap lock

standing seam metal roof.

Total contract award is \$215,000.00 and will be paid from Department 2120 – Fairground Maintenance Fund, Account 71100 – Outside Services.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award bid 24-14APR09 – Sapp Building Erection to Prost Builders for Alternate #1. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 204-2009**

Boone County Regional Sewer District

Andy Lister, Boone County Regional Sewer District, was present on behalf of this item.

4. Adopt W.B. Smith Sanitary Sewer NID Final Assessment Role (first reading)

Mr. Lister stated we are at the final stage of the W.B. Smith Sanitary Sewer NID project. The final costs have been tabulated and certified by the Auditor. The Certified Project Cost is \$112,443.73. He stated the original petition estimate was \$117,587.40. He stated pending Commission approval, we are prepared to send the assessment notices out.

Commissioner Miller asked if this is a 20 year NID.

Mr. Lister stated it is.

Commissioner Miller asked how much that makes it per year.

Commissioner Elkin stated that is about \$700-\$800.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with an appropriate order for approval.

Planning and Building

Bill Florea, Planning and Building, was present on behalf of this item.

5. Stream Buffer Ordinance (first read on 4/16/09)

Commissioner Miller stated we worked through this and sent out a response to the Central Missouri Development Council and to Tim Crockett from Crockett Engineering. Mr. Crockett said it answered his questions and that he is comfortable with it.

Mr. Florea stated this is the proposed Stream Buffer Ordinance along with a staff report containing several suggested amendments to the ordinance.

Commissioner Miller stated these are things we had a work session on and agreed to.

Mr. Florea stated if there is a motion to approve this with any, all, or none of these changes that can be done too. He stated he was in a meeting yesterday and a question about the history of public involvement in the development of these regulations came up. He stated the County Commission had 20 work sessions on these regulations before they referred it to the Planning and Zoning Commission. The Planning and Zoning Commission had 3 public hearings before they made their recommendation to the County Commission. He stated in his estimation, that is pretty good public involvement.

Commissioner Pearson asked for public comment before a motion is made.

Don Stamper, Central Missouri Development Council (CMDC)

Mr. Stamper stated he wanted to thank the Commission for the opportunity to speak and for accepting the suggested changes to the document. He stated he also wanted to express some disappointment with some of the changes not incorporated. He stated the CMDC does not have a lot of philosophical disagreement with this document. The document reflects a lot of work over a long period of time. He stated there are some places in the document that give concerns about clarity if staff is not the same in several years. He stated the concerns are not things that should inhibit implementation, but they should be noted for the record. He asked when this ordinance would become effective if it is approved today.

Mr. Florea stated any projects that have already been submitted will not have to comply with this ordinance because they will be grandfathered in. Other than that, we will probably have to set a date for it to come into effect.

Commissioner Miller stated she would like to suggest that we review this after one year and see if there are some things that are consistent problems so we can address them.

Commissioner Pearson stated in his experience when you have several people working on a project and it seems great, you find out there are some problems once you implement it.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby adopt the attached Stream Buffer Regulations incorporating all suggested revisions per the attached staff report with an implementation date of June 1, 2009, and a review after one year of implementation.

Commissioner Pearson seconded the motion.

Commissioner Elkin stated it is his understanding that agriculture is exempt from this.

Mr. Florea stated that is correct.

Commissioner Elkin stated if someone had the majority of their backyard in an A-R (Agriculture Residential) zoning for something like organic tomatoes to sell at the farmer's market, would that be exempt?

Mr. Florea stated that would qualify as agriculture.

Commissioner Elkin stated it would be exempt even if there was a house on the lot.

Mr. Florea stated the house itself is not exempt.

Commissioner Elkin asked how you determine who is exempt.

Mr. Florea stated the house is a residential use and not an agricultural use. You don't look at the entire lot as one. It is possible to have uses on part of the property that are exempt and parts that aren't. Even if it was on a 500 acre cattle ranch, buildings that are strictly being used to support that cattle ranch would be exempt, but the home or garage used just for parking cars would not be exempt.

Commissioner Elkin asked if you could construct a greenhouse in the buffer zone.

Mr. Florea stated you could if you were producing food. If you were just producing flowers, you could not.

Commissioner Elkin stated he still does not know how we are going to enforce this with the resources we currently have.

Mr. Florea stated he does not have an answer to that question as far as what the cost will be to enforce it. For now, when development is not busy we have time to implement it. When things pick up a lot, some of this will be handled at the planning stage and will not involve a lot of extra field inspection.

Commissioner Elkin stated he knows a lot of time and energy has gone into this, but there are just too many unanswered questions about enforcement and costs. He stated he knows it can never be a perfect document, but there are too many unanswered questions.

Commissioner Miller stated this has been years in the making and has been vetted probably more than anything we have done in County government, so she stated she will support it.

Commissioner Pearson stated when he was thinking about running for office, he knew there was

a storm water task force, and he started reading the minutes of the task force. He stated he found out that there is a really diverse group of people who have worked on this task force and they worked very hard for a very long time. They made some recommendations, and this is part of the outcome of that effort and we should do as much as we can to be supportive of the work that task force did. There may be some changes that not everyone likes, but overall it is something that we need to do and it is something that the federal government expects the states to do. He stated he appreciates the work of everyone involved in this process, and he supports this.

There was no further discussion and no public comment.

Commissioners Pearson and Miller voted in favor. Commissioner Elkin voted in opposition.

The motion passed 2-1 **Order 205-2009**

Miscellaneous

6. Budget Amendment to Cover 2009 Property Insurance for Fairgrounds (first reading)

Commissioner Elkin stated he has asked Wendy Noren, County Clerk, to get together with him to go over some values on some of the buildings out there. He stated instead of giving a blanket cost for all of the buildings, he wants to get to the specific value of each building. He stated it may reduce those premiums some.

Commissioner Miller asked why we would be insuring the contents of the coliseum.

Commissioner Elkin stated we own some of the equipment inside of it.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting following the mandatory 10 day waiting period with an appropriate order for approval.

7. Budget Amendment to Establish Budget for Reconstruction of Sapp Building (first reading)

Commissioner Elkin stated this is the amendment that puts money in the building improvements account for the Sapp Building. The contract is \$215,000, but there are some ancillary costs associated with that. The additional amounts cover those costs.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting following the mandatory 10 day waiting period with an appropriate order for approval.

8. Appoint Paul Prevo to Building Code Board of Appeals

Commissioner Miller moved on this day the County Commission of the County of Boone does

hereby appoint Paul Prevo to the Building Code Board of Appeals for an interim term beginning April 30, 2009, and ending October 7, 2012.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 206-2009**

9. Appoint Paul Prevo to Board of Parks Commission

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby appoint Paul Prevo to the Board of Parks Commission for an interim term beginning April 30, 2009, and ending September 30, 2012.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 207-2009**

10. Commissioner Reports

Commissioner Miller stated the water is up at Easley and there might be some flooding around the area soon. She stated she thinks we should drive around the river roads and be proactive about getting prepared for the flooding.

11. Public Comment

There was no public comment.

The meeting adjourned at 2:15 p.m.

Attest:

Kenneth M. Pearson
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner