

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District II Commissioner Skip Elkin
Director of Planning and Zoning Stan Shawver
County Counselor CJ Dykhouse
Deputy County Clerk Kristina Johnson

District I Commissioner Karen M. Miller was absent.

The meeting was called to order at 7:10 p.m.

Planning and Zoning

- 1. Request by Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia.**

Mr. Shawver stated that the applicant is not present and if it would be appropriate the Commission could move on to the subdivision plats. Mr. Shawver stated it is up to the Commission as to whether to hear this request or not. Mr. Shawver stated when an applicant does not show up the Commission has tabled an item to the next night meeting or they have acted on it.

Commissioner Elkin stated the P&Z Commission approved this item although it was a close vote. Commissioner Elkin stated any public testimony that was to be had over this item was probably heard at those meetings.

Mr. Shawver stated he believes that is probably accurate. Mr. Shawver stated he does have a letter of opposition but that does not equate to a person being present.

Commissioner Elkin stated let's move on and then we can just save this for last.

- 2. Accept Plats:**
 - a. Sylvia's Way. S24-T50N-R13W. A-2. Sylvia Brown, owner. Steven R. Proctor, surveyor.**
 - b. Hunter's Bend Plat 2. S11-T46N-R12W. A-2. Martin Builders, Inc., owner. Christopher M. Sander, surveyor.**

Mr. Shawver stated this is situated between Old Hwy 63 and 65 North. This is comes out by

Friendship Church.

Commissioner Elkin stated there is a pump station and day care right by there.

Mr. Shawver stated Hunter's Bend was also approved by the Planning and Zoning Commission. Mr. Shawver stated Martins subdivision is out around this plat.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

Sylvia's Way. S24-T50N-R13W. A-2. Sylvia Brown, owner. Steven R. Proctor, surveyor.

Hunter's Bend Plat 2. S11-T46N-R12W. A-2. Martin Builders, Inc., owner. Christopher M. Sander, surveyor.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 128-2011**

Sheriff's Department

3. Budget Amendment for MODOT Grant # 11-154-AL-71 for award of BAT Van Camera System and related installation (first reading)

Captain Chad Martin sent this written note to be entered into the record: the Sheriff's Department has received authorization from MoDot to purchase and install a digital camera system in our BAT Van (DWI enforcement) funded with grant money. This request is to establish a budget for the same. This will be purchased using existing Sole Source and Term & Supply contracts.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the ten days required for budget amendments with an appropriate order for approval.

Purchasing

4. Cooperative Contract: C111077003 Chevrolet Caprice (second reading, first read on 3/24/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request by the Sheriff's Department to utilize the State of Missouri cooperative contract C111077003 with West Brothers Chevrolet of Sullivan, Missouri, for a

Chevrolet Caprice 9C1: Model Year 2011. It is further ordered the Presiding Commissioner is hereby authorized to sign said term and supply contract.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 129-2011**

5. Cooperative Contract: C111008003 15 Passenger Van (second reading, first read on 3/24/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request by the Sheriff's Department to utilize the State of Missouri cooperative contract C11008003 with Joe Machens Ford of Columbia, Missouri, for a 15 Passenger Van. It is further ordered the Presiding Commissioner is hereby authorized to sign said term and supply contract.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 130-2011**

6. Centurytel Centrex Telephone Agreement (second reading, first read on 3/24/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the contract with Centurytel for Boone County's Centrex Telephone system for the period January 1, 2011 through June 30, 2012. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 131-2011**

7. Sole Source Purchase 103-123111SS Glock Guns – OMB Guns (second reading, first read on 3/24/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Sheriff Department's request to utilize Sole Source Vendor OMB Guns for Sole Source Purchase 103-123111SS Glock Guns. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 132-2011**

Commission

8. Budget Amendment for the replacement of the Courthouse Chiller (second reading, first read on 3/17/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby amend the FY 2011 budget and approve appropriations in the amount of \$190,000 for the purpose of replacing the Courthouse Chiller. The appropriations are authorized from the General Capital Fund which was established pursuant to Commission Order 562-2010 to account for the County's revenues received from the Energize Missouri Communities grant. In the event that the resources within the General Capital Fund are less than \$190,000, the Commission hereby approves appropriations from the Capital Repair and Replacement Fund (Fund #620) for the amount needed.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 133-2011**

9. Budget Amendment to transfer the residual assets from Fund 407 (Law Office Remodel IV-D) into the General Capital Fund (second reading, first read on 3/17/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to transfer residual assets from Law Office/IV-D Remodel to the General Capital Fund to be used to for replacement of Courthouse Chiller:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
4050	03915	Gen Capital Fund Act	OTI: from Cap Prj Fund		13,595.00
4070	83919	Law Office/IV-D Remd	OTO: to Cap Proj Fund		13,595.00

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 134-2011**

10. Return to item # 1 Request by Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia.

The minutes for the Planning and Zoning Commission meetings of February 17 and March 17, 2011 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

<http://showmeboone.com/resourcemanagement/PZCommission/Minutes/PZMinutes.asp>

This property is located east of Columbia approximately 1/2 mile north of the intersection of I-70 Dr NE and Dozier Station Rd. on the east side of Dozier Station Rd. The property is situated approximately 3 miles east of the closest municipal limits of Columbia. The site is zoned A-1 Agriculture. Property to the north and northeast is developed as Lake La Vista subdivision which was rezoned from A-1 to A-2 in 1975. Property to the east, southeast, and south of the request was rezoned from A-1 to A-2 in 1987. Property to the southwest and west is zoned A-2P and was rezoned from A-1 in 1991. Property to the northwest is zoned A-1 and this is an original 1973 zoning. The applicant is requesting a rezoning to A-2 Agriculture of the approximately 13.67 acres. There is lake on the property. Just south of the lake on the eastern portion of the property is a home, detached garage and several sheds. In the northwest corner of the property there is a small residence with a wastewater lagoon. On the eastern half of the property there is a large building and parking area that has an occupancy permit for a legal non-conforming use for manufacturing building system components. This site lies within the Columbia Public School District. The site is in Public Water District #9 and it may be possible to increase water flow and pressure to meet potential fire requirements. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Wastewater service will either be on-site or will be provided by a BCRSD facility that is being upgraded at Meadow Village subdivision approximately 250 feet south of the subject tract. The master plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 37 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.

Utilities: This site is served by Boone Electric Cooperative and Public Water District 9. There are existing district waterlines serving the property but upgrades will be needed if the property is divided by subdivision plat into more than three lots. Since the majority of the surrounding

properties are already zoned to allow the A-2 density, the existing utilities should support the use of this property at the possible density allowed should the A-2 zoning be granted. Specific infrastructure requirements are tied to the process of subdividing the property and will be dependant upon the specific nature of the division proposed. Division that would allow for new residential construction will likely not qualify for on-site wastewater systems and connection to the BCRSD facility near the property would likely be required.

Transportation: Access to the site is from Dozier Station Rd. which is a major north south connection in this portion of the County.

Public Safety: The nearest fire station is located within 5 road miles.

The actual character of the area is one of mixed size residential lots. There is a block of A-R zoning within 1500 ft of the request and R-M (moderate density residential) zoning within 1000 ft, while a majority of the surrounding property adjoining the subject property is zoned A-2. While an argument could be made that perhaps an A-2P (planned agriculture) rezoning might be more appropriate by allowing the request to be tailored to the neighborhood, the resources to support the request seem adequate or able to be provided to support the rezoning. Therefore, staff recommended approval of the request.

The Planning and Zoning Commission conducted a public hearing on this request during their February 17, 2011 meeting. There were 10 members of the commission in attendance at the meeting. However, the Planning and Zoning Commission was unable to reach a consensus on the request and so tabled the application until the March 17 meeting. There were 9 members at the March 17 2011 meeting. A motion was made to recommend approval of the request. That motion carried by 5-4 vote. It comes forward with a recommendation for approval.

Commissioner Robb asked how long the Commission should wait.

Commissioner Elkin stated he does not believe that they should wait at all. Commissioner Elkin asked the County Counselor CJ Dykhouse if a letter counts as testimony.

County Counselor Dykhouse stated he did not believe that the Commission has ever based there decision on a letter that is absent of additional in person testimony.

Commissioner Elkin stated he does not want to deny it for a technicality because he will have to wait a year to come back. Commissioner Elkin asked Mr. Shawver if staffed recommended this item.

Mr. Shawver stated staff recommendation was to approve this item. Mr. Shawver stated this is an island and to move up to higher density developing would be questionable but the A-2 we felt was appropriate. Mr. Shawver stated Mr. Naugle had mentioned there maybe family transfers but that would most likely be it.

Commissioner Elkin stated he is comfortable with this because this is not a spot zoning. This is

not a greater density than anything surrounding this. Commissioner Elkin stated he is going to have to comply with sewer district restrictions. Commissioner Elkin stated he is limited on how many points he can have off of Dozier Station because of size issues any way, so there are a lot of checks here on this property. Commissioner Elkin stated he is not going to be able to do anything that he wants. Commissioner Elkin stated when the Commission makes a decision they need to take all of the emotion and personalities out. The Commission needs to base their decision on the merits of the request.

Commissioner Robb stated given how the surrounding properties are zoned there is no reason this should not go through.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request of Gary E. and Edith A. Naugle to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 13.67 acres, more or less, located at 1700 N. Dozier Station Rd., Columbia.

Commissioner Robb seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 135-2011**

11. Public Comment

12. Commissioner Reports

The meeting adjourned at 7:36 p.m.

Attest:

Edward H. Robb
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner