

TERM OF COMMISSION: August Session of the July Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Room 338

PRESENT WERE: Presiding Commissioner Edward H. Robb
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
County Counselor CJ Dykhouse
Director of Resource Management Stan Shawver
Deputy County Clerk Cameron Clarke
Planner Uriah Mach
Robert Teerlinck
Chris Sander
Joe Parcell
Bill McQuegge
Kevin Schweikert

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

Resource Management

1. Public Hearing on revision to Boone County Building Codes

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated this is the third and final public hearing on the revision to the Boone County Building Code. Mr. Shawver stated Boone County typically adopts the model building code, which is now the International Building Code. Mr. Shawver stated throughout the summer he has worked with the Building Code Commission, and they have forwarded a recommendation to the County Commission. Mr. Shawver stated state statutes require three public hearings advertised in the paper before the County Commission can make changes to the County building code.

Commissioner Robb opened the public hearing on this item.

Robert Teerlinck asked Mr. Shawver why the County is adopting the International Electric Code, instead of the National Electric Code.

Mr. Shawver stated the National Electric Code is being adopted, and has been what the County has always enforced. Mr. Shawver stated the electric code falls one year behind the building code, so the County is adopting the 2009 edition of the International Building Code, and the 2008 version of the National Electric Code.

Commissioner Robb closed the public hearing on this item.

2. Request by Missouri Soybean Association for a permit for an Agri-business

oriented to the agricultural community on 98.36 acres located at 5601 S Rangeline Road, Columbia.

Planner Uriah Mach read the following staff report:

The minutes for the Planning and Zoning Commission meeting of August 18, 2011 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on Rangeline Road, approximately 3 ½ miles east of the city limits of Columbia. The subject property is approximately 98 acres in size and is zoned A-1(Agriculture) and is surrounded by A-1 zoning. This is all original 1973 zoning. The Boone County Master Plan identifies this area as being suitable for rural residential and agricultural land uses.

The applicant is requesting a conditional use permit to operate a farm implement sales and service facility or other agribusiness oriented to and exclusively serving the agricultural community. Additional materials submitted to Boone County Resource Management – Planning indicate that the applicant desires to construct a building for use as an office and lab near their agricultural property. In addition to the subject tract, the applicants own an adjacent 92 acres to the northwest. As a facility which is exclusively serving the agricultural community, the activities described by the applicant allow them to apply for this conditional use permit.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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 local regulations, this use should not be detrimental to or endanger the public health, safety, comfort, or general welfare.

(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 application materials describe the structure desired, a 15,400 square foot building with a dry lab, a wet lab, office space, seed storage, cold storage, and an equipment shed. The remainder of the subject property is being used for agricultural purposes on the majority of its acreage. That is consistent with the activity on the surrounding properties, which are being used for agricultural and rural residential land uses, with agriculture being most common. The inconsistency of the submitted materials with

the text of the application makes ensuring that this criterion is met difficult. The applicant's testimony, along with that of the public, 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.

If operated in conformance with existing county regulations, the use should comply with this criterion. 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.

Water service will need to be expanded by the extension of a water main from existing Public Water Service District #9 infrastructure. Road access is off of Rangeline Road, an asphalt-surfaced, county-maintained, public right of way. Wastewater treatment will be through an on-site system approved by the Columbia/Boone County Health Department.

(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.

The establishment of this conditional use permit will not impede the normal and orderly development and improvement of surrounding properties. The limitations of the existing road and utility infrastructure will restrict development far more than approval of this conditional use permit.

(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.

Access to this site is off of Rangeline Road, a publicly dedicated, county-maintained road. The use described by the application materials is not expected to be a major traffic generator, and any increased traffic should not overload existing public streets. However, the inconsistency between the application materials and application itself make ensuring that this criterion is met difficult. The applicant's testimony, along with that of the public, 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 A-1 zoning district.

Zoning analysis: The uses requested in the application are broad, potentially intrusive, and may cause problems in the use and enjoyment of surrounding properties. Further review of the materials submitted by the applicant restricts the use to the lab/office building that is requested by the applicant. That restriction makes the conditional use more acceptable to ensuring the use and enjoyment of the surrounding properties. This conditional use permit meets a technical analysis of the criteria identified in the Boone County Zoning Ordinance for approval.

Staff recommends approval of the request with the following conditions:

- 1) Farm implement sales & service will not be conducted on this property.
- 2) Construction will be limited to the structure shown on the application and further development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.
- 3) The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, & the Columbia/Boone County Health Department.

The Planning & Zoning Commission conducted a public hearing on this request during their August 18, 2011 regular meeting. There were eleven members of the commission present.

Following the public hearing, a motion was made to recommend approval of the request with the staff conditions. That motion passed with 10 “Yes” votes and one “No” vote. The request comes forward with a recommendation for approval.

Engineer Chris Sander and Joe Parcell were present on behalf of the Missouri Soybean Association. Mr. Sander stated they would like to apologize to the neighbors for the misunderstanding at the Planning and Zoning meeting. Mr. Sander stated Joe could speak more to the specifics of the operation, but there is no intention of selling any equipment on this property. Mr. Sander stated the development they have in mind will comply with all County regulations, including the new stormwater regulations. Mr. Sander stated an onsite sewer system will be constructed to provide for waste disposal. Mr. Sander stated they anticipate the system will be approved by the Health Department.

Mr. Parcell stated that he would also like to apologize for the misunderstanding. Mr. Parcell stated the intended use for this facility is office space, cold storage of seed, a lab, equipment storage, and space to store some processing equipment. Mr. Parcell stated only two to three soybean plants are harvested at a time, so they use specialized threshing equipment.

Mr. Sander stated the primary work would be to break down the seed.

Mr. Parcell stated in the lab they will grind up the seed and look at the different components to see the different characteristics of the seed. Mr. Parcell stated this will help determine the best technologies for farmers in the future.

Commissioner Miller asked if there would be a lot of chemicals used in the lab.

Mr. Parcell stated only very basic chemicals would be used.

Commissioner Miller asked if there would be a lot of chemicals in the wastewater.

Mr. Sander stated any chemicals beyond domestic waste would be contained and hauled off site.

Commissioner Miller stated she could see where neighbors would be concerned with the application, because it stated it was asking for farm and implement sales and services. Commissioner Miller stated she thinks this is a good use of the land, and had no problem with this once she learned the sewer was taken care of, and the sales and service went away.

Commissioner Elkin stated in previous testimony it was said there will be a small number of employees. Commissioner Elkin asked how many employees there would be in ten years.

Mr. Parcell stated some of it would be seasonal traffic. Mr. Parcell stated the intent is for there to be two full time employees. Mr. Parcell stated there would possibly be two or three graduate students working there as well.

Commissioner Elkin asked if there were any specifications on the lighting.

Mr. Shawver stated there were no specifications.

Mr. Sander stated the lighting will most likely be wall packs directed downward and inward. Mr. Sander stated there is no intention to waste electricity on bright lighting. Mr. Sander stated they would possibly have a pole mounted light to make sure there is not a dark spot when people are not around.

Commissioner Elkin asked if there would be a gate.

Mr. Parcell stated the current plan is for it to be open access.

Mr. Sander stated this is in the middle of a cropped area, so if there was a gate across the drive people could easily drive around it through the ditch.

Commissioner Robb suggested motion activated lights.

Commissioner Robb opened the public hearing on this item.

Bill McQuegge was present to discuss his concerns about this project. Mr. McQuegge stated he is not against this project, and he would rather see an agriculture research center than a bunch of houses. Mr. McQuegge stated his only problem with this project is storm water runoff. Mr. McQuegge pointed on the map to where his house is located. Mr. McQuegge stated there is a creek that comes from the north and runs through the middle of his property. Mr. McQuegge stated this is the creek that will drain the stormwater from this project. Mr. McQuegge stated Little Bonne Femme Creek also comes in from the east, and joins in his front yard. Mr. McQuegge stated there is another creek that comes in from the southeast, and joins in his front yard. Mr. McQuegge stated the three together make a big mess. Mr. McQuegge stated many cars have floated off the road. Mr. McQuegge stated over the years this problem has gotten progressively worse. Mr. McQuegge stated every time someone puts up a house, garage, or driveway it eliminates that much more soil to soak up the water. Mr. McQuegge stated he used to treat this as an inconvenience. Mr. McQuegge stated there is a 21 ft x 14 ft x 39 in bridge that connects to his property off of Rangeline Road. Mr. McQuegge stated he has seen water to the top of the 39 inch banister. Mr. McQuegge stated hydrologists and engineers have looked at this. Mr. McQuegge stated one of the creeks is controlled by the Corps of Engineers. Mr. McQuegge stated out of desperation he rented a Bobcat for a week and built a levee around his house. Mr. McQuegge stated the water has gotten to the top of his levee. Mr. McQuegge stated if this much more soil is removed, the water levels will get higher. Mr. McQuegge stated he only asks that someone call him, or meet with him so he can show them the problem. Mr. McQuegge stated no one has done this yet. Mr. McQuegge stated his only alternative is to go to court, which he does not want to do. Mr. McQuegge stated he has no other problems with this project.

Commissioner Miller stated Mr. Sander said they have a stormwater plan, and suggested allowing Mr. Sander to explain it. Commissioner Miller stated Boone County ordinances require a property owner to keep water on their own property.

Mr. Sander stated the design they have in mind for the site will comply with the County's ordinance.

Commissioner Miller asked what that meant.

Mr. Sander stated the County requires they do something to treat the water as it leaves the site so impurities can be removed, and to protect the channel downstream. Mr. Sander stated they have proposed a turf grass soil that will meander through the front part of the property and slow the water down. Mr. Sander stated crop areas tend to be bare 2/3 of the year. Mr. Sander stated the runoff from soil is more than turf, but much less than pavement. Mr. Sander stated they are going to comply with the tier 1 requirement for runoff.

Commissioner Miller asked how long the swale would be before it reaches Mr.

McQuegge's property.

Mr. Sander stated it would be close to a mile. Mr. Sander stated the swale would be about 250 feet long. Mr. Sander stated the length of travel for the water would be approximately two miles before it reached Mr. McQuegge's property.

Commissioner Elkin asked if by swale, they meant a waterway, burm or terrace.

Mr. Sander stated it would be similar to a waterway. Mr. Sander stated it will snake back and forth in front of the property. Mr. Sander stated there would be a depression with a burm, a round corner, and then run back the way it came. Mr. Sander stated this would give it a longer travel path.

Commissioner Elkin asked if the site is currently cropland.

Mr. Sander stated it is currently sod.

Commissioner Elkin asked where the water currently goes.

Mr. Sander stated there is a gentle ridge. Mr. Sander stated the site will drain to the east across Rangeline Road and then run to the east, and then the south.

Commissioner Elkin asked if there is a culvert under Rangeline.

Mr. Sander stated there is. Mr. Sander stated no additional flow would be diverted this direction.

Commissioner Elkin asked if Mr. Sander was confident that this project would not impact Mr. McQuegge.

Mr. Sander stated he was confident.

Commissioner Robb asked if the driveway would stay gravel.

Mr. Sander stated the initial preference was for it to remain gravel, but it is a requirement that it be a hard surface.

Mr. Shawver stated it has to be a minimum of chip and seal.

Commissioner Miller asked if magnesium chloride is an option.

Mr. Shawver stated the Commission has acknowledged magnesium chloride applications are suitable.

Mr. Sander has stated it was his understanding that magnesium chloride is limited to things like vehicle sales.

Commissioner Elkin stated he believed the only exception made for hard surfaces is for equestrian facilities.

Mr. Shawver stated the regulations require that there cannot be any more runoff that leaves the property than there was before the work was done.

Commissioner Miller stated this is why she is confident this will not create more problems for Mr. McQuegge.

Commissioner Elkin asked if anything had been submitted on the stormwater.

Mr. Shawver stated nothing will be submitted until the conditional use permit is authorized.

Mr. Shawver stated a letter was received from Mr. Fairchild. The letter was entered into the public record as follows:

To the Boone County Commission and Planning and Zoning Commission:

Thank you for allowing me to testify on Tuesday, Aug. 16, 2011 regarding the Conditional Use Request by the Missouri Soybean Council to build an 11,000 sq. ft. research building/office on the Bay Farm Site. I had many concerns regarding the proposal including the wording in the conditional zoning language that says "*Farm implement sales and service and other agribusiness uses oriented to and exclusively serving the agricultural community*". This wording led many to believe that the request was for the former...a farm implement sales and service business...which created much angst among neighbors in the area.

At the meeting, the Boone County Planning and Zoning Commission and the Missouri Soybean Council provided clarification that the conditional use request was for an office/research building only, and not a farm implement dealership and service facility. This may fit within the normal procedures of the conditional use process; however, it is not an efficient or prudent way to conduct this process of submission and denial/ acceptance of zoning requests.

The Planning and Zoning Process needs to be changed in several ways. First, the staff report should be prepared and posted online 48 h prior to the meeting. This will save a lot of time and work for both the Public and the County. Second, the staff report should be provided to all attendees at the meeting *and* the staff report should be projected on a large screen for all to read. The Aug. 16 staff report, which was finalized on Aug. 19, was very confusing in the way it was written; few in the room really were able to follow the report. Rather, they relied on Mr. Harris's verbal interpretation and summary. This confusion is particularly alarming since the Soybean Council had submitted the conditional use request on July 11, or 5 weeks prior to the Aug. 16 meeting. There was plenty of time to handle this whole event in

a more timely and professional manner. Even more important, the Planning and Zoning website has not been updated with meeting minutes since April 2011...a 6-mth lapse in public-information transfer.

Lastly, I was particularly concerned that the University of Missouri had not been contacted by either the Soybean Council or the County regarding this proceeding. I was especially dismayed when Mr. Harris stated that “the commission has no control over the university and therefore did not need to contact them; in fact, this proposal will lead to better County oversight since we do have jurisdiction over the Bay Farm and the Soybean Council.”

The above statement reflects a high degree of disregard for the University of Missouri which contributes hundreds of millions of dollars annually to the local community. This same disregard led to the relocation of the planned new high school in 2006 because Columbia Public Schools *failed* to “contact” the county regarding the lack of infrastructure at the Vemer site. In turn, the *Boone County* was *negligent* for not contacting Boone County Public Schools regarding concerns for the Vemer site even though the infrastructure concerns were publicly known and discussed over a 6-mth period.

Boone County is widely known and respected for its forethought in developing county-wide zoning and to have a Commission to enforce the zoning ordinances. However, the County is doing only the minimal work required by the stature. We can, and should, do better.

I am submitting this testimony by email because I am out of town on business. Please accept this written testimony for public reading at the Aug. 30 meeting and subsequent entry into the Official Record.

Sincerely,

James f. Fairchild
9603 E. Vemer’s Ford Rd.
Columbia, MO 65201

Commissioner Robb closed the public hearing on this item.
The Commissioners stated they had no other questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Missouri Soybean Association for a Conditional Use Permit for an Agri-business oriented to the agricultural community on 98.36 acres located at 5601 S Rangeline Road, Columbia.

- Farm implement sales and service will not be conducted on this property.
- Construction will be limited to the structure shown on the application and further

development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.

- The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, and the Columbia/Boone County Health Department.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 337-2011**

After the order carried, Mr. McQuegge came forward and showed the Commissioners pictures of his property when it was flooded.

3. Request by Marie Haught to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.4 acres, more or less, located at 5500 W Rte K, Columbia.

Planner Uriah Mach read the following staff report:

The subject property has Mount Celestial Road to the southwest and State Route K to the northeast, approximately ½ mile to the south of the city limits of Columbia. The property is described by the survey recorded in book 460 page 113. The property is zoned A-1(Agriculture), with A-1 zoning to the north, east, and west, with A-2(Agriculture) zoning to the north and east. The A-2 to the south was rezoned from A-1 in 1994, all of the other zonings are original 1973 zonings. The applicant is requesting a rezoning of 10.4 acres to divide the property, specifically to split off the property containing the house.

The Boone County Master Plan identifies this area as suitable for residential land uses. The Master Plan also identifies a “sufficiency of resources test” to be used in determining whether there are sufficient resources available to support the proposed uses.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: This property is served by Consolidated Public Water Service District #1 for water service and Boone Electric Cooperative for electrical service. On-site wastewater systems will be used as permitted by the Columbia/Boone County Health Department.

Transportation: This property has direct access on to State Route K, a state highway and Mount Celestial Road, a county road. Any new driveway accesses will have to be approved by the Missouri Department of Transportation or Boone County Resource Management.

Public Safety: This property is located in the Boone County Fire Protection District.

Zoning Analysis: This zoning request allows for the division of this property into lots as small as 2.5 acres. Existing services can provide sufficient infrastructure to support the requested zoning on this tract.

The property scored 31 points on the rating system.

Staff recommends approval of this request.

The Planning & Zoning Commission conducted a public hearing on this request during their August 18, 2011 regular meeting. There were eleven members of the commission present.

Following the public hearing, a motion was made to recommend approval of the request. That motion passed with unanimously. The request comes forward with a recommendation for approval.

Survey Crew Chief Kevin Schweikert of Brush & Associates was present on behalf of this item. Mr. Schweikert stated the property owner would like to divide the property into two pieces. Mr. Schweikert stated there is already a house on the north side of the property. Mr. Schweikert stated if the property is broken into two pieces it will be easier to sell.

Commissioner Miller stated this makes total sense. Commissioner Miller stated the property surrounding this is zoned A-2. Commissioner Miller stated this will not hurt anything.

Mr. Schweikert stated this is turning into an A-2 area anyway.

The Commissioners stated they had no problems with this.

Commissioner Robb opened the public hearing on this item.
No members of the public were present to comment.

Commissioner Robb closed the public hearing on this item.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request of Marie Haught to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.4 acres, more or less, located at 5500 W Rte K, Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 338-2011**

4. **Request by William B. McWilliams Revocable Trust to approve a revised Final Development Plan for Ivy Ridge Planned Development on 2.51 acres, more or less, located at 7105 W Henderson Rd., Columbia.**

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated the Commissioners approved a revised review plan the previous month for this property. Mr. Shawver stated this is the final development plan. Mr. Shawver stated there were no additional conditions placed on the review plan by the County Commission, so this is an administrative act. Mr. Shawver stated the reason this is on the Commission agenda is to help track this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by William B. McWilliams Revocable Trust for the Final Development Plan for Ivy Ridge Planned Development on 2.51 acres, more or less, located at 7105 W Henderson Rd., Columbia with zoning of M-LP.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 339-2011**

5. **Adopt findings for conditional use permit for Dubas LLC**

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated last month Commission approved this item with conditions and prepared the findings of fact and conclusions of law.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby adopt the Findings of Fact and Conclusions of Law relative to a conditional use permit for Dubas LLC for a private airstrip on 506 acres, located at 10001 E Turner Farm Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 340-2011**

6. **Authorize extension of Irrevocable Letter of Credit for stormwater improvements associated with the new high school site (first and second reading)**

Director of Resource Management Stan Shawver was present on behalf of this item. Mr. Shawver stated this is a housekeeping issue. Mr. Shawver stated the stormwater ordinance requires a letter of credit or some surety to be posted for restoration of a site. Mr. Shawver stated the school put up the surety for the access road that is being built on St. Charles Development's property in the amount of \$168,000.00. Mr. Shawver stated they believed they could complete this by September 1, 2011, but it

will not be done. Mr. Shawver stated the school asked the County for an extension. Mr. Shawver stated by processing this extension, it came to light that the County messed up. Mr. Shawver stated the original letter of credit (\$300,000+) is on file with the County Treasurer, but with new ordinances and processes, this one has not been placed with the treasurer. Mr. Shawver stated they also found several others, which are the next items on the agenda, and were never received by the County Commission or placed with the Treasurer. Mr. Shawver stated the County Counselor worked with the school district on this and decided to extend this until September 1, 2012.

The County Counselor Mr. Dykhouse stated he told the school district that if the road is completed before this date the County will release it. Mr. Dykhouse stated the intention is never to tie up another political subdivision's funds. Mr. Dykhouse stated he extended the date out as far as possible so Columbia Public Schools and the County would not have to worry about issuing additional extensions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Extension Agreement between Columbia Public Schools and Boone County, Missouri, and Landmark Bank to extend the expiration date of the Letter of Credit in the amount of \$168,383.00. The terms of this agreement are stipulated in the attached contract. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 341-2011**

7. Accept Letter of Credit for stormwater improvements for the Ambrose Point development (first and second reading)

Director of Resource Management was present on behalf of this item.

Commissioner Miller asked Mr. Shawver where Ambrose Point is.

Mr. Shawver stated Ambrose point is out on Route O.

Mr. Dykhouse stated it is a lot easier to remobilize if it's immortalized with a Commission Order. Mr. Dykhouse stated it is easily traceable. Mr. Dykhouse stated activity in the project files is more difficult to find.

Commissioner Elkin stated this protects the County and the developer because it is accessible.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby accept an Irrevocable Letter of Credit (No.151886-0099) in the

amount of \$29,520.00 as issued by Boone County National Bank on behalf of Tompkins Homes and Development, Inc. for stormwater improvements in the Ambrose Point development.

Said Irrevocable Letter of Credit to be entrusted to the safekeeping of the Boone County Treasurer.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 342-2011**

8. Accept Letter of Credit for stormwater improvements for the Whispering Meadows development (first and second reading)

Director of Resource Management was present on behalf of this item.

Commissioner Miller asked Mr. Shawver where Whispering Meadows is.

Mr. Shawver stated this is on Ginn Lane between AB and Logan.

Commissioner Miller stated she had a constituent call who was concerned about the site distance and driveways. Commissioner Miller stated her and Superintendent Rosie James were going to look at it on August 30, 2011.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby accept an Irrevocable Letter of Credit (No. 151886-0199) in the amount of \$14,250.00 as issued by Boone County National Bank on behalf of Tompkins Homes and Development, Inc. for stormwater improvements in the Whispering Meadows development.

Said Irrevocable Letter of Credit to be entrusted to the safekeeping of the Boone County Treasurer.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 343-2011**

Purchasing

9. Bid award to Gibbs General Printing for bid 36-04AUG11 – Pre-Printed Envelopes (first reading)

Commissioner Elkin read the following memo from the Purchasing Department:

The Bid for pre-printed envelopes closed on August 4, 2011. Eight bids were

received. Purchasing and the Collector’s Office recommend award to Gibbs General Printing, for offering the lowest and best bid for Boone County.

The estimated total for these items is \$8,367.94 and will be paid from department 1150 – Collector, account 23001 – Printing. \$10,160.00 was budgeted for these items.

Commissioner Robb 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.

10. Cooperative Contract C208026003 – Data and Voice Wireless Devices and Services with Verizon (second reading, first read 8/23/2011)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the utilization of the State of Missouri cooperative contract C208026003 Data and Voice Wireless Devices and Services with Verizon. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 344-2011**

County Clerk

11. Budget revision to cover increased cost of publishing additional pages of financials for compliance (second reading, first read 8/23/2011)

Commissioner Robb asked how old the law was that requires the County to publish this.

Commissioner Miller stated third class counties have to print everything, including every check they write.

Commissioner Elkin stated the County writes 52,000 checks a year.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to cover the increased cost to publish 3-4 additional pages from the audit documents for compliance:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
	t				

1123	86800	Emergency	Emer/Contingency	422.00	
1131	84400	County Clerk	Public Notices		422.00

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 345-2011**

Collector

12. Budget revision to cover cost of new chair mats, door release buttons, and 2 multimedia cabinets (second reading, first read 8/23/2011)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to cover the costs of new chair mats, door release buttons, and 2 multimedia cabinets for the Collector’s office:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2110	86850	Tax Maint. Fund	Contingency	3,200.00	
2110	23000	Tax Maint. Fund	Office Supplies		732.00
2110	23850	Tax Maint. Fund	Minor Equip & Tools		810.00
2110	91100	Tax Maint. Fund	Office Furniture		1,658.00

Commissioner Elkin seconded the motion

The motion carried 3 to 0. **Order # 346-2011**

Court Administrator

13. Budget amendment for Domestic Relations Resolution Fund- Contact for Kids: A Safe Way Grant (second reading, first read 8/18/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to increase revenue and expenditures for the Domestic Relations Resolution Fund – Contact for Kids: A Safe Way Grant:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1243	03451	Judicial Grants	State Reimbursement		4,350

1243	71101	Judicial Grants	Professional Services		31,720.00
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Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 347-2011**

14. Budget amendment to increase revenue and expenditures for the Probation Services grant (second reading, first read 8/18/2011)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to increase revenue and expenditures for the Probation Services grant:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1243	03451	Judicial Grants	State Reimbursement		40,498.00
1243	10100	Judicial Grants	Salaries/Wages		31,720.00
1243	10200	Judicial Grants	FICA		2,427.00
1243	10300	Judicial Grants	Health Insurance		4,750.00
1243	10325	Judicial Grants	Disability Insurance		117.00
1243	10350	Judicial Grants	Life Insurance		53.00
1243	10375	Judicial Grants	Dental Insurance		356.00
1243	10400	Judicial Grants	Workers Comp.		1,075.00

Commissioner Elkin seconded the motion.

The motion carried 3 to 0. **Order # 348-2011**

15. Budget amendment to increase revenue and expenditures for the Intensive Intervention grant (second reading, first read 8/18/2011)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to increase revenue and expenditures for the Intensive Intervention grant:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1243	03451	Judicial Grants	State Reimbursement		5,072.00
1243	10100	Judicial Grants	Salaries/Wages		4,712.00
1243	10200	Judicial Grants	FICA		360.00

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 349-2011**

Commission

16. Public Comment

Mr. McQuegge asked if he could expect anyone to look at his property.

Commissioner Robb stated someone would look into it.

Commissioner Miller stated the County will make sure the Soybean Association follows the stormwater ordinance to make sure no additional water flows onto Mr. McQuegge's property.

Commissioner Elkin stated once the Soybean Association submits a plan, Boone County engineers will look at it to make sure the quantity and velocity of water leaving the site is not greater than it was pre-construction.

Mr. McQuegge asked for the total square footage of the driveway and parking lot.

Commissioner Elkin stated the only thing they know is that the building will be 15,000 square feet.

Mr. Dykhouse stated when they submit the stormwater plan; it will have to detail all of that information.

Mr. McQuegge stated he was disappointed that the Soybean Association never called him like he asked.

Commissioner Miller stated when the Soybean Association turns in their plans, they can have Mr. McQuegge come in and go over the plans with staff.

Mr. McQuegge stated no one knows how bad it can get, because no one can get out there when it is at its worst.

Commissioner Robb stated the County can control how much water comes off of this new property being built. Commissioner Robb stated the objective is to make sure no more comes off than before the construction.

Mr. McQuegge stated it takes a while for the headwater to come down. Mr. McQuegge stated it can have stopped raining for 30 minutes before it floods.

Commissioner Miller stated there is no way to require the Soybean Association build

up Mr. McQuegge's burn.

Mr. Dykhouse stated they can not condition development on solving a preexisting problem, but the County can prevent development from making existing problems worse.

Commissioner Robb stated if the development adheres to the rules and restrictions currently in place, there should be no additional runoff that impacts Mr. McQuegge's property. Commissioner Robb stated if the ordinances are properly monitored, managed and maintained, additional runoff should not be an issue.

Mr. McQuegge stated it would greatly help if someone could come down and help explain this.

Commissioner Miller stated Mr. McQuegge could come and get an additional explanation once the Soybean Association turns in its plans.

17. Commissioner Reports

Commissioner Miller reported she attended the Health Trust meeting and the County will not be raising the health insurance premiums to the employees or the County General Revenue Fund. Commissioner Miller stated the premium increased slightly, but the County has had a good year in health care benefits and has additional money to absorb the small increase. Commissioner Miller stated the Commission is asking the County Counselor to do some work to amend the bylaws to allow for the trust to deal with the long term disability and life insurance. Commissioner Miller stated the current bylaws do not allow to the County to bid the life and long term disability insurance. Commissioner Miller stated the Commission would like to adopt different bylaws so the County can bundle different insurances under one vendor and make it less expensive.

Mr. Dykhouse stated the County needs the professional to help us navigate through insurance.

Commissioner Miller reported this is the 7th year the County has not raised health care insurance costs.

The meeting adjourned at 8:25 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