

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 Dan Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Director Resource Management Stan Shawver
County Counsel C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Request by Allen and Judy Ronnebaum and Jennifer and Melvin Heath to rezone from A-1P (Planned Agriculture) to A-2P (Planned Agriculture) and to approve a review plan for A.J. Green Acres 2 on 26.89 acres, more or less, located at 2901 and 3125 N Rte Z, Columbia. (tabled 3/31/15)**
 - **Rezone (Separate Commission Order)**
 - **Review Plan (Separate Commission Order)**

Commissioner Atwill said a letter was received today from Kevin Schweikert of Brush & Associates on behalf of the requesting parties to have this item tabled until the next meeting scheduled for June 2, 2015. Commissioner Atwill asked if there are any objections to this request. There were no objections and the item was tabled.

- 2. Request by Darren and Katie Nickerson to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia. (appeal)**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their April 16, 2015 meeting.

The minutes for the Planning and Zoning Commission meeting of April 16, 2015 are entered into the record of this meeting.

The subject property is located on Warren School Road, south of State Route K, approximately ½ mile to the east of the city limits of the City of Columbia. The subject property is 10.73 acres in size, and zoned A-1 (Agriculture). The property currently has a single-family house, a shed, and a barn present. The property is surrounded by A-1 (Agriculture) zoning. This is all original 1973 zoning. The property scored 55 points on the rating system.

The proposed zoning change is to facilitate further subdivision of the property for purposes of building a new house.

The Boone County Master Plan has designated this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gate keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: Boone Electric can provide electrical service to this property. Consolidated Public Water Service District #1 can provide water service to this property. Wastewater will be an on-site system permitted by the Columbia/Boone County Health Department.

Transportation: The property has direct access on to Warren School Road, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District. The nearest fire station is about 4 miles from the subject tract.

Zoning Analysis: The overall character of this area has long been rural in nature, with larger (10+ acre) tracts being the norm. The lack of development in this part of the county shows that interest has been in maintaining that rural character for the longer term. Without any new pressure for development in this area, the preservation of the existing character of the area is paramount.

Staff recommended denial of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their April 16, 2015 regular meeting. There were six members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend denial of the rezoning request. The motion to deny the request received a unanimous vote. The applicants filed a timely appeal so it is before the County Commission on appeal.

Are there any questions about the staff report?

Commissioner Thompson asked why staff had denied the request.

Mr. Shawver said staff thought it was premature for the area as it consists of larger lots and 10 acres is consistent with that.

Commissioner Atwill asked if this request was approved, how many potential residential units would exist.

Mr. Shawver said the 10 acres would allow for four 2.5 acres lots to be created.

Commissioner Miller asked if the road, which is required would cut into the acreage and not allow the four lots.

Mr. Shawver said there is 10.73 acres so there should be enough land even with the road.

Commissioner Atwill asked what staff meant when they say premature.

Mr. Shawver said the pattern for development has not extended that far. There are natural barriers in existence and surrounded by larger lots which goes to the character of the area.

Commissioner Miller commented that the zoning is A2 to the east and A2 to the north.

Mr. Shawver said the A2 zoning to the north was re-zoned in 1985 and 1987.

Commissioner Miller asked if there has been building on this property.

Mr. Shawver said it is now the Harpers Pointe subdivision. The land ½ mile to the east is within the Columbia city limits and creates a natural boundary.

Commissioner Miller noted that the lots that are adjacent to the east before the city limit are the lots that were before us last meeting that were denied and not appealed.

Mr. Shawver said that is correct. There are two parcels of about 79 acres that P & Z indicated are not suitable for a planned A2. The property owner indicated that he did not want to put the 30 lots that would be possible on this land. No specific idea was put forth on how many lots would be there, so P & Z said if that is the case, come in with a plan. They have alluded to that on this plan as well.

On this particular piece of property, the owner wants to split into two lots, but when re-zoned to A2, there is nothing to prohibit the owner from doing a family transfer. In these types of transfers, the property can go from grandparents to grandchildren and brother or sisters children. It is a broad spectrum. In the Subdivision Regulations, there are restrictions for lot width requirements, lot depth requirements and the 2 to 1 ratio. With these transfers, that does not apply. They have indicated that they could come back with an A2-P zoning request and P & Z said they could come back with that request.

There is A1-P zoning to the south, done in 1990. There was a 10 acre lot and the owners wanted to create a smaller lot. They did this with A1-P, putting a house on a three acre tract from the original 10. It is doable.

Commissioner Atwill asked about the lot sizes at Harpers Pointe.

Mr. Shawver said the smallest lot is about 3.5 acres. There is a broad range of lots there. Also, the section between Route K and Mount Celestial Road was the old feed lot and the Warren school was there as well.

There were no further comments or questions by Commission.

Commissioner Atwill opened the Public Hearing and asked if there is anyone here to speak on behalf of the applicant.

Jay Gebhardt said he is with A Civil Group and representing the applicant on this issue. He is here with the property owner Darren Nickerson. He does not necessarily agree with everything in the staff report, but appreciates the effort put forth.

Darren and his wife purchased this property with the mistaken idea they could build another home on this 10 acre lot. That was the plan; build another home and keep the existing home

as a rental property or possibly as a home for his mother. He later found out he could not do this. He approached us and we worked with Stan and his staff. We thought about the A2-P, but we went with the A2. We were looking at this under the subdivision process and with building a road, can't get more than two lots on there. So, we didn't think the plan, money and effort would provide any additional measures. We need to justify why A2 is ok.

When looking at the staff report, we got a score of 55 points which means that further analysis is required. We got 55 points because we are within ½ mile of Route K. Back in 1973 when this was zoned A1, Route K was a different road. It was narrower, the City of Columbia was not nearby and the new subdivisions of Deerfield and Boones Pointe did not exist. There was no fire station, no water lines. The point is, things have changed since the original zoning of A1. It is not done yet, but the new school at Thornbrook is going to put a lot of pressure on all the land in this area to be developed. People want the school, they want to go there and they want their kids to go to Rock Bridge.

The other thing is that we do not want to change the character of the area. That is what attracted the Nickerson's to this area, the rural setting. We are looking at 10 total acres, either two lots of five acres or even one of seven acres and the other three acres. That is what you will see from us.

The city of Columbia is only 1300 feet away. That A2 zoning below Boones Pointe is a hot property. A lot of people are looking at that for development. The issue here is sewer. The Regional Sewer District will play a huge role in the development in this area. Currently, they are doing a facility plan along Route K to increase the capacity to 800,000 gallons a day. When done, it will be the only viable option for people to pump to. That is a long way away.

If this request is approved, we will put in a new discharge system for the new home so there will be no discharge into the environment. That is a drip irrigation system and we will be on record as doing so. It is a true drip system.

As was pointed out, there is A2 to the east and A2 to the north. It is also important to note that there is no opposition to this from the neighbors. If this is denied, we will come back and file as an A2-P with two homes maybe providing the precedent the Commission needs for the rest of the area. We will not be creating a new facility for the Sewer District to maintain. There will be a dedicated system to the one new house that would be built. Granted, we could build a total of four, there is nothing wrong with four, but that is not for me to decide.

The Commissioners thanked Mr. Gebhardt for his comments.

Commissioner Atwill asked if there is anyone else present that would like to speak on behalf of the applicant.

Bill Toalson said he owns property in the area and has the feeling that part of the reason that the Nickerson's were denied is because he also applied for an A2 zoning at the same time and got rejected. The major reason he was rejected was because of the additional traffic to Nursery Road and the affect that would have on the road. This request has nothing to do with Nursery Road and would not create any additional traffic to this road. There is nothing that this request would do to create a problem.

The Commissioners thanked Mr. Toalson for his comments.

Commissioner Atwill asked if there is anyone else to speak, for or against, this request. There were no additional speakers and Commissioner Atwill closed the Public Hearing.

Commissioner Miller said, as alluded to, there will be a lot of pressure to develop and a precedent is huge in her estimation. A 10 acre A2-P is more desirable for all the area around it and the sewer will be an issue. The Sewer District study on how to enhance the system in the area is going to make a huge difference. Setting the precedent for this whole area is the

thing to do and unfortunately, for you, it should start with this request.

Commissioner Atwill said he believes this fits within the rules. The reason we have rules is doing things in a certain fashion. With the adjacent property, Harpers Pointe subdivision, how do we distinguish that property from this property and say this has to have less density than that. We don't live in a perfect world where we could eliminate all hazards and make everything equal, so this request ought to be approved.

Commissioner Thompson asked if the requester is not opposed to going forward with an A2-P if denied tonight.

Mr. Gebhardt said that they will probably go forward with the A2-P request.

Darren Nickerson said unfortunately they were guided down this original path and would have gone in the other direction knowing what they now know. We were guided down this road and now are being told to take another road. We will be spending the same amount of money to do essentially the same thing when we could have just done the A2-P and saved three months.

There was no further discussion and Commissioner Atwill asked if there is a motion.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby deny the request by Darren and Katie Nickerson to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia

Commissioner Thompson seconded the motion.

The motion passed 2 to 1. **Order #184-2015** (Miller aye, Thompson aye, Atwill nay)

3. First reading; Consulting Services Agreement with Engineering Surveys and Services for Geotechnical Services for the Rustic Road Bridge

Stan Shawver said the County received a federal grant to make improvements on the Rustic Road Bridge. Without the grant, the improvements would not have been done. The federal grant was based on using new technology that had not been used here before. This project was also partnered with the City of Columbia so there were a lot of hands in the process.

Engineering Surveys and Services was contracted to perform compaction tests, observation and concrete testing and sampling and then issue a Geotechnical Engineering report for the project. Generally, testing services are done by the contractor and in this case, probably because of the new technology, the contract did not have this provision. Once we realized testing was not provided in the contract, we contacted Engineering Surveys and Services to perform this function and hoped it would stay within the bounds of what the department is authorized to spend on these types of things.

As would happen, it came in higher at \$10,016. We did run into some issues at the end of the project. Each layer has a geosynthetic textile product on it and at the same time they are using big blocks. Eventually, there were compaction and cracking issues. This required additional testing to determine the issues and make sure we have a good design to correct the problems. These circumstances, unfortunately, have me coming before the Commission asking for approval on something that is almost done. So, we are asking for Commission approval of the consulting contract.

Commissioner Miller said it appears that this was something needed during the process which was not anticipated as a need.

Mr. Shawver said normally the concrete and compaction testing is done by the contractor and this was not part of the contract which required us to take this step.

There were no further comments or questions.

Commissioner Atwill 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 appropriate order for approval.

4. Second reading; Release of Security Deposit for Baker Farm (1st read 4-23-15)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby release Letter of Credit #0009387-0099 from Boone County National Bank in the amount of \$105,541.22. Said letter was issued on behalf of JES Investment Co. for stormwater improvements located along Hwy 163, in Columbia, MO. The work has been completed as required. The original Commission Order accepting the Letter of Credit is 258-2014.

It is further ordered the Presiding Commission is hereby authorized to sign said Letter of Credit.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #185-2015**

Boone County Joint Communications

5. First reading; Radio Tower Agreement between Columbia Public Schools and Boone County

C. J. Dykhouse said he is presenting this on behalf of Boone County Joint Communications Director, Scott Shelton. This is an agreement between Boone County and Columbia Public Schools to allow construction of a Boone County owned communications tower on Columbia Public Schools owned property to be located between Battle High School and the new Battle elementary.

After we have the intergovernmental cooperative agreement in place, it is anticipated we will obtain a temporary construction easement and then a permanent easement from CPS. We will then embark on a procurement process for the erection of the tower which will improve emergency communication services for both schools. There will be other agreements coming to Commission for approval at various stages of the process. This is the first big agreement between the two political subdivisions that expresses our intent to go forward with this construction project.

There were no comments or questions.

Commissioner Atwill 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 appropriate order for approval.

Purchasing

6. Second reading; Contract Amendment to 22-24JUN11 – Urban Retrofit Monitoring of Stormwater Practices in Hinkson Creek Watershed (1st read 4-23-15)

Commissioner Miller on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number Four to 22-24JUN11, Urban Retrofit Monitoring of Stormwater Practices in Hinkson Creek Watershed.

The terms of this amendment are stipulated in the attached Contract Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number Four for Urban Retrofit Monitoring of Stormwater Practices in Hinkson Creek Watershed.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #186-2015**

7. Second reading; Bid Award 14-24MAR15 – Radio Tower design, engineering and fabrication (1st read 4-23-15)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 14-24MAR15 – Radio Tower Design, Engineering and Fabrication to Sabre Industries.

The terms of the bid award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement for Radio, Design, Engineering and Fabrication.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #187-2015**

8. Second reading; Sole Source Approval 118-123115SS – Radio Signal Filtering Equipment Term & Supply (1st read 4-23-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve Sole Source Contract 118-123115SS with TX-RX Systems, Inc. of Angola, NY to purchase Radio Signal Filtering Equipment for the new Radio Tower per attached Term & Supply Purchase Agreement.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Sole Source Fact Sheet and Term & Supply Purchase Agreement for Radio Signal Equipment.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #188-2015**

Collector

9. Public Hearing and Second reading; Budget Amendment – Transfer excess Tax Maintenance Fund to General Fund (1st read 4-16-15)

Commissioner Atwill opened the Public Hearing and asked if there is anyone present that would like to speak on this issue. There were no speakers and Commissioner Atwill closed the Public Hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment for the Collector’s Office to cover the transfer of the excess tax maintenance fund balance to the general fund per RSMo 52.317.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2110	83917	Collector Tax Maintenance	OTO: To General Fund		24,641
1190	3917	Non-Departmental	OTI: From Special Revenue		24,641
					49,282

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #189-2015**

Sheriff's Department

10. Second reading; Deputy Sheriff Salary Supplementation Fund Application (1st read 4-23-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Deputy Sheriff Salary Supplementation Fund application with the Missouri Department of Public Safety.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #190-2015**

Treasurer

11. Second reading; 2013 Tax Sale Surplus for Estil L. West Jr. (1st read 4-23-15)

Commissioner Thompson 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 Estil L. West Jr. in the amount of \$10,632.66 via check payable to Estil L. West Jr., and mailed to said at 4150 Bethel St., Columbia, MO 65203 per the address on the application.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #191-2015**

Commission

12. Public comment

None

13. Commissioner Reports

Commissioner Thompson said on Saturday, the mayor of Centralia read a proclamation into the city record concerning Sergeant Rodney L. Griffin. For the Boone County record, she would like to read that same proclamation.

The following proclamation was read into the Boone County records:

Whereas, SGT Rodney L. Griffin of Centralia, MO was born August, 11, 1948 in Mexico, MO; When he was of age, he entered the United States Army to serve his country and was deployed to Vietnam in October 1969; and

Whereas, SGT Griffin was attached to the Headquarters and Headquarters Company, 2nd Battalion, 34th Armor, 25th Infantry Division, and was completing his mission with 3 other members of his unit, aboard a UH1H Helicopter, from B Company, 229th Aviation Battalion, 1st Calvary Division; and

Whereas, On May 2, 1970, the helicopter was hit by ground fire and crash landed just over the border of South Vietnam near the city of Memot, Cambodia. All crew and passengers survived however, had only a few moments to decide on a course of action. They split up in an effort to evade the enemy and return to friendly territory. Some members were captured however, SGT Rodney Griffin, MAJ Dale Richardson and SSG Bunyon Price took off in another direction and were never seen again; and

Whereas, SGT Rodney Griffin's status in 1973 was listed as Missing in Action (MIA), and nearly 45 years later his remains have been located and identified. He paid the ultimate sacrifice on May 2, 1970, fighting for his and our country.


Now, therefore, I, Tim Grenke, Mayor of Centralia, Missouri, hereby proclaim April 25, 2015 as **SGT RODNEY GRIFFIN DAY** in Centralia, MO. I encourage maximum participation as he is repatriated during the services for this American Hero which will occur April 25, 2015. Rodney's visitation will begin at 0900 hours at the Centralia High School gymnasium with his funeral following at 1030 hours. I also ask for maximum participation of the entire community to pay respects as Rodney is transported out of Centralia to Mexico, MO for a private family graveside service.

Signed and sealed in my office with humility and gratitude, this 20th day of April 2015.

There were no additional Commissioner Reports.

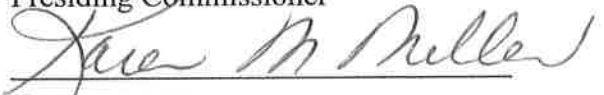
The meeting adjourned at 7:38 p.m.

Attest:

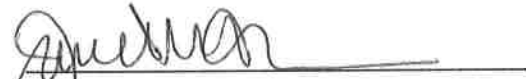

Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner

