

TERM OF COMMISSION: July Session of the July Adjourned Term

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

PRESENT WERE:

Presiding Commissioner Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Director Resource Management Stan Shawver
Planner Uriah Mach
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Public Hearing and Request by Darren and Katie Nickerson to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan for Nickerson Estates on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia.**

Stan Shawver read the following staff report:

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

The minutes for the Planning and Zoning Commission meeting of July 16, 2015, along with the Boone County Zoning Regulations and Subdivision Regulations 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 west 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 applicant submitted a request on the April 2015 Planning & Zoning Commission agenda to rezone the property to A-2(Agriculture). That request was denied by the Planning & Zoning Commission and the County Commission. 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 submitted review plan describes two lots, one at 2.5 acres in size, separating the existing house, shop, and wastewater system; the other at 8.23 acres in size, placing a house, shop, pool, and wastewater system on the property.

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 “gatekeeping” 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, whose station on Route K is the closest to provide emergency services.

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. The denial of the earlier A-2 rezoning request reflected a desire to retain that rural character. This request allows for controls to be placed on development potential of the property in order to preserve the rural character of the area and allow for more detailed public consideration of the proposal.

Staff recommended approval of the request.

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

Following the public hearing, a motion was made to recommend approval of the rezoning request. The motion to approve carried with six votes and one abstention. A motion was then made to recommend approval of the Review Plan, which carried by the same vote.

There were no questions by the Commission at this time.

Commission Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Jay Gebhardt said he is a civil engineering with A Civil Group and has Darren Nickerson here as well who is the owner. There is nothing to add as the staff report covered the request. The plan is straight forward. This is what we were talking about when we had the A2 zoning request and we now have memorialized this in a plan.

Commissioner Atwill asked if there is anyone else that would like to speak for or against this request. There were no additional speakers and Commissioner Atwill closed the public

hearing.

The Commission had no further comment on this request.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #312-2015**

2. Public Hearing and Request by SUERONDOW Farms LLC to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) and to approve a Review Plan on 1.56 acres located at 5020 N Rte Z, Columbia.

Stan Shawver read the following staff report:

The subject property is located on State Route Z, south of Judy School Road. The property is approximately is approximately 231 acres in size, however only 1.56 acres of the property is proposed to be rezoned. The entire property has a house and barn present, those structures are 250 feet and 80 feet, respectively, from the portion being rezoned. The property is currently zoned A-1 (Agriculture) and is surrounded by A-1 zoning. This is original 1973 zoning.

The proposal is to rezoned the identified 1.56 acres from A-1(Agriculture) to M-LP(Planned Light Industrial). The proposed uses are for a bulk storage propane facility and agriculture. The applicant, citing problems with access for an existing grandfathered facility approximately 1 and ½ miles to the north, desires to open a new facility on the

subject tract.

The Boone County Master Plan has designated this area as being suitable for agricultural and rural 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 “gatekeeping” 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. Public Water Service District #9 can provide water service and fire flows 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 State Route Z, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The Boone County Fire Protection District will provide fire protection services to this property from their station at Lake of the Woods. Water is present at the level necessary to provide fire flows at Route Z, however extensions will be necessary to provide hydrants at the site.

Zoning Analysis: This proposal is best described as a spot zoning. The creation of a site to support a use that is out of character with the surrounding properties is generally frowned upon by the Boone County Master Plan. While focusing the proposals using a planned district does make the proposal more palatable to the Boone County Master Plan in terms of considering the use, the presence of vacant M-L (Light Industrial) zoning approximately 2.5 miles to the south of the subject tract indicates that there are existing properties able to support this use within reasonable distance. Locating on the existing M-L would improve access to a major highway (Interstate 70), and place the property in a location better able to be served by emergency services. Acquiring a lease on or

ownership of a portion of the existing M-L property would be an easier route to construct a new facility and would place the property in an easier location to receive emergency and utility services.

The property scored 25 points on the rating system.

Staff recommended denial of the request.

However, if the Commission approves the request, staff recommends the following conditions:

- Dust-free surfacing(minimum chip and seal) will be required on the access drive and circulation areas of the proposal.
- Construction will be to the standards of the building and fire codes as administered by the Boone County Building Inspection Department and Boone County Fire Protection District.

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

Following the public hearing, a motion was made to recommend approval of the rezoning request with the suggested conditions. The motion to approve carried with six “yes” votes and one “no” vote.

The Commission had no comment at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Kevin Schwiekert said he is a land surveyor and is here with Terri Ballenger Belcher. He has some pictures that will show the reasons for the moving of the site. The staff report adequately represented the issue. The only difference is that it is not necessarily a new site,

but a relocation of the site from the curve on Route Z, so this is a new location for an existing site.

Due to the accident off the curve at Route Z, the main purpose for the move is for safety reasons as you can see in the pictures, the vehicle is leaning up against the propane tank. This location is a good location because it is a bulk storage facility and it gets it out of sight, out of mind, away from vandalism and also it puts it in the middle of the farm that the applicant owns. It is more than 1,000 feet from the property line of the farm in any direction. The farm is agricultural and the use proposed is just for the bulk storage facility and A1 usage. If the bulk storage facility is ever removed, the only other use is A1.

Terri Ballenger Belcher said the pictures tell the story. They just want to get it off the corner and have it more secure. The car went through a concrete barrier and rested up against the tank. This will be done for safety reasons.

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

Gale Blomenkamp said he is with the Boone County Fire Protection District. He understands that spot zoning is not allowed, nor should Boone County pursue that. If the applicant was coming forward with this request for their benefit, he would not support it. Since this is a life safety issue, he is in support of this request. When this tank was originally placed, cars did not travel like they travel today. There weren't the distractions that we see today for a serious accident to occur at that location.

We are in full support in moving this based on safety issues. It is more than 1,000 feet off the street. The Water District has plenty of water to service this location at commercial water fire flows of 1,000 gallons/minute. A fire hydrant would be placed just off the entrance to Route Z. We would be able to service that and we are in full support of the moving of this tank.

Commissioner Atwill asked if there is anyone else that would like to speak on this issue, for or against. There were no other speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller asked if a condition could be placed on the order that if the storage facility goes away, the land goes back to agricultural.

Stan Shawver said that any change would have to come back to the Commission which would allow the protection that Commissioner Miller is asking about.

There were no further comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the following for property located on 1.56 acres at 5020 N. Route Z, Columbia, MO:

- Request by SUERONDOW Farms LLC to rezone from A-1 (Agriculture) to M-LP (Planned Industrial)

- Review plan for SUERONDOW Farms LLC with the following conditions:
 1. Dust-free surfacing (minimum chip and seal) will be required on the access drive and circulation areas of the proposal.
 2. Construction will be to the standards of the building and fire codes as administered by the Boone County Building Inspection Department and Boone County Fire Protection District.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #313-2015**

3. Public Hearing and Petition submitted by David W. Day to vacate and replat lots 4A and 4B of East Locust Grove Subdivision as shown in Plat Book 34 Page 63 of Boone County Records, located at 6100 E Locust Grove Dr., Columbia.

Stan Shawver said East Locust Grove Subdivision is located on Locust Grove Drive. Zoning is R-S and was plated in 2000 as a re-survey of a tract of the original Pin Oaks survey from the 1960's. The East Locust Grove Subdivision divided tract 4 of the Pin Oaks survey into two lots. David and Sandra Day are the owners and would like to join the two lots back into one.

This petition comes forward under section 1.8.1.3 and 1.8.2 of the Subdivision Regulations. Except as otherwise provided in section 1.8.1 or 1.8.2, no subdivision plat may be vacated in whole or part unless the owner of the land for which vacation is sought petitions the County Commission for the vacation in writing and the County Commission finds after public hearing that vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

There were no comments or questions at this time by the Commission.

Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of the applicant.

Ron Lueck said he is a surveyor representing the applicant and this is a vacation of the two lots and putting the land back to one lot as done back in 1968.

Commissioner Miller asked what the extension was on the lot to make it the shape it is currently in.

Mr. Lueck said that the stem was added in 2000 so the house on lot 4B had access to the sewer.

Commissioner Atwill asked if there is anyone else to speak on this petition, for or against. There were no additional speakers and Commissioner Atwill closed the public hearing.

The Commissioners had no further comment or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** a petition submitted by David W. Day to vacate and replat lots 4A and 4B of East Locust Grove Subdivision as shown in Plat Book 34 Page 63 of Boone County Records, located at 6100 E Locust Grove Dr., Columbia.

Said vacation is not to take place until the re-plat is approved.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #314-2015**

4. Receive and Accept the following plats

- **West Summitt. S35-T50N-R13W. A-2. Robert and Angela Enochs, owners. Steven R. Proctor, surveyor.**
- **Chitwood Plat 2. S29-T51N-R11W. A-2. Michael and Marla Fuller, owners. Donald E. Bormann, surveyor.**

- **CRB. S13-T46N-R12W. A-2. Brian Anderson, owner. Steven R. Proctor, surveyor.**
- **Melloway Farms. S19-T50N-R11W. A-2. Homer Lee Phillips, Jr., owner. Kevin M. Schweikert, surveyor.**
- **Kurzejeski. S32-T48N-R13W. R-S. Kurzejeski Family Revocable Trust, owner. Kevin M. Schweikert, surveyor.**
- **South Town Estates. S23-T50N-R12W. A-R. Kevin and Deborah George, owners. Jay Gebhardt, surveyor.**
- **Forevergreen Estates Plat 2. S24T-48N-R14W. A-2. Jeffrey and Tracey Herigon, owners. James R. Jeffries, surveyor.**
- **Gilmore Hollow. S35-T46N-R12W. A-2. Jane Armer, owner. James R. Jeffries, surveyor.**
- **Benish. S1-T49N-R12W. A-2. Donn and Judith Benish, owners. Kevin M. Schweikert, surveyor.**

Uriah Mach said there is nothing extraordinary with these plats and they are ready for the Commission to receive and accept them.

Commissioner Thompson 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:

1. West Summitt. S35-T50N-R13W. A-2. Robert and Angela Enochs, owners. Steven R. Proctor, surveyor.
2. Chitwood Plat 2. S29-T51N-R11W. A-2. Michael and Marla Fuller, owners.

- Donald E. Bormann, surveyor.
3. CRB. S13-T46N-R12W. A-2. Brian Anderson, owner. Steven R. Proctor, surveyor.
 4. Melloway Farms. S19-T50N-R11W. A-2. Homer Lee Phillips, Jr., owner. Kevin M. Schweikert, surveyor.
 5. Kurzejeski. S32-T48N-R13W. R-S. Kurzejeski Family Revocable Trust, owner. Kevin M. Schweikert, surveyor.
 6. South Town Estates. S23-T50N-R12W. A-R. Kevin and Deborah George, owners. Jay Gebhardt, surveyor.
 7. Forevergreen Estates Plat 2. S24T-48N-R14W. A-2. Jeffrey and Tracey Herigon, owners. James R. Jeffries, surveyor.
 8. Gilmore Hollow. S35-T46N-R12W. A-2. Jane Armer, owner. James R. Jeffries, surveyor.
 9. Benish. S1-T49N-R12W. A-2. Donn and Judith Benish, owners. Kevin M. Schweikert, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order 3315-2015**

5. 1st & 2nd reading; Joint Storm Water Management Plan

Stan Shawver said this is the application for the five year joint permit with the City of Columbia and the University of Missouri for the storm water program or MS4 program. This includes the management of all the things we are hoping to do and are expected to do. This is the application for the 2016 permit which is being done in advance based on the timing for these types of things to go through the system.

Commissioner Miller said this gives us some time to change it if any issues arise.

Mr. Shawver said that is correct.

Commissioner Miller said there has already been a pre-meeting and everyone is comfortable with the renewal.

There were no further comments or questions.

Commissioner Miller moved on this day, the County Commission of the County of Boone does hereby approve the Joint Storm Water Management Plan, and authorizes the Presiding Commissioner to sign Form L -Application for Co-Permittee Small MS4 General Permit and Form M - Application for Storm Water Permit.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #316-2015**

6. First reading; Budget Amendment for Scott Blvd. Phase III Project

Stan Shawver said this budget amendment is to re-allocate money that was originally set

aside for the Waco Road project. The Commission has said that at such time a mutually acceptable project was found, that the money would be re-awarded. The Scott Blvd. Phase III project has met that threshold and the \$500,000 will be re-allocated to that project.

There were no comments or questions.

Commissioner Atwill said that a public hearing and second reading will take place after the mandatory 10 day waiting period for budget amendments.

Purchasing

7. Second reading; Bid Award 30-23JUN15, Plumbing Services Term & Supply (1st read 7-21-15)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 30-23JUN15 – Plumbing Services Term & Supply to Master Tech Plumbing, Heating & Cooling.

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.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #317-2015**

8. Second reading; Professional Services Contract 42-31OCT15C – Consulting Services for Radio Tower Project for Battle High School (1st read 7-21-15)

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

does hereby award Professional Services Contract 42-31OCT15C -- Consulting Services for Radio Tower Project for Battle High School to Malicoat-Winslow Engineers, P.C. of Columbia, MO.

The terms of the award are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Consultant Services Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #318-2015**

9. 1st & 2nd reading; Request to Hire Above Flexible Hiring Maximum for Jacob Garrett for the position of Buyer

Commissioner Miller said she will speak to this issue for Melinda Bobbitt. This is to hire above the flexible Hiring Maximum for Jacob Garrett for the position of buyer. Jacob brings to the County experience in management, finance, contracts and budgeting, which is an excellent fit for the Buyer position. This is a request to hire him at 91.5% of mid-point which is \$20.15 per hour.

There were no comments or questions.

Commission Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Request To Hire Above Flexible Hiring Maximum for Jacob Garrett at 91.5% of Mid-Point for the position of Buyer, Position No. 33.

It is further ordered the Boone County Commissioners are hereby authorized to sign said Request To Hire Above Flexible Hiring Maximum.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #319-2015**

10. Second reading; Bid Award 28-04JUN15 – Asphalt Rehabilitation Projects (1st read 6-11-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 28-04JUN15 – Asphalt Rehabilitation Projects to APAC – Missouri, Inc. of Columbia, MO.

The terms of the bid award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #320-2015**

11. Second reading; Bid Award 29-18JUN15 – Brookfield Estates 2015 Concrete Rehabilitation Project (1st read 6-18-15)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 29-18JUN15 – Brookfield Estates 2015 Concrete Rehabilitation Project to APAC – Missouri, Inc. of Columbia, MO.

The terms of the bid award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #321-2015**

Public Works

12. First reading; Budget Amendment for the purchase of the MoDOT facility

C. J. Dykhouse said he is presenting on behalf of Public Works. This budget amendment is to appropriate funds for the acquisition of the MoDOT facility in Hallsville as well as modifications and expenses that are anticipated for the FY2015 in order to make it a fully functional facility before winter.

There were no comments or questions.

Commissioner Atwill said that a public hearing and second reading will take place after the mandatory 10 day waiting period for budget amendments.

Sheriff's Department

13. Public Hearing and Second reading; Budget Amendment – Internet Crimes Task Force revenue and expenditures (1st read 7-16-15)

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

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment for the Sheriff's Department to establish January – May 2015 Internet Crimes Task Force revenue and expenditures.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1253	23016	Internet Crimes Task Force	Magnetic Media		200
1253	37200	Internet Crimes Task Force	Seminars, Conf. Meetings		995
1253	37210	Internet Crimes Task Force	Training, Schools		5,290
1253	37220	Internet Crimes Task Force	Travel		1,174
1253	37230	Internet Crimes Task Force	Meals, Lodging		1,686
1253	48002	Internet Crimes Task Force	Data Charges		213
1253	70050	Internet Crimes Task Force	Software Service Contract		3,530
1253	71100	Internet Crimes Task Force	Outside Services		41
1253	10100	Internet Crimes Task Force	Salaries & Benefits		50,371
1253	3451	Internet Crimes Task Force	State Reimb. Grant		63,500
					127,000

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #322-2015**

Family Court Services

14. Second reading; Request to apply for funds from the Missouri Juvenile Justice Association for Teen Court (1st read 7-21-15)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached grant application by the Boone County Juvenile Office offered by the Missouri Juvenile Justice Association for Teen Court.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #323-2015**

County Counselor

15. Second reading; Extension of Depository Agreement (1st read 7-21-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Extension of Depository Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #324-2015**

Commission

16. 1st & 2nd reading; Organizational Use of the Government Center Conference Room 301 by the Department of Mental Health

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Conference Room 301 by the Department of Mental Health for September 9, 2015 from 9:00 a.m. to 2:00 p.m.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #325-2015**

17. 1st & 2nd reading; Organizational Use of the Government Center Chambers by Peoples' Visioning

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Chambers by Peoples' Visioning for August 28 and September 9, 2015 from 4:30 p.m. to 10:20 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #326-2015**

18. 1st & 2nd reading; Organizational use of the Government Center Chambers by Mid-Missouri Peaceworks

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Chambers by Mid-Missouri Peaceworks for August 6, 2015 from 9:00 a.m. to 11:00 a.m.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #327-2015**

19. Public comment

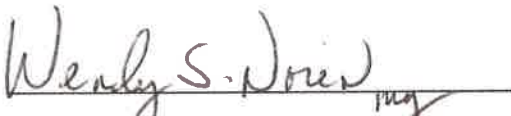
None

20. Commissioner Reports

None

The meeting adjourned at 7:41 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

