

TERM OF COMMISSION: October Session of the October 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
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 Gary F. Arends on behalf of Celco Partnership d/b/a Verizon Wireless for a transmission facility, including a 165' tower on 84.2 acres, located at 900 E Canole Rd., Sturgeon.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their October 15, 2015 meeting.

The minutes for the Planning and Zoning Commission meeting of October 15, 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 Canole Road, east of Highway 63, five miles south of Sturgeon. The property is approximately 84 acres in size and is zoned A-2(Agriculture).

The property has A-2 zoning to the northeast, east, south, and west, with A-R (Agriculture-Residential) zoning and C-G (General Commercial) zoning to the north and northwest. This is all original 1973 zoning. The subject property has an existing residence and several accessory structures present. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 22 property owners about this request. The property scored 24 points on the point rating system.

A description of the lease area site has been submitted by the applicant in the application materials. The lease area for the tower is approximately 6,000 square feet out of the 84 acre parent tract. The proposal for a transmission facility is for a 165' monopole tower and support facilities. The applicants have met the submission requirements identified for a conditional use permit for a transmission facility

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

(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 county regulations, the use should comply with this criterion.

(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.

If operated in conformance with existing regulations, this use should not be injurious to the use & enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. Public testimony may be indicative as to whether this criterion can be met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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.

This area is primarily zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties are mixed in size and have developed in a manner consistent with the zoning. Topography and the existing infrastructure is a greater factor in increased development than the placement of this transmission facility.

(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.

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(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-2 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services.

Staff recommended approval of this conditional use permit.

The Planning & Zoning Commission conducted a public hearing on this request during their October 15, 2015 regular meeting. There were nine members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend that the conditional use permit application be approved.

The motion passed so this application comes forward with a recommendation for approval.

The Commissioners had no questions 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.

Curtis Holland said he is an attorney here on behalf of Verizon Wireless, the applicant, as well as the owner, Mr. Arends. As staff indicated, we are proposing to construct a monopole communications facility to improve wireless coverage in the Boone County area, specifically on Hwy. 63 as it heads out north to Randolph County. There is very little coverage in northern Boone County and on to Randolph County.

The parcel selected is a very large parcel where this facility will be sited. There is one clarification in that the monopole is actually 150' tall with an antenna attached to the top which brings the overall height to 165'. We submitted the application to the county and provided all the documentation along with all the frequency information that supported the need for the facility. Staff did review these documents against the counties regulations and found them to be in conformance.

The public hearing was conducted several weeks ago and there was no opposition so we are here in support of this application.

There were no comments or questions for Mr. Holland.

Commissioner Atwill asked if there is anyone else present that would like to speak for or against this request. 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 approve the request by Gary F. Arends on behalf of Cellco Partnership d/b/a Verizon Wireless for a transmission facility, including a 165' tower on 84.2 acres, located at 900 E Canole Rd., Sturgeon.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #506-2015**

2. Public Hearing and request by Gerald and Marylyn Sims on behalf of Celco Partnership d/b/a Verizon Wireless for a transmission facility including a 165' tower on 39.5 acres located at 1230 E Hwy 124, Hallsville.

Stan Shawver read the following staff report:

The subject property is located on Highway 124, west of Hallsville. The property is approximately 41 acres in size and is zoned A-2(Agriculture). The property is surrounded by A-2 zoning. The property is all original 1973 zoning. The property to the east was granted a conditional use permit in 1996 for a temporary asphalt plant. The subject property is currently undeveloped. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 19 property owners about this request. The property scored 34 points on the point rating system

A description of the lease area site has been submitted by the applicant in the application materials. The lease area for the tower is approximately 6,000 square feet out of the 41.24 acre parent tract. The proposal for a transmission facility is for a 165' monopole tower and support facilities. The applicants have met the submission requirements identified for a conditional use permit for a transmission facility

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

(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 county regulations, the use should comply with this criterion.

(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.

If operated in conformance with existing regulations, this use should not be injurious to the use & enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. Public testimony may be indicative as to whether this criterion can be met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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.

This area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties are mainly large-lot agricultural properties, with limited access to public right of way. Those along Highway 124 are limited in development potential by Missouri Department of Transportation access requirements. The existing infrastructure, or lack thereof, is a greater factor in increased development than the placement of this transmission facility.

(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.

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(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-2 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services.

Staff recommends approval of this conditional use permit with the following condition:

- 1) That the site plan show a minimum setback equal to the 165' height of the facility.

The Planning & Zoning Commission conducted a public hearing on this request during their October 15, 2015 regular meeting. There were nine members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend that the conditional use permit application be approved with the recommended condition.

The motion passed so this application comes forward with a recommendation for approval.

The Commissioners had no questions 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.

Curtis Holland said he is here representing Verizon Wireless and Gerald and Marylyn Sims. The purpose is to improve coverage in the northern portion of Boone County. This additional facility has the benefit of not only covering Hwy. 63, but also providing some coverage along Hwy. 124.

.As was stated in the previous request, the monopole is actually 150' tall with an antenna attached to the top which brings the overall height to 165'. We are also in agreement with the setback and understand the conditions and will comply with the setback rules and regulations of the county.

The Commissioners had no questions for Mr. Holland.

Commissioner Atwill asked if there is anyone else present that would like to speak for or against this request. 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 approve the request by Gerald and Marylyn Sims on behalf of Cellco Partnership d/b/a Verizon Wireless for a transmission facility including a 165' tower on 39.5 acres located at 1230 E Hwy 124, Hallsville, with the following condition:

That the site plan show a minimum setback equal to the 165' height of the facility.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order 3507-2015**

3. Receive and Accept the following plats:

- **Green Tree. S30-T50N-R13W. A-2. Richard James Winkel Revocable Trust, owner. Ronald G. Lueck, surveyor.**

- **Dove Hill Manor. S8-T51N-R12W. A-R. Debra and David Ritchie, owners. Steven R. Proctor, surveyor.**

Stan Shawver said these are straight forward plats and requests that the Commission receive and accept for signature.

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:

- **Green Tree. S30-T50N-R13W. A-2. Richard James Winkel Revocable Trust,**

owner. Ronald G. Lueck, surveyor.

- Dove Hill Manor. S8-T51N-R12W. A-R. Debra and David Ritchie, owners.
Steven R. Proctor, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #508-2015**

4. First reading; Contract for Services between Boone County and The Missouri Department of Agriculture

Stan Shawver said this is a contract to restore corner monuments through the Land Survey System. Our County Surveyor will be working with the Department of Agriculture to replace 10 monuments which have deteriorated since 1820 when they were first placed. The county will be reimbursed \$250 for each monument replaced.

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.

5. First reading; Road & Bridge Improvement/Repair Cooperative Agreement with the City of Sturgeon

Stan Shawver said this is the annual agreement where we return to application entities sales tax money. In this case, the City of Sturgeon will be receiving \$39,321.65

Commissioner Atwill said this was a topic of discussion earlier today and Commissioner

Thompson will be in contact with the City of Sturgeon and will advise the Deputy County Clerk on the timing for a second reading.

6. First reading; Consulting Services Agreement with Howe Company, LLC for Design and Bidding services for work on Red Rock Road

Stan Shawver said this is for Engineering Design Services and preparation of bidding documents for a multi-barrel culvert on Red Rock Road. This is not to exceed the amount of \$53,000.

Commissioner Miller asked if this is a project county staff is not capable of doing or just does not have the time to devote to the project.

Mr. Shawver said it is a matter of time. There are other projects that are being worked on and certain other projects need to be handled by consultants.

Commissioner Miller said it would be worthwhile for Resource Management to look into the possibility of adding a staff member based on the cost of these consultant contracts. It might not be the solution, but is worth looking into.

Mr. Shawver said he would do this.

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.

7. First reading; Consulting Services Agreement with Howe Company, LLC for Design and Bidding services for work on Mt. Zion Church Road

Mr. Shawver said this is the same as the previous item except that it is on Mt. Zion Church Road.

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.

Human Resources

8. Second reading; Salary Study Phase Two – Classification and Pay Range Changes for Administrative Support Positions (1st read 10-22-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby adopt the Personnel Advisory Committee following recommendation:

The County Commission adopt the new position titles and ranges recommended by the Salary Study Subcommittee, which are memorialized in the attached 2016 Pay Plan and authorize the County Auditor to compute final appropriations for compensation increases needed to bring salaries to the minimum of the new ranges.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #509-2015**

Commission

9. 1st & 2nd reading; Re-appoint Elizabeth Sue Hussey to the Board of Health and Dorothy Carner to the Library Board

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby re-appoint the following:

Name	Board	Period
Elizabeth Hussey	Board of Health	November 30, 2015 through November 30, 2018
Dorothy Carner	Library Board	December 8, 2015 through June 30, 2019

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #510-2015**

10. 1st & 2nd reading; Organizational Use of the Government Center Chambers by Missouri NOW for November 22, 2015

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 Missouri NOW for November 22, 2015 from 10:30 a.m. to 3:30 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #511-2015**

11. 1st & 2nd reading; Organizational Use of the Government Center Chambers by the Boone County Democratic Central Committee for January 14, 2016, February 11, 2016 and March 10, 2016

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 the Boone County Democratic Central Committee for January 14, 2016, February 11, 2016 and March 10, 2016 from 6:45 p.m. to 9:00 p.m.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #512-2015**

12. Public comment

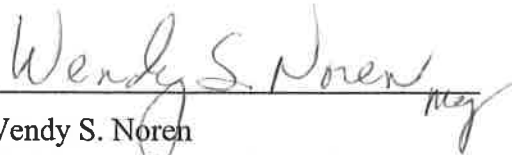
None

13. Commissioner Reports


None

The meeting adjourned at 7:24 p.m.

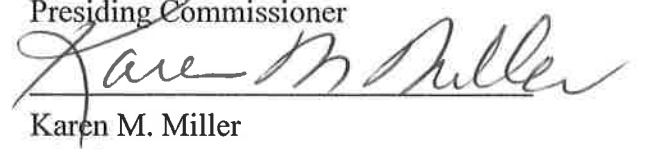
Attest:



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