

TERM OF COMMISSION: July Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel Atwill  
District I Commissioner Fred Parry  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
Planner Uriah Mach  
County Counselor CJ Dykhouse  
Deputy County Clerk Michelle Thompson

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

### **Resource Management**

- 1. Request by Betty Jo Voorheis Revocable Trust for a permit for a structure taller than 100' (Met Mast to measure wind speed) on 93.67 acres located at 11440 N Rte J, Harrisburg.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their July 19, 2018 meeting.

The minutes for the Planning and Zoning Commission meeting of July 19, 2018, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their July 19, 2018 regular meeting. There were seven members of the

commission present during the meeting.

The subject property is located to the southeast of the intersection of State Route J and Callahan Creek Road. The property is 93.67 acres in size and zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. There is an existing home and several outbuildings on this property.

The applicant is requesting a Conditional Use Permit for a structure over 100' in height. Per the Boone County Zoning Ordinance, Section 9 Height Regulations, B.(2), "Buildings and structures, when permitted in the district,, may be erected to such height as may be authorized by a Conditional Use Permit obtained in accordance with the provisions of Section 15. A." The proposed tall structure is a meteorological data collection tower ("met mast"). The applicants wish to place this structure on the subject property to collect weather data. The data gathered will inform further activities on suitability of this property for a wind farm. Any future activity involving a wind farm proposal will require significant regulatory review and consideration by staff to determine the best process for approval. Such regulatory review will undoubtedly involve public comment and discussion prior to any construction of such a facility.

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 and appropriate permit conditions, 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 structure, while tall, is set to be in the eastern portion of the subject property, approximately 430 feet from the nearest property line. While it is a tall structure, it is not of a height requiring an always-on light. 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.

The proposed structure requiring the conditional use permit has minimum utility needs. Access to the construction site will be across the property from the drive off of State Route J. All necessary facilities will be available to serve the needs of this conditional use permit.

(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. Existing access to public roads and utility infrastructure will be a greater limitation on the development of this property and surrounding properties than the establishment 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.

The proposed conditional use permit is a minimal traffic generator and should not hinder the flow of traffic or result in traffic congestion on the 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-1 zoning district.

Zoning analysis: Placing this structure on a tract of this size is approvable, as distance can limit the visual impact of a tall structure. Distance and separation from the nearest structures limits its visual impact to surrounding property owners. This request meets the identified criteria for approval of a conditional use permit. Note that an approval of this conditional use permit does not convey any affirmation or support for a wind farm on this property.

Staff recommended approval of this request.

The Planning & Zoning Commission conducted a public hearing on this request during their April 19, 2018 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 conditional use permit with the suggested conditions. That motion carried with 6 Yes votes and one abstention.

Commissioner Parry asked what the actual address was or what the closest address is to where the actual tower is going to be.

Stan Shawver said 11440 N Route J.

Michael Savore and Brent Voorheis were present to speak on the matter.

Commissioner Atwill said this was a preliminary step for possibly having large electric generating wind mills.

Michael Savore said yes, it is a first step in that direction. It is really deciding whether or not the community has the resources. We have leased land in the area, roughly 2,000 acres. Part of the philosophy is to engage the community to see if there is support in the area. We don't want to be in area with no support. We do feel to date, that we have enough support should we be lucky enough to have wind speeds, that we could develop a utility scale project. However, we are very much so at initial stage of development. My understanding is current code wouldn't even support a wind farm at this stage. So, there are a lot of hurdles that we would have to overcome, but I can tell you that our company is committed to trying to build

a wind farm in the state of Missouri, we do not currently have one here. We are looking at a project here and also in Audrain County. If winds are good enough, we are going to make every attempt to try and make this project work.

Commissioner Atwill asked if the company was based in Texas.

Michael Savore said yes sir, Austin, Texas. E. ON Europe is our parent company. They are one of the largest utilities in Germany. We are a subsidiary of them, we are incorporated in the United States and our headquarters is in Chicago, Illinois. I am based out of the Austin, Texas office, and we also have an office out of San Francisco.

Commissioner Atwill asked how many locations of operational projects they currently had in the United States.

Michael Savore said twenty-two. We are considered roughly the seventh or eighth largest wind developer in the world. The last project we built was in Decatur, Illinois, and it was the single largest project in the United States in 2017.

Commissioner Atwill asked if they had any other projects in the state of Missouri.

Michael Savore said no sir, we do not.

Commissioner Atwill asked if he could share how they picked this part of the state.

Michael Savore said that was an interesting subject and explained that Mr. Voorheis' son-in-law and himself went to law school together. They were chatting about the opportunities available in the state of Missouri as they are both originally from the state. The renewable portfolio that is standard in the state makes it an attractive place to be. Jake suggested reaching out to his father-in-law, Mr. Voorheis, so he and I have been in contact for a little

over 12 months now. So, this is not spur of the moment. We have been here for a while. I've meet with a lot of folks in the community. I know there are a lot of hurdles in front of us, but so it is with every project we deal with. Whether it be not getting enough contiguous land, or the transmission not working out, or God forbid, the wind is not good enough. But, we are willing to spend the money to try and make this work.

Commissioner Parry asked how long the test period would be.

Michael Savore said that depends. We would like to say between two to five years. Contractually we have up to six years to obtain the wind data, but I think it is fair to say that if you look at it from a good business practice that if we see in year one or two that there is not enough wind, then there is no point in us being here, we will pick up and move along. But if there is a possibility, we would stay. With how turbans continue to become more and more efficient, lower wind speed sites could work. Three years ago, with turbans the way there were at one, or one and a half megawatt machines, this wouldn't have happened then, it just wouldn't have been possible.

Commissioner Atwill asked what they were now.

Michael Savore said they are a couple of different choices. Right now, we are looking at either a 3.0 machine or a 4.2. The 4.2 machine is a general electric machine. But, I would say the 3.0 machine. 50 turbans roughly, is what we would have. We anticipate this being a 150-megawatt project, so 50 turbans spaced over 10,000 acres, possibly more.

Commissioner Parry asked if they removed all their equipment if the test was unsuccessful.

Michael Savore said yes, 100 percent. We are contractually obligated to do that and it is just good business practice to do so.

Brent Voorheis said that if they leave because there is no wind to support a wind farm, everything is returned to its natural state.

Commissioner Thompson said should this work, I think this is an interesting time for this project to start with Jay Hashieder's efforts on the Mayor's Task Force for Climate Change and Climate Adaptation and Action Planning. This may be something that really spurs activities on the task force as well.

Brent Voorheis stated again, this has not been a quick process. He has been talking with Mr. Savore for some time now. Brent Voorheis is the successor trustee of his mother and father's revocable trust, which still holds title to the land. Before his father passed last November, they had several conversations about turbans. His father wanted to know what his intentions were with the farm when he was gone. He told him that his intentions would be to continue to operate a family farm until he got to the point where he no longer could. So, his intentions are just that, to keep this land a family farm.

There were no more comments or questions from the public.

Commissioner Parry wanted clarification that there would not be a need for a light at the top of these.

Stand Shawver said that is correct. 200 hundred feet is the threshold for the FAA requirement for lighting.

There were no more comments or questions from the Commission.

Commissioner Parry moved Now on this day the Boone County Commission does approve the request by Betty Jo Voorheis Revocable Trust for a permit for a structure taller than 100' (Met Mast to measure wind speed) on 93.67 acres located at 11440 N Rte J, Harrisburg.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #359-2018**

2. **Request by Ernest and Kathleen Dubes to rezone from C-G (General Commercial) to A-2 (Agriculture) on 20.4 acres, more or less, located at 11251 E Hwy CC, Centralia.**

Stan Shawver read the following staff report:

The property is located on the north side of Highway CC, just west of Centralia. The zoning is C-G, which is the original zoning. Neighboring properties carry a mixture of zoning designations:

West and north is A-2

North and east is M-L

South is R-S and C-G

The property is currently occupied by two residences, a barn, and three storage sheds. In the past, the property has been used to operate a commercial trucking business. The owner has indicated an intent to subdivide the property using the Family Transfer process. That process is only available in the Agriculture District. There have been no previous requests on behalf of this property.

The Master Plan designates this property as suitable for commercial land use.

The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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 allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

**Utilities:**

Public Water Supply District 10 provides water service to the property.

One of the existing homes on the property is connected to City sanitary sewer.

The other home is served by a lagoon.

Boone Electric provides power.

**Transportation:**

The subject tract has frontage on and an existing access point to Highway CC.

**Public Safety Services:**

The entrance to the property is approximately 1000-feet west of Boone County Fire Station 10.

**Stormwater:**

Development on the site will be required to comply with the Boone County Stormwater Regulations.

**Zoning Analysis:**

The Master Plan designates this property as suitable for commercial land use.

The current zoning is General Commercial, C-G. The requested A-2 zoning will eliminate commercial uses on the property and allow residential uses at a density of one dwelling per 2.5 acres.

In some cases, downzoning can cause leapfrogging, where future needs for less restrictive zoning such as commercial or industrial are pushed farther from urban service areas. In this case, there is 18-acres of undeveloped or under-utilized M-L and 58-acres of undeveloped or under-utilized C-G in this area. So, in this case, granting the requested downzoning should not cause leapfrogging.

Resources sufficient to support the uses allowed in the A-2 District are available to the property. There are several small residential lots adjacent to the south property line. Downzoning this property, which would eliminate the potential for commercial use, would be consistent with the existing character of the neighborhood.

Staff notified 13 property owners about this request. The property scored 65 points on the rating system.

Staff recommended approval of the rezoning.

The Planning & Zoning Commission conducted a public hearing on this request during their April 19, 2018 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 conditional use permit with the suggested conditions. That motion carried unanimously.

Uriah Mach showed on the Power Point where the property lines are and where the flood plains are.

Commissioner Parry asked which one was served by a lagoon.

Don Bormann said the one to the right.

Commissioner Parry wanted to clarify that at one time this served as a commercial trucking business.

Don Bormann said yes, that is correct.

Commissioner Atwill asked is Mr. Bormann had anything else he wanted to add.

Don Bormann said that Staff pretty well covered it. Ernest Dubes had a business there when he had a trucking business. He no longer has that business. As you can see, there is a lot of flood plain on this. There is a creek that runs through this. I'm sure that the flood plain is not quite as wide as what it shows. However, it is an unnumbered zone so there are no elevations on it, so it would take a flood study to reduce it, and you are not going to reduce it a huge amount and gain lots of land for development out here. The reason why the one residence is connected to the city sewer is because the city sewer follows that creek and serves the west part of Centralia. Ernie wants to give his kids some land, that's his heritage for them. So, he looked at it and we were discussing how to do that, and we can either do a subdivision plat each time or we can do a family transfers. Since this is CG zoning now, technically you're not even supposed to have family residences on it. So, cutting it up and subdividing so that we can put more residents doesn't really make sense. That is not the usage that is currently be used out there. That is not the usage to tracks to the south of it. Downzoning to A-2 is not something I would normally recommend. But given the nature of the property and the flood plains on it, there is not much potential for this to be commercial. You get further away from the creek and there are not as many problems, but right here in this area you have to do a lot to try and make it useful.

There were no more comments or questions from the public.

There were no more comments or questions from the Commission.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Ernest and Kathleen Dubes to rezone from C-G (General Commercial) to A-2 (Agriculture) on 20.4 acres, more or less, located at 11251 E Hwy CC, Centralia.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #360-2018**

- 3. Petition submitted by Thomas Nichols and Mary Lauf to vacate and re-plat Lot 1, Goose Down Estates as recorded in Plat Book 46, Page 42 of Boone County Records and located at 19480S Old Hwy 63, Hartsburg.**

Stan Shawver read the following staff report:

This property is located on South Old Highway 63 about 3 miles south of Ashland. Goose Down Estates is a 3-lot subdivision that was platted in 2012. The property is zoned A-R (Agriculture Residential). The petitioners desire to re-divide their lot with adjacent land.

In accordance with Section 1.8.1.3 of the Boone County Subdivision Regulations in order to vacate or replat a subdivision lot, the County Commission is required to find that the 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 person owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Stan Shawver explained that they had notified 12 property owners about this request. They have received several calls of inquiry and were asked what was being proposed. None of the calls we received expressed any opposition to what was being proposed.

Gene Basinger gave each of the Commissioners a paper with a diagram that showed the lot in question. The diagram is included at the end of these minutes. He explained where on the diagram they lived and what their desire was to do with the land. They want to divide the tract into two pieces. But, they do not want to sub-divide and make three lots out of it. What they are interested in doing at this point in time is making the yellow and green lots on the diagram one lot. They want to keep the pink one lot and sell it. So essentially what they want to do is make this a two-lot subdivision, with the green and yellow being one lot and the pink being one lot.

Commissioner Atwill opened the public hearing.

There were no more comments or questions from the public.

Commissioner Atwill closed the public hearing.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve a petition submitted by Thomas Nichols and Mary Lauf to vacate and re-plat Lot 1, Goose Down Estates as recorded in Plat Book 46, Page 42 of Boone County Records and located at 19480 S Old Hwy 63, Hartsburg.

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 #361-2018**

4. **Petition submitted by Nathan and Heidi Crouch to vacate and replat Lot 2 and Lot 3 of Roemer Lake Plat 3 as recorded in Plat Book 12, Page 31 of Boone County Records and located at 4840 N Roemer Rd., Columbia.**

Stan Shawver read the following staff report:

This property is located on Roemer Road just north of Columbia. Roemer Lake Plat 3 consists of 5 lots that were platted in 1978. The applicants own two adjoining lots and desire to combine them into one lot with other adjoining land.

In accordance with Section 1.8.1.3 of the Boone County Subdivision Regulations in order to vacate or replat a subdivision lot, the County Commission is required to find that the 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 person owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Stan Shawver explained they notified 13 property owners about this request. We did have some inquiries about this one as well, but again, no voiced opposition.

David Butcher handed out copies of the original plat and the suggested new plat to the Commissioners. There was also a letter from the applicant who was unable to attend the

meeting that evening that David Butcher also handed out. The plats and the letter are included at the end of these minutes. He explained that the whole purpose here was to repair what has happened here. As you can see, the house was built across the property line. David Butcher pointed it out on the Power Point slide. He explained that Mr. Crouch owns this property and this property. This property here is owned by the Roemer family. So, I don't know how this happened as I didn't investigate that part, but it was built just about 10 years ago. The intent is to add some of this property back here. In doing so, Staff has asked that we combine both of his lots into a single lot in addition to adding this. So, taking two lots that he had and making it one bigger lot. We want to get ride of lots two and three as they show up on the original plat and add a little sliver of land in the back and make it one 3 and ½ acre parcel instead.

Commissioner Parry asked Staff what the benefit of combining the two lots was.

Stan Shawver explained that the Subdivision Regulations say that any lot smaller than 2 and ½ acres have to be part of a collective waste water system, which we felt was impractical and that the best solution was to figure out a way to get the lots above 2 and ½ acres and this was the solution.

Commissioner Atwill opened the public hearing.

There were no comments or questions from the public.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve a petition submitted by Nathan and Heidi Crouch to vacate and re-plat Lot 2 and Lot 3 of Roemer Lake Plat 3 as recorded in Plat Book 12, Page 31 of Boone County Records and located at 4850 N Roemer Rd., Columbia.

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

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #362-2018**

**5. Marlice's Meadow. S30-T47N-R12W. A-2. Marlice A. Pound Revocable Trust, owner. C. Stephen Heying, surveyor.**

Stan Shawver read the following staff report:

Marlice's Meadow is a one lot subdivision located on Nashville Church Road, approximately 2 miles east of Sapp and 3 miles west of the city limits of Ashland. The property is zoned A-2 (Agriculture).

Stan Shawver said the Planning & Zoning Commission approved this at their July 19<sup>th</sup> regular meeting.

Commissioner Thompson moved on this day the Boone County Commission does hereby receive and accept the following subdivision plat and authorize the presiding commissioner to sign it:

- Marlice's Meadow. S30-T47N-R12W. A-2. Marlice A. Pound Revocable Trust, owner. C. Stephen Heying, surveyor.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #363-2018**

6. **Second Reading; Application: Stormwater 319 sub-grant (1<sup>st</sup> read 7-26-18)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Missouri Department of Natural Resources, Division of Environmental Quality, Soil and Water Conservation Program Subgrant Award for the Greater Bonne Femme Watershed Management Plan Development and Demonstration Project. It is further ordered the Presiding Commissioner is hereby authorized to sign said grant application.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #364-2018**

Stan Shawver wanted to update Commission on two things on the Planning & Zoning agenda before they moved on. One, the American Outdoor Brands final plat has been approved and now has pending installation of the infrastructure for a suitable surety to pledge its completion. We have multiple times made them aware that there's a possibility they should be thinking about that. It would seem they have just kind of been ignoring that.

Commissioner Atwill asked if it was documented that they have notified them.

Stan Shawver said yes, we have notified through several emails. We have even told them how to do it.

CJ Dykhouse said that it was the subject of a specific work session with the developer and stakeholders from Bryan Company.

Stan Shawver said the second update was that the Planning & Zoning Commission had the annual election of officers. Boyd Harris was re-elected as Chair Person. Carl Freiling was

elected as Vice Chair, and Mike Poehlman was elected as the Recording Secretary.

**Joint Communications**

**7. Second Reading; Cooperative Agreement: 911 Simulator Equipment (1<sup>st</sup> read 7-26-18)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached 911 Simulator Equipment Cooperative Agreement between Boone County and Moberly Area Community College.

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

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #365-2018**

**Purchasing**

**8. Second Reading; Bid Award: 24-14JUN18 – Interior Painting Services (1<sup>st</sup> read 7-26-18)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby award bid 24-14JUN18 – Interior Painting Services for the Boone County Detention Center to Dysart Painting, LLC of Mexico, Missouri.

Terms of the contract award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #366-2018**

**13<sup>th</sup> Judicial Circuit Court**

**9. Public Hearing & Second Reading; Budget Amendment: Increase Funding Due to FY19 JDAI Grant (1<sup>st</sup> read 7-17-18)**

Commissioner Atwill opened the public hearing.

There were no comments or questions from the public.

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 from the 13<sup>th</sup> Judicial Circuit Court to establish a budget for the OSCA grant award in the amount of \$1,000 for the period of June 20, 2018 through September 15, 2018.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1243	3451	Judicial Grants	State Reimbursement		1,000
1243	23050	Judicial Grants	Other Supplies		600
1243	37230	Judicial Grants	Meals/Lodging		218
1243	71101	Judicial Grants	Professional Services		182

					2,000

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #367-2018**

**Commission**

**10. Public Comment**

David Roemer said he wanted to address something of concern to him. He owns some land out north of town, including Roemer's Lake. Back in about 1997, they widened Obermiller. His father built that road and it was originally gravel. The road was put all on them because the Obermillers did not want to sacrifice any of their land. So, the entire road was put on the Roemer land. When they enlarged it, they came in and took more land on the Roemer side. They had to redo the spillway on the lake, and they had to condemn it as they wouldn't give them a fair price. The drainage easement behind the lake is not being maintained by the County anymore. He is not keeping it up to D & R specifications for the spillway that is on our lake. The County maintained it for several years after the road went in and then they decided they were not obligated anymore to take care of it. So, they quit maintaining it. Every three years that lake gets inspected by the D & R, and that drainage easement that runs along that road that they condemned and took over has to be kept free of brush and anything that would inhibit the water flow through it. He is interested in trying to get the County to take over and maintain that drainage easement like they started out doing.

Commissioner Atwill asked about what year that was.

David Roemer said the road was put in about 1997.

Commissioner Atwill said and as part of that, the County got an easement.

David Roemer said they took the drainage easement, they redid the whole spillway, and they took it over and took care of it for several years and then they just quit. The brush became overgrown, so I called, and they said they didn't feel that they were actually obligated to take care of it anymore as there was nothing in writing that they could find that stated they had to take care of the spillway. So, I am stuck trying to maintain it and I don't think it's right.

Commissioner Thompson said that was 1997 to what year.

David Roemer said I would say they did it for 3 or 4 years after that.

Commissioner Parry and Commissioner Thompson discussed where the spillway was as they looked on a laptop.

David Roemer said the next inspection is due in May 2019. I have it about half way cleared out. I am not looking forward to getting back in there and having to take care of that. I can do it if I have to.

Commissioner Atwill said you realize that none of us ever heard of this before. So, we are going to have to ask our staff to do a little research on it. We will get back to you after we can get some information. The size of the spillway is not all that big, is it? Is it an acre?

David Roemer said no, it is not that big, but I'm not sure. It seems big when you are out there working on it. I appreciate you looking into that for me.

David Roemer gave the Commission his cell phone number, so they could contact him at a later date.

#### **11. Commission Reports**

None

The meeting adjourned at 7:53 p.m.

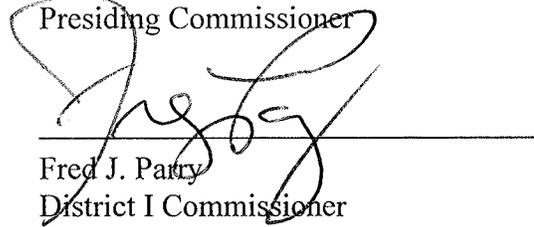
Attest:



Taylor W. Burks  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



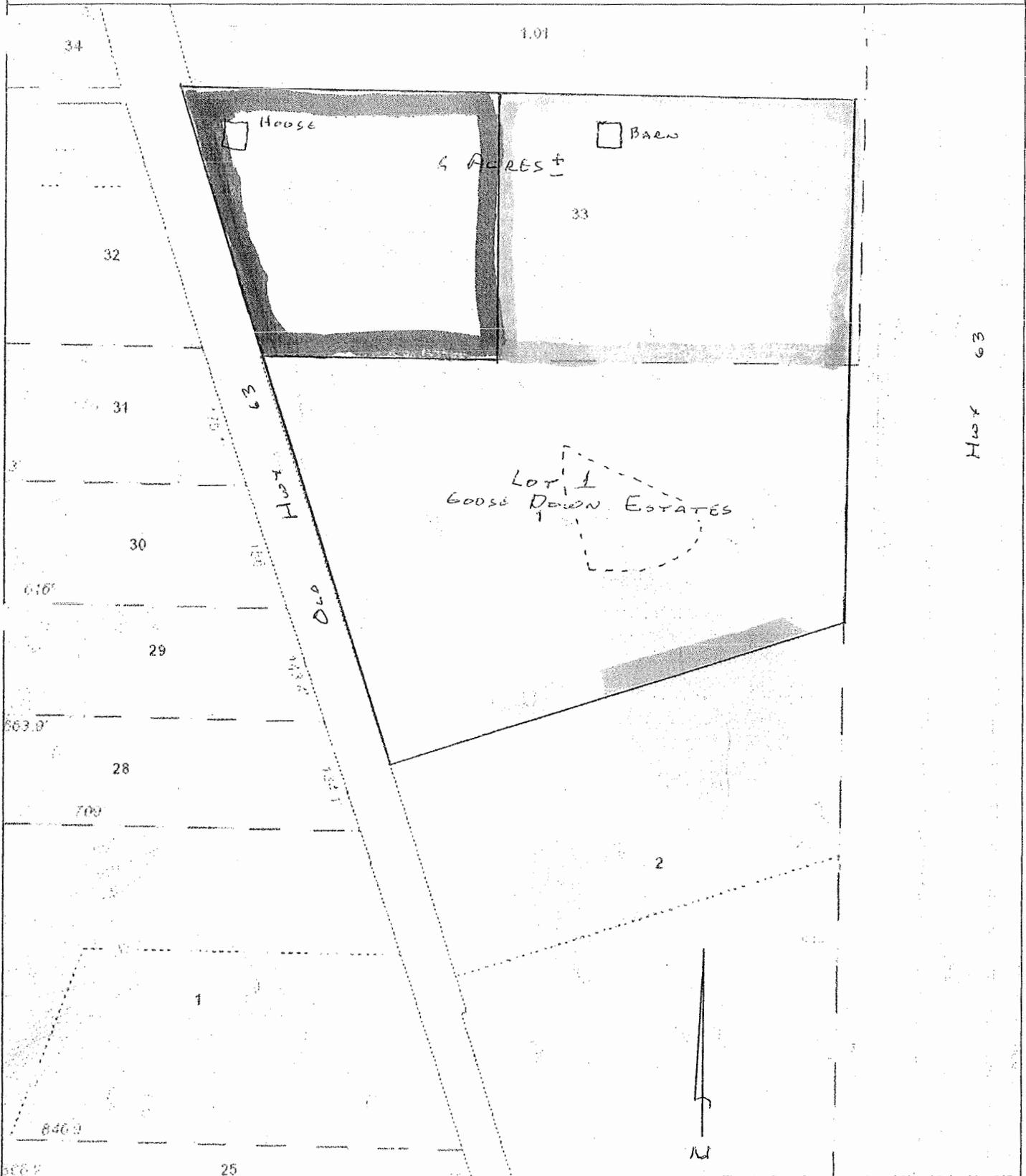
Fred J. Parry  
District I Commissioner



Janet M. Thompson  
District II Commissioner

# Boone County Internet Parcel Map

Prepared by the Boone County Assessor's Office, (573) 886-4262



Boone County Assessor's Office

0 166ft

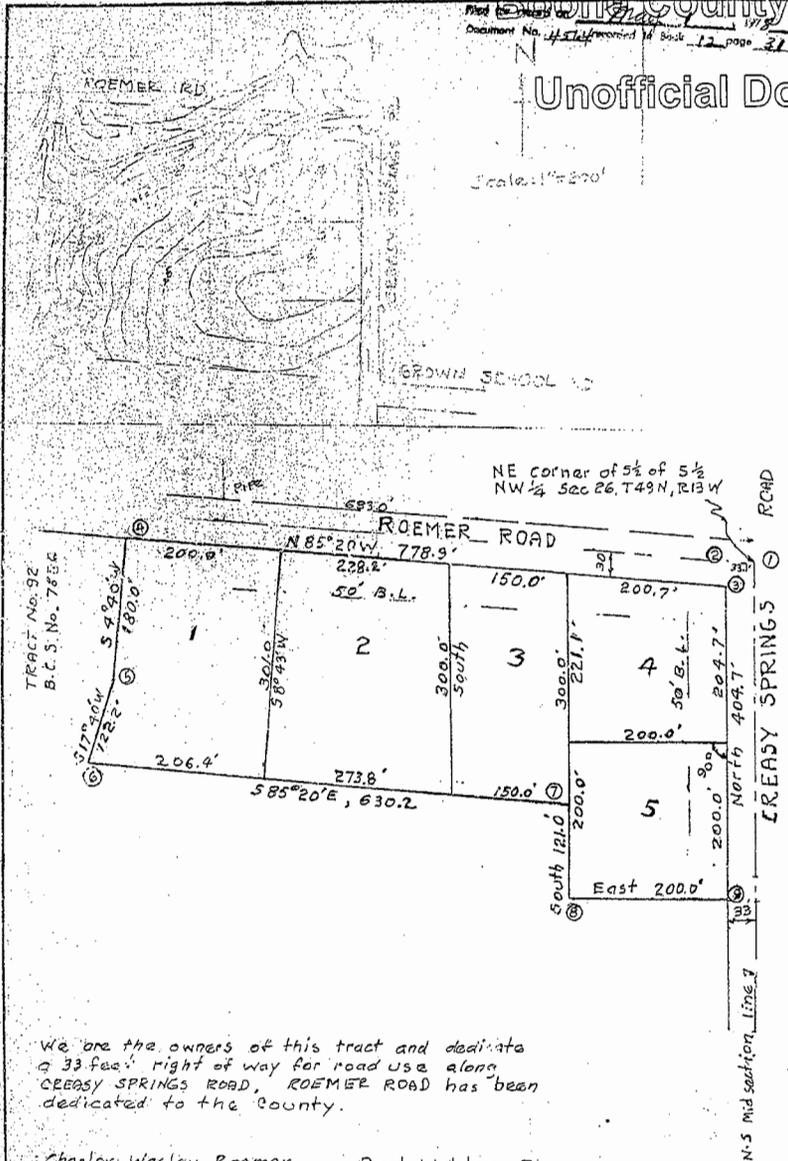
Elevation Data: Boone County and City of Columbia 2015  
Map Generated: 7/31/2018 4:47:39 PM

**ATTENTION!!**  
DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

MINOR SUBDIVISION  
**ROEMER LAKE SUBDIVISION**  
 IN SE 1/4 OF NW 1/4, T49N, R13W  
 PLAT NO. 3

Unofficial Document

April 18, 1978

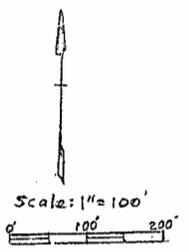


This is to certify that I have surveyed a tract in the South Half of the South Half of the Northwest Quarter of Section 26, Town 49 North, Range 13 West of 5 PM described as follows: starting at the Northeast corner of this tract ①; thence N85°20'W 33.1 ft. to ②; thence South 30.0 ft. to ③; thence N85°20'W 778.9 feet to ④; thence S4°40'W 180.0 feet to ⑤; thence S17°40'W 122.2 feet to ⑥; thence S85°20'E 630.2 feet to ⑦; thence South 121.0 feet to ⑧; thence East 200.0 feet to ⑨; thence North 404.7 feet to ⑩.  
 This tract has been divided into 5 lots as shown. The area of this tract is 6.4 acres more or less.

*F.F. Grundler*  
 F.F. GRUNDLER, M.L.S. No. 687

PLAT APPROVAL  
 John Whiteside, DIRECTOR OF PLANNING  
 Louis G. Tritscher, CHAIRMAN  
 BOONE COUNTY P&Z COMM.

received and accepted B.C. Court  
 William M. Frech, PRESIDING JUDGE, B.C.  
 Christopher S. Kelly, COUNTY CLERK



We are the owners of this tract and dedicate a 33 feet right of way for road use along CREAKY SPRINGS ROAD, ROEMER ROAD has been dedicated to the County.

Charles Wesley Roemer  
 Ethel Mae Roemer  
 Amelia Roemer  
 Amelia Roemer

Paul Waldon Roemer  
 Paul Waldon Roemer  
 Valda Roemer  
 Valda Roemer

State of Missouri ss.  
 County of Boone  
 Subscribed and sworn to this 20 day of April 1978 by  
 Charles Wesley Roemer, Amelia Roemer  
 Paul Waldon Roemer, Valda Roemer  
 and F.F. Grundler.  
 My Commission expires 1979

Raymond Wesley  
 Notary Public

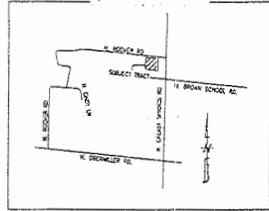
ATTEST: April 27, 1978  
 date

State of Missouri ss.  
 County of Boone ss.  
 This plat filed in the office of the Recorder of Deeds of Boone County at 9:29 AM on 1st day of May, 1978 and is recorded in Book 12, Page 31  
 Betty Saunders  
 BETTY SAUNDERS, Recorder

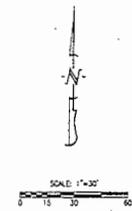
FILED FOR RECORD IN BOONE COUNTY, MISSOURI

# FINAL PL. ROEMER LAKE SUBDIVISION, PLAT No. 7

A MINOR SUBDIVISION LOCATED IN THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 49 NORTH, RANGE 13 WEST  
BOONE COUNTY, MISSOURI  
JULY 23, 2018



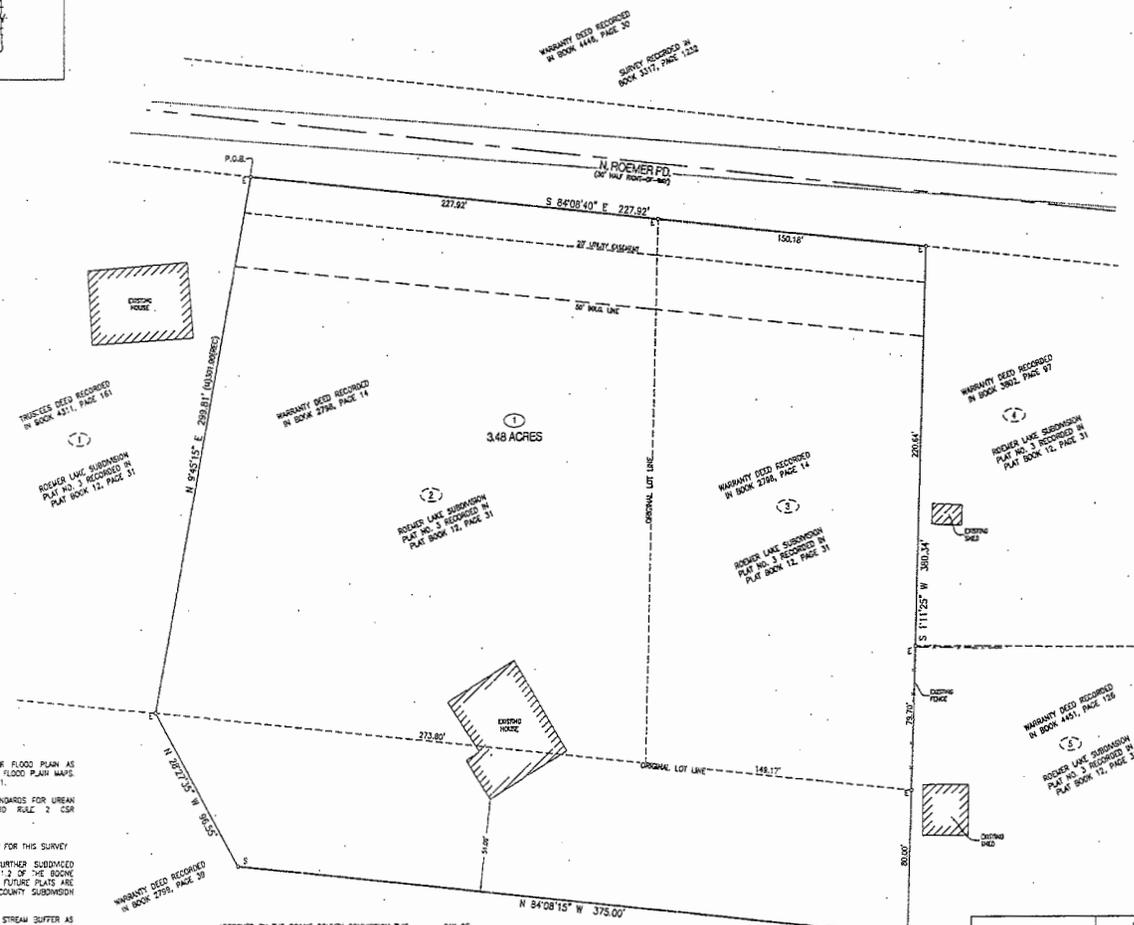
LOCATION MAP  
NOT TO SCALE



BEARINGS ARE REFERENCED TO GRID NORTH, OF THE MISSOURI STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE), DETERMINED FROM GPS OBSERVATION.

- LEGEND:**
- E EXISTING
  - S SET
  - 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
  - (M) MEASURED DISTANCE
  - (D) DISTANCE
  - P.O.B. POINT OF BEGINNING
  - LOT NUMBER
  - (15) EXISTING LOT NUMBER
  - 1 EXISTING FENCE LINE

- NOTES:**
1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAPS, PANEL NO. 25019C01550, DATED: APRIL 17, 2011.
  2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTIES AS DEFINED BY MISSOURI BOARD RULE 2 CSR 90-60.04(2).
  3. A CURRENT TITLE COMPARTMENT WAS NOT PROVIDED FOR THIS SURVEY.
  4. BOONE COUNTY NOTE: THESE LOTS MAY BE FURTHER SUBDIVIDED WITHOUT VIOLATION AS ALLOWED BY SECTION 1.8.1.2 OF THE BOONE COUNTY SUBDIVISION REGULATIONS, PROVIDED ALL FUTURE PLATS ARE PREPARED IN ACCORDANCE WITH SAID BOONE COUNTY SUBDIVISION REGULATIONS.
  5. NO PART OF THE TRACT IS LOCATED WITHIN THE STREAM BUFFER AS DEFINED BY STREAM BUFFER REGULATIONS, CHAPTER 26 OF BOONE COUNTY ZONING REGULATIONS.
  6. THIS TRACT IS SUBJECT TO THE BOONE COUNTY SEWER/WATER ORDINANCE.



APPROVED BY THE BOONE COUNTY COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2018.

TAYLOR W. BURKS, COUNTY CLERK  
DAVY HARRIS, CHAIRPERSON

**ROEMER LAKE SUBDIVISION, PLAT NO. 7**

450 AGRIER FEL  
SECTION 26, TOWNSHIP 49 NORTH, RANGE 13 WEST  
BOONE COUNTY, MISSOURI

CORPORATE NUMBER: 2000151304

DATE: 7/23/18  
SCALE: 1"=30'  
PROJECT: 180000  
DRAWN BY: EMD  
EVD

PROFESSIONAL LAND SURVEYOR  
PLS-02556005

**ENGINEERING CONSULTANTS**  
300 N. HAYES BLVD., SUITE 1  
COLUMBIA, MISSOURI 65203  
572-447-0000  
www.crocketteng.com

**CERTIFICATION:**

I HEREBY CERTIFY THAT IN JULY OF 2018, I COMPLETED A SURVEY AND SUBDIVISION FOR NATHAN D. CROUCH & HEDI L. CHAPMAN, OWNERS OF A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 49 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI AND BEING ALL OF LOTS 2 AND 3 AS SHOWN BY ROEMER LAKE SUBDIVISION PLAT NO. 3 RECORDED IN PLAT BOOK 12, PAGE 31 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2799, PAGE 14 AND PART OF PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2799, PAGE 39 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 OF SAID ROEMER LAKE SUBDIVISION PLAT NO. 3 AND WITH THE NORTH LINE OF SAID LOTS 2 AND 3 S 84°08'40" E 227.92 FEET TO THE EAST LINE OF LOT OF SAID LOT 3 THENCE LEAVING SAID NORTH LINE AND WITH SAID EAST LINE OF SAID LOT 2 AND LOT 3 EXTENDED, S 11°12'25" W, 300.34 FEET THENCE LEAVING SAID EAST LINE N 84°08'40" E, 375.00 FEET THENCE N 28°27'25" W, 84.8 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE WITH SAID WEST LINE N 84°15'12" E, 293.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.48 ACRES.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEY.

SURVEY AND PLAT BY:  
CROCKETT ENGINEERING CONSULTANTS, LLC  
1300 N. HAYES BLVD., BUILDING 1  
COLUMBIA, MO 65203  
CORPORATE NUMBER: 2000151304

*David T. Butcher*  
DAVID T. BUTCHER, PLS-2002014095  
7/18/18  
DATE

STATE OF MISSOURI ) SS  
COUNTY OF BOONE )  
SUBSCRIBED AND APPROVED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2018.

KENNETH FARBS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2018  
COMMISSION NUMBER 14955637

KENNETH FARBS  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cole County  
Commission #14955637  
My Commission Expires April 22, 2018

**KNOW ALL MEN BY THESE PRESENTS:**

THAT NATHAN D. CROUCH AND HEDI L. CHAPMAN-CROUCH, HUSBAND AND WIFE, ARE THE SOLE OWNERS OF THE HEREIN DESCRIBED TRACT AND THAT THEY HAVE CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE STREET RIGHT-OF-WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE PUBLIC USE, FOREVER. THE HUSBANDS AND WIFE HAVE HEREBY DEDICATED TO THE PUBLIC USE, FOREVER, THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "ROEMER LAKE SUBDIVISION, PLAT NO. 7".

IN WITNESS WHEREOF, WE HAVE CAUSED THESE PRESENTS TO BE SIGNED.

NATHAN D. CROUCH, OWNER      HEDI L. CHAPMAN-CROUCH, OWNER

STATE OF MISSOURI ) SS  
COUNTY OF BOONE )  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2018 BEFORE ME PERSONALLY APPEARED, \_\_\_\_\_ AND \_\_\_\_\_ HUSBAND AND WIFE TO ME KNOWN, WHO BY ME DULY SWORN, DID ACKNOWLEDGE THIS INSTRUMENT TO BE THEIR FREE ACT AND DEED.

KENNETH FARBS  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2018  
COMMISSION NUMBER 14955637

KENNETH FARBS  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cole County  
Commission #14955637  
My Commission Expires April 22, 2018

Nathan & Heidi Crouch  
4850 Roemer Rd.  
Columbia, MO 65202

July 30, 2018

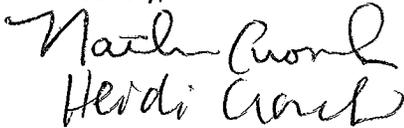
Stan Shawver, Director  
Boone County Resource Management  
801 E. Walnut, Rm. 315  
Columbia, MO 65201-7732

Dear Mr. Shawver,

We truly regret that we are unable to be present for the hearing on July 31<sup>st</sup> regarding the matter of vacating and replatting our property in the Roemer Lake subdivision. We have a prior commitment that requires us to be out of town overnight. In our place please accept David Butcher, and any accompanying staff, of Crockett Engineering to represent our interest.

Please also note that our overriding goal in this request is to right the encroachment issue we've recently realized. That issue being that our home was partially constructed on the neighboring property to our south. Thank you for your consideration.

Sincerely,

Handwritten signatures of Nathan Crouch and Heidi Crouch in black ink. The signature of Nathan Crouch is on top, and the signature of Heidi Crouch is below it.

Nathan & Heidi Crouch