

TERM OF COMMISSION: October Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District II Commissioner Janet Thompson  
County Counselor CJ Dykhouse  
Deputy Director Emergency Mgmt Operations Tom Hurley  
Director Resource Management Stan Shawver  
Planner Uriah Mach  
Deputy County Clerk Michelle Thompson

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

**Resource Management**

- 1. Petition submitted by J. Patrick and Barbara L. Fitzgerald for permission to vacate and re-plat Lots 3 and 4 of Oberlin Valley Plat 2 as recorded in Plat Book 25 Page 25 of Boone County Records and located at 1140 W Obermiller Rd., Columbia.**

Stan Shawver read the following staff report:

Patrick and Barbara Fitzgerald have submitted a petition requesting permission to vacate and re-plat Lots 3 and 4 of Oberlin Valley Plat 2. The Oberlin Valley subdivision is located near the intersection of Obermiller Road and Creasy Springs Road. Oberlin Valley consists of 4 plats that were filed between 1990 and 1998. The zoning is R-S (Single-Family Residential). The petitioners would like permission to vacate their two lots and then re-plat them into 4 lots. There is an existing house on the current lot 3.

In accordance with Boone County Government Subdivision Regulations Section

1.8 the County Commission is required to conduct a public hearing prior to granting permission to vacate and re-plate a subdivision. Before granting permission, the Commission must first find that the action will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper locations, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities, and will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision.

Commissioner Atwill said he understood that Mr. Gebhardt has filed a request to table this for technical reasons.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby table a petition submitted by J. Patrick and Barbara L. Fitzgerald for permission to vacate and re-plate Lots 3 and 4 of Berlin Valley Plat 2 as recorded in Plat Book 25 Page 25 of Boone County Records and located at 1140 W Obermiller Road Columbia, Missouri.

Said request will be tabled until November 27, 2018 when the Commission will hold their next night meeting.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #476-2018**

2. **Request by AEM Diversified Investments LLC to approve a Final Development Plan for ENDOVAC ANIMAL HEALTH on 20.0 acres, more or less, located at 6080 E Bass Ln, Columbia.**

Stan Shawver read the following staff report:

The subject property is located on Bass Road, approximately ½ mile to the east of the city limits of the City of Columbia. The property is approximately 20 acres in size and zoned A-1 (Agriculture). The Commission approved a rezoning request to M-LP and a Review Plan for this property during their September meeting.

The Boone County Zoning Ordinance identifies three standards for approval of a Final Development Plan: all required information is accurately portrayed on the Final Plan, the Final Plan conforms to the approved Review Plan, and the Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

After review of the submitted Final Plan, staff has determined that the Final Plan meets the identified standards.

There were no comments or questions from the Commission.

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the request by AEM Diversified Investments LLC to approve a Final Development Plan for ENDOVAC ANIMAL HEALTH on 20.0 acres, more or less, located at 6080 E Bass Lane Columbia, Missouri.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #477-2018**

3. **Bears Den. S35-T50N-R12W. A-2. Mary B. Bruner, owner. Mark W. Robertson, surveyor.**

Stan Shawver said Bears Den is a two-lot subdivision located at the northwest corner of Mt. Zion Church Road and Varnon School Road. The zoning is A-2 (Agriculture).

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorizes the Presiding Commissioner to sign it:

- Bears Den. S35-T50N-R12W. A-2. Mary B. Bruner, owner. Mark W. Robertson, surveyor

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #478-2018**

### **Emergency Management Operations**

4. **First Reading; Emergency Siren Agreement with City of Columbia**

Tom Hurley explained this was an agreement with the City of Columbia which will help fill a gap of known deficiencies in the southern portion of the City of Columbia immediately south of RockBridge High School. The cooperative agreement you have in front of you was drafted by Mr. Sweet in the County Counselor's Office. It has been approved by the City Council already.

Commissioner Thompson asked where on the picture that is included in the agreement the siren would be placed.

Tom Hurley said it would roughly be placed on the southeast corner of the triangle on the picture. Something important of note, is this will be the first time we use a photo cell. This does not require any electricity to be run to the site and will not disturb the overhead or underground esthetic of the park.

There were no more comments or questions from the Commission.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

**Purchasing**

**5. Second Reading; Bid Award: 13-31AUG18 – Extradition Services (1<sup>st</sup> read 10-25-18)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 13-31AUG18 – Extradition Services for the Boone County Sheriff's Department to U.S. Corrections, LLC of Nashville, Tennessee.

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

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #479-2018**

**Sheriff's Department**

**6. Second Reading; Grant Acceptance: 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) (1<sup>st</sup> read 10-25-18)**

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the acceptance of the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) awarded to the Boone County Sheriff's Department.

It is further ordered the Presiding Commissioner is hereby authorized to sign the attached grant award.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #480-2018**

**Commission**

**7. Public Comment**

Stephen Wyse was present representing Seth Reynolds to speak on a matter.

Stephen Wyse handed out a packet of letters on behalf of Seth Reynolds. They are included at the end of these minutes.

Stephen Wyse explained this was a zoning dispute involving 5146 Creasy Springs Road. Seth Reynolds applied for a building permit and was given a building permit that was determined to not be in compliance with the zoning. However, that is a disputed issue. This zoning serves no public benefit as it is a feeder road. Mr. Reynolds applied for a variance. His use of that building and fence is in conformance with the community.

Stephen Wyse presented a couple of pictures to the Commission. The pictures are included at the end of these minutes.

Stephen Wyse explained these pictures were of Mr. Reynolds' building and fence and a neighbor's fence. The brown corrugated tin is the building in question that has been determined to be in non-compliance. Mr. Reynolds obtained a building permit after paying several hundred dollars to the County. It was then determined that he was in the right-of-way. There is a public engineer here to speak on Mr. Reynolds' behalf on that. Since that time there has been a lawsuit and judgment obtained by the County and now the County is seeking to have Mr. Reynolds incarcerated for contempt. Mr. Reynolds lives on a piece of property where the back end of this building is over a cliff area and so it has pillars. This is not an area that can easily be improved for road development by the County or any other public development purposes by the County. This zoning ordinance if you apply the 33' standard, which believed to be what the County has been asserting, that has him at about three feet over the edge. There is no public benefit to applying this zoning ordinance. You will read from the packet of letters you have there are major negative impacts to our community and our small businesses and restaurants who are at this time, benefitting from Mr. Reynolds' hobby of recycling cooking oil. Mr. Reynolds uses that oil for recycling as well as other purposes that Mr. Reynolds can speak to.

Seth Reynolds explained that he runs a truck off the oil that he collects from the small businesses as well as using it as a heat source for his house. He has been recycling grease for local businesses for the last ten years. It is a way to help out the environment while at the same time helping the smaller businesses out that may have a harder time getting rid of their grease. He has owned a business downtown for nearly twenty years and understands the difficulties the smaller businesses face when it comes to disposing of their grease.

Stephen Wyse stated that he has been informed the City of Columbia is in the process of enacting a new ordinance dealing with cooking grease from businesses which will impose a

far greater hardship on them, especially if they are denied the benefit of a service that right now Mr. Reynolds volunteers to them. If they are denied that, they will be substantially economically impacted in a negative way. The enforcement of this zoning ordinance is nothing more than a declaration of an arbitrary government policy that serves no governmental benefit. It does not benefit the people of Boone County. The denial of this variance and the interference from the County Counselor's Office and other people involved in this variance request was inappropriate. This variance should have been granted as there would not be any negative development from it.

Alan Barnett was also present to speak on this matter. Alan Barnett is a licensed engineer.

Alan Barnett explained that prior to completing his public engineering degree he used to work for the City of Columbia Public Works. He has been out with crews and worked with surveyors, so he has some familiarity with surveying and variances. He looked at the aerial view available from the Assessor's Office and it seems that the original property as platted extended to the center of the road at about 210 feet. As it is currently shown on the Assessor's tax map, it is around 180 feet and that is because of the 33 feet that has been deducted for easement. So, the lines on the Assessor's tax map define right-of-way lines, not property lines. The right-of-way lines as shown on the Assessor's map are clearly south of the trees, building, and fence on his property.

To elaborate on what Mr. Wyse was saying, by looking at the typographic lines from the beginning of his property near the roadway to the creek property over a distance of about 50 feet, the land falls 108 feet. Looking at the Assessor's site, it doesn't show what their exhibit shows. Even more interesting is when you look at the exhibit that was used, it states the photographs were taken in 2015 when the building would have been there, but there is no building. It is unclear how they arrived at some of what they came to. There are survey points on the east end that are clearly flagged but there is nothing near the building. You can't use the center line of the road because it doesn't define anything. The roadway is not

defining the position of the right-of-way, the right-of-way is positioning allowing area for the road itself.

CJ Dykhouse asked Alan Barnett if he was a licensed surveyor.

Alan Barnett said no, he is not.

CJ Dykhouse wanted clarification that he was not representing himself as a licensed surveyor at the meeting tonight.

Alan Barnett said no, he is not. He is representing himself as an engineer who worked with surveyor crews in the past.

Commissioner Atwill asked if this was a case that was litigated in the Circuit Court of Boone County.

Stephen Wyse said yes, it was.

Commissioner Atwill asked if it was appealed.

Stephen Wyse said yes, it was.

Commissioner Atwill asked what the result was.

Stephen Wyse said the result was a judgment for the County. Although the appeal raises genuine questions of law. In fact, the appeal was filed by Tom Schneider was with the original litigation before the Circuit Court. I have just been asked to come and help address the County Commission on this matter.

Commissioner Thompson asked if it was appealed to the Western Court of District Appeals.

Stephen Wyse said it was.

Commissioner Thompson asked if they had filed an application for transfer.

Stephen Wyse said yes, the application was filed and denied.

Stephen Wyse explained the County has the power. The power is unquestionable. The exercise of the power the County has is supposed to benefit the public. Without question, the County Commission can put Mr. Reynolds in jail for not conforming to the judgment from the Court. The question is, are you benefitting the people of Boone County. Clearly, you are not. You are simply making government power arbitrary and capricious and we would ask you to reconsider since we have been able to bring this to your personal attention today.

Val R. DeBrunce was also present to speak on this matter.

Val DeBrunce stated that he became involved in volunteer activities and served as what is called a recycling investor. He works closely with small businesses and is on a first name basis with many of the owners, including Mr. Reynolds. He is not affiliated with the CID anymore or the City of Columbia. He simply volunteers his time to help businesses downtown. There is value in what Mr. Reynolds does downtown, more so now than there was about year ago when they first met. He has verbal contracts with the owners of these businesses. The City of Columbia just recently offered a new ordinance having to do with eliminating the grease bins downtown. What many don't realize about those bins, is that it does not matter whose name is on it, it is not solely that company's bin. You have a lot of small businesses that don't warrant having a two or three hundred-gallon bin that feed their waste cooking oil into these large bins. If the City is successful in getting rid of those bins that essentially sit on public right-of-way, which I believe they will be, there will be bigger

problems for the large users. The problem for the bigger users will be relatively easy to fix. However, there are a lot of generators out there that are fairly small. They put out five or so gallons a week. Where is that grease going to go? It can't go in the grease trap. Please consider the fact that this is a hobby for him and it has been beneficial to businesses. He offers something the downtown area needs. His hobby is likely to grow after the ordinance the City plans to put into effect.

Commissioner Atwill asked how this building is related to oil.

Val DeBrunce said it is my understanding that he processes the oil in this building.

Seth Reynolds explained that without the building he would have an extremely hard time doing that if he were still able to at all. A lot of the smaller users of oil downtown are going to have a hard time being able to have someone that can take care of that for them since I have been taking care of that for them for so many years.

Commissioner Atwill asked if he had storage of the oil on the property.

Seth Reynolds said that he had a truck out there as well as some portable tanks.

Commissioner Atwill asked how many of the tanks he had.

Seth Reynolds said ten.

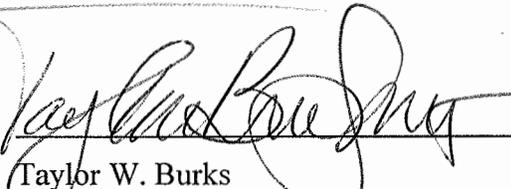
There were no more comments or questions from the Commission or the public.

## **8. Commission Reports**

None

The meeting adjourned at 7:32 p.m.

Attest:



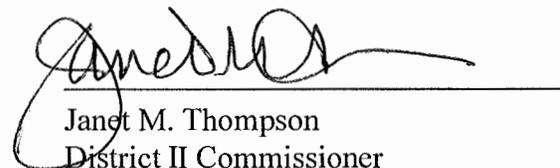
Taylor W. Burks  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Fred J. Parry  
District I Commissioner



Janet M. Thompson  
District II Commissioner

**August 1, 2018**

**To Whom It May Concern**

**My name is Val R DeBrunce. I have had various volunteer responsibilities with the City of Columbia with a focus on the Downtown CID. I currently serve on Columbia's Citizens Police Review Board and Parking Advisory Commission.**

**My volunteer responsibilities have included recycling, trash, waste cooking oil disposal and supporting a new food waste collection program that may kick off in the Downtown CID later this fall. With regard to the food waste program I report to Steve Hunt, Columbia's Solid Waste Utility Manager.**

**My prior project, which is actually ongoing, has to do with disposal of waste cooking oil. While surveying businesses downtown in an attempt to determine how they dispose of waste cooking oil, I connected with Seth Reynolds, the owner of Eye Candy at 814 East Walnut Street. Our relationship has developed to the point where I believe he is a valuable asset when it comes to helping businesses dispose of spent cooking oil responsibly.**

**One thing Columbia will have to come to grips with as it addresses cooking oil disposal is what happens to the truly small generators of same. As the number of tanks into which many of them dispose of oil decreases downtown, they will need a cost effective alternative and Seth is that alternative. He collects from several downtown restaurants and it's my understanding that he then converts that into bio-diesel fuel.**

**Seth provides a service that to my knowledge is not available from any other entrepreneur locally. I believe that over time this hobby has the potential to develop into a business which benefits Columbia,**



**Val R DeBrunce  
6302 Upper Bridle Bend Drive  
Columbia, MO 65201  
573-441-1976**



Marbric, LLC  
dba Coley's American Bistro  
15 South Sixth Street  
Columbia, Missouri 65201

Re: Waste Cooking Oil Disposal

For the last few months, Seth Reynolds has been providing a service to dispose/recycle of our waste cooking oil. It serves as a convenient way for my business to purge the cooking oil that we have always put into roll-away containers located at the nearest trash compactor site. I believe the roll-away container is serviced by Kostelac or another large company.

There is no debate that these containers have their negative impacts on our downtown community and runoff water. I am a firm believer that providing an alternative to these containers will improve the situation. However, the added expense for the removal of the waste cooking oil from our back door is not taken lightly.

Seth's service is very simple when it comes to my restaurant. We keep our waste cooking oil in the containers in which they were purchased and set them at our back door. Seth removes them on a regular basis. We are one less building disposing of a very large quantity of waste cooking oil that is being spilled on sidewalks and concrete pads in The District. I believe there is a movement to remove the large containers located at dumpster sites around town. If this is the case, alternatives for waste cooking oil disposal must be available to replace them. As far as I know, the only company that will provide such a service is Kostelac. Kostelac is based in Illinois. I would rather keep my money local and support a local small business like myself.

Brian Coley

July 31, 2018

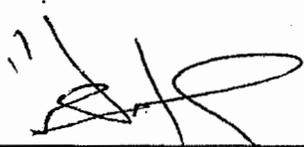
TO WHOM IT MAY CONCERN

Dear Sir/Madam.

I am the owner of International Cafe and I am writing to you for the following reason: Seth has been picking up the restaurant's waste oil for several years. If he is unable to do it, I consider that it would be a disservice to me since there are very few sites in downtown to dispose waste oil. In fact, he does a service for downtown that waste oil companies don't provide. To lose this service would be a burden for me and my business.

I wait for your reply regarding this matter.

Best,

A handwritten signature in black ink, appearing to be 'Mohamed S. Guinat', written over a horizontal line.

Mohamed S. Guinat.



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**Formosa letter**1 message

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Thu, Oct 25, 2018 at 2:41 PM

----- Forwarded Message -----

**Sent:** Thursday, October 25, 2018, 2:33:26 PM CDT**Subject:**

Hi my name is Kevin Jiang and I am the manager of Formosa Chinese Restaurant. We need Seth help us with getting rid of our old grease/oil. We need his service for us to remove the old oil and make it to where we aren't dirtying up the area around us. With us being downtown we are around a lot of people and other businesses so without the help from Seth we won't have a place to put all of our old grease. Seth helps us with keeping the environment clean by removing the old grease. Please take this in inconsideration. Kevin

William M. Bennett

Manager of D&D Pub & Grub

August 1, 2018

To Whom It May Concern,

Seth is a great asset to our business. He disposes of our waste oil free of no charge. For a small business like us it would be a financial burden to seek out another party to dispose of the oil if Seth were unable to do so. We ask you to take this into consideration.

A handwritten signature in black ink that reads "William M. Bennett". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

William M. Bennett



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**Fw: Seth Reynold**

1 message

Thu, Aug 2, 2018 at 12:46 PM

**Letter from Olive Cafe**

----- Forwarded Message -----

Sent: Thursday, August 2, 2018, 10:31:57 AM CDT  
Subject: Seth Reynold

To whom it may concern:

This is Mohammad Saleh, I am the owner of a local restaurant called the Olive Branch Cafe in Columbia Missouri. Seth Reynolds, has been helping us improve our family business for years by picking up our waste oil, Seth picks the waste oil on a regular basis and is reliable. If Seth was unable to do it, that will cause a burden on my business as I do not have a good place to dispose of used cooking oil.

For any more information, feel free to contact me.

Thank you so much

Mohammad Saleh  
Olive branch cafe

Sent from Yahoo Mail on Android



**Fw: Discussion about Destruction of shed across from 5145 N Creasy Springs.**

1 message

Wed, Aug 1, 2018 at 11:32 PM

Stephen Wyse <stephen.wyse@...>

Neighbor across the street from garage

----- Forwarded Message -----

m>

Sent: Wednesday, August 1, 2018, 10:25:52 PM CDT

Subject: Discussion about Destruction of shed across from 5145 N Creasy Springs.

To who it may concern,

As a resident of 5145 North Creasy Springs, it has come to my attention that our neighbor's shed has come under scrutiny after being there for over 4 years. While I understand there are rules to be followed I feel like destruction of this shed may cause a decline in my property value as well. At this time I feel the fence and shed are not an annoyance in any way and do not pose any safety concerns. In fact they may actually be a protective barrier to the hillside behind them for children and animals. In addition, I feel Seth has worked hard to beautify his property by building a shed that compliments his property along with a large privacy fence. Requiring Seth to destroy this piece of his property that is vital to his mission of recycling oils that are needed for his vehicle in which he has invested considerable amounts of money is also a concern. Without his shed and privacy fence this would not allow him to continue this practice that is quite unique and important to him plus it could become an eye sore if this is destroyed. Please consider all the work he has done to this property and choose not to destroy his shed or his fence as well as causing harm to my property values if this property were to be abandoned or left in ruins.

Sincerely concerned,  
Sean and Misti Hollrah

Sent from my iPhone

## This letter refutes all claims of trespass on Boone County Right of Way

To all concerned:

The first of the three images is a view of Seth Reynolds property with the assessors lot lines on it.

The second image is a cut away of the Woods Cliff Subdivision Plat showing Seth Reynolds main lot, related easements, and notes.

The third image is Seth Reynolds property shown with aerial photos and the related assessors lot lines.

First look at **Image (1)** far right edge of the yellow box. The dimension of the approximate North – South Lot line is 181.47'.

The same lot line is shown in **Image (2)** Woods Cliff Subdivision Plat with the dimension of 213.71'. This lot line's South end terminates at the centerline of Creasy Springs Road. Per the Woods Cliff Subdivision Plat, a Right of Way Easement of 33' is granted extending North and parallel from the centerline of Creasy Springs Road.

If you subtract the Plat lot line dimensions from the Tax Map lot line dimensions ( $213.71' - 181.47' = 32.24'$ ). With slight rounding error the result is the exact amount of the Easement granted in the Woods Cliff Subdivision Plat. This is the land that Boone County holds in a Right of Way Easement.

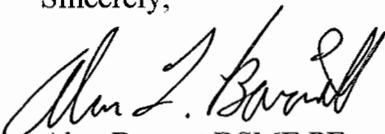
The Southern lot line of Seth Reynolds land as shown on the Tax Map is 33' from and parallel to the Centerline of Creasy Springs Road and shows the Northern limit of the Boone County Right of Way per the Woods Cliff Subdivision Plat.

Looking at **Image (3)** Seth Reynolds property is shown with aerial photos and the Southern lot line is clearly seen. This line is South of all buildings and fences and shows that none of the buildings or fences is in the Boone County Right of Way. This refutes all claims of trespass on Boone County Right of Way by Seth Reynolds.

All this information is public record and available on :

[https://maps.showmeboone.com/viewers/AS\\_ParcelMapping\\_v1/Default.asp](https://maps.showmeboone.com/viewers/AS_ParcelMapping_v1/Default.asp)

Sincerely,



Alan Barnett BSME PE

# Image (1)

Parcel Information Viewer

Secure https://maps.showmeboone.com/Viewer/AS/ParcelMapping/Default.asp

Zoom to Neighborhood... Zoom to Location...

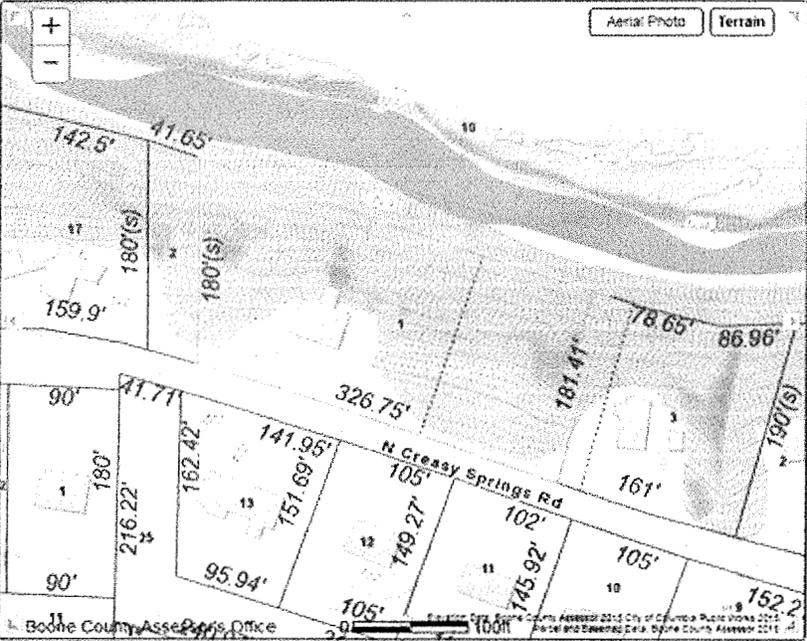
Search: seth reynolds

Enter Parcel Number, Owner's Name, or Property Address

1160323050010001	
Owner	REYNOLDS SETH D
Address	5146 N CREEZY SPRINGS RD
City, State, Zip	COLUMBIA, MO 65202-9166
School	COLUMBIA (C1)
Legal Description	WOODS CUFF SD LOT 1 (EXC W 41') AND LOT 2 EXC E 2'
Lot Size	326.75 x 181.41
Irregular Shape	Y
Parcel	11-603-23-05-001 00 01

Full Real Estate Summary

Click this icon above to view full real estate summary.



Boone County Assessor's Office

Click here for navigation tips

Image (2)

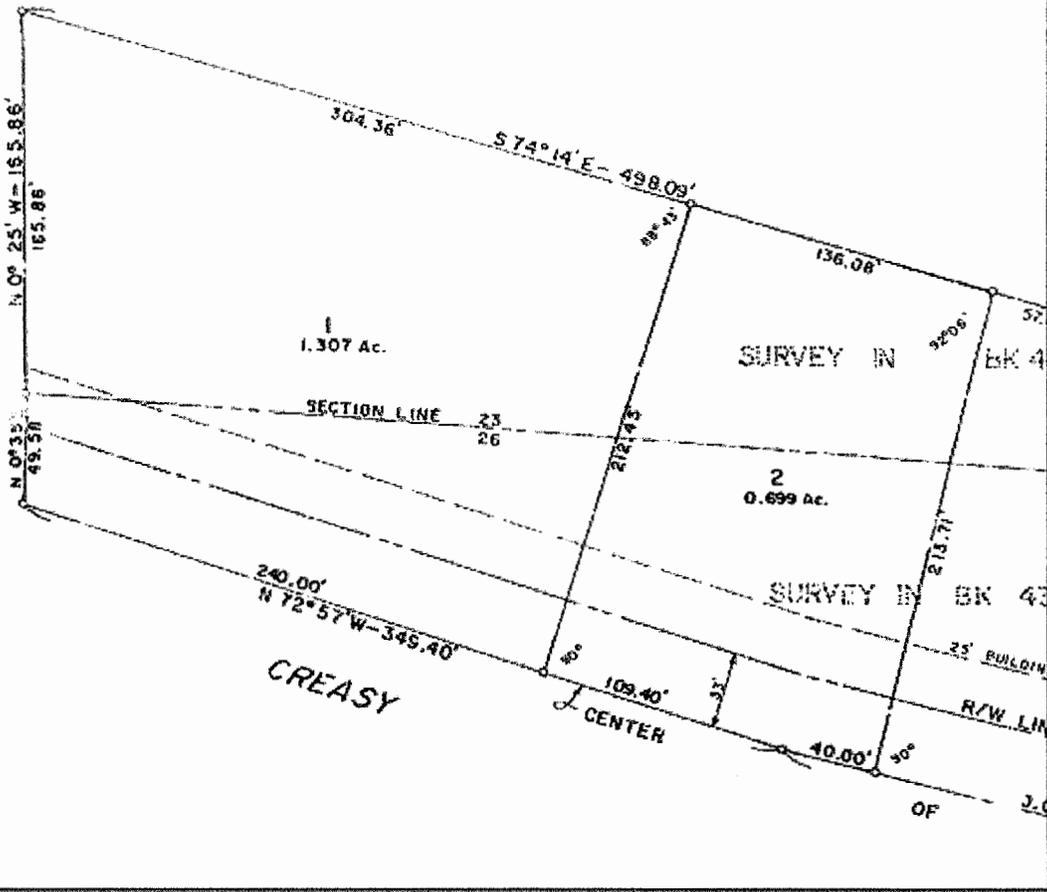


Image (3)

Parcel Information Viewer X 10/10/15

Secure https://maps.showmeboone.com/owners/AS\_Parcels/Map.asp\_01/Default.asp

Bookmarks Other bookmarks

### Parcel Information Viewer

Search:

Enter Parcel Number, Owner's Name, or Property Address

Zoom to Neighborhood... Zoom to Location...

1160323050010001

Owner	REYNOLDS SETH D
Address	5146 N CREAMY SPRINGS RD
City, State, Zip	COLUMBIA, MO 65202-9166
School	COLUMBIA (C1)
Legal Description	WOODS CLIFF 8D LOT 1 (EXC W 41') AND LOT 2 EXC E 21'
Lot Size	326.75 x 181.41
Irregular Shape	Y
Parcel	11-603-23-05-001 00 01

Click plus icon above to view full real estate summary







