

TERM OF COMMISSION: June Session of the May Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counsel John Patton
Acting-Deputy County Clerk Maria Begemann

The regular meeting of the County Commission was called to order by Commissioner Stamper at 7:00p.m.

Commissioner Stamper stated that the primary purpose of this meeting was to discuss planning and zoning issues. He stated that the format was as follows: staff report, comments from applicant or agent of applicant, public hearing, rebuttal by applicant or agent of applicant, discussion of the commission. He also asked that all those making comment, state their name and address for the public record and state if they were present in support or opposition to the issue.

Subject: Request by Ronald and Sharon Basinger for a permit for an Outdoor Recreational Facility on 15 acres, more or less, located at 6157 E Forsee Rd, Ashland

Stan Shawver gave the staff report as follows:

This property is located south of the city of Ashland at the intersection of Forsee Road and Highway 63. The property is zoned A-2 (Agriculture). Land to the south is zoned A-R (Agriculture Residential), land to the east is zoned A-2. The area to the north and west are within the Ashland City limits. The applicant is requesting a conditional use permit for a privately operated outdoor recreational facility. This will include golf driving range and batting cages. The applicant will also sell recreational supplies related to the business as well as snacks. The original zoning for this tract is A-2. In 1991, 3.67 acres of the original parcel were rezoned to A-R and a conditional use permit was issued for a day-care center, which is still in operation. The Master Plan designates this area as being suitable for residential land uses. Staff notified 18 property owners about this request. The proposed use, as a recreational facility is consistent with the need to provide recreational opportunities to neighborhoods. Staff recommends approval.

Stan Shawver stated that the Planning and Zoning Commission conducted a hearing on this request on May 20. He stated that there were seven members of the Planning and Zoning Commission present during this hearing. He stated that a motion was made to recommend approval of the request with the stipulation that the hours of operation extend from no longer than 6am-10pm and that all lighting be directed away from the highway pointing inward and downward. He stated that the motion for approval received seven yes votes.

Commissioner Stamper called for the applicant or agent of applicant.

Ron Basinger, 6157 Forsee Ashland, MO stated that he felt as though the facility was far enough from the property lines that it would not affect the neighboring property as far as flight of the ball on the driving range.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper called for comments three times.

There was no one that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller stated that the sewer [for this property] would tap into existing sewer. She asked if this was per County regulations.

Stan Shawver stated that if this was up to the Health Department. He stated that the lagoon that serves the day-care center is oversized. He stated that their [request site] use would be similar to Tiger Tee and would require very little usage.

Commissioner Miller stated that a lot of times they (?) did not like two things connecting to one sewer. She stated that she wanted to bring this forward before it was approved.

Ron Basinger stated that he had spoken with Keith Ford, Department of Natural Resources and he had stated that this would be no problem.

Commissioner Miller moved to approve the request by Ronald and Sharon Basinger for a permit for an Outdoor Recreational Facility on 15 acres, more or less, located at 6157 E Forsee Rd, Ashland with the following conditions:

- (1) Hours of operation no longer than 6am-10pm
- (2) Lighting to be directed from the highway inward and downward

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt stated that she remembered when Ron Baysinger asked for day-care center permit. She stated that he was providing a very valuable service to his community and seemed to be doing very well with this. She stated that she hoped that he would be able to do the same thing with this opportunity.

The motion passed 3-0. **Order 208-99**

Subject: Request by Effie M. Old and Willie M. Old to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 60 acres, more or less, located at 6551 E Zumwalt Road, Hartsburg

Stan Shawver gave the staff report as follows:

This property is located 3 ½ miles south of Ashland. The property is zoned A-1 (Agriculture). Land to the north is zoned A-2. To the southeast and west land is zoned A-1. There is a mobile home on the site. If the rezoning request is granted, the applicant will family transfer at least 2.5 acres to his grandson to build a house and the mobile home will be removed. The original zoning for this tract is A-1. There have been no previous requests submitted for this property. The Master Plan designates this area as being suitable for agricultural and rural residential land uses. Staff notified 9 property owners about this request. The proposed use is consistent with the master plan and the subject tract is adjacent to similarly zoned land. Staff recommends approval of this request.

Stan Shawver stated that the Planning and Zoning Commission made a recommendation to approve the request. He stated that the motion received seven yes votes. He stated that this request is coming forward with a recommendation for approval.

Commissioner Stamper called for the applicant or agent of the applicant.

Willie M. Old, 6350 Zumwalt Rd Hartsburg and Craig Smith, 6551 Zumwalt Rd Hartsburg were present on behalf of the request.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper called for comments three times.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve the request by Effie M. Old and Willie M. Old to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 60 acres, more or less, located at 6551 E Zumwalt Road, Hartsburg.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 209-99**

Subject: Request by Betty Fountain and Jay and Mary Dix to approve a Final Development Plan for a portion of Copper Creek Planned Residential Development, located at 7901 E St Charles, Columbia

Stan Shawver stated that this was the Final Development Plan for Copper Creek. He stated that the Commission had viewed the Review Plan for the Planned Residential Development and held a public hearing on the request and the review plan.

Stan Shawver stated that this did not specifically require approval of the Commission, however since there was a rezoning involved, he would like the record to reflect that the Commission did acknowledge receipt of the approved Final Development Plan.

Commissioner Vogt asked Stan Shawver if he wanted the Commission to recognize this Planned Residential Development.

Stan Shawver stated that he wanted the Commission to accept the Final Development Plan and authorize the rezoning from A-2 or A-R, to take place on this part of the Final Development Plan.

Commissioner Vogt moved to accept part of a Final Development Plan for Copper Creek Planned Residential Development and authorize the rezoning from A-2 to A-R.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 210-99**

Subject: Country Farms, Lot 15, replat. R-S. S33-T48N-R13W. Kay Wax, owner. J. Daniel Brush, surveyor.

Stan Shawver stated that this was a replat of Lot 15 of Country Farms Subdivision. He stated that Kay Wax is the owner of the property which has R-S zoning. He stated a public hearing was held and permission granted to vacate and subsequently replat this property. He stated that this was ready to be received and accepted with an authorization for the Presiding Commissioner to sign.

Commissioner Miller moved to receive and accept the replat of Country Farms, Lot 15 and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 211-99**

Subject: Country Farms, Lot 19, replat. R-S. S33-T48N-R13W. Michael Gold, Julia Wilford-Gold, Robert Meyers and Amy Meyers, owners. J. Daniel Brush, surveyor.

Stan Shawver stated that this was similar to the above request, however this was in regards to Lot 19 of Country Farms owned by the Golds and the Meyers. He stated that the County Commission held a public hearing to consider the vacation of the lot. He stated that the owners received permission to vacate this and replat it into two lots.

Commissioner Stamper asked if these were written into covenants.

Stan Shawver stated that they had written these into covenants. He stated that permission was received to put them into as many as three parcels (three acres apiece).

Commissioner Miller moved to receive and accept the replat of Lot 19 of Country Farms and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 212-99**

Subject: M and N. A-2. S18-T50N-R12W. Nancy and Marion Hayes, owners. Donald E. Bormann, surveyor.

Stan Shawver stated that this request site is located off of Sportsman Dr. He stated that the property was zoned A-2 (Agriculture). He stated that the Planning and Zoning Commission had approved this. He stated that this was a tract that had been done as an administrative survey in ten-acre parcels. He stated that the tract was now being split into two five-acre parcels. He stated that there were some other ten-acre parcels out there that could run into problems as far as water availability is concerned. He stated that there had been some issues involving this plat as well.

Commissioner Vogt moved to receive and accept a minor plat for M and N Subdivision and authorize the Presiding Commissioner to sign the document.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 213-99**

Subject: Blakemore. A-2. S11-T51N-R14W. Truman and Shirley Blakemore, owners. Donald E. Bormann, surveyor.

Stan Shawver stated that this is a minor subdivision located just outside the city limits of Harrisburg. He stated that the Planning and Zoning Commission had approved this request.

Commissioner Stamper asked if this property backed up to the McBride Subdivision.

Stan Shawver stated that it did.

Commissioner Vogt moved to receive and accept a minor plat for Blakemore Subdivision and authorize the Presiding Commissioner to sign the document.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 214-99**

Subject: Curtis Acres. A-2. S38-T47-R13W. Gregory and Theresa Curtis, owners. Curtis E. Basinger, surveyor.

Stan Shawver stated that this was a minor subdivision located on Andy Sapp Rd with a zoning of A-2. He stated that the Planning and Zoning Commission had approved this request.

Commissioner Miller moved to receive and accept Curtis Acres and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 215-99**

Stan Shawver reported to the County Commission that (on tomorrow night) he would be speaking to the Camden County Planning and Zoning Commission. He stated that he had spoken to this group about a year ago when the group was challenged about their (ask Stan what he said).

Subject: Larry Grossman-Boone County Citizens for Good Government regarding the Boone County Fairgrounds

Commissioner Stamper invited Mr. Grossman and those with him to come forward, state their names and addresses for the public record, and offer any insight or information that they might have.

Larry Grossman, 3205 West Creek Circle stated that he represented the Boone County Citizens for Good Government.

Fred Parry, 120 Meadow Lane stated that he was a board member with the Boone County Citizens for Good Government.

Larry Grossman stated that the board of directors of the Boone County Citizens for Good Government had asked them to be present in order to give some comments to the Boone County Commission as follow:

(1) The BCCGG is in favor of using profits from the lease on Boone Hospital Center for health-related activities only. The claim that the purchase of the Boone County Fairgrounds was a health-related item, was questionable at best.

(2) Don Stamper had concluded a few days ago that the Boone County Fairgrounds could not operate as a viable entity in its current format. Since the release of this information there has not been significant public time for input or time for officeholders to review the plans along with the possible impact on future impact on County revenue. We believe that putting off the decision for sixty days is reasonable and would allow time for public input.

(3) We request that the Boone County Commission prompt or write an appraisal on the property in question. It is my understanding that the Commission has not conducted their own appraisal as of yet. In that appraisal, it would be helpful to indicate the effect that the proposed granted concessions to Boone Electric Coop and the Fair Board will have on fair market value. This project has been sold as a great financial deal for the County leading to the assumption that the price for the proposed project is well under market value. We think the County residents would feel more comfortable to see that verified and represented by an appraisal.

(4) We applaud Commissioner Stamper for his honesty in saying that this project will not be financially viable as originally proposed. As a part of the solution, he proposes shutting down all operations of the fairgrounds other than the ten days during the year. One of our group's significant concerns is actually addressed by this approach. We do not think that the County of Boone should be in the fair and exposition business and thereby competing with other local tax-paying businesses. However we would not heard from the other members of the Commission on this subject. We believe that public discussion at this time will serve as a reminder in the future of your resolve not to go into said competition.

(5) Due to the importance and interest for this issue for both current and future residents of Boone County, we request that all meetings and discussion involved in this matter be held as open meetings under the Missouri Sunshine Law.

Larry Grossman stated that he and Fred Parry were available for questions.

Fred Parry: "We are asking for a delay, sixty days, to take another look at the issue--to appoint a public task force that can go in and analyze--and maybe discover some options and alternatives (maybe some solutions) that have not yet been discussed. And I think that's something that is a reasonable request. We don't want to disguise the purchase of the fairgrounds as an effort to address healthcare needs in Boone County. It's a bit of a stretch we think. And I think if you're able to give some time, we are happy to participate in the process, and chances are we can come up with a plan that would be suitable to the citizens and taxpayers of Boone County and could possibly make the fairgrounds a viable, property that is not going to tap into County revenues for many years to come.

Commissioner Miller stated all of the County Commission's meetings on the fair are open and posted. She stated that the County Commission had never had a closed session on the fair nor do we intend to.

Fred Parry: "Even though it's a real estate acquisition?"

Commissioner Miller stated that the County Commission had done everything out in the open and it would not have an effect on the price because everyone knows what the price is, so there was no reason to close them.

Commissioner Vogt stated that the Task Force meeting were all open meetings with discussions about price, so there was really no need to do that (hold closed sessions?)

Commissioner Vogt (addressing Mr. Grossman) stated that he had made a comment about the government competing with private enterprise and that he had not heard from the other two Commissioners.

Larry Grossman stated that this was correct. He stated that the group had only heard rumors.

Commissioner Vogt stated that not only on this issue, but any other issue, she stated that she very strongly believed that government should not compete with private enterprise.

Larry Grossman thanked Commissioner Vogt. He stated that the group believed that this was true, however they were looking for a public affirmation by Commissioner Vogt and Commissioner Miller. He stated that to have that statement on the public record was very important to the group.

Commissioner Vogt stated that if Mr. Grossman had read the public record, he would have heard that statement from her many times. She stated that this was not the first time that this statement was going on public record.

Commissioner Miller stated that (when some members of the Fair Board had come before the Commission) she had also stated that the operation should be put out for bid (if the County were going to purchase it) and allow someone else to run it as a viable interest. She stated she was very open to that.

Fred Parry asked Commissioner Stamper if he still felt that there was some sense of urgency regarding this matter as something that the Commission needs to act on in a relatively short period of time.

Commissioner Stamper stated that there was a work session scheduled (tomorrow) at 10am with the Auditor trying to arrange a variety of discussions. He stated that this would be discussed again on the public record on Tuesday at 9:30am.

Commissioner Vogt stated that Fred Parry was using the term “sense of urgency.” She stated that we (County Commission) had been looking at this for over a year. She stated that she did not think that this displayed the Commission having any sense of urgency about taking action here.

Fred Parry stated that in a meeting with Commissioner Stamper last Wednesday, Commissioner Stamper had commented that it was his feeling that the bank would foreclose in ten days.

Commissioner Stamper stated that he also commented that interest was accruing at rate of \$500 a day.

Fred Parry stated that this was the sense of urgency that he was referring to.

Commissioner Vogt stated that she was not all that concerned at that (interest accruing) particularly. She stated that what she was concerned about was that they had been dealing with this for a long time and that they were scheduled to be able to dispose of this issue.

Commissioner Vogt stated that if there was a viable reason for the request for sixty days, then the Commission would consider that. She stated that the impression that she was getting from Fred Parry was that the Commission was appearing eager when in fact the Commission had a task force work on this issue and bring back information. She stated that it seemed to her that they had taken a long time in trying to make a decision about this.

Larry Grossman stated that it did seem that there had been a real change in the forecast for whether this was going to work or not in the last few days or week or so, which should shed a little more light on it. He stated that it would seem that you (County Commission) would be open to extending it for additional conversation.

Commissioner Vogt stated that when she thinks about purchasing this property, the purchase is not to purchase the business. She stated that the purchase is of the property to set it aside for future use for the public of Boone County. She stated that this was where she had focused her attention-on whether or not this is a good deal for the people of Boone County. She stated that no matter what this Commission decided to do with (someone else might decide something different later on), her question was: “Is this a good buy for the people or not?”

Fred Parry stated that when he referred to the sense of urgency, it was only the last week that Commissioner Stamper ‘s report or proposal was made a public document. She stated that the public had not had adequate time to review his proposal, which may have been the result of two years work by the task force. He stated that his concern was that the general public and the taxpayers of Boone County had not been given an opportunity to respond to that (Commissioner Stamper’s) specific proposal. He asked if Commissioner Stamper’s report was part of the public record at this point.

Commissioner Stamper stated that it was, as has been every discussion that occurred in this body or every task force meeting or every place that they had talked about it.

Fred Parry stated that this document had last week’s date on it. He stated that he did not know that the public had been made aware that this document exists. He stated that it seemed like more than a week was needed to review, and the public would appreciate more than a week to review your (Commissioner Stamper’s) proposal.

Commissioner Vogt asked how many people Fred Parry and Larry Grossman were representing.

Fred Parry stated that they had an organization of about 300 members. He stated that this did not necessarily represent just the members of the group, but he hoped that they were present representing the interests of Boone County residents period. He stated that he thought that they would appreciate the opportunity to spend another sixty days looking at what some viable options are.

Commissioner Stamper stated that this was kind of intriguing to him. He stated that when the Commission debated that purchase of the MKT Trail, they heard from people all over Boone County what a horrible investment that was, and how “we were Boone County fools for spending taxpayers money to acquire trail land that nobody would use.” He stated that now it was kind of a reverse dichotomy because now they were hearing from the rural residents of Boone County what a substantial, significant investment this can be. He stated that they received a mixed review from urban residents. He stated that when you set at this table for nine years, it is a particularly interesting dichotomy of how people view a given asset or acquisition related to their community.

Commissioner Stamper stated that he thought the thing to do was to take the comments, as they had been submitted. He stated that the Commission appreciated their insights and that the Commission would be working on this issue this week. He stated that the Commission would get back to the group. He stated that there were some questions that would spin from this discussion and from the document that was presented to the County Commission earlier today (that would be made a part of the public record). He stated that the Commission would go forward from there.

Commissioner Vogt wanted to comment on the group’s comment about it being a stretch to say that this purchase was a health-related project. She stated that the Treasurer had worked out a funding method were the 1.7 million would be paid back into the County. She stated that the 1.7 million would be used; not unlike how it had been used for other things the Boone Retirement Center property. She stated that this money would come back, in time, to the account. She stated that the Treasurer had set a plan that the County could manage to make these payments on the money that the County has available to invest.

Fred Parry asked if the fund would be paid back with the profits and proceeds of the fairground.

Commissioner Vogt stated that this was not correct. She stated that the money itself, the 1.7 million, would be making the money to pay back the money. She stated that the money would not be used except to be set aside to create revenue.

Commissioner Stamper stated that the point was, that the Commission believed that the acquisition could be made without having to go to General Revenue and the use of these dollars is consistent with use for other projects (he cited examples). He stated that he recognized that there may be a temptation to require that the County re-invest those in the direct delivery of services at Boone Hospital Center, this would really be serving to make BJC, Inc. richer by relieving them of their responsibility for re-investment in the hospital. He stated that therefore the Commission had tried to put these fund to the best use that they could identify for them.

Commissioner Stamper stated that the comments and the letter by the group had merit. He stated that they would look at every aspect of this and look forward.

Commissioner Vogt asked if the Commission needed a liaison to work with this group.

Commissioner Stamper stated that this could be a possibility, but after the work session it would be a little more clear.

Commissioner Miller stated that for the last two weeks she had written her article for the Boone County Journal about the fairgrounds. She stated one of the things that she liked about Commissioner Stamper’s report was that he recognized that it was not viable as it stands, and that he wanted to back off—she stated that he had been working with the University. She stated that they were willing to look at doing a masterplan for the whole property as a class project next semester. She stated that he had already been working on trying to find ways of getting a total look at that project instead of doing things piecemeal or do something that really hurts the overall plan for the property.

Commissioner Miller stated that she thought they were working in the right directions, however maybe they were not relaying a lot of that information or it had not been made public enough. She stated that maybe when everyone had an opportunity to look at all the things that had been going on, with each one taking a different aspect and trying to put it together, it might be clearer.

Commissioner Stamper thanked the representatives of BCCGG for their comments and asked if there was anyone else that wished to comment on that subject.

Betty Ruth Palmer, 904 Park Deville Place stated that when she originally heard about this issue a year ago, she would have fought the Commission "tooth and toenail." She stated that she came to the realization that this was one of the better things that the County could do. She stated that if there was any taxpayer who was objecting to this, she would do her level best to convince them that they were in the wrong. She stated that the way that she saw this, the purchase would be one of the biggest investments that the County could make [with]in the County because the County would be preserving that tract of land.

Betty Ruth Palmer stated that if the County bought the land, and then went broke, the County would still be able to sell the land and recoup some of its money because the value of that land was not going to go down. She stated that land does not reproduce itself. She stated that you can drive down any street in Columbia or any road in the County and find the land being used for something other than what it was originally intended for. She stated that if the County is able to obtain this land, the land could still hold trees. She stated that even if ball fields were built, the land could still hold trees. She stated that there were a lot of good, old trees on this land. She asked the County to please buy the land.

Rick Shanker of Columbia stated that he was in support of the purchase. He stated that recreational use has a good economic benefit to Columbia. He stated that the [Katy] trail was one great aspect. He stated that Rocheport, Hartsburg, and Columbia all profited from the trail. He stated that he was in support of looking at the purchase a little closer. He stated that he also did not think that government should always make money off of a purchase.

Waldo Palmer, 414 Alexander stated that he had been involved in the Boone County Agricultural and Mechanical Society since its inception in 1947. He stated that he was interested in the youth of Boone County, not the money. He stated that maybe things had been overstepped when certain things had been built (at the Fairgrounds). He stated that they could make the fairgrounds work and make it pay [make a profit]. He stated that it would have to be done with volunteer labor. He stated that this money was an investment for Boone County for the youth that was to come. He stated that there would not be an opportunity to buy this land all in one piece. He stated that the school would probably want some of the land, like they did with the old fairgrounds.

Waldo Palmer stated that this money (Healthcare ProfitShare funds) was not hospital money, he stated that it was part of a contract that they (Boone Hospital Center) agreed to pay. He stated that the fairgrounds could make a profit, with volunteer help. He stated that he supported this purchase for the youth of Boone County.

Commissioner Stamper thanked all the individuals for their comments.

Commissioner Reports

Commissioner Miller

Commissioner Miller stated that the Senior Board (in April) took up the issue of the money that they had originally set aside for CMAAA. She stated that after hearing from the Senior Center and CMAAA, the Senior Board unanimously supported the County initiative to subsidize the meals at the Senior Center and to do this through the Boone County Council on Aging using its formula for eligibility.

Commissioner Miller stated that Mr. Decker was going to bring this issue forward as the chair of that meeting and Vice-President. She stated that Mr. Decker has since resigned from the Senior Board due to health reasons and therefore she was bringing the issue forward.

Commissioner Miller moved to put \$15,000 into a fund to support subsidizing the meal program at the Senior Center located on the Business Loop.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt asked if the \$15,000 would be appropriated to the Boone Council on Aging and they would then in turn give needs testing and vouchers to those people that need to be able to receive meals at a lesser price.

Commissioner Miller stated that this was correct.

Commissioner Vogt stated that if she remembered correctly, the Boone County Council on Aging had different prices for different needs.

Commissioner Miller stated that this was also correct.

The motion passed 3-0. **Order 216-99**

Commissioner Miller stated that she had been working with First Night 2000. She stated that the grand finale would be held on the Courthouse plaza. She stated that there would be some fireworks involved and she had asked the Boone County Fire Protection District to work with the vendor (in charge of the fireworks) to make sure that the County's buildings would be safe throughout the display.

Commissioner Miller stated that she received a letter from the Boone County Fire Protection District stating that they had done everything possible and that they had taken the necessary precautions to see that it is a safe event.

Commissioner Miller moved to authorize the First Night 2000 committee to utilize the Boone County Grounds for a fireworks display during the finale of First Night 2000.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 217-99**

Commissioner Vogt

Commissioner Vogt gave no report.

Commissioner Stamper

Commissioner Stamper gave no report.

There was no public comment.

The meeting was adjourned at 7:45pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt

District II Commissioner