

TERM OF COMMISSION: August Session of the August Adjourned Term

PLACE OF MEETING: Hearing Room One, Boone County Courthouse

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Assistant Prosecuting Attorney John Patton
Deputy County Clerk Michelle Malaby
Director of Planning and Building Inspection Stan Shawver

The regular meeting of the County Commission was called to order at 7:07 p.m.

SUBJECT: Public Hearing on Planning and Zoning Requests

Director Shawver reported **Brian and Patty Rigby request to rezone from A-1 (Agriculture) to A-R (Agriculture Residential) .97 acres, more or less, located at 3400 S. Rangeline Road.** The property is located five miles east of Columbia. Access is from Rangeline Road, a gravel, County maintained road. Surrounding land is zoned A-1. The applicants want to operate a daycare center on the tract. They submitted an application for a conditional use permit for the September agenda. In February, 1993, they requested 2.98 acres be rezoned planned commercial. The request was denied. The comprehensive plan designates the area as suitable for agriculture and rural residential land use. Staff notified 11 property owners concerning the request. Daycare centers are not permitted under A-1 or A-2 zoning. A conditional use permit is required for such operations in the A-R zoning district. Director Shawver displayed an aerial photograph of the property. The area to be rezoned is located east of the barn. A single wide mobile home on the property is to be removed and replaced with a double wide mobile home on a basement, for use as the center. The Rigbys live on the property to the east. Ms. Rigby is a registered pediatric nurse. She will operate the center. At the Planning and Zoning Commission meeting, no one spoke in opposition, but a couple spoke in support of the request. Letters in support of the request were received. The eight Commissioners present voted unanimously to recommend approval. One member lamented the property had to be rezoned in order to have the daycare facility and suggested when the regulations are next revised that daycare centers be made a conditional use in agriculture districts. There was discussion about what other uses could take place in the A-R zoning district. The acreage is only large enough to accommodate one additional dwelling.

The applicant was not present.

Commissioner Stamper opened the public hearing. No one spoke.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Brian and Patty Rigby to rezone from A-1 (Agriculture) to A-R (Agriculture Residential) .97 acres, more or less, located at 3400 S. Rangeline Road.

Commissioner Miller seconded the motion.

Commissioner Stamper asked what was the previous use requested?

Director Shawver replied planned commercial zoning was requested in order to conduct auctions.

Motion passed unanimously. Commission Order 334-94.

Director Shawver reported **David and Cynthia Bryan request to rezone 5 acres, more or less, located at 4775 E Minor Hill Road, from REC (Recreation) to A-1 (Agriculture).** The property is located 2.5 miles north of Ashland on Minor Hill Road, a gravel, County maintained road. Surrounding property is zoned A-1. The 5 acres for which rezoning is requested is to be sold with an additional 5 acres to create a home site. The property was rezoned REC in 1974. The land is vacant. The comprehensive plan designates the area as suitable for agriculture and rural residential land use. Staff notified 11 property owners concerning the request. No one appeared in opposition to the request at the Planning and Zoning

Commission meeting. Mr. Bryan has a contract for an individual to purchase the 10 acres. A motion to recommend approval passed unanimously at the Planning and Zoning Commission meeting.

Mr. Bryan stated he does not know why the property was ever zoned REC.

Director Shawver responded the previous owner had the property rezoned with the intention of providing dog training and having a restaurant. The record reflects the Planning and Zoning Commission debated whether the operation should be a commercial or recreational operation. Zoning was less than a year old. The members decided dog training would be the primary activity and the restaurant would be an incidental use. They voted to rezone the property REC. None of the activities materialized.

Commissioner Stamper opened the public hearing. There was no comment.

Commissioner Vogt stated this request will correct the zoning.

Commissioner Miller commented the request is consistent with land use in the area and moved that the County Commission of the County of Boone approve a request by David and Cynthia Bryan to rezone 5 acres, more or less, located at 4775 E Minor Hill Road, from REC (Recreation) to A-1 (Agriculture).

Commissioner Vogt seconded the motion. Motion passed unanimously. Commission Order 335-94.

Director Shawver reported **Gregory Runnebaum requests to rezone from A-2 (Agriculture) to A-R, 3.43 acres, more or less, located at 18991 S. Old Route A.** The property is located approximately three miles south of Ashland between Old Route A and State Route A. Adjacent property is zoned A-2. The parcel was platted in 1978 as Lot 2 of Ashburg Subdivision. There is a single family dwelling on the property. The applicant hopes to split the lot into two parcels so a home can be built on the vacant parcel. There have been no previous zoning requests concerning the land. The comprehensive plan designates the area as suitable for agriculture and rural residential land use. Staff notified 16 property owners concerning the request. One letter in opposition was received. The Planning and Zoning Commission voted unanimously to recommended denial. Mr. Runnebaum filed an appeal.

Mr. Runnebaum stated he wants to rezone the property in order to use the land to its fullest extent. Mr. Runnebaum displayed a map illustrating his plan and stated he spoke with the State about securing right of way for a drive off the State road. They approve. He spoke with the Boone County Health Department about expanding the lagoon to accommodate the additional house. The person who objected did so because Mr. Runnebaum requested he bring his septic system up to code. The request generated negative feelings. A letter from the Health Department is attached to his application which indicates they will approve his proposal provided only one house is added. A-R is the only zoning which will accommodate his request. It is difficult to maintain the entire acreage. He has improved the property since moving there.

Commissioner Stamper opened the public hearing. No comments were made.

In response to a question from Commissioner Stamper, Director Shawver replied the Planning and Zoning Commission was concerned with the concentration of houses and with discharge from a shared lagoon. The letter referred to is dated August 19, 1993. Director Shawver stated he contacted the author, who initially did not recall the letter, but upon having it read to him, realized it did not address a specific site, but rather general regulations regarding shared lagoons. Health Department policy would probably not allow shared lagoons at this point due to a change in direction from the Department of Natural Resources concerning shared lagoons.

In response to a question from Commissioner Stamper, Mr. Runnebaum confirmed he is aware of the concern for sewage disposal. It sounds like the Health Department changed their position. A neighbor has a self contained sewage treatment system on 1.05 acres. That would be an option.

Commissioner Stamper stated this request is a classic example of what the Commission is trying to avoid by revising the subdivision regulations.

Commissioner Vogt agreed and added A-R zoning would allow .5 acre lots.

Commissioner Miller stated a shared lagoon is no longer a possibility. There is not enough room for separate lagoons. The option of using a septic system is unacceptable. Such a system did not work on the neighbor's property. Class one systems--the self contained treatment system referred to--are not readily granted. The On-Site Sewage Board of Review looks closely at an application for a class one system and tries not to make a habit of having discharge points all over the County.

Commissioner Vogt moved that the County Commission of the County of Boone deny a request by Gregory Runnebaum to rezone from A-2 to A-R, 3.43 acres, more or less, located at 18991 S. Old Route A.

Commissioner Stamper seconded the motion. Motion passed unanimously. Commission Order 336-94.

In response to a question from Mr. Runnebaum, Commissioner Stamper replied he doubts a main sewer line will be constructed along State Route A in the near future.

Director Shawver reported **Shalimar Gardens, Block III, final plat, zoned R-S, located in Section 25-Township 49 North-Range 13 West**, was before the Planning and Zoning Commission in February. Final approval was pending completion of improvements. They have been inspected and are complete.

Commissioner Miller moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign, the final plat of Shalimar Gardens, Block III, zoned R-S, located in Section 25-Township 49 North-Range 13 West.

Commissioner Vogt seconded the motion. Motion passed unanimously. Commission Order 337-94.

Commissioner Vogt moved that the County Commission of the County of Boone accept for maintenance the streets shown on the final plat of Shalimar Gardens Block III, except the north 125 feet of Lotus Loop, received and accepted this date.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 338-94.

SUBJECT: Budget Amendment, FEMA Revenue Reduction

Commissioner Stamper moved that the County Commission of the County of Boone approve the following budget amendment:

	Decrease
2049-03482 Admin. Federal Disaster	\$95,000

Explanation: To reduce FEMA revenue included in 1994 budget as they were received and recorded in fiscal year 1993. Amounts in excess of the budget to be received in 1994 are expected to be paid back for overages received in 1993.

Commissioner Vogt seconded the motion. Motion passed unanimously. Commission Order 339-94.

SUBJECT: Budget Amendment, Highway 63 Interchange

Commissioner Stamper moved that the County Commission of the County of Boone approve the following budget amendment:

	Increase
2045-71100 Design and Construction	\$373,000

Explanation: To budget additional amount for interchange for balloon festival.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 340-94.

SUBJECT: Amend Architectural Contract for Renovation of 601 E. Walnut and Juvenile Justice Center Construction

Commissioner Stamper explained the County contracted with the firm of Simon and Connell Architects, Inc. for the services. The firm has been divided. Each architect took one of the projects.

Mr. Patton stated Mr. Connell had been, and wanted to continue to be, responsible for renovation of 601 E. Walnut. Mr. Simon was assigned, and wants to continue, the Juvenile Justice Center project. The amendments make the new firms individually responsible for their respective projects.

Commissioner Vogt moved that the County Commission of the County of Boone approve the attached amendments to architectural service agreements with Simon and Connell Architects, Inc. to make the individual firms of Connell Architecture, Inc. and Simon and Associates, Inc. responsible for their respective projects--the renovation of 601 E. Walnut and the Juvenile Justice Center Construction.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 341-94.

SUBJECT: Deed Sanitary Sewer Fixtures on Eighth Street Plaza to City of Columbia

Mr. Patton stated the City installed manholes on the Eighth Street utility easement corridor. They want to own the manholes. They prepared a deed which he modified to include a legal description.

Commissioner Stamper moved that the County Commission of the County of Boone approve and authorize the Presiding Commissioner to execute a quit claim deed to the City of Columbia for eight inch sanitary sewer lines and manholes within the utility corridor on the Eighth Street Plaza per deed signed this date.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 342-94.

SUBJECT: Resolution and Order Concerning Improvement of Gillespie Bridge Road

Commissioner Stamper stated the County acquired right of way needed to improve the road through voluntary donation except one property. By this order, the Commission authorizes its agent, Cullen Cline, to acquire the land. Commissioner Stamper moved that the County Commission of the County of Boone adopt the attached resolution and order concerning improvement of Gillespie Bridge Road.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 343-94.

SUBJECT: Communications System Agreement with GTE

Commissioner Miller moved that the County Commission of the County of Boone approve and authorize signature of the attached communications system agreement with GTE for data wiring at the new Juvenile Justice Center.

Commissioner Stamper seconded the motion. Motion passed unanimously. Commission Order 344-94.

SUBJECT: Budget Revision, McBaine Levee District Formation

Commissioner Stamper stated the County Commission obligated the County to pay for services necessary to form a public levee district at McBaine. The funds are to be repaid once the district is formed and a grant is received.

Commissioner moved that the County Commission of the County of Boone authorize the following budget revision:

	Transfer From	Transfer To
1350-71102 Engineering Services (Crockett Engineering)		\$15,000

1350-71102 Engineering Services (Joseph Gibbs)		\$6,000
1181-86800 Emergency Fund	\$21,000	

Explanation: Contracts with Crockett Engineering and Joe Gibbs for work associated with the formation of McBaine Levee District to be completed by December 31, 1994.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 345-94.

SUBJECT: Authorize Closed Meeting

Commissioner Miller moved that the County Commission of the County of Boone authorize a closed meeting to immediately follow the meeting today, as authorized by section 610.021 (3) RSMo. to discuss hiring, firing, disciplining or promoting of particular employees by a public governmental body where personal information about the employee is discussed or recorded.

Commissioner Vogt seconded the motion. Motion passed unanimously. Commission Order 346-94

SUBJECT: Reports from Commissioners

Commissioner Stamper reported Director of Court Services Bob Perry will contact Commissioner Vogt and Commissioner Miller to discuss a request to modify the law library on the second floor to provide an office for the Assistant Director of Court Services whose office is being taken by the new family court judge. He will also request approval to reallocate unused funds in his budget to purchase office furniture for the new family court judge.

Commissioner Vogt reported on her trip to Chicago with the County Clerk and the Recorder of Deeds to look at furniture which might be used in the new administrative building.

SUBJECT: Public Comment

No comments were received.

The meeting adjourned at 8:00 p.m.

Attest:

 Don Stamper
 Presiding Commissioner

 Wendy S. Noren
 Clerk of the County Commission

 Karen M. Miller
 District I Commissioner

 Linda Vogt
 District II Commissioner