

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  
NID Project Coordinator Andy Lister  
Deputy County Clerk Ashley Williams

The public hearing for the University Estates Neighborhood Improvement District was called to order at 5:30 p.m.

Project Coordinator Andy Lister reported on the project saying that the petition to form the University Estates NID was submitted to Boone County Public Works on August 1, 1996. The signatures were verified and the NID was formed by the Commission on September 5, 1996. The petitions contained the signatures of the owners of more than 79% by area of the proposed NID.

He cited three items for discussion: The first was that Darryl and Karen Johns own three lots within the proposed district. Their home is on one lot and the other two are vacant. One of the vacant lots has a sewer main running across it diagonally and Public Works recommends that the lot be eliminated from the assessment roll. The second point was that Joe and Carla Nichols own side-by-side lots. One lot has only a pinpoint of road frontage, but the Nichols could grant themselves an access easement reflecting their current driveway and the lot could become buildable. Also, he noted, the northern extension of Campus Drive would not be improved as part of the project. The petition included one of the three lots on the extension. The Commission recently vacated that portion of the original plat which had included those three lots, subject to approval by the county of a replat of the area. No Planning and Zoning or Commission action has been taken on this replat, but Mr. Lister said there would be no effect on the assessment roll for the project. One share was originally proposed for this area, and one share is still proposed. Mr. Lister submitted a letter from Barbara Townsend stating her opposition to the project.

University Estates, Mr. Lister explained, is currently a County maintained rock surface. The cost estimate for the proposed road improvements is \$179,500 with a cap of \$224,275.

Commissioner Stamper convened a public hearing.

Joe Nichols, 7512 South Hillside Dr., said that he has two lots, 22 & 28, on the end of the street and asked that one lot be excluded from the assessment rolls because he bought it for a garden area and there is no easement. He has no plans to build on the lot and said that he was for the roads and would pay his fair share, he just didn't want to pay twice.

Mr. Lister clarified that both lots are currently within the proposed NID.

Charles Much, 7502 South Hillside Dr., lot 17, said that he was not opposed to the paving, he was opposed to the cost of the paving. He said that during a meeting two years ago he was told the costs would run each owner \$2,000 over a ten year period and now he was going to be expected to pay \$9,000-\$10,000. He said that he is on disability and earns \$801 a month before taxes. He said he has no other source of income, no social security, nothing. He asked the Commissioners if they were trying to force him out of his home, or if his neighbors were trying to force him out. He said his next door neighbor was in the same boat, but didn't think it would do any good to come to the meeting. Mr. Mucha said he had lived in the neighborhood for ten years and there is a dust problem., but he felt it was because traffic traveled at 40 mph up and down Campus Dr. He felt that if the roads become paved, the traffic would start traveling 60-75 mph. He was also concerned that his taxes were increased by \$200 a year and now he was looking at paying an additional \$500 to \$700 on top of that.

Randy Stone, 7502 South Hillside Dr., said his biggest complaint was the equal payments. Most of the homes on South Hillside, he said, were purchased with FmHA loans. He has 63 feet of road frontage. Mr. Stone said the homes on Campus Dr. are \$100,000 homes with 2-3 acre lots. In his opinion, it was not fair that everyone would be paying an equal amount for the road

improvements. He was also concerned that the homes on Timber View have been culled out. It was his opinion there would have been five more no votes had they been included in the district. He wondered if the County would use chip/seal overlays as a way of keeping the expenses down and without needing to widen the road.

Julie Davis, 7509 South Hillside Dr., said that she lives at the other end of the cul-de-sac across from the Nichols. She said she supported Randy Stone's comment about chip/seal. One of the issues, she felt, was to improve and increase the value of the University Estate properties at a lower cost. She also wanted to see the dust contained. Chip/seal had been done on Old Plank and Smith Feed Mill roads, both of which carry weighted traffic from semis and large trucks. Cave Creek road, she said, is a nice road with very expensive homes and it is a chip/seal and they have no problem with maintenance of their road. She said she also purchased her home under FmHA standards as a single family and fell into the very low income bracket. Ms. Davis was concerned that she had followed guidelines in order to meet her bills, while the County was developing a project that a lot of people in the neighborhood could not afford. She asked if there was a compromise that would benefit everybody. She expressed her concern for the division of the cost values in the homes and the values of the homes on top of the hill, as well as the actual details of how the loans would work.

Ms. Davis said she understood there had been some problems with the NID project in the Clearview subdivision with water standing in the road and cracks that needed to be sealed. One couple had told her they had had difficulty getting an answer on how they could pay their loan off sooner. She said she was concerned that her property tax had been raised \$12,000 and a realtor had told her she couldn't even sell her house for that. Ms. Davis did not know how she could justify the financial ramifications of a black topped road.

Mark Flett, 3601 West Hilltop Road, spoke in support of the project. He bought his house in 1990 for \$47,500 and it was reappraised at \$81,000 this year. Obviously, he said, he did well in investing in the property and understood that as the value of his property increased, so would his taxes. He said it was his responsibility to plan for those increases and deal with them. He said that progress and growth and improvements cost and not everyone is conducive to that type of growth. He also said he had worked in construction and did not feel that chip/seal was a workable alternative.

Norman White, 3702 West Campus Dr., said he had been doing his homework and in response to an earlier question, you can't sue the County for dust. He had looked into it and been told by the EPA that the County is exempt from prosecution or the County would already be in court. He said there was a dust problem and a problem with ruts in the road. He said he wouldn't complain too much because the ruts were slowing people down. He asked if with the broadened tax base created by the increase in property taxes, was it not possible for the County to offer some relief and bear some of the financial burden. It was also his understanding that their subdivision was eligible for chip/seal during the Old Plank Road project and he had figured it would cost everyone \$90 a piece to chip/seal the road. Mr. White said he was certain that \$600 a year would hurt him substantially and wanted to know what kind of the relief the County could offer, in the way of a joint venture, where the price could be knocked down.

Donna Neal, 7508 South Hillside Dr., said she had lived in the University Estate subdivision for over 17 years and clarified that the figure of 79% who signed the petition in favor of the NID represented area and not lot owners. She said that if the neighbors wanted to do something to improve their environment, she suggested looking at the lagoon. She also felt that to pursue road improvements, they should look at more cost effective options. If all the neighbors put their equity on the table, a bigger chunk of hers would go towards the improvements than the other houses. She said she was concerned with the safety of the hill in front of her home because it is such a steep incline. She said she was sure Public Works does all they can do for the County roads, but in the 17 years she has lived there, the gravel road has never been in good shape and no one can go over 5 mph up the hill. Ms. Neal said she was afraid she would see the same quality of maintenance on the improved roads. She said she had tolerated the lack of maintenance all of these years. Ms. Neal said she had also moved into the neighborhood with an FmHA loan and that over 50 percent of the people in her neighborhood rely on one income. She agreed that something needed to be done for the dust control, but wondered if all of the options had been aggressively looked into.

Darryl Johns, 7507 South Hillside Dr. said he owned two vacant lots on Campus Dr. He agreed that they needed some improvement to the neighborhood, however, the petition was approved by 2/3 of the district and he owns three of the smallest lots. He said if he owned four more he could fit them all into one lot in the Plat 2 area. He argued that the structure for the subdivision probably could not be done today with the new County standards. He said that costs assessed equally per square foot seems to be inconsistent with a petition signed by 2/3 based on area. In this case, he felt six lots could form a petition and have the majority. He said there was disparity in the way the cost assessment is being made.

Jim Joy, 3606 West Hilltop Dr., said the neighborhood had come a long way with the NID process. While his lot was large in area, he believed that every single property owner has to drive that road frontage that touches his backyard. From a road use standpoint, he said, the road is not just frontage, it's the main access for everyone going up and down the road. He said he had lived there for over 20 years and the dust has been a problem since day one. He has planted trees, but in the summer they can't have the windows open because the dust is so bad. He said there were costs involved in making improvements, but felt there were also costs with not getting it done. Mr. Joy said that if they waited for the County to pave the roads, it would never be done.

Carla Nichols, 7512 South Hillside Dr., said that the process has been ongoing for several years and that she was very much for it. She empathized with the financial concerns and said she had a daughter in college and a son heading to school soon. The dust and dirt is horrific, she said. She also said that most of the people contesting the improvements never showed up for any of the NID meetings.

Charles Pasley, 3605 West Hilltop, said he didn't see how the neighborhood could afford not to make the improvements. He felt it would benefit the whole neighborhood the same and that it was a neighborhood association project and hoped the neighbors would look at it that way.

Gary Faust, 3608 West Campus Dr., said he was opposed because they couldn't afford the improvements. He said the reason they moved there was because it was affordable and they are both going through school. He said he did not object to the improvements, they just couldn't afford them.

Paul Brownfield, 3607 West Hilltop, said he and his family were in favor of the project and had been waiting a long time for it. Financially, it's not going to be a fun road, but he didn't think the project was going to get any cheaper. If we're going to do it, he said, we should bite the bullet and improve the neighborhood and let everyone enjoy it.

The public hearing closed.

Mr. Lister said that the cost share was determined per lot as have all the projects the County has done so far. Each household benefits substantially and equally and the state statutes are worded to say equal burden. He explained the problem with assessing costs through road frontage and said that a corner lot might take the brunt of the costs while a lot on a cul-de-sac would have considerably less of a cost.

Mr. Lister said that when he attends the neighborhood meetings he takes the prepared petition. He suggests a method of assessment. There was a difference of opinion at the meeting, but he didn't feel it was overwhelmingly against.

Currently, he said, the street varies in width and would be widened in some places and narrow in others. The ditches will remain in place. Mr. Lister said that Timber View was not included in the district because those roads are not currently to County standards and would have had to be brought to standards before the project could proceed. He felt it was unfair to the neighborhood to have to bring those roads up to standards and to have to substantially increase the cost of the project.

Commissioner Stamper commented on the comparisons with Clearview and said it was not logical because the roads had not been accepted for County maintenance. The goal, he said, was to bring them up to that quality so they could be maintained. Clearview chose to take a number of

exemptions from County standards. The only similarity he could see was the number of FmHA homes in the subdivisions. He clarified that the only reason the Commission was meeting with the neighborhood was at their request. He said the project was a cost effective mechanism where neighbors could work together and decide on improvements.

Commissioner Stamper said that chip/seal can work in some conditions, but it is only a patch. He also said that the "windfall" of taxes generated by the reassessment would go to the library, fire district and schools and the County would receive a fraction of the amount.

He said he had the feeling that a group of the neighbors feel trapped into an improvement and yet, everyone who testified felt that there needed to be some improvements.

Commissioner Miller said that in listening to the testimony, people seemed overwhelmingly opposed and yet still wanted something done. She said she would feel more comfortable if the neighborhood could try and work something out that was a little more satisfactory. Commissioner Miller said there were almost enough people who testified against the project as to void the 2/3 approval by lot. She agreed there was a 2/3 agreement by area, but wanted to see more than 2/3 agreement by owner before she could approve the project. She felt the project would put a hardship on the FmHA owned homes and said she appreciated the one family income. She stressed this was a neighborhood decision, not her decision.

Commissioner Miller proposed to table the project and give the neighborhood time to bring the Commission something they could agree with.

Commissioner Vogt said that the Commission had already looked into the possibilities of a chip/seal and said it would not benefit the neighborhood improvement district. She also explained that the increase in property value did not necessarily mean an increase in taxes and that most often it triggered a rollback. She said she lives in Boone County and has the same concerns. Commissioner Vogt also said she has been working with another Neighborhood Improvement District in the northern part of the County that has found itself in a similar situation. She explained that the NID was an opportunity for a neighborhood to create its own quasi-governmental entity that could decide how to handle the financial responsibility for the improvements. She agreed with Commissioner Miller and said that she felt the neighborhood still had some work to do.

Commissioner Miller said that 13 lot owners did not sign the petition and two of those who did sign testified this evening against the project. That only leaves 20 owners in favor of the project.

Commissioner Stamper asked what other options the neighborhood had. He said gross cost is gross cost and the only variable that could possibly change is the spread. Staff had testified that the majority is determined on the number of parcels. He said the Commission could turn the neighbors loose to talk about it, but felt it would become another Tracy Court where nothing would change.

Commissioner Miller said she was concerned because they had never seen such a disparity in lot size within one subdivision.

Commissioner Vogt referred to Tracy Court and said they had tried every way they could think of to make the project more affordable for all of the property owners and in the end they didn't have a project.

Commissioner Stamper said that maybe he was missing something, but it looked like the proposal was to ask 17 major acreage owners to carry a greater burden for 16 lots of a lesser dimension.

Commissioner Miller said that was the option.

Commissioner Vogt said it was up to the neighborhood to decide if that was an option for their neighborhood.

Commissioner Stamper asked why the larger property owners would agree to that and questioned the conditions that would bring the project to the table in a successful manner.

Commissioner Miller said it was up to the neighborhood district, but until there was more agreement, she could not support the project.

Commissioner Vogt asked for a show of hands in support of and in opposition to the project. Twelve people were for the project, seven were against, one person abstained.

Commissioner Miller moved that the County Commission of the County of Boone table the University Estates Neighborhood Improvement District request to proceed with the project for 30 days to allow the neighbors to find an equitable and acceptable solution.

Commissioner Miller said she was not comfortable putting a financial burden on homeowners whose average property appraisal was \$50,000 versus \$80,000 and she submitted the appraisals for the public record.

Commissioner Vogt seconded.

Commissioner Miller said she tried to figure the value differences by averaging the appraisals for the larger properties and the smaller ones. She used the Assessor’s appraisals on all 35 properties with houses. The average for Hillside, the FmHA homes, was \$56,700, the average for the larger lots was \$84,623. The total spread between the lowest valued home to the highest was \$53,000. her concern was the spread in home value and felt it warranted looking at.

Commissioner Vogt said she seconded the motion to table with no preconceived notions on how the neighborhood will solve this problem and re-present their petition. She said their personal financial situations weren’t any of her business and the neighborhood has come to County government to ask for support in a project. Tonight, she said, there were more in support than opposed and felt she could vote in support of the project.

Commissioner Stamper said that popularity contests should have nothing to do with the issue of a NID and until this evening, neither had property values Frankly, he said, this was a first and that the Commission needed to think about that.

Motion passed unanimously. **Order 265-97.**

Commissioner Stamper encouraged the neighbors to meet with Mr. Lister to create new options and said the issue will be presented to the County Commission after thirty days has expired and at the next available meeting date.

The meeting adjourned at 6:34 p.m.

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

\_\_\_\_\_  
Karen M. Miller  
District I Commissioner

\_\_\_\_\_  
Linda Vogt  
District II Commissioner

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