

TERM OF COMMISSION: January Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

The meeting was called to order at 9:30 a.m.

Subject: Purchasing Department

Melinda Bobbitt, Purchasing Department Director, was present on behalf of these items.

A. First Reading of Bid 76-09DEC03 (Radio and Auxiliary Equipment – Install, Maintenance and Service)

Melinda Bobbitt stated the Public Works, Sheriff's and Purchasing department have reviewed the responses received for the above referenced bid. We recommend award to Chariton Valley TriStar Communications for having the lowest and best bid meeting the minimum specifications. This is a term and supply contract that will be effective through December 31, 2004 and will be paid from the department's maintenance repairs line item 60200.

Commissioner Schnarre noted there were only two bids received.

There was no further discussion on this item.

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

B. First Reading of Bid 01-08JAN04 (Phase III Interior Renovations South Facility Public Works Maintenance Building)

Melinda Bobbitt stated the Public Works department and I have reviewed the bid submitted and recommend awarding to GBH Builders for having the lowest and best bid meeting the minimum specifications. Total contract amount for the base bid and Alternates One and Two is \$97,367.00 to be paid from organization 2045 account 91200. The amount budgeted for the project was \$110,000.00.

Commissioner Schnarre asked if the County has done business with this company before.

Commissioner Elkin stated this company has been around for a while.

Commissioner Miller agreed with Commissioner Elkin but does not believe the County has conducted business with them.

There was no further discussion on this item.

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

C. First Reading of Maximus Inc. Agreement

Melinda Bobbitt stated this is an agreement with Maximus Inc of Springfield, Illinois for the Cost Allocation Plan for the Auditor's Office. The plan will be based on actual costs for the year ended December 31, 2003.

The Auditor's Office requests to extend the contract for one more year and to continue to purchase this service from Maximus Inc. The total cost of the contract is \$6,750 from department 1190 – Non-departmental, account 71101 – professional services. There is a remaining balance of \$103,500 in the account.

Commissioner Elkin stated this is for the overhead for Child Support Services.

Commissioner Miller added this is also used for federal grants.

There was no further discussion on this item.

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

Subject: Sheriff's Department

Captain Beverly Braun was present on behalf of these items.

A. First Reading of Budget Amendment for Award CERT Grant

Captain Braun stated this is the department's second year in participating in the Community Emergency Response Team. The department has received \$4,289 and this amendment will establish a budget so these grant funds can be used.

Commissioner Miller asked what determines who receives this training. Captain Braun

stated the department and the Fire Protection District both do advertising. The Sheriff's department will hold training in February for their civilian employees.

Commissioner Miller suggested doing a presentation to the Chamber to bring this forward to the business community. She believes this training would be beneficial to convenience store owners and others.

Captain Braun stated she will discuss this with Ken Hines because the trainers and funds are available to pay for the materials.

There was no further discussion on this item.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting after the required 10-day waiting period with an appropriate order for approval.

B. First Reading of Grant Award from the Missouri Department of Transportation Highway Safety (DWI Checkpoint/Saturation)

Captain Braun stated the Commission approved the Sheriff's department to apply for this grant on May 20, 2003. The department has been awarded this grant for a total of \$7,564.62. The department will conduct two checkpoints and the remainder will spent on saturations.

The department made 104 DWI arrests in 2003.

Captain Braun stated the Sheriff's department has worked with Highway Safety for many years and recently they have become part of MoDOT.

There was no further discussion on this item.

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

Subject: Public Works

A. First Reading to Accept Roads in Shalimar Gardens Block V

David Piest, County Surveyor, was present on behalf of this item.

David Piest stated this is a request to have Camellia Court and Jasmine Way be accepted by the Commission. These roadways are located in Shalimar Gardens Subdivision Block V. This plat was accepted in December 2003.

Commissioner Schnarre asked if this makes all the roads in Shalimar Gardens county maintained roads. Commissioner Elkin stated to date, that it correct.

Commissioner Elkin noted the sewer was also recently accepted by the Sewer District.

There was no further discussion on this item.

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

B. First Reading to Establish Good Time Acres Neighborhood Improvement District

John Watkins, Project Development Manager, was present on behalf of this item.

John Watkins stated on behalf of the residents and owners who have signed the Petition to Create the Good Time Acres NID, I would like to request that you accept the County Clerks certification for the validity of the Petition and approve the advisability and order the establishment of the Good Time Acres Neighborhood Improvement District.

The Good Time Acres NID consists of two non county maintained roadways that total approximately 1,000 feet of drainage and roadway improvement. The roadways within this NID are Hoe Down Drive and Square Circle. 14 of the 18 owners within this district signed the petition, which give the Petition a 71 % by area and 78 % by ownership.

The cost estimate for this improvement is \$139,474.94, with a not to exceed amount of 25 % or \$174,343.68. This figures out to be \$4,102.21 per ½ Assessment with a not to exceed amount of \$5,127.76 per ½ Assessment and \$8,204.41 per whole Assessment with a not to exceed amount of \$10,255.51 per whole Assessment.

The proposed improvement will consist of a 24' wide roadway with concrete curb & gutter and an asphalt-driving surface. Minor storm sewer drainage will also be required and will be determined during the design phase.

There are no delinquent taxes for this area.

There was no further discussion on this item.

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

Subject: Second Reading and Approval of Recommendations from Personnel

Advisory Committee

Commissioner Schnarre stated the Personnel Advisory Committee has made the following recommendations to the Commission:

- 1) Utilize Rick McRoy, Professional Human Resource Service Center to do the pay plan market update;
- 2) Revise the Flexible Hiring Rate Policy & "Request to Hire Above Salary Range Mid-Point" Form;
- 3) Revise Section 4.6 Business & Travel Expenses section of the Personnel Policy Manual; and
- 4) Revise Section 3.8 Call Back Pay Policy of the Personnel Policy Manual (would change **2** hour minimum to **3** hours).

Commissioner Elkin moved to approve the recommendations from the Personnel Advisory Committee.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 25-2004**

Subject: Clerk's Office

- A. Accept Certification of Candidates**
- **Hospital Trustee**
 - **Centralia Special Road District**

Commissioner Miller moved to accept the following certification:

I, Wendy S. Noren, County Clerk and Election Authority in and for the County of Boone, State of Missouri, hereby certify that at the close of filing for Hospital Trustee of Boone County at 5:00 p.m. on January 20, 2004 the number of candidates filed for the position equals the number of positions to be elected. I further certify that the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the county. Pursuant to the provisions of 115.124.1 RSMo., no election shall be held for such office and the candidate, Greg Steinhoff, shall assume the duties of his office at the same time and in the same manner as if he had been elected at the April, 2004 election.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 26-2004**

Commissioner Elkin moved to accept the following certification:

I, Wendy S. Noren County Clerk and Election Authority in and for the County of Boone, State of Missouri, hereby certify that at the close of filing for Commissioner of Centralia Special Road District of Boone County at 5:00 p.m. on January 20, 2004 the number of candidates filed for the position equals the number of positions to be elected. I further certify that the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district. Pursuant to the provisions of 115.124.1 RSMo., no election shall be held for such office and the candidate, Ralph C. Jobe, shall assume the duties of his office at the same time and in the same manner as if he had been elected at the April, 2004 election.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 27-2004**

B. First Reading of Budget Revision

Commissioner Miller stated this budget revision is to cover expenses due to insurance claims against Boone County and other miscellaneous expenses in 2003. The total of this budget revision is \$11,974.00.

There was no further discussion on this item.

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

Subject: Discussion – Teton Drive Access to Eastport Subdivision

Jim Lowery, attorney representing Mastermark Builders who is the developer of East Port Village Subdivision, thanked the Commission for the opportunity to speak about this issue. They have brought forward an alternative to the action the Commission took a few weeks ago about Teton Drive and they believe this is practical, fair and reasonable. They believe this alternative addresses the items the Commission was concerned about. They believe this also addresses their concerns about being deprived of access to a public road

to the subdivision. The alternative should be a “win-win” situation for all parties. The Commission indicated when they took action a few weeks ago that consideration would be given and they have put one before the Commission.

Their proposal is when the City Public Works department accepts Bull Run and Portway, which are currently under construction, for city maintenance that the Commission immediately remove the barriers that block access to their property on Teton Drive.

They will also support and encourage the Commission to post “Construction Vehicle Entrance” signs at Bull Run and St. Charles, at Grace Lane and St. Charles and at Grace Lane and Teton Drive pointing construction vehicle traffic to Bull Run. He noted Bull Run and St. Charles is a signaled intersection and believes people would prefer to use that access when it is available. He does not believe anyone would have any motivation to go to Grace Lane then Teton Drive and they would support the Commission posting signs directing construction traffic to use Bull Run as a primary point of access.

Mr. Lowery stated they would also support the Commissions efforts by notifying the contractors, subcontractors, and material men that their primary access to East Port Village Subdivision should be via Bull Run or Portway as opposed to using Grace Lane and Teton Drive.

They believe this alternative is practical, sensible, and fair. They cannot promise that there would never be a construction vehicle that would exit the subdivision using Teton Drive. For example, if there is a pickup truck pulling a trailer with a bobcat, it may come in via Bull Run. There is no way for it to turn around in certain circumstances to actually get out because streets are still being constructed. There is no motivation for construction workers to use Teton Drive, if other access is available.

Mr. Lowery stated they request the Commission consider their alternative and also request the prior order be modified or rescinded to provide that when the City Public Works accepts those streets as being properly constructed that the barricades be immediately removed. They expect the City to accept the roads within the next couple of weeks.

Commissioner Elkin asked if any of the construction or any of the development that has taken place been hindered in any way, shape or form since the barriers were put up. Mr. Lowery stated yes and it is to his understanding that there have been instances when Bull Run and Portway have not been available. There was an instance a week or two ago where concrete was being poured and the road was completely blocked and no one could get in there. There have also been issues with respect to some of the contractors and utility providers’ insurance companies not wanting them to use Bull Run and Portway because they are not yet public roads. There have been instances since late December where they have not actually at times been able to get in and out because those roads remain under construction.

Commissioner Elkin stated Bull Run is basically complete and has been for almost a month. He cannot understand how there could be no access from Bull Run. Mr. Lowery stated he has been out there recently, the roads are very close to being complete, but there have been some construction activities

Commissioner Elkin stated it is a construction zone and there are going to be construction activities. To have Mr. Lowery sit here and say access was completely blocked off is hard to believe. He goes out there all the time and the buildings are being put up very quick. Mr. Lowery stated he could ask Mr. Bob Eisentrager to speak to that but Mr. Lowery stated he knows of one instance, about ten to fourteen days ago, that it was completely blocked and access was impossible for construction workers at that time. Whether that has happened since then, Mr. Lowery does not know.

Commissioner Miller stated she is questioning why is it necessary to remove the barriers when there is a public road as an alternative until such time that the development is done. She could understand if there was not another alternative why it would be critical. She asked if there is another reason other than the times when they cannot turn around and she sees that point. Mr. Lowery stated the County has subdivision regulations that limit the number of dwelling units that one can have in a development with one point of access. The City has, essentially, an identical subdivision regulation. They are almost ready to plat an additional plat in this development, he believes it has 23 residences, and that would put them over that access point limit.

Commissioner Miller asked if the City would not recognize that there would be another access when the subdivision is built because it is there and asked if they would not honor that. Mr. Lowery stated the City does not know exactly what the status of Teton Drive is.

Commissioner Miller stated Commissioner Elkin has had conversations with the City. Commissioner Elkin stated he has called Chuck Bondra and explained the situation. This is temporary, and has been all along, a temporary measure to control traffic.

Mr. Lowery stated the Commission had particular concerns about construction vehicles using that access and when the Commission felt there was another access point available that that could be used. He does not want to argue with the Commission about that at all. The impetus for the Commission closing the road, it seems to Mr. Lowery has effectively been dissolved because there is another access, it is a practical access. There is no reason why construction people would want to go down St. Charles, up Grace Lane and back to Teton.

Mr. Lowery stated he will stand on the principle, to some degree, that Teton Drive is a public road. Mastermark owns property that is connected to that road. They extended part of Teton Drive to connect when they began developing the subdivision with the permission of the County. The County has always known that was going to be a residential subdivision. In fact, County Planning and Zoning approved the preliminary

plat with essentially the same subdivision they have today. Since the reason for blocking access has essentially been removed, there is another way to get out, it seems to them that it is fair, reasonable and lawful that they ought to have access to the other road. There is no reason, there was wording in the original order about six month period of time, things have progressed in a way and those roads will be public roads much sooner than that. There is no reason to continue the effectiveness of the order. They do not have a desire to end up in a legal dispute with the County over this.

Mr. Lowery stated they are trying to be reasonable, fair, do everything they can to address the Commission's concerns and they believe their proposal has done that. They request the Commission to reciprocate and try to recognize they are doing their best to address their concerns. This should not, in any way, be detrimental to the public interest to go ahead and remove the barriers when those streets are officially open.

Commissioner Miller stated the signage that Mr. Lowery spoke about should be paid for by the contractor, for the installation and the signs. She does not believe the County should benefit a private entity by paying for that signage. Mr. Lowery stated this has not been discussed specifically. The reason they thought the County should put up the signs is because they control the right of way in these various areas.

Commissioner Miller stated the County would put up the signs but believes it should be paid for by the developers.

Mr. Lowery stated the president of Mastermark Builders, Tracy Arey, is present and this is something he could address. He does not believe it would cost a lot of money.

Commissioner Miller stated she does not think so either but she does not want to set a precedent, having the County making directional signage for a development.

Commissioner Schnarre opened the floor for public comment.

Jack Donelon, 578 N. Grace Lane, President of the Lake of the Woods Homeowners Association, stated the City has an ordinance which is in conflict with the County ordinance. The City ordinance, to his understanding in talking with City Planning and Development, states that for every 48 units being built there has to be one access point. Mastermark has apparently reached the 48 units limit so now they do not get anymore building permits until, to his understanding, there is a second access point.

Commissioner Miller asked if the City does not recognize Teton Drive as a valid entrance when it is blocked. Mr. Donelon stated this was not brought up. To him, it goes back to the developer, Mr. Tom Mendenhall. Mr. Mendenhall started this development out there putting in Bull Run, knowing he was going to do that and in the mean time saying there's always Teton. So once that 48 magic number has been reached, Teton would then be the second entrance.

Mr. Donelon stated he spoke with his son who is an attorney. He and the neighborhood are tired of hearing of promises of what would be done. They were promised a service road that would take care of all the construction equipment, Commissioner Elkin was aware of this. What happened, no one lived up to that because there was continuous traffic. He noted Commissioner Elkin attended an association meeting where residents on Teton told about the amount of construction equipment that went through Teton. Plus, the increase of speeding, which was a major concern to the neighbors. There also was a report given by the Sheriff's department about the number of violations made at that time.

As far as Lake of the Woods is concerned, they have heard the thing about the service road. You have Bull Run which is already open to take traffic. You can evaluate the situation this way, what takes precedent over what. You, the Commission, have a regulation that can shut a street down for the safety of the residents of the County, which they are. The City ordinance states for every 48 units there has to be one entrance/exit. Do we put public safety and people first or do we put plywood and foundations first? He believes the time has come where the County has to step forward and say this is a County regulation and this is a City regulation. It was proposed to Commissioner Elkin at the beginning of this project that signage would be put on Grace Lane limiting use of the street to construction equipment. He never saw that sign but did see a lot of construction equipment. He is very leery of promises because what has happened in the past when promises have been made to the association, which Commissioner Elkin is aware of.

Mr. Donelon stated this is a problem that was created by the developer out there never counting on Teton being closed. When the Commission took the courage to close the road at their request for the safety of the neighborhood, it left the builders in a position where they cannot get building permits. He believes their fight needs to go back to the developer, requiring proper infrastructure. They should have built the other road, going through the Woods' property out to Richland Road, which would have given them another exit but this was never done. Grace Lane was never completed the way it was proposed to be done.

Commissioner Miller stated Grace Lane is in the process of being completed. The developer is waiting on the County to do some things. They are moving on Grace Lane.

Mr. Donelon stated that will not help them any because Teton Drive will still be used. The main thing is the Woods' property and getting the exit out to Richland Road. The developer should have taken care of that a long time ago rather than saying that they would save their money because there is always Teton. They never took under advisement that Teton could be shut down. For Teton Drive to be re-opened on promises that signs will be erected keeping construction equipment away hoping they will use the service road and Bull Run for the construction material trucks, he does not accept as a good option.

Right now, Boone County Sewer District has had to put up fences along the treatment

plant because of trespassing and construction people going back and forth into that subdivision.

Commissioner Schnarre stated Teton Drive is a public road which anyone can use. Mr. Donelon stated he understands that but he is concerned for the residents when the heavy equipment goes speeding through their neighborhood. He asked what guarantee do the residents have that this will change if the road is reopened. There is no guarantee unless a sheriff's deputy is put out there 24 hours a day.

Commissioner Schnarre stated there are probably other cases like this in the County where a plat is approved and the developer had to go through an existing subdivision to get to the new development. This is not the only instance where there is not a road going through the new development.

Mr. Donelon stated he hopes the Commission understands where he is coming from. Commissioner Schnarre stated he hopes Mr. Donelon understands that the Commission has worked with him and they are trying to figure out a solution for everyone here so the developers can continue their development and meet the needs of the neighborhood. The developers have come forward with a proposal to put up signs, remove the barricades when the other roads are accepted as public roads.

Mr. Donelon stated he will return to the Commission if the promises are not lived up to this time.

Commissioner Schnarre stated he has reviewed all the minutes from the meetings and there were no conditions placed on the developer in those motions. Mr. Donelon stated the commitments were made to them, the neighborhood association, and he can bring in the association to verify this.

Commissioner Schnarre stated the County made no demands on the developer that they had to do certain things that he could find in any of the minutes.

Commissioner Miller stated this has been a learning experience for everyone involved.

Mr. Donelon stated he discussed this with Commissioner Elkin and Commissioner Elkin informed him that he spoke with the project engineer and they would be putting signs up and these signs were never put up.

Commissioner Schnarre thanked Mr. Donelon for his comments.

Commissioner Miller asked Mr. Lowery if the City was holding them hostage, as that is something we do not want to see happen to anyone. Mr. Lowery stated the City has said they are willing to do everything they can to keep the project moving. They have not been told anything different to this point.

Commissioner Miller stated if the Commission moves forward and makes the changes what can the developer do to help manage the fact that Teton should not be used? The developer will be sending out letters but there needs to be follow up to those letters. She noted the neighborhood does have a legitimate complaint because promises were made about signs but those were never put up. Mr. Lowery stated that this is the first time they have heard anything about signage.

Commissioner Miller stated she does not believe the sign issue was with Mastermark Builders.

Mr. Lowery stated they would have been happy to do that up front and he wishes the whole thing would have started out with what can be done to help the whole scenario from the beginning but this is not how it was handled. It would have been easier for them to be involved and be at meetings but they were not invited to be a part of that.

The traffic violations that were discussed earlier were from a pull behind radar trailer and the Sheriff's Department did not give out any tickets.

Commissioner Miller stated she thought they were actual tickets. Commissioner Elkin stated they were summonses.

Tracy Arey stated it is to their understanding that a radar trailer was placed out there and it registered reportedly 40 violations. As Sheriff Boehm indicated at a December meeting and believes this is in the minutes, he did not know how many of those were from construction vehicles.

Commissioner Elkin stated it has never been said that all the tickets were from construction vehicles. Many assumptions have been made.

Mr. Lowery stated they are happy to take care of the cost of any signs but the County will have to put up the signs. They do not want to fuss at the developer but Mastermark bought a 40 acre piece of property from Mr. Mendenhall's company. Mastermark was not involved in any of these things where he senses a lot of anger about from the neighborhood. They did not have any control over those things. They never made a commitment they did not live up to nor had a commitment put on them in which they did not follow through.

Mr. Lowery stated they cannot sit here and promise the Commission that after the letters are sent out that there will never be construction vehicles go down that road, it is a public road. There is no reason to believe that construction workers will want to go around to use the road. They will do all that is within their power to notify and continue to remind people that the primary entrance needs to be at Bull Run. This ought to be an effective solution. This should be a solution that is workable. They cannot change what the

developer did or did not do in the past and when he refers to the developer he does not mean Mastermark.

Commissioner Miller stated the County should be able to review it and make sure it is not being abused if the barriers are removed. This is something that she believes is the Commission's responsibility to mitigate the problem. They want to work with Mastermark Builders and the neighborhood. She believes the Commission has an obligation to work with the neighborhood because they do not have a say if they do not come to the Commission. Mastermark is within the City so they have others that speak on their behalf.

Mr. Arey stated he believes he should be called when a situation happens so he can be aware of what is going on. One issue that was brought to their attention was the mud on Teton Drive and this issue was taken care of. They will be happy to contact the subcontractors and make sure they all know. The subdivision is being built with only a few builders, four or five builders will try to develop the whole subdivision.

Mr. Lowery noted Eastport Gardens, south of this development, is not Mastermark's. He believes there will be another road out of Eastport Gardens to Richland Road but they do not have the ability to do anything about that. That is between the private land owner and what they are allowed to do.

Commissioner Miller asked who the developer for Eastport Gardens is. Mr. Arey stated Perry Leuktemeyer and Eddie Sachs.

Mr. Lowery stated if any issues do come up, they would like to be a part of it. They learned about the order done in December from a reporter that called them. They do not believe that is the right way for them to learn about something like that and they would like to work with the Commission.

Commissioner Miller stated part of the problem is that the Commission had been working with Mr. Mendenhall, they have a good relationship, and it was natural to call Mr. Mendenhall. The Commission left Mastermark out of the loop and believes they have learned from this.

Commissioner Schnarre asked who is building the duplexes. Mr. Arey stated the duplexes are almost complete and are being built by Pete-Jones. Mastermark is doing three custom duplexes and the remainder will be specs.

Commissioner Schnarre asked if there have been any problems with the duplex construction vehicles using Teton Drive. Mr. Arey stated those people will be called. He knows Bob has talked to John several times making sure they can do whatever they can to go out that way. He knows the first time the road was closed, the real problem was there was dirt across it and there was no way to get in. That was the first issue that came across

but now there is a road. They keep doing what they are used to doing, which was coming through Teton. If the other road could have been put in first, which is nobody's fault, it would not be a problem. Mastermark is developing quicker than anticipated and had to go out on Teton. Mr. Mendenhall and his group have done everything they can to get the north road done also.

Mr. Lowery stated Mastermark intends to notify all the contractors. They have sold some lots, Pate-Jones has also sold lots but Mastermark intends to notify all who are building out there.

Commissioner Elkin stated there has been mention of there not being motivation for driving on Teton Drive. However, Boone County Regional Sewer District had to put up a gate, granted this may not be contractors; somebody was driving through the Sewer District's facility. It is his understanding that someone drove around the jersey barriers. He does not know what motivates people to do that but to assume that signs will make a significant difference in traffic cutting through Teton Drive is a little bit naïve. This is not about speeding, there are no sidewalks on Teton Drive, there is parking on both sides of the street and it is a narrow street. Teton Drive is not designed to be a collector street.

Commissioner Miller stated the Commission has to work with people.

Commissioner Elkin stated the way the regulations read is that reasonable access cannot be denied and the developers have admitted they now have reasonable access. If you pull in Bull Run, there is another exit out through the outer road to Sunrise Estates, this is a second entrance. He can see the writing on the wall and can see that when the barriers are taken down the traffic will return to Teton Drive.

Mr. Arey stated we are creatures of habit and that is the problem that started all of this. They will do their best to get them away from that. As a matter of fact, maybe the idea of placing a barrier on their part where their road starts maybe they will know to go the other way. The reason they were going around the barriers and through the Sewer District's property is because that was a day they were pumping concrete and there was no access to the subdivision. He knows several people parked on Teton Drive. That was a concrete pump on the north side of the development.

Tom Mendenhall, Prime Development, stated they have built a \$4.5 million highway improvement with no public money at the Lake of the Woods exit area. It has taken almost three years for them to get to this point. Originally they came before the Commission with their plans. The neighborhood association requested a berm be constructed and this was one of the first things they did. They did not want their subdivision to the north to come through and this was noted with the Commission. There has been a motor grader out there all summer when it rains so people could drive in through the north. The Commission should be aware of the few times when there was traffic accidents on I-70 and traffic was routed the wrong way. He noted there were also

others using Teton Drive, such as CenturyTel, and they do not have control over trucks that might go to service that area. They are bringing, in cooperation with the City, a \$4.5 million sewer improvement to come out there. The neighborhood wanted to get their open sewer that bubbles and gurgles right there on Teton out of that subdivision. They worked to help pass the bond issue.

The only reason he is speaking is because people are saying they did this or that. He believes the Commission is working very hard to get Grace Lane open. The other subdivision has been platted and that is next for Mastermark to have another access out of there and it should be built in a timely basis. Given better weather, the road should be open. The reason Bull Road was not the first road open is because they were dealing with MoDOT in order to get their approval.

Mr. Mendenhall stated he believes the subdivision has nice stop lights in place; the roads have been widened, and believes a major improvement has been made. The properties that Mastermark is building are nice properties. They donated 11 acres to the City for a park. He believes they are trying to do a good project and believes working with them will help.

Mr. Lowery stated he does not want to argue with Commissioner Elkin and they are working toward finding a solution. They do not admit that one point of access is reasonable access and this is not something they conceive because the County Planning and Zoning Commission just approved a subdivision plat with 200 plus units and under County regulations more than one point of access would be required in order to build that. They do not believe that is long term reasonable access. It does not make a difference if a solution can be reached. They would have to disagree with this decision on this item.

Mr. Donelon stated he has heard comments of putting up temporary barriers, there were temporary barriers out there. This lasted for about half an hour, the trucks came and moved the barriers out of the way and drove on through. To this day, he still sees trucks going down Grace Lane to Teton Drive, material trucks. The trucks down there see the street is closed so they turn around and come back.

It has been about a month and a half that street has been closed. He would think that Mastermark would inform these people that the street is closed and they do not know it today because there are some that still use Grace Lane to Teton Drive. Mr. Donelon lives on Grace Lane and sits here to tell the Commission what he saw this summer; the speed and the amount of traffic that went through there. When they say they can put up a temporary barrier to show people that the road is closed, they had that and it did not work. He sees no sense in going back to that. He favors putting up the signs on Grace Lane to deter construction traffic to Bull Run. What will be the excuse of a dump truck on not using Bull Run next time? They admitted they went through the Sewer District's property because there was a problem at the other end. That is arrogance to him because that is private property.

Mr. Donelon stated he has heard a lot about conveniences. He has not heard anything about the people that live on Teton Drive. He is talking about a way of life, which has returned to some sort of similance in the last month and a half because the barrier has been up compared to the pure hell that was there this summer. All Mr. Donelon sees is if they go back, remove the barricade and open up the street again it will return to pure hell. This is something neither he nor the neighborhood wants to see.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre asked John Patton if he had any comments to make. Mr. Patton stated a proposal has been presented and the Commission can either accept or reject it.

Commissioner Miller stated people do not like change and this is what the Lake of the Wood neighborhood is facing. The whole neighborhood is changing and as it develops it will continue to change the neighborhood. She believes working with developers, the County will put up the signs so they know the signs do get up. She thinks this will help the trucks know that is where they are supposed to go. It will take some time. If the Commission does accept this proposal then she would like to be able to review this in 30 or 60 days to see how it is working. All parties have to be involved and try to find a responsible solution. It behooves Mastermark and Mr. Mendenhall to try to make sure they are doing their part.

Commissioner Schnarre stated Mr. Patton has presented proposed wording for an order.

Commissioner Miller asked if this is a first reading.

Commissioner Elkin stated someone else can make a motion, he will not support it. They are talking in the context that this was going to be a permanent barricade and it is not. This is a temporary barricade to let a substantial portion of that development to take place then the barricades were going to come down. Then it would be used for what the Planning Department had intended all along as a local street. They are talking in the context that this is a permanent situation and it is not. A condition was placed on the first order for review within six months. As fast as they are building now, a substantial amount of that will be done in six month. It was never intended to be permanent barriers.

Commissioner Miller asked what would be said to the person with the trailer that cannot turn around. That is something that has to be recognized.

Commissioner Elkin stated there are developments all the time with only one access where these trailers go in and out and he does not believe it is any different.

Commissioner Schnarre stated that argument does not hold too much water with him. He believes that because of the sale of the different ownerships that this is what caused the

lack of communication. Commissioner Elkin stated he does not disagree with that.

Commissioner Elkin stated he did call Mr. Mendenhall the day before and should have called Mr. Arey.

Commissioner Schnarre stated they were never informed or allowed to make any corrections. The proposed order gives a 60 day time limit and believes the monkey has been put on their back now. This way they can also complete the platting process.

There was no further discussion on this item.

Commissioner Miller moved to order that Commission order 568-2003 be vacated and barricades for access from Teton Drive to Eastport Village Subdivision be removed upon (1) notification of the city of Columbia Public Works Department acceptance of Bull Run and Portway streets, (2) County Commission receipt of copies of letters sent by Mastermark Builders to contractors, subcontractors and material suppliers requesting use of Bull Run/Portway to access East Port Village Subdivision rather than Grace Lane and Teton Drive in connection with construction activities at East Port Village, and (3) erection of limited access and directional signage for construction traffic to East Port Village at Grace Lane and Teton Drive by Boone County Public Works to be paid for by the contractor. The effectiveness of these revised traffic control methods shall be reviewed within 60 days after the removal of the barriers.

Commissioner Schnarre seconded the motion.

Mr. Arey suggested placing signs on lots 344 or 345 of the subdivision, which is the most easterly part of Teton Drive. Commissioner Schnarre stated there should be enough signage the Public Works department can decide where to put the signs.

Commissioner Miller asked if this was City right of way. Mr. Arey stated that is correct.

Commissioner Miller stated this gives her heartburn.

Commissioner Schnarre stated there have been problems on both sides in trying to solve this. He is not sure this was handled correctly from day one which is partly the Commission's fault.

Commissioner Miller stated the Commission tried to work on getting it stopped before it was barricaded. The correct people were not contacted; it is not their fault but the Commission's. You live and you learn and they will try to make this work.

There was no further discussion and no public comment.

The motion passed 2-1 as follows: Commissioner Schnarre – Aye, Commissioner Miller

– Aye, Commissioner Elkin – Nay. **Order 28-2004**

Subject: First Reading of Contracts

- A. Big Brothers/Big Sisters
- B. Boone County Council on Aging
- C. Boys Town of Missouri
- D. Cedar Creek Therapeutic Riding Center
- E. Central Missouri Food Bank
- F. Eldercare Center
- G. Harrisburg Preschool and Daycare
- H. OATS Inc.
- I. Mid-Missouri Legal Services
- J. Rainbow House
- K. Reality House
- L. Services for Independent Living
- M. Voluntary Action Center

Commissioner Schnarre stated these are annual contracts with these agencies through the County's budgeting process.

There was no further discussion on this item.

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

Commissioner Reports

Commissioner Schnarre

No reports at this time.

Commissioner Miller

Home Builders

Commissioner Miller stated she attended the National Home Builders Association meeting. One item discussed was a joint grant award to the National Association of Counties and National Home Builders Association on the low impact development.

She offered Boone County/Columbia to the Home Builders based as a potential sight based on the joint task force as a national workshop area.

Also, the Home Builders have started research on the best management practice to

prove/disprove the value of the best management practices nationally for storm water mitigation problems.

International Council of Shopping Centers

Commissioner Miller stated she spoke at International Council of Shopping Centers conference in St. Louis. This was the Missouri/Kansas exchange and had round-table discussions. Ken Efftink of Ashland went with REDI. Centralia and Hallsville were invited but unable to attend. There were also other local business people. There was a round-table discussion on rural development.

Commissioner Elkin

No reports at this time.

There was no public comment.

The meeting adjourned at 10:35 a.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner