

TERM OF COMMISSION: September Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Director of Planning and Building Stan Shawver
County Counselor CJ Dykhouse
Deputy County Clerk Josh Norberg

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

Planning and Zoning

1. Request by Catherine Greer and Thad LeFebvre to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) on 8.0 acres, more or less, located at 9951 N. Highway VV, Columbia.

Mr. Shawver stated this property is located on the west side of State Highway VV approximately 3600 ft south of the intersection of Peabody Road and State Highway VV. The site is approximately 4-miles north of the nearest municipal limits of the City of Columbia. The subject property for the rezoning is 8-acres. The current zoning of this property is A-R (agriculture-residential) as is all the surrounding property to the west, southwest, south, southeast, and east and these are all original 1973 zonings. The property to the northeast, north, and the northwest is zoned A-2 (agriculture) and these are also original 1973 zonings. The northern most property line of the subject tract is the boundary between the 2 different zoning districts. The subject property contains one single family structure and a couple of accessory structures, and a wastewater lagoon. Under the existing A-R zoning the theoretical maximum number of dwelling units allowable for this property would be 16 units; under the A-2 zoning the theoretical maximum number of dwelling units is 3. A down-zoning to the A-2 will make the property eligible to be divided by family transfer and we anticipate that this is what will happen should this request be granted. The property is located in Consolidated Public Water District #1. The district currently has a 4 inch and 8 inch water line along Highway VV. The site is in the Boone Electric service area and Boone County Fire Protection District service area. The site is within the Columbia School District. The proposal rates 40 points on the point rating scale. The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan. Staff notified 15 property owners concerning this request.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken

down into 3 general categories, utilities, transportation and public safety services.

Utilities: This site is served by Boone Electric Cooperative and Consolidated Public Water District 1. The proposed zoning will require less total utility service than the existing which already has adequate services for an A-2 density.

Transportation: Access to the site is from State Highway VV.

Public Safety: The nearest fire station is on Dripping Springs Rd.

The request is essentially the shifting of the district boundary edge and has sufficient resources to meet the requested zoning. Therefore, staff recommends approval of the request.

The Planning and Zoning Commission conducted a public hearing on this request on August 21, 2008. After consideration, the Planning and Zoning Commission made a motion to recommend approval of the request from A-R to A-2. That received unanimous support. It comes forward with a recommendation for approval.

Commissioner Pearson asked for comments in favor of this request.

Rod Stevens, 901 Fairway Dr.

Mr. Stevens stated he is the attorney for Ms. Greer and Mr. LeFebvre. They live on 8 acres at 9951 N. Hwy BB. There is one house on their property. The property right now is A-R. Ms. Greer and Mr. LeFebvre would like to convey this property to Mr. LeFebvre's mother. His mother would live in the existing house and would get 2.5 acres of land. On the remaining 5.5 acres, they would build a new house. That is why they are asking for the change in zoning. They cannot make a family transfer on A-R. Ms. Greer and Mr. Lefebvre are not aware of any opposition. Letters were sent to surrounding neighbors, and there was not any response.

Commissioner Pearson stated there was some concern about the road going back. He asked if that would be taken care of with this request.

Mr. LeFebvre stated it would be taken care of.

Commissioner Elkin asked if the road would be an easement or if it would be part of Mr. LeFebvre's lot.

Mr. LeFebvre stated it is an existing road that is on his property, but stated he would move it over more if that was necessary.

Commissioner Pearson asked for comments in opposition to this request.

There was no opposition.

Commissioner Pearson closed the public hearing.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by Catherine Greer and Thad LeFebvre to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) on 8.0 acres, more or less, located at 9951 N. Highway VV, Columbia.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 417-2008**

2. Request by Karen L. Sapp to rezone from A-1 (Agriculture) to A-2 (Agriculture) on Tract 1, consisting of 10.0 acres, more or less, located at 8801 E. Logan Rd., and Tract 2, consisting of 8.8 acres, more or less, located at 9020 E. Highway AB, Columbia. (Appeal)

Mr. Shawver stated The property is located about 3-miles southeast of Columbia. It is accessed from US-63 via State Route AB. The current zoning is A-1, which is the original zoning. The property is currently used for pasture. The applicant has stated that the purpose of the rezoning is to enable transfer of property to each of three children. A request to rezone the entire parent parcel was denied in June 2008. The current request proposes rezoning an 8.8-acre tract and a 10-acre tract. It should be noted that both tracts are of sufficient size to be subdivided under A-2 zoning.

Land uses in the area can be categorized as rural and residential and are in character with the A-1 zoning designation. The County GIS system was used to analyze the size of tracts within a one-mile radius of the property. The map being displayed on the screen shows tracts that are nominally 10-acres or greater and tracts that are less than 10 acres. There are 13 tracts less than 10-acres, two of which are the result of a PRD and are zoned A1-P.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- Water: The property is located within Consolidated Public Water District Number 1. The Water District reports that water is available in the area at a flow rate of 300-340 gallons per minute. The minimum rate necessary for residential development is 500-gallons per minute. Subdivision of the subdivision tracts could require fire protection. Therefore,

- water service sufficient to supply the needs of the proposal is not currently available.
- Sewer: There is no public sewer available in the area
 - Electricity: There is no indication that there is a lack of electric system capacity for a residential subdivision of the property.

Transportation: Tract 1 has frontage on and direct access to Logan Road. Tract 2 has frontage on and direct access to Highway AB. The property is well served by the transportation network, which appears to be adequate to serve development at the existing density. Rezoning the two tracts to A-2 will not have a significant impact to the transportation system. A traffic study was not completed for this proposal however, anecdotal information received from neighboring property owners indicates concern about existing traffic on AB and Rangeline.

Public Safety Services: The nearest fire station is located near Columbia Regional Airport, within three miles of the property. Law enforcement is provided by the Boone County Sheriff. The nearest emergency medical services are in Columbia approximately 9-miles away.

Zoning Analysis:

- Granting this rezoning will not have a detrimental impact to the area due to lack of services necessary to support the rezoning. However, the precedent set by approving the request could lead to piecemeal disruption of the zoning district.
- The proposed rezoning is out of character with the pattern of development in the area. Development that has occurred since zoning was first implemented has been consistent with the A-1 requirements. There have been no changes in available infrastructure, development patterns or zoning in the area that support the rezoning request.
- The property is well suited for use within the current zoning regulations. Several Administrative Surveys have been approved, in the area, that have created 10-acre lots. Large lot residential development is viable in this area as evidenced by the current pattern of development.
- Granting the rezoning will arbitrarily favor a single land owner with no counterbalancing gain to the public health, safety and welfare. There is a sufficient inventory of A-2 zoned land in Boone County
- There are other options open to the land owner to achieve her stated goal. A rezoning to A1-P with a review plan showing a 5-acre lot is a viable option that would not disrupt the integrity of the area.

The property scored 38 points on the rating system. Staff notified 12 property owners about this request.

Staff recommends that the request be denied.

The Planning and Zoning Commission conducted a public hearing on this request on August 21, 2008. After consideration, a motion was made to recommend denial of this request. That motion received unanimous support. The applicant filed an appeal in a timely fashion and so the request comes forward to the County Commission on appeal.

Commissioner Pearson asked for comments in favor of this request.

Karen Sapp, 6601 Cty. Rd. 333, Fulton

Ms. Sapp stated she is here to request a rezoning of a tract of 10.0 acres and a tract of 8.8 acres to A-2 (Agriculture) to transfer to her children. She stated she would also like to request that if there is opposition in this room as to why this request should be denied that they come up and state what those reasons are so they may be addressed. She asked for those who are here in favor of this request to raise their hands so the Commission can see that there are those in favor also.

Crystal Masek, 5054 Cty Rd. 410, Fulton

Ms. Masek read her statement into the record.

“Karen Sapp is my mother. The first Planning & Zoning meeting I attended was the last one on August 21, 2008.

I would like to let you know what transpired in this meeting. The first applicant was applying to get their property rezoned to A-2 to put their mother on, as they did not want to endure the expenses of any sort of platting or planning, just to do a family transfer.

There was opposition speaking against them, but yet the Planning & Zoning Commission still voted in favor of rezoning it to A-2 for this purpose, unanimously.

The next applicant was my mother, applying to get some of her property rezoned to A-2 for her children, and she was denied unanimously. Not only that, but a bunch of the neighbors compiled a petition against her getting this done, and raised up in the meeting to show their opposition.

I’m sorry, but I can’t see what the difference is. Is this an example of precedence? If precedence is a concern of yours, would you have to grant her request?

I would like to think the Commissioners can see past all of the rising opposition, and see that this is a simple matter of “what is right and what is wrong”. This is not a matter of whether we can get your barn wired before we need your support. Nor is this a matter of the amounts of rising opposition.

No, this is about my brother wanting to build a house for his family on less than 10 acres, as many others which are opposing this have already done. I see no way that my brother building a house or a few more houses on 108 acres is going to hurt any of these neighbors. Please find attached a copy of the current petition with the names highlighted of the residents on less than 5 acres. You will find approximately 25% of the opposition is on less than 5 acres.

I would also like to make you aware at this time that the people here in favor of this request have not changed their positions.

Surely the Boone County Commissioners are smart enough to see that the approximately 35 landowners (which their petition states) can't seriously be organizing & gathering here over a few more houses?

I would like to ask that the Commissioners take a long, hard look at this simple request before voting on it. I'd like to ask that you grant this request and submit my letter on record."

Commissioner Miller stated she thinks Mr. Shawver should explain the difference between this request and the one the Commission just approved.

Mr. Shawver stated the Greer/LeFebvre request was to rezone 8.8 acres from A-R, which has a 0.5 acre density, and they downzoned it to A-2, which has a 2.5 acre density. So, what they were doing is cutting their possible density under the existing zoning. Family transfer is not possible in A-R zoning, and it is possible in the A-2 zoning. So the applicants were essentially hurting themselves by downzoning.

Commissioner Pearson asked for further comments in favor of the request.

Charline Brittain, 9701 E. State Highway AB

Ms. Brittain stated she lives across the road from Ms. Sapp's property. She read her statement into the record.

"I would first like to present to the Commissioners the signed letter I have from Winston P. Morton, who owns half the east side of Karen's property, 80 acres. The letter I'm presenting expresses that he is very much in favor of this request passing as well as the prior one, and would like me to speak for him as well at this meeting, since he has been unable to attend due to some health issues, and we feel the same way. Please also acknowledge that I am also speaking for my husband, AC Brittain, who is here in attendance. Since we all feel the same way, we will condense the Commissioner's time by making 1 presentation for 3.

We would like to express that we are very much in favor of Karen's request being granted. Even though we have had many of our neighbors rising up in opposition at the last 3 meetings we have been to, and I'm sure they will rise again tonight, we too have the right to express our opinions. We pay our property taxes as well, and between us we own 428 acres of this block, and do not expect our opinions to be taken slightly.

Al and I have lived here 50 years and Winston has lived here 60+ years. We would like to let the Commissioners know that in all these years we've never had problems with sewer provisions, water supply, electric supply, safety concerns, or crime that we couldn't take care of ourselves. Highway AB is a paved, state, dead end road. Rangeline is paved and I thank the County for

giving us some of the best roads in the county. On our farm (Al and I's) we have 2 deep wells as well as our own sewer provisions for 2 residences. This is not uncommon for the area.

It is also not uncommon in our area to have residences on less than 10 acre lots. As stated before, there are 13 within a mile of Karen's property. That makes this request not any different than the surrounding area, rather than uncommon for A-1 Zoning. Many of the parcels around her which are on 10 acres consist of around 5 acres of land and 5 acres of water, in a lake. Therefore if you just look around the area, it is very much consistent with the rest of the area.

We know that the Commissioner's role here as well as the requirements of Planning and Zoning is in force to help protect us and we are grateful for that. But, as in this case we would also hope that you can see that as change occurs (and a lot of it has towards our area), change may also need to occur for others, like Karen. We would certainly hope to see the integrity taken on by the Commissioners to take a hard look at this request.

1. Utilities are not a problem.
2. Roads are not a problem.
3. Many other people such and the Barnes have already done the same thing; it is just still classified as A-1 zoning.

I would also like to bring up the fact that Karen has been up front about this with all of us since the beginning. She wrote us all a letter letting us know of her intentions before the first zoning letter came out. She offered her cell number to anyone who had questions. Yet she was not invited to the pre-meeting neighborhood meeting. If she had concerns about why the neighborhood was doing something in particular and opposing her, i.e. living on 1.86 acres, she sent this information directly to them. She has been up front and honest through this whole process. It's a shame we can't all do the same.

We would like to see the Commissioners stand behind their recommendations made on July 1, and grant this request, as she did what she was asked to do. At this time, I would also like to submit this letter to the Commission to go on record."

Ms. Brittain stated she would like to give a little history about their area. She stated in the 50s and 60s, Highway AB and Rangeline Road were dusty and hard to travel on. They bought their farm in 1957. She stated she thought it was the end of the world when her husband bought that farm. Her husband bought the land anyway. They were thrilled when the water district said they were coming down Rangeline and AB. But nobody wanted the waterline to be on their property. The state was also going door to door getting permission to straighten and surface AB. Nobody wanted to give any of their land then either.

Ms. Brittain stated the Barnes are known for their good hams, and the neighborhood also houses an Olympian and sculptor, as well as a dentist. The community is very diversified. She stated she would like to thank the Commissioners for being professional.

Linda Caudle, 3403 Elm Grove Dr., Columbia

Ms. Caudle stated she is Ms. Sapp's sister. She stated she would like to speak on the character of Ms. Sapp. She has never known her to be vindictive, or vengeful. She has always been hardworking, honest, and caring. She raised her 3 children with guidance, discipline and love. They have all grown to be outstanding citizens of the community and hard workers. She would not give them land if they did not deserve it or earn it. She is a smart businesswoman. She stated she was a little angry when she read the article in the paper about how somebody was suspicious about what she would do with the rest of the property. Ms. Sapp is not manipulative in any way. She is honest and up front. She stated it made her suspicious of why people were opposing it. What plans do they have with the land, even though it is Karen's land? She stated she just doesn't understand.

David Butcher, 8951 E. Logan Rd., Columbia

Mr. Butcher stated he has prepared a letter to send to the Commissioners in the mail, but he thought his neighbors should hear what he has to say. He stated he would like to read the letter into the record.

"I wanted to take a moment of your time as I stand before you to lend my full support for the rezoning request by Karen Sapp to rezone 10 acres adjoining my property and 8.8 acres lying north of my property. I realize that my neighbors are not in full support of this request. I hope that by voicing my support, I am not creating any animosity with my neighbors. We have a very special neighborhood as one of the best places to raise my children. The values and influences gathered by our neighbors is of the highest quality. With my chosen profession, I am obviously active in development and try to stay involved so I can make a positive impact on an often touchy subject. While I respect and admire the concerns of our neighbors, I want to share a different opinion with you.

My property and the Nistendirk property are likely the two most affected by this change due to being contiguous parcels. It has been expressed to me that my neighbors would like to see this rezoning as an A-1P. I would like to share my views about A-1P zoning. This is the only planned district that in my professional opinion is the least effective. A-1 zoning is the lowest density zoning available in Boone County. As long as a land owner of A-1 zoned property has the equitable amount of land, then multiple dwellings can be placed on a single tract of land without the need for a planned district. Additionally, with the vast acreages required for A-1 zoning, there is really no need to set aside land for common elements or greenspaces or buffers, because the very size of these parcels will provide without. With this unique zoning that is generally used for protecting the freedom of the farmers, then even clustered homes are possible. It is reasonable to say that to rezone A-1P would be a down zoning from the current zoning and would provide no improvement to the existing property and little benefit the adjoining property, therefore I think it is not fair for us to expect Karen to impose more restrictions on her property for the same density she is currently allowed. I don't think anyone in this room would be willing to accept more restrictions on their property than currently exists without receiving something in exchange.

Let's talk about A-2 zoning. The very title of this zoning district still indicates that this is agricultural property. The very nature of this size district does fit in well with larger acreages and farming operations, as is evident from the other smaller parcels sprinkled around our neighborhood. This does however mean in moderation. Obviously excessive amounts can be hard to govern and seriously change the surrounding look and viability of adjoining parcels. Although I would most prefer to see this rezoned A-2P so that myself and my fellow neighbors can have some reasonable input as to how this property will be divided and developed, I don't think that with this small of a request that it is fair for us to expect a more restricted development like those found in planned districts. The size of this request itself is very restrictive to the amount of negative impact possible. It should be noted, that under her current request, she would be allowed a maximum of 7 dwellings on the requested sites. At the current state, she will only be allowed to develop 3 tracts without upgrades to the waterline and adding fire hydrants, as outlined in section 4.2 of the current subdivision regulations. The remaining 4 tracts would only be allowed to be transferred to adjoining or through family transfer to avoid these costly upgrades. Any additional subdivision on this entire farm throughout will result in this upgrade requirement. I think it is fair to say that the 10 acres adjacent to me will likely be used for family transfer. That will leave the remaining 8.8 acres along AB to be developed and sold individually. Considering the 8.8 acres would likely have been allowed to support 1 dwelling on its own, that only adds an additional 2 dwellings to this property than what is presently allowed under the current zoning and/or currently accepted by the neighborhood. Therefore, it is very easy to support this rezoning. It should be noted that Karen has indicated that she wanted to do this to facilitate the ability for her children to live here. We embrace that desire and hope that her intentions are earnest. I don't know Karen's intentions, she has not consulted with me, but I am sure that rezoning only 17% of this farm is a darn good compromise from the 100% she was requesting a few weeks ago. I hope that my neighbors do not judge my support as a knife in the back to our community, but more so a good neighbor gesture to say be responsible, and we will be behind you. We all gathered to fight against the entire 108 acres. We made our point that it was not appropriate. So what is appropriate?

I think A-2P is most appropriate, but what is the plan going to protect us from? We have adequate street frontage to support these houses, we have minimal water and sewer infrastructure. That is not going to change with or without a plan. If we were to have more lots proposed then you can gather more resources to improve those deficient infrastructure, but with only 3 lots, it is likely that the plan will mimic exactly what is currently allowed in open zoned districts. There just physically is not enough equity in 3 lots to diversity the plan the way the zoning districts have been modeled for. It seems a bit silly and unprofessional to be this adamant to demand planned zoning for 3 platted lots.

With that argument in place it only leaves the precedence set by this Commission to rezone. It may be argued that this is not the best location. Where is? I contend that there is nothing of this size acreage available in the New Haven school district. Most of the available A-2 zoning is located on Rt. E towards Harrisburg. I agree that this could send a message that rezoning in this area is acceptable, but I don't think it will open the flood gates to the rezoning requests. I think

there is a need for some smaller acreage sites in this area to add to the inventory that Boone County has available, but I think it should be minimal amounts so it does not aggressively impede the farmers from doing their jobs. You the Commissioners will have to control the precedence. If a little is OK then let there be a little. You have already said that a lot is not acceptable. I give you the Commissioners my full support to approve this request and I send out my heart felt respect to my neighbors to say I appreciate your fight and respect your opinions and thank you for a wonderful neighborhood.

Commissioner Pearson asked Mr. Butcher if he sent a letter of opposition for the first request.

Mr. Butcher stated he did send a letter opposing the rezoning of all 108 acres. He stated that is a testament to whether this is appropriate. He did not think 108 acres was appropriate, but this is appropriate.

Commissioner Pearson asked for further comments in favor of this request.

There were no further comments.

Commissioner Pearson asked for comments in opposition to this request.

Donna Lillard, 8851 E. Hwy. AB

Ms. Lillard submitted a map highlighting the properties surrounding the Sapp property and indicating those in opposition to the request. Ms. Lillard read her statement into the record.

“The original intent of this request, originally submitted two months ago, was to rezone the entire 108 acre tract as A-2. This was not appropriate due to area density, infrastructure and intended use of the land. It did not follow the policy or procedures as established by the Boone County Planning and Zoning division. Our stance at that time was based on the above concerns and the vague, indefinite nature of A-2 zoning. The requested change would not protect neighboring land owners in the vicinity against future requests. Furthermore, the intent stated was to transfer or sell the property to family members. This can be accomplished through procedures currently in place and would preserve the integrity of the remaining land under the current zoning.

More recently, the scope of the request was reduced to two tracts of land that have been surveyed or by legal description set aside from the larger tract. The total acreage of the two tracts is 18.8 acres. These two tracts have road frontage on Highway AB and on Logan Road. In theory, an approved A-2 request would allow these lots to be subdivided into seven lots under this request. Which, based on the original request, is the probable true intent of this desired zoning change. However, this worse case scenario for current use of future use challenges the integrity of the current zoning regulations. It also sets precedent for future land owners and developments.

Historically, the majority of the land in the area is zoned A-1, with farmland and large 10 acre tracts. Since the inception of the Boone County Planning and Zoning regulation regarding family

transfers in 1990, all family land transfers and sales in this area have followed the process outlined in the County ordinances under the A-1P designation. To date, there has not been any competent or substantial evidence demonstrated that would justify this proposed request being made the exception. Landowners prior to these ordinances being put in place followed the current procedure at that time period and still retain ownership of those tracts and it in no way diminishes their ownership or rights as land owners.

The petition from the beginning has contained residents that were notified of the rezoning request based on the certified mail to all owners within one thousand feet of said tract, as well as those that would be directly affected in the area. If you review the map, each person that signed owns property that is in close proximity of the said tract. The one thousand foot notification does not preclude others in the area to speak in favor or in opposition of any zoning request.

In closing, we stand opposed to the proposed request to rezone the 18.8 acres to A-2 and we ask that the zoning rules be adhered to. To grant an exception for this request does not protect the landowners today or in the future. As County Commissioners, we are looking to you to uphold the ordinances currently in place and to preserve the integrity of the system. More importantly, our decision as residents along Rangeline, Logan Road, and Highway AB, is based on protecting our land as it is zoned today and it is not to challenge the purpose and/or intent of the Zoning Regulations. To further understand our position, we would be in support of a request to rezone said tracts of land to A-1P, to complete the sale or transfer of land to the heirs.”

Ms. Lillard asked those who signed the petition in opposition to stand.

Lance Fox, 7931 S. Rangeline Rd.

Mr. Fox stated he owns 40 acres right across the street from the Sapp property. He stated originally he was not opposed to any of it, but the more he thought about it, he felt the A-2 zoning is not appropriate for the area. He stated he does not know the Sapps, and he does not have a problem with any of them. He also does not have a problem with her trying to build houses for her children. He stated he has a couple of questions. Originally, she said they wanted the houses separated, but now they are going to put all the houses on one lot on Logan Rd. He stated he received a letter in his mailbox that was not postmarked that was trying to intimidate him.

Stephanie Smith, 8351 S. Rangeline Rd.

Ms. Smith stated she and her husband are concerned with precedent being set with this. They consider it spot zoning. There is an adequate way that she can transfer land to her children without using unplanned open A-2 zoning. She stated she has no animosity toward the Sapps. They simply ask that the existing zoning stay as it is. They would prefer it to go the planned zoning route. With open A-2 zoning it could be subdivided to 2.5 acre tracts.

Commissioner Miller submitted letters in opposition from Ms. Smith, Linda and Stanley Lynn,

Bud and Geraldean Holiman, Kim and David Ponder, and Laura and Lance Fox.

Commissioner Pearson asked if Ms. Sapp would like to rebut.

Gene Basinger, 300 St. James St., Columbia

Mr. Basinger stated he is the surveyor for this property. He stated everybody still seems to be concerned with all these tracts of land out there. He stated his job is to look at these pieces of land and find out how he can divide them up in the best manner that maximizes the land. Her land is really two pieces of land that is split. There is Blue Line Creek that runs through the southern part of the property, which would cause a problem if you wanted to develop that portion. He stated there really isn't anything you can do with this land to develop it further than the few lots Ms. Sapp is requesting. On the north part of the property, you could only get 5 tracts on the land. There is no need for A-1P, and A-2P gains nothing more than what there is right now. The cost of doing these projects under any planned zoning is very expensive. He stated even if a request is brought for planned zoning, they would still be sitting here with opposition to it from the same people.

Mr. Basinger stated suggestions from the last meeting were to come back with a request for smaller tracts. Some of the people in opposition even said they would support a request for smaller tracts. He stated he is confused by people wanting smaller tracts and then opposing it when Ms. Sapp makes a request for smaller tracts. He stated if they bring back a request for A-1 planned or A-2 planned, the same people will be sitting back there opposing it. He thinks what Ms. Sapp is asking for now is appropriate and doesn't cause any problems. There is no additional protection with planned zoning.

Ms. Sapp read a statement into the record.

"I am here today to address the issues concerning my rezoning request to rezone a 10 acre and a 8.8 acre tract from A-1 to A-2 zoning to allow my 3 children to be able to build a house on tracts of less than 10 acres as A-1 zoning requires.

I would like to address the issues and/or prior concerns as well as recap the prior events that relate to this issue.

On July 1, 2008, I was denied my request to rezone this entire 108 acre tract to A-2. My reason for this request was the same. Most of the opposition from over 30 neighbors as well as Planning & Zoning and the Commissioners, because this could possibly change the density in the future by a lot. For this reason it was recommended by the Planning & Zoning Commission, the Boone County Commission, as well as many neighbors that I divide off the acreage I would want my children to build on and apply to rezone it. It was stated by many neighbors that if I applied for only the smaller tracts, they would have no problem with that.

Therefore, I have spent close to \$4,000.00 to get this property divided and have reapplied to get

the 2 smaller tracts rezoned to A-2 for my children as recommended.

Now I would like to address some of the other prior concerns in relation to this rezoning. Please also see the attached Staff Report which states that this rezoning request will not have a detrimental impact to the area due to lack of services, dated August 21, 2008.

1. Density: With this second request for the smaller lots, the density cannot increase (even in the future) by more than a few on 108 acres.

2. Lack of Sewer Provisions: In this area there are not any county provided sewer provisions. Everybody has to provide their own, as it has always been. This does not change whether it is zoned A-1 or A-2. with this in mind though it does bring up the issue that it is impossible for anyone (even in the future) to build on 2.5 acre tracts because you have to accommodate your own sewer provisions. With the current health department regulations of set backs, etc., it requires approximately a 4 acre tract to accommodate all of the requirements. For this reason itself, it limits the increase of density to only a few.

3. Precedence: As I stated in the August 21, P&Z meeting, if precedence is a concern, this should be all the more reason I think this request should pass, as I have 13 parcels within a mile of my property on acreages of less than 10 acres. This amount is taken from the June 19, 2008 Planning & Zoning Report. The Barnes' farm that joins mine has 3 parcels on it with their children's residences on them, which are all under 5 acres.

4. Roads: Highway AB is a state road and paved, it is also a dead end road. Like AB, Logan really doesn't lead anywhere other than some residences. Rangeline Rd. is a county road and is paved. We are very fortunate that we have some of the best roads in the county.

5. Electricity: No problems or concerns.

6. Hospitals, security, etc.: Since this property is located only 3 miles from Columbia and within 10 miles of any and all of these provisions, it is probably in the highest ranking of the county's preferences of being close to these provisions.

7. Water Supply: If the County of Boone is not capable of supplying the amount of water necessary for an additional 2 or 3 houses within 3 miles of Columbia, then the last 2 or 3 houses that may be built on this 108 acre tract will simply have to drill a well, as many others in the area have done.

This has addressed these concerns of my neighbors. The Staff Report shows that the Staff no longer has concerns with these issues. I'll now address the prior Commissioners' concerns:

1. The main concern of the Commissioners was that this was going to be on the entire 108 acre tract. In the July 1 meeting on the whole 108 acre tract, Commissioner Miller and Commissioner Elkin recommended that I divide off a few smaller parcels and apply to have them rezoned to A-

2. This is also what many of the neighbors recommended, therefore that is what I have done. Please see the July 1 minutes of the Commissioners' meeting and some of the neighbors statements made in public meetings. You will find at least 10 statements attached saying that they have no problems with my children on smaller acreages and/or the only problem here is that it is on the entire 108 acres. At least half of these refer to having the smaller parcels for them rezoned to A-2. Minutes from the June 19, 2008, Planning & Zoning meeting, in which Commissioner Oetting, who is also a neighbor, states that he had gotten some neighbors' input, and there is no problem with the children getting smaller parcels, but cannot be in favor of the whole 108 acres. It also states that he is not opposed to A-2 zoning in this area, but says these locations need to be decided and only rezone those spots. This is what I have done.

A lot of the neighbors who stated that this would not be a problem if I were only rezoning the smaller tracts, are also on the opposing petition presented to Planning & Zoning on this request for the smaller tracts, dated August 21, 2008. Please see the attached August 21 petition. Please compare this petition to the neighbors statements and you will find many of the same names. Example: The first letter from Jim and Shannon Brown states "If she wishes to section off 5 acres to sell to her son and not rezone the rest we would not protest." The second letter from Lance & Laura Fox states, "She has other appropriate options available to her if she just wants to provide three 5 acre tracts to her children, such as A-1P or size down the request to include 15 acres to be rezoned to A-2". I have highlighted these examples for you on the petition against this request dated August 21, 2008.

I would like at this time to respond also to other possibilities which have not been brought up. A-2P, by Skip Elkin in the July 1 meeting, which would not change the density concerns that were expressed on the whole 108 acres as A-2, therefore would not pass. A-1P, by Planning & Zoning on August 21, 2008, which still requires a minimum of 10 acres per 1 house. I have no reason to apply for this as it does not do anything for me. Since I have 3 children I am looking at having to give up 30 acres rather than 10 acres since I have to be prepared to do the same thing for all 3 children even though only one is more immediate. Even though I would love to be, I'm not in the position to be able to give up 30 acres of this farm, since it is my retirement. Therefore, these are not viable options.

I would also like to request that if there is opposition in this room with reasons as to why this request should be denied, that they come up and state what these reasons are so they may be addressed, which I'm sure that is the reason for the format of this meeting. Rather than only stating "you have concerns" as they did in the last P&Z meeting. This meeting is designed to hear what the opposition is and if there are people in this room that feel like adding a few more houses for a very good cause is going to impose undue hardship on them, I want to hear the reasons why.

In closing I would like to present the favorable letters again from AC & Charline Brittain which own 240 acres right across Highway AB from my property as well as from Winston P. Morton which owns half the entire east side of my property. Also I would like to submit the petitions we have collected from Boone County residents who have signed this petition asking the Commissioners to override P&Z's denial on this zoning request. Just in this past week we have

collected over 130 signatures. I would also like for anyone in favor of this passing that is present here today to raise their hand so that the Commissioners may see that there are people here in favor, and they cared enough to come here today to show them this. I would like to express that I've already done all I can to appease the neighbors & Commissioners told me to do in regards to getting this accomplished, and was very surprised to see the neighbors at the P&Z meeting on August 21 standing up once again in opposition in regards to this smaller request. I, as well as my family and many others would like to see the Commissioners grant this request, and would like to submit my presentation with exhibits at this time to go into record.

Commissioner Miller stated the thing with A-2 without it being planned is you can't guarantee these two 5 acre tracts are going to be given to your children. It could be four 2.5 acre tracts. She stated Ms. Sapp has stated all along she wanted 3 tracts for her 3 children. She asked when the Commission approved a family transfer in this area previously, if it was A-1P.

Mr. Shawver stated that is correct.

Commissioner Miller asked if they held her piece of it to a smaller acreage and leave the rest of it as part of the farm.

Mr. Shawver stated as he recalls, her piece of it was 2.5 acres and the 7.5 acres was left as open space.

Commissioner Pearson stated although the 10 acres would be zoned A-1P or A-2P, the family transfer could be smaller than that.

Mr. Shawver stated that is correct. They asked for rezoning to A-1P and the existing house was cut off on a 2.5 acre parcel, and the remaining 7.5 acres remained with the overall farm.

Commissioner Pearson asked if there are any other questions.

Commissioner Elkin stated there are a lot of people who feel Ms. Sapp's motive is not family transfer. He asked Ms. Sapp how she responds to that.

Ms. Sapp stated she does not know why. She was very surprised to see her neighbors at the meeting on August 21.

Commissioner Elkin stated a request for A-2 family transfer is within the regulations and is an acceptable practice.

Mr. Shawver stated that is correct.

Commissioner Elkin stated once this is zoned A-2, where does the family transfer part come into play.

Mr. Shawver stated the subdivision regulations provide an exception for platting of land that is done as a family transfer. There is not a requirement to plat lots. The family transfer provision exempts transfers to family members from complying with the subdivision regulations.

Commissioner Elkin stated lets say the 8.8 acre tract gets rezoned to A-2. If she wanted to subdivide that and not follow through with a family transfer, she would have to follow subdivision regulations, correct?

Mr. Shawver stated that is correct.

Commissioner Elkin stated by following the subdivision regulations there are requirements she would have to meet as far as development.

Mr. Shawver stated that is correct.

Commissioner Miller stated she could cut off three 2.5 acre lots and have frontage on the road so it takes care of the road. She could have on-site sewer.

Mr. Shawver stated that is correct. The threshold for increased infrastructure is the fourth lot. Four lots or more you have to provide fire hydrants, you have to provide fire flow.

Commissioner Miller stated but if she does 3 lots here and has another separate 10 acre parcel, is that 3 lots again?

Mr. Shawver stated that is incorrect. It is off of the parent parcel, so the three lots could be divided with the existing infrastructure. To do additional lots, it would require that the infrastructure be improved. The family transfer exempts that.

Commissioner Elkin stated if she didn't do a family transfer and tried to maximize the development of all this A-2 land, then she would need fire flows and Logan Road may have to be upgraded. Those final plats would have to come through Commission for approval, correct?

Mr. Shawver stated that is correct.

Commissioner Miller stated but if it is not planned, we have no control over Logan Road.

Mr. Shawver stated that is correct.

Commissioner Miller stated planned is the only guarantee the neighbors have that these are 5 acre tracts and will be given to the kids. Planned is the only way it is guaranteed. She stated she thinks the land really needs to be surveyed, regardless if it is required or not because there have been too many family transfers that have come back as problems because they weren't surveyed.

Commissioner Elkin asked Ms. Sapp if she plans on surveying the land out.

Mr. Basinger stated she has had some surveying done on the lots already. He stated the thing is putting A-2P on the lots doesn't mean she has to give them to her kids. She could sell them tomorrow. There is no difference. He stated in the meeting a month ago, two of the three Commissioners said to look at A-2 zoning or A-2P. He stated he doesn't know if any of the Commissioners know the cost of doing planned zoning. To do three pieces of land with planned zoning would be close to \$10,000 to \$12,000.

Mr. Basinger stated because of the way the Blue Line Stream cuts through the property, it really isn't feasible to divide the property up like that. It is a sewage problem. The theory as far as density is she can put 10 tracts on it today. With the rezoning, she could probably put 12. You can't really divide up the southern portion of the land because of the creek. It is a total gain of 4 lots if she really wanted to try to maximize the land. He stated he doesn't see the problem.

Mr. Basinger stated A-2 is the route to go.

Commissioner Pearson stated he looked at the minutes, and there was a discussion after the public hearing closed. He stated he feels the conclusion of that discussion was a recommendation that Ms. Sapp come back with a request for A-2P. He stated the concern of the neighbors who are opposed has not so much to do with cutting off the land for the children. It is what happens to the land in the future. That is why there is this concern about the planned zoning. He asked Mr. Shawver if there is anything to be gained in terms of assurance by having planned as opposed to open A-2 zoning.

Mr. Shawver stated the regulations would probably give comfort level to the neighborhood if it was a planned development. That is not saying that at some point in the future the property owner could not come back and ask to change the plans, or could not come back and ask to have additional land rezoned. Those are inherent rights. But at this point in time, from what he is hearing from the neighbors, he thinks they would have a higher comfort level with the planned.

Commissioner Elkin stated he doesn't see how you gain anything by going from A-2 to A-2P. If she was asking to rezone the entire 108 acres, there would absolutely be a gain by going to A-2P. But on two smaller tracts, he doesn't see any advantage going from A-2 to A-2P. You are still limited on the number of tracts you can have. The only flexibility A-2 allows you is where you can locate it. With A-2P, you could cluster them all in one corner and leave the rest open, but you're still not going to get any more lots that you would with A-2.

Mr. Shawver stated at this time that is correct.

Commissioner Elkin stated there is really no benefit of going A-2P on a small tract.

Commissioner Pearson asked if the fact that you've permitted A-2 zoning on these two pieces have any precedent value on the future as opposed to A-2P.

Mr. Shawver stated precedent is established any time land use changes or zoning changes. How much impact that has is going to be dependent on what requests come in the future. It is not uncommon to see a domino effect from rezoning request. As time goes along, it becomes more and more difficult to hold the line. Each Commission is different. Four years from now it could be a different Commission and they won't know the history and background. They look at it and say it was granted before so why not grant it now. As time passes, the record and testimony tonight might not be as obvious as it is now.

Commissioner Elkin stated A-2 is coming, A-R and R-S is coming. It is just a matter of time. As Columbia keeps growing and the availability of land is slower, we will keep seeing these more and more and more. He stated he has no problem with A-2 zoning for a family transfer on a small tract of land.

Mr. Basinger stated there is A-2 zoning in the area. It is on part of the land of some of the people who are opposing this.

Commissioner Pearson closed the public hearing.

Commissioner Miller stated she thinks their job is to balance the needs of Ms. Sapp and the comfort of all the neighbors and to be consistent with their past habits. She stated she would feel more comfortable if this was planned and she knew these would be two 5 acre tracts. It would not be easy to change that in the future. She stated she is sorry people don't like planned development, but she thinks they are the best thing for the neighborhood to have confidence that what is being proposed is going to be followed through on. She also believes it needs to be surveyed because there are just too many problems if it is not.

Commissioner Elkin asked if she preferred planned A-1 or planned A-2 because there is a huge difference. If you go A-2P, you aren't gaining anything. If you go A-1P, it changes a lot of things.

Commissioner Miller stated you can do A-1P and sell off 5 acres to each one of the kids.

Commissioner Elkin stated not with A-1P. It has to be 10 acres.

Mr. Shawver stated the density is calculated on the 10 acres. You could sell 2 acres or 1 acre as long as you are excepting out the total density of 3 units or 30 acres. The actual lot size to be transferred can vary.

Commissioner Elkin stated if it is A-1P it would tie up 30 acres.

Mr. Shawver stated that is correct. The actual lots could be any size.

Commissioner Elkin stated you are encumbering the entire 30 acres.

Mr. Shawver stated that is correct.

Commissioner Pearson stated if she had 10 acres and sold or gave away 5 under A-1P, there would still be 5 acres sitting there that she couldn't do anything with.

Mr. Shawver stated that is correct.

Commissioner Elkin asked if she could sell the remaining 5 acres.

Mr. Shawver stated she could sell it, but that 5 acres is encumbered and cannot be built on unless you add another 5 acres to it.

Commissioner Elkin stated it would just be an undevelopable lot.

Mr. Shawver stated that is correct. It would just be open space. 5 acres by itself is probably of little value. 5 acres incorporated into a larger lot can be used as pasture or anything.

Commissioner Elkin stated he thinks that is unfair to a property owner to encumber 30 acres when she wants to give their children 3 small tracts. He stated that is a taking as far as he is concerned.

Commissioner Pearson stated he doesn't think it is a taking.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request of Karen L. Sapp to rezone from A-1 (Agriculture) to A-2 (Agriculture) on Tract 1, consisting of 10.0 acres, more or less, located at 8801 E. Logan Rd., and Tract 2 consisting of 8.8 acres, more or less, located at 9020 E. Highway AB, Columbia.

The motion failed for lack of a second.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **deny** the request of Karen L. Sapp to rezone from A-1 (Agriculture) to A-2 (Agriculture) on Tract 1, consisting of 10.0 acres, more or less, located at 8801 E. Logan Rd., and Tract 2 consisting of 8.8 acres, more or less, located at 9020 E. Highway AB, Columbia.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

Commissioners Pearson and Miller voted in favor. Commissioner Elkin voted in opposition.

The motion passed 2-1 **Order 418-2008**

3. Receive and Accept Subdivision Plats

a. Tumlin Hills Plat 2. S20-T47N-R12W. A-2. Justin G. Powell, owner. James V. Patchett, surveyor.

Mr. Shawver stated this is a piece of property that the Commission authorized a vacation and replat two months ago. It is right across from the Three Creeks area. The Planning and Zoning Commission approved it at their August 21 meeting and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commission to sign it.

b. Lewis Estates. S4-T47N-R12W. R-S. Kenneth and Alene Lewis, owners. J. Daniel Brush, surveyor.

Mr. Shawver stated this is on Bonne Femme Church Road. This is a piece where they are selling off the existing house and garage. They are keeping the remainder. The Planning and Zoning Commission approved it at their August 21 meeting and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commission to sign it.

c. Kari Lane Acres. S17-T47N-R12W. A-2. Edwin Scott Orr Revocable Trust, owner. James V. Patchett, surveyor.

Mr. Shawver stated the owners have decided the property is too big for them to maintain anymore so they are selling that and building on lot 2. The Planning and Zoning Commission approved it at their August 21 meeting and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commission to sign it.

d. Valley Creek Plat 8 Replat Lot 88. R-M. Maranatha Properties LLC, owner. James V. Patchett, surveyor.

Mr. Shawver stated the Planning and Zoning Commission approved it at their August 21 meeting and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commission to sign it.

e. Cole Farm Estate. S15-T46N-R12W. A-2. Terry Cole, owner. Steven R. Proctor, surveyor.

Mr. Shawver stated this is a 3 acre lot and they are selling the existing house. The Planning and Zoning Commission approved it at their August 21 meeting and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commission to sign it.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

Tumlin Hills Plat 2. S20-T47N-R12W. A-2. Justin G. Powell, owner. James V. Patchett, surveyor.

Lewis Estates. S4-T47N-R12W. R-S. Kenneth and Alene Lewis, owners. J. Daniel Brush Surveyor.

Kari Lane Acres. S17-T47N-R12W. A-2. Edwin Scott Orr Revocable Trust, owner. James V. Patchett, surveyor.

Valley Creek Plat 8 Replat Lot 88. R-M. Maranatha Properties LLC, owner. James V. Patchett, surveyor.

Cole Farm Estate. S15-T46N-R12W. A-2. Terry Cole, owner. Steven R. Proctor, surveyor.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 419-2008**

County Clerk

4. Discussion of Village of Yahweh

Mr. Dykhouse, County Counselor, stated this is an addendum to the petition that the Commission previously denied placing on the ballot regarding the incorporation of the Village of Yahweh. The addendum came in on Wednesday, August 27, 2008. It purported to meet the Commission's prior concerns regarding the number of registered voters and the Commission's mandatory obligation to appoint a board of trustees. The problem with the addendum is that it came in at a time when the Commission no longer has the authority to place anything on the November ballot. The notice of election statute 115.125 RSMo sets a time period of the tenth Tuesday prior to the general election, so the last day for this addendum to be properly considered as far as the Commission's authority to place it on the ballot would have been August 26, 2008, at 5:00 p.m. The addendum came in on August 27, 2008. He stated his opinion is that the Commission has no authority to place it on the ballot being that it was filed after the tenth Tuesday prior to the general election.

Commissioner Elkin stated the statute is clear on the timeframes and there is absolutely no leeway. The Commission has no authority to do anything.

Mr. Dykhouse stated the statute even specifies the time of 5:00 p.m. It is rare that it is that specific.

Commissioner Pearson asked where they would appeal this.

Mr. Dykhouse stated they could appeal this decision within 30 days to the Circuit Court denying the application. He stated his opinion is that the Commission doesn't have the authority to do anything other than deny it given the time. Logistically, the statute that authorized this sort of village incorporation was changed effective August 28, 2008. By filing this after the last day the Commission could legally put this on the ballot for November, they have put themselves in a situation where they can't possibly fall under the old law that was in existence. By operation of these two statutes, this petition that was on file and this addendum as of August 27 must fail. Any new petition is going to have to meet the requirements of the new statute.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby take up the Petition regarding the formation of the Village of Yahweh under the provisions of 78.020 RSMo, as revised. It is noted that the Addendum to the Petition for Formation was filed with the County Clerk on Wednesday, August 27, 2008.

Pursuant to the provisions of 115.125 RSMo, as revised, a notice of election for the November, 2008 general election ballot was due to the Election Authority no later than 5:00 p.m. on the tenth Tuesday prior to said general election. For the November, 2008 general election, the last date for election notices to be properly filed with the County Clerk of Boone County was, therefore, August 26, 2008 at 5:00 p.m.

NOW, THEREFORE, the County Commission hereby finds that it has no authority to place this Petition on the November ballot as the Addendum to the Petition for Incorporation was filed after the latest date for placement of issues on the November, 2008 ballot. The Petition is, therefore, dismissed.

The Clerk is directed to provide a copy of this Commission Order to the petitioners.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 420-2008**

Treasurer

5. Budget Amendment to Increase Budget for Change Order #1 of Johnson Building Improvement (first read on 8/21/08)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to increase the budget for Change Order #1 for the Johnson Building Improvement:

Department	Account	Department Name	Account Name	Decrease	Increase
4063	71201	Johnson Bldg. Improvement	Const. Materials		\$13,243.00

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 421-2008**

County Counselor

6. Budget Revision to Transfer Funds for Outside Legal Services (first read on 8/28/08)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to transfer funds for outside legal services:

Department	Account	Department Name	Account Name	Decrease	Increase
1126	10100	County Counselor	Salary & Wages	\$26,010.00	
1126	10200	County Counselor	FICA	\$1,990.00	
1126	71105	County Counselor	Outside Legal Serv.		\$28,000.00
1123	86800	Emergency & Conting.	Emergency	\$4,500.00	
1126	71105	County Counselor	Outside Legal Serv.		\$4,500.00

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 422-2008**

Miscellaneous

7. Budget Revision for Additional Software Expense (first read on 8/28/08)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget revision for additional software for document management:

Department	Account	Department Name	Account Name	Decrease	Increase
2900	86800	Law Enforcement Sales Tax Rev	Emergency	\$1,125.00	
2905	91302	LE/Judicial Info Sys-LESalesTx	Computer Software		\$1,125.00

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 423-2008**

8. Appointments

a. Board of Health

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint Nathan Voris, DVM, to the Board of Health for a term beginning September 1, 2008, and ending August 31, 2011.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 424-2008**

b. Building Code Commission

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby appoint Ralph W. Pickett to the Building Code Commission for a term beginning September 1, 2008, and ending August 31, 2010.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 425-2008**

c. Family Resources

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint Roland Meinert to the Family Resources Board of Directors for an interim term beginning September 2, 2008, and ending December 31, 2008.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 426-2008**

9. Authorize Use of Facilities

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the use of the Courthouse Grounds and Courtyard Square on November 8, 2008, from 12:00 p.m. through 5:00 p.m. for a political rally.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 427-2008**

10. Commissioner Reports

Commissioner Miller stated she wanted to have a first reading on a contract regarding the elevator at the courthouse. We need to hire a contractor from Virginia who has a minimum charge of \$5,100 to come and check whether the casing for the elevator shaft is plumb and if it is deep enough. We were going to do it as a change order, but that adds a 20% markup through the elevator company. But if we contract directly with this company with a signoff from the elevator company on each phase, it will cost less and we will control the situation a little more. They will come in and evaluate to see if they need to go to phase II, which would be to take the casing out and redrill a whole new thing. It could get up to \$80,000. We are still working on who is going to pay, but we can't hold up the project, which is part of the problem. We won't know how much it is going to be until after the first day when they do the evaluation.

11. Public Comment

There was no public comment.

The meeting adjourned at 9:20 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Ken Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner