

TERM OF COMMISSION: July 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 II Commissioner Skip Elkin
Director of Planning and Building Stan Shawver
County Counselor CJ Dykhouse
Deputy County Clerk Joshua Norberg

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

Planning and Zoning

1. Request by James and Donna McManama on behalf of Ethan W. Taylor for an agri-business use on 3.74 acres located at 22900 N. March Rd., Centralia

Mr. Shawver stated the subject property is 3.74 acres located approximately ¾ miles west of Centralia at the intersection of State Highway 22 and March Road. The property is split-zoned, with 2.21 acres zoned A-2 (Agriculture) and 1.53 acres zoned A-R (Agriculture-Residential). The A-2 is original 1973 zoning, and the A-R was rezoned in 2003, and a conditional use permit was issued for a day care center in 2003. This property has A-2 zoning to the north, south, east, and west, with A-1 (Agriculture) zoning to the south-west. The A-2 zoning to the north, east, and south is original 1973 zoning. The A-2 zoning to the west was rezoned from A-1 in 1999, and in the A-1 to the south-west, conditional use permits were issued for a feed mill and a fertilizer service center.

The applicants are requesting a conditional use permit for an agri-business use of the property. They are proposing a 7200 square foot warehouse for agriculture seed sales, and several vertical bins. Currently, there is a single-wide mobile home and a portable shed on the property. Both will be removed prior to construction beginning on the warehouse if the conditional use permit is approved.

The property is located inside the Centralia R-6 public school district, Public Water Service District #10 service area, and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. This proposal scores 63 points on the point rating system. Staff notified 10 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance, or operation of a conditional use permit will not be

detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The requested use will replace an existing single-wide home on the property and numerous old sheds. The new structure will be built to current building and fire codes. It will have a crushed stone dust-free surface for parking and access. The activity on the property will be seasonal and have one employee, the owner, and occasional part-time help on site. Public testimony may be more indicative as to whether this criterion is met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

The proposed use is not likely to have a noticeable impact on existing properties in the neighborhood. Public testimony may be indicative as to whether this criterion is met.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site has access to all necessary facilities. Road access is to be improved on March Road. Public Water Service District 10 has informed the potential buyer of the need for a water study and a 6" line on the west side of March Road is the nearest water main.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

This property is zoned A-2 (Agriculture) and A-R (Agriculture-Residential), with residential uses limited to 2.5 acre lots. Some of the surrounding tracts have the potential to be divided at a higher density than their present status. This use should not restrict the development of the surrounding property.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The site has direct access to March Road, a publicly-maintained road. The proposed use should not hinder traffic or cause congestion on public streets. The application indicates that the use will be seasonal, and should not result in an overall increase in traffic.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public

necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 and A-R zoning districts.

The level of activity as described by the application would appear consistent with the criteria for approval of this conditional use permit.

Staff recommends approval of this conditional use permit with the following condition:

1) That fire protection equipment is installed to the satisfaction of the Boone County Fire Protection District and the commercial building code.

Mr. Shawver stated the Planning and Zoning Commission conducted a public hearing on this request at their July 16, 2009 meeting. There were 8 members present at the Planning and Zoning Commission. He stated he wanted to point out that the record reflects that the chairperson of the Planning and Zoning Commission, Mr. Boyd Harris, recused himself from the discussion of this issue. He left the room because he is a party and represents the applicant. He was not present for any of the discussion or for the motion or vote. The Planning and Zoning Commission made a motion to recommend approval of the request with the staff suggested condition. Only 7 members participated in the vote, and all 7 voted in favor of the motion and it comes forward with a unanimous recommendation for approval.

Mr. Shawver stated he would like to enter into the record the zoning regulations of Boone County.

Commissioner Elkin asked if the fire department has indicated if a 6" line will be sufficient.

Mr. Shawver stated they are working with the water district. They are going to have to flow that line and see if it will have enough flow. They are working toward a change in philosophy in Water District No. 10, so they are agreeable to installing a hydrant, and the question is whether the line will have the necessary flow.

Commissioner Pearson opened the public hearing and asked for comments in favor of this request.

Boyd Harris, 19510 N. Drew Rd., Centralia

Mr. Harris stated he is here on behalf of the applicant, Ethan Taylor. He stated he just got a letter this morning from the Fire District granting a variance. He stated in his communication with the engineer, they communicated that they can flow 500 gallons per minute on that 6" line and the caveat is that Mr. Taylor will place a hydrant on the property that he is developing.

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

There were no further comments in favor.

Commissioner Pearson asked for comments in opposition to this request.

There were no comments in opposition.

Commissioner Pearson closed the hearing.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by James and Donna McManama on behalf of Ethan W. Taylor for an agri-business use on 3.74 acres located at 22900 N. March Rd., Centralia with the following condition:

- That fire protection equipment is installed to the satisfaction of the Boone County Fire Protection District and the commercial building code.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 343-2009**

Job Classification Committee

Betty Dickneite, Director of Human Resources, was present on behalf of this item.

2. Recommendation from Job Classification Committee

Ms. Dickneite stated she would like to bring forth a recommendation from the Job Classification Committee. They met this afternoon with Tom Schauwecker, Assessor, to review and discuss the proposed Chief Appraiser classification in the Assessor's Office. The Committee members unanimously agreed to bring forth the following recommendation to the Commission:

To establish a new position classification titled Chief Appraiser on pay range 55. It is recommended that we establish a new class code number of 1090, and the FLSA status will be determined by legal counsel.

Ms. Dickneite stated members present were Ken Pearson, Bettie Johnson, June Pitchford, Dwayne Carey, and herself. She stated she also got a note this afternoon from June Pitchford regarding the commission order for this item. She said that since we will need to create a new additional position in the Assessor's budget, as opposed to reclassifying an existent vacant position, she would like to note that in the commission order that is approved by the Commission.

Commissioner Pearson asked why she says there needs to be a new position rather than reclassifying a position.

Ms. Dickneite stated we are creating an additional position in the Assessor's budget, but he is planning on using funding from existing positions that he is not planning to fill.

Commissioner Pearson stated if you look at the organizational chart, there are currently 15 positions in the Assessor's Office. If he does what he wants to do here, there will still be 15. He stated he doesn't understand why she says we are creating a new position.

Ms. Dickneite stated he is not converting any positions.

Commissioner Elkin stated he is adding a position.

Ms. Dickneite stated that is correct. The funding will be taken care of through his current budget and will be using money from positions that he is not planning on filling.

Commissioner Elkin asked Commissioner Pearson if he is comfortable with a new position.

Commissioner Pearson stated he is comfortable with it, he was just thought that he was going to be converting one of the existing positions.

Commissioner Elkin stated he is taking the funding from the unfilled positions to pay for this new position, but he wants to keep the unfilled positions.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby adopt the following recommendation from the Job Classification Committee:

Chief Appraiser - Establish a new additional position classification in the Assessor's budget titled **Chief Appraiser** on pay range **55**, and establish a **new class code number of 1090**. FLSA status shall be determined by Legal Counsel.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 344-2009**

Public Works

Derin Campbell, Public Works, was present on behalf of these items.

3. Request to Hire Above Mid-Point

Mr. Campbell stated a couple of weeks ago we reclassified the Director of Public Works position to a Professional Civil Engineer, which we then advertised. He stated we had a couple applicants, and one of them has outstanding qualifications. This person has 18 years of

experience and has a lot of talents to bring to Public Works. At the end of the interview, it was established that we would have to move above mid-point to bring this person on board. He stated he is requesting authority to hire this person above mid-point.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request to hire Jeff McCann in position number 738 – Professional Civil Engineer at 119% of mid-point.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 345-2009**

4. Public Infrastructure Security Agreement for Street Estates Plat 3

Mr. Campbell stated Boone County National Bank sort of reinherited the project and they have been fairly progressive in hiring contractors to go out there and get the site ready for acceptance. They are in a hurry to try and sell lots, so they asked Public Works if there is anything we can do in lieu of formal acceptance of the subdivision to put together a public infrastructure security agreement on the right of way. He stated what we came to was a \$2,500 cash deposit with the Treasurer. He stated Kay Murray, Treasurer, and Mr. Dykhouse were involved with this, and we are all in agreement that this will be held until May 2010. This will give us a chance to make sure that there is grass on the right of way before we accept it. He stated once this agreement is accepted, they will be able to advertise their lots for sale.

Mr. Dykhouse stated if the Commission accepts this agreement, then it would go to Ms. Murray, and she would execute her copies of the originals when she actually gets the money. He stated the agreements specifically states that they will come back to Public Works and the Commission for street acceptance at some point in the future.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Public Infrastructure Security Agreement for Street Estates Plat #3, subject to the approval and signature of the County Treasurer, for a cash deposit with the County Treasurer in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). It is further ordered the Presiding Commissioner is hereby authorized to sign said Public Infrastructure Security Agreement.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 346-2009**

Purchasing

5. Request for Surplus Disposal (first read on 7/23/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request for surplus disposal per the attached memorandum. It is further ordered the Presiding Commission is hereby authorized to sign said disposal forms.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 347-2009**

6. Sole Source Purchase – 87-123109SS – Tiger and Sabre Mower Parts (first read on 7/23/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve Sole Source Purchase – 87-123109SS – Tiger and Sabre Mower Parts with Tiger Corporation. It is further ordered the Presiding Commissioner is hereby authorized to sign said sole source form.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 348-2009**

7. Sole Source Purchase 88-123109SS – John Deere Tractor Service (first read on 7/23/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve Sole Source Purchase – 88-123109SS – John Deere Tractor Service with Sydenstricker Implement Company. It is further ordered the Presiding Commissioner is hereby authorized to sign said sole source form.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 349-2009**

Miscellaneous

8. Authorize Management of Deer Hunting on Jay Dix Station and Old City Landfill

Commissioner Elkin stated we discussed this last year, but we never passed an order to allow

hunting on County land.

Commissioner Pearson stated we missed the cutoff last year, so we probably just forgot about it.

Commissioner Elkin stated the City of Columbia, in conjunction with the Missouri Department of Conservation, manages archery hunting on land within the city limits to control urban deer populations. He stated part of this is a public safety issue because of the number of car/deer accidents. There is a stipulation on the Old City Landfill that they only allow hunting up to quail season on that tract for now, and if they don't have a problem going further on into the season, then that can be a conversation between the City and Quails Unlimited. He stated he is bringing this forward right now because they have a mandatory safety orientation class and they begin on August 22.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the City of Columbia Parks and Recreation Department, in partnership with the Missouri Department of Conservation, to manage an Urban Deer Hunting Archery Program on County-owned property commonly known as the Jay Dix Station tract and the Old City Landfill tract.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 350-2009**

9. Proposal for Consultant Services for Phase I of Government Center Remodel Project

Commissioner Pearson stated this is for engineering services on the stairwell.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Agreement for Consultant Services with Simon Oswald Architecture for structural engineering services for Phase I of the Government Center Remodel Project. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 351-2009**

10. Budget Amendment for Phase I of Government Center Remodel Project (first reading)

Commissioner Pearson stated this is to move money around to pay for the engineering services for the third floor stairwell.

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

11. Commissioner Reports

There were no commissioner reports.

12. Public Comment

There was no public comment.

The meeting adjourned at 7:45 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner