

TERM OF COMMISSION: November Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Michelle R. Malaby
County Counselor John Patton

The adjourned term meeting of the County Commission was called to order at 9:35 a.m.

SUBJECT: Request to Vacate Rock Bridge Lane (Petition First Read May, 1995)

Public Works Department Registered Land Surveyor David Piest summarized his memorandum dated November 3, 1995, recommending the petition be denied based solely on the inadequate legal description of the road. A new petition, with a revised description, has been submitted.

Commissioner Stamper moved that the County Commission of the County of Boone reject the attached petition to vacate a public road identified as Rock Bridge Lane, which was first read by the Boone County Commission in May, 1995, due to the inadequate legal description of the road.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 569-95.**

SUBJECT: Request to Vacate Rock Bridge Lane

Commissioner Stamper stated the Department of Natural Resources is interested in the vacation of Rock Bridge Lane. Commissioner Stamper provided a first reading of a petition submitted November 3, and November 6, 1995, signed by thirty individuals, as follows:

The following residents of Cedar Township, in Boone County, Missouri hereby petition the Boone County Commission to vacate and abandon a part of the public road identified as Rock Bridge Lane and which runs through a part of Rock Bridge Memorial State Park. We believe the road to be unneeded and its repair and maintenance an unnecessary burden upon the county. That part of Rock Bridge Lane petitioned to be vacated begins at the west line of the East Half of the Southeast Quarter of Section 12, Township 47, Range 13 West, thence in an easterly direction through the East Half of said Southeast Quarter to the west line of the Southwest Quarter of Section 7, Township 47, Range 12 West, thence continuing in an easterly direction through the Southwest Quarter of Section 7, Township 47, Range 12 West to its intersection with State Highway 163. Said intersection is located within the Southeast Quarter of the Southwest Quarter of Section 7, Township 47, Range 12 West.

Department of Natural Resources (DNR) Planning and Development Director Jim Crabtree stated they are interested in the vacation of Rock Bridge Lane. They are also interested in continuing discussion of the matter with adjacent landowners.

Mr. Piest stated the owners of two properties adjacent to Rock Bridge Lane signed the new petition. He assumes they are not opposed. Both properties can be accessed from Hwy. 163.

Mallory Mays, 20 E. High Point Lane, stated he does not live near the intersection of Rock Bridge Lane and High Point Lane, but is aware there is discussion regarding park land at the east end of the road. He understands the DNR wants something from the county. The county wants land from the DNR in order to realign High Point Lane. He hopes the County Commission does not miss the opportunity to work with the DNR to accomplish two important objectives. He is concerned the High Point Lane paving project is slipping in terms of completion. Property owners should be re-contacted about dedicating right-of-way. The county will provide materials to property owners whose fences are removed, but will not reconstruct the fence. Putting the fence back up seems to be a small issue on a project of this stature. Thousands of dollars were spent this Summer to place rock and oil on the road to maintain it--which they appreciate. However, the money could have been used to erect fences as necessary.

Amelia Cottle, 921 E. High Point Lane, stated she lives at the intersection with Rock Bridge Lane. She also speaks for Susan Haines, who could not be present. They care deeply for Rock Bridge State Park and for their land at the intersection. They would like open dialogue to continue and would like to see progress on the paving project.

Mr. Crabtree stated Rock Bridge State Park was purchased with land/water conservation funds. Land which is sold or deeded away as right-of-way must be replaced with land of like value.

Commissioner Stamper stated the County Commission shares the frustration expressed by Mr. Mays and Ms. Cottle. A number of property owners are unwilling to dedicate right-of-way needed to improve High Point Lane. The commission can send people back to discuss the matter with them, but nothing would motivate them more than peer pressure from neighbors.

Mr. Mays stated he did not have to sacrifice significant trees or a fence. Others may not be as fortunate. As a taxpayer and landowner who deeded property, it does not upset him if the commission needs to take care of special situations.

SUBJECT: Request to Vacate Grider Branch (Creek) Road, First Reading

Commissioner Stamper provided a first reading of a petition submitted August 18, 1995, signed by fourteen individuals, as follows:

1. Each petitioner separately states that he or she is the owner and freeholder of land located within the township in which the road, or part thereof, sought to be vacated by this application is situated.
2. Each petitioner desires to have the following described public road (or part thereof) vacated which is located in Cedar Township, Boone County, Missouri, to-wit:

Common Name of Road: Grider Branch (Creek) Road
Location: Between Clubhouse Road and Rural Route M
Legal Description: (None)

3. The above described road should be vacated because it is useless and the repair of same presents an unreasonable burden to the applicable road district responsible for maintenance and repair of same.

SUBJECT: Accept Pembroke Court, Chesley Drive, Cavendish Court and Kensington Lane in County Downs Subdivision for Maintenance

Mr. Piest summarized a memo to the commission from Acting Public Works Director Frank Abart dated October 31, 1995. The Department recommends the roads be accepted for maintenance.

Commissioner Vogt moved that the County Commission of the County of Boone adopt the attached Order of Acceptance of Road as County Road for Pembroke Court, Chesley Drive, Cavendish Court and Kensington Lane in County Downs Subdivision, and authorize the Presiding Commissioner to sign the attached Roadway Maintenance Acceptance Certificate.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 570-95.**

SUBJECT: Treasurer's Report on the Month of September

Treasurer Kay Murray reported on the reconciliation of the bank statement and cash and investments for the month of September, 1995.

SUBJECT: Discuss Speed Limit on Old Highway 63 South of Ashland

Acting Public Works Director Frank Abart summarized his memo to the commission dated November 3, 1995. The Sheriff's Department requested a speed limit be posted on Old Highway 63 south of Ashland. The Department, per policy, posted the speed at 40 miles per hour. He has reviewed the road and recommends the speed limit be increased to 55 miles per hour.

Commissioner Miller stated she received numerous phone calls requesting the speed limit be increased. Commissioner Miller moved that the County Commission of the County of Boone set the speed limit on Old Highway 63 from Ashland to Highway 63 at 55 miles per hour.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 571-95.**

SUBJECT: Authorize Disposal of Fixed Assets

Commissioner Miller moved that the County Commission of the County of Boone authorize disposal of four metal locker units, a Sharp Compet QS-2710 calculator, and a RCA security camera (fixed asset tag 5449) at the University of Missouri auction.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 572-95.**

SUBJECT: Public Comment

Charles Tutt, 7000 W. Gillespie Bridge Road, stated he understands the commission plans to discuss his driveway this afternoon. He is unable to attend the meeting. Gillespie Bridge Road is now a beautiful road, but their driveway is not acceptable. It is too steep. It will probably not be negotiable with ice and snow on the ground. It will be difficult to access the property with a truck and trailer when approaching from the north. They would appreciate the provision of better access. The water line will probably have to be lowered and at least as much dirt removed as was removed when the road bed was lowered.

SUBJECT: Reports from Commissioners

Commissioner Stamper reported he met with Sheriff Ted Boehm, Director of Court Services Bob Perry, and Purchasing Director Beckie Jackson to discuss video arraignment. The Court en Banc meets tonight and will discuss their interest.

Commissioner Stamper reported the Corps of Engineers notified the commission the Jemerson Creek low water crossing is in compliance with their regulations. The county can continue to work there until January 21, 1997.

Commissioner Stamper reported the Prosecuting Attorney would like to offer a staff member a \$10,000 raise. The employee has been offered a job in Texas.

Commissioner Stamper reported he attended a meeting of Hill Creek Estates residents to discuss the possibility of forming a neighborhood improvement district.

In response to a question from Commissioner Stamper regarding the status of the Boone Retirement Center building project, Commissioner Miller replied the board authorized Administrator Pat Rackers to negotiate the amount the landowner needs to hold the land until notification is received regarding their certificate of need or Department of Housing and Urban Development funding application. She advised them the county will not provide more money.

Commissioner Stamper stated the county should be involved in the negotiations.

Mr. Patton recommended any negotiations be formalized. Contracts pertaining to land must be in writing to be enforceable.

The meeting adjourned at 10:24 a.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner