

TERM OF COMMISSION: February Session of the February Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

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

The adjourned term meeting of the County Commission was called to order at 9:30 a.m. Commissioner Miller presided.

SUBJECT: Petition to Vacate Rock Bridge Lane (First Read November Adjourned Term)

Commissioner Miller stated a petition has been submitted to vacate that part of Rock Bridge Lane that begins at the west line of the East Half of the Southeast Quarter of Section 12, Township 47 North, 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 North, Range 12 West, then continuing in an easterly direction through the Southwest Quarter of Section 7, Township 47 North, Range 12 West to its intersection with State Highway 163. Said intersection is located within the Southwest Quarter of the Southwest Quarter of Section 7, Township 47 North, Range 12 West.

Public Works Director Frank Abart stated according to section 228.110 (1) RSMo., in order to be vacated, a road must be useless and pose an unreasonable burden to repair. He does not find the road to be useless. It is in good condition. He recommends the commission take no action to change the status of the road.

Commissioner Miller opened a public hearing.

Tom Harrison stated he is a lawyer with offices at 1103 E. Broadway. He represents Jeff Smith, who is unable to be present. Mr. Smith is opposed to vacating the road. As noted, to vacate the road, statute requires that the road be useless and that repairing the road poses an unreasonable burden on the county. Neither requirement has been met. Mr. Smith uses the road. Mr. Abart indicated the road is in good condition.

Jim Crabtree, Director of Planning and Development for the Department of Natural Resources Division of State Parks, stated Rock Bridge Lane is a road, less than a mile in length, that bisects Rock Bridge State Park. The road was developed in the 1960's when a section of Rock Quarry Road was closed. Rock Bridge Lane was built to provide access for those who owned land within what is now called the Grassland Trail Area. The Department of Natural Resources has since purchased the property to which the road provided access. There are about 300,000 visitors to the park. Two trails cross Rock Bridge Lane, providing access to the Grassland Trail Area. Since the main premise of creating the road was to provide access for landowners, they contend it is now useless. The road does act as a shortcut for landowners to the west. They are concerned with public safety issues. The small gravel road is not conducive to improvement. They would be greatly concerned with plans to pave the road or make other improvements. Such improvements, in their opinion, would be a threat to the karst topography features and the area watershed. There are endangered species in the caves. Rock Bridge State Park is designated as an outstanding State water resource. Vacation is requested.

Commissioner Miller asked how would pavement have a negative impact? She would assume dust would have a more of a negative impact than pavement would.

Mr. Crabtree replied asphalt pavement is petroleum based and leaches oil over time. If the oil enters the water system, it will have a negative and permanent affect. Pavement is impervious. The concentration of stormwater would increased. Rain trickles through gravel. The road is limestone based. The geology is limestone based. The impact of limestone is not that significant.

Scott Schulte, Rock Bridge State Park Superintendent, stated he would echo the comments of Mr. Crabtree. Paving the road would increase traffic. Many hikers use the trail system. Some

people use Rock Bridge Lane for hiking and biking. The road is used to access a parking lot. If the road is vacated, they will continue to maintain the portion of the road to the parking lot. Additional traffic will affect wildlife. They are concerned for the cave system. Several caves are located along the road. A number of sinkholes drain into the caves. The road goes directly over Devil's Icebox Cave. If the road is used for heavy construction, some vibrations may go through the cave. The distance from the top of the cave at its highest point to the surface is about seventy feet at that point. There is not a lot of surface rock between the cave and the surface in that area. It really is not known what effect traffic may have on the cave system. They are concerned with hazardous spills. Increased traffic increases the potential for hazardous spills which would drastically affect the integrity of the cave.

Commissioner Vogt asked how many people use the trails in the Grassland Trails area?

Mr. Schulte replied they keep traffic counts for the total number of visitors to the park. They use spot surveys on trails. The State Highway Department prepared a traffic study. User surveys were conducted at the same time. About sixty percent of the traffic consisted of park users.

In response to a question from Commissioner Miller, Mr. Schulte replied they do not have the same type of gates on the trail at its intersection with the road as there are on the MKT trail. There is a constriction area prior to the road. There is a sign, but not a warning sign of the type on the MKT Trail. It is not necessary at this time. They are concerned it may become necessary. Such signs would change the experience visitors have at the park.

Commissioner Miller commented traffic does not seem to impact the Katy Trail.

Mr. Schulte replied there is a larger distance between gates on the MKT trail. This trail system is relatively compact.

In response to a question from Commissioner Miller, Mr. Schulte replied he believes the sinkhole trail may have predated the road.

Commissioner Vogt asked do the asphalt roads within the park have the same negative impact described earlier?

Mr. Schulte replied they do not have asphalt over the cave system. The asphalt roads are not in a karst area.

Commissioner Miller replied does High Point Lane cross the cave system?

Mr. Schulte replied yes.

Susan Haines, 7800 S. Rock Bridge Lane, stated she owns land in close proximity to the area being discussed. No residents live on either side of the section of road proposed for vacation. There is alternate access to the area. In the 1960's, Rock Quarry Road was closed. There is a precedent for closing roads in the park.

Commissioner Miller stated Rock Bridge Lane was built to take its place.

Ms. Haines replied Rock Bridge Lane was established to accommodate people owning land within the park at the time. The park now owns the property.

In response to a question from Commissioner Vogt, Ms. Haines replied she has used Rock Bridge Lane when she was in a hurry. She prefers use of the alternate route.

Commissioner Vogt stated emergency access is an issue.

Ms. Haines replied there is better access from an asphalt road off High Point Lane.

Mr. Crabtree stated he would like to respond to comments concerning the MKT Trail. The MKT Trail is a very linear park with little forest. The grade is low at two percent and the radius for curves, in terms of sight lines, is at minimum 750 feet. The eyesight angles for vehicles to trail

users is very high. The MKT Trail user also expects the experience of encountering roads. That is not the case with the trails crossing Rock Bridge Lane. In regard to paving in karst areas, it is not an issue unique to Rock Bridge Lane. It is an issue in three other state parks which have karst topography. To alleviate the concern with access by emergency vehicles, if the road is vacated, they would entertain the installation of break away gates on the road.

Commissioner Vogt stated she is inclined to deny the request. The road is being used. Development in the area will increase use. She understands the desire for the road not to be used. She does not want to be responsible for making emergency vehicle access more difficult.

Commissioner Miller stated closing the road would be better than vacating the road. With closure, the road could be reopened if necessary.

Commissioner Vogt moved that the County Commission of the County of Boone deny a petition to vacate that part of Rock Bridge Lane that begins at the west line of the East Half of the Southeast Quarter of Section 12, Township 47 North, 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 North, Range 12 West, then continuing in an easterly direction through the Southwest Quarter of Section 7, Township 47 North, Range 12 West to its intersection with State Highway 163. Said intersection is located within the Southwest Quarter of the Southwest Quarter of Section 7, Township 47 North, Range 12 West.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 71-96.**

SUBJECT: Petition Grider Branch Road (First Read November Adjourned Term)

Commissioner Miller stated a petition has been submitted to vacate Grider Branch (Creek) Road lying between Clubhouse Road and State Route M.

Mr. Piest reported the Department has not found where this road was established or dedicated for public use. Discussions with landowners bear this out. Stanley Nichols has lived in the area all his life, as has his family. As far as he knows, the road has only been used for private access. Public funds have not been expended to maintain the road. It is privately maintained. There are apparently private easements in the middle section of the road.

Commissioner Miller opened the public hearing. No one spoke in opposition to closing the road.

Mr. Abart stated based on research, the road is private. He recommends the commission take no action regarding the status of the road.

In response to a question from Commissioner Miller, Mr. Patton replied this is the first request he has heard concerning a private road. Mr. Patton left the chambers to review the statutes concerning road vacation, to determine if they apply to private roads.

Oscar Guerra, 580 W. Clubhouse Road, stated he lives adjacent to road. He initiated the petition. There are four reasons they wanted the road vacated, if it is a public road. The first concerns safety. There are privately constructed bridges on the road. Property owners do not want to be responsible for the safety of people using the road. Second, there have been problems with property missing. Third, landowners maintain the road. Use increases the need for maintenance. Fourth, they hope to eliminate use of the road for illegal hunting and poaching. The road is essentially not used. A bridge has been out at least since the flood of 1993. If it is repaired, it will be repaired at the expense of landowners.

In response to a question from Commissioner Vogt, Mr. Guerra replied about ten people live on the road.

In response to a question from Commissioner Miller, Mr. Piest replied he understands some private easements were executed in the 1940's.

Commissioner Vogt asked are signs ever placed on adjoining roads warning the public that a road is private?

Mr. Abart replied no.

Returning to the chambers, Mr. Patton stated the chapter of statutes referred to contemplate public roads maintained with public funds.

Stephen Diederich, 955 E. Route M, stated there used to be a wagon trail from a town in the bottoms called Spencer. There were numerous homesteads on the trail through the valley. He does not believe it was ever deeded for public use. It ran through his farm. He came today because he was curious where this road was shown to be. He believes the road once followed the creek farther than it currently does.

Ruth Nichols, 920 W. Clubhouse Road, Hartsburg, stated the road started west of Wilton behind Harry Haid's house. The Griders were a family who lived on part of Harry Haid's farm. The road continued to their property. The road was there in the 1930's. It was the only road at the time.

Commissioner Miller and Commissioner Vogt agreed no action will be taken.

SUBJECT: Letter from Property Owner Regarding Peterson Lane

Mr. Piest submitted a letter from Keith and Jerry Peterson regarding their intention to realign Peterson Road from Old Highway 63 to Highway 63. Mr. Piest stated he simply wanted to bring the matter to the attention of the commission.

SUBJECT: Award Bid 8-25JAN96, Steel Sign Posts, and Approve Contract with Hall Signs

Purchasing Director Beckie Jackson presented a bid tabulation and recommended award to Hall Signs, Inc. of Bloomington, Indiana.

Commissioner Miller stated two vendors bid the same price. How was the best bidder determined?

Ms. Jackson replied she used estimated quantities to be purchased, based on 1995 purchases, to evaluate the bids. Hall Signs also agreed to allow cooperative purchases.

Commissioner Vogt moved that the County Commission of the County of Boone award bid 8-25JAN96, Steel Sign Posts, to Hall Signs of Bloomington, Indiana, for the estimated amount of \$3,300. The County Commission does hereby approve the attached Agreement for Steel Sign Posts.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 72-96.**

SUBJECT: Award Bid 6-25JAN96, Facsimile Machine, and Approve Associated Contract

Ms. Jackson stated the Purchasing Department requested bids on facsimile machines, supplies and maintenance contracts for seven departments. It is recommended the bids for machines not meeting minimum specifications be rejected. Award is recommended to Data Comm, Inc. for the Panasonic UF-322. It is recommended the annual maintenance contract be purchased upon expiration of the one year warranty at \$72 per year per machine for five years. It is recommended the bid for printer cartridges be awarded at the price of \$30 each for a period of five years.

Commissioner Vogt moved that the County Commission of the County of Boone reject the bids submitted in response to bid 6-25JAN96, Facsimile Machines, for the Toshiba TF505, Mita LDC-640, Lexmark MFP330, Hewlett Packard HP700, Hewlett Packard Reboxed, Sharp F01700R, Sharp F02600, Minolta 1700, Minolta 1900, Muratec F-76, Okidata Okifax 1050 and the Lanier 3800. The County Commission awards the bid to Data Comm, Inc. for the Panasonic UF-322 at \$733; the annual maintenance contract at \$72 per machine per year for five years; and the printer supply cartridges at \$30 each for a period of five years. The County Commission does hereby approve the attached Agreement for Facsimile Machines, Maintenance and Supplies.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 73-96.**

SUBJECT: Approve Agreement for Dry Cleaning Services

Ms. Jackson stated the Mid-Missouri Public Purchasing Cooperative bid dry cleaning services. The bid was awarded to Westside Laundry of Columbia.

Commissioner Vogt moved that the County Commission of the County of Boone approve, and authorize the acting Presiding Commissioner to sign, the attached Agreement for Dry Cleaning Services with Westside Laundry and Dry Cleaning.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 74-96.**

SUBJECT: Reimbursement Resolution: Pierpont Meadows Neighborhood Improvement District

Commissioner Miller moved that the County Commission of the County of Boone adopt the following resolution:

RESOLUTION OF THE COUNTY COMMISSION OF BOONE COUNTY, MISSOURI, DETERMINING ITS INTENT TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES IN CONNECTION WITH PIERPONT MEADOWS NEIGHBORHOOD IMPROVEMENT DISTRICT, PROJECT NUMBER 9506.

RESOLVED, Boone County, Missouri (the "County") expects to make capital expenditures (the "Expenditures") in connection with Pierpont Meadows Neighborhood Improvement District, Project Number 9506, (the "Project") on and after the date hereof, and intends to reimburse itself for the Expenditures with the proceeds of neighborhood improvement district bonds or other obligations to be issued by the County (the "Obligations").

FURTHER RESOLVED, the maximum principal amount of Obligations expected to be issued for the Project is \$41,250.00.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 75-96.**

SUBJECT: Vacate Commission Order 15-96 and Extend Term of Employment for Temporary Sheriff's Department Employee

Commissioner Vogt moved that the County Commission of the County of Boone vacate commission order 15-96. The Boone County Sheriff is authorized to hire temporary employees to replace a funded permanent employee on leave without pay.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 76-96.**

The meeting adjourned at 10:42 a.m.

Attest:

ABSENT
Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner