

TERM OF COMMISSION: June Session of the April Adjourned Term

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

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

The meeting was called to order at 1:30 p.m. Commissioner Elkin acted as Presiding Commissioner in the absence of Commissioner Schnarre

Subject: Purchasing Department

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

A. Second Reading and Approval of 2004 Photocopier Maintenance in the Johnson Building

Commissioner Miller moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
1123-86800: Emergency and Contingency	\$250.00	
1115-60050: Human Resources – Equipment Services Contract		\$250.00

Said budget revision is to cover Human Resources’ portion of the 2004 Photocopier Maintenance in the Johnson Building.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 242-2005**

B. First Reading of Request to Dispose of Surplus Property

Melinda Bobbitt stated Purchasing has identified a list of surplus for disposal. The copier on this list is from the Juvenile Office. The Juvenile Office received a copier from an earlier surplus. The Purchasing Department is requesting approval for disposal through GovDeals or Kemper Auction Services.

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

C. First Reading of Request to Transfer County Vehicle

Melinda Bobbitt stated the Purchasing Department is requesting the disposal through GovDeals of a 1995 Ford F150, which was the Commission pool vehicle. This vehicle was replaced by a 1999 Jeep from the Planning Department.

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

Subject: Collector's Office – Second Reading and Approval of Agreement to collect Hartsburg city property taxes

Patricia S. Lensmeyer, Boone County Collector of Revenue, was present on behalf of this item.

Commissioner Miller moved to approve the Tax Collection Agreement with the City of Hartsburg.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 243-2005**

Subject: Sheriff's Department – First Reading of Request to Purchase Equipment

Commissioner Miller stated the Sheriff's Department has purchased a washing machine for D-Pod at the Boone County Jail. The department is requesting use of the savings from the purchase of the video switching unit to cover the cost of the washing machine. The washing machine cost \$329.00.

Commissioner Miller requested the Commission discuss with the Sheriff's Department how future purchases will be brought to the Commission.

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

Subject: Road and Bridge Advisory Committee – First Reading of the following Variance Requests:

- Denial of a request for Driveway Permit 05-063 on Rangeline Road by Sprouse Development
- Approval of requests for Wee Jo Court and Lizzie Lane NID
- Denial of a request for Sycamore Creek Road by Phil Blom

John Watkins, Public Works Project Development Manager, was present on behalf of these items.

John Watkins stated the first request is to waive the requirement for a hard surface approach on to the County's hard surface roadway. This has been a problem in the past, especially with heavy equipment. The equipment will break off edges of the road and causes further deterioration of the road.

Commissioner Miller stated she agrees with the recommendation of denial of this request.

Commissioner Elkin stated the County is dealing with this very situation in Sheridan Hills subdivision.

Mr. Watkins stated he is requiring this for every project that is being done because if improvements are needed then the County has to pay it.

Mr. Watkins stated the second request for Wee Jo Court and Lizzie Lane. These are both currently gravel County maintained roads. They have applied for a Neighborhood Improvement District (NID). This is the first step in the NID process where there are residential roads that have a low volume of traffic. The department has allowed this 22' wide driving surface for NID projects.

Commissioner Miller stated this is the way all NIDs are treated unless it is a collector street. The citizens are paying for this upgrade. It is a variance that has been supported in the past and makes the difference between a NID going forward or not. The County believes it is more important to have the road improved than to be so strict about the amount of asphalt.

Commissioner Elkin agreed.

Mr. Watkins stated the final request is for Sycamore Hills Road. Sycamore Creek subdivision that was platted over 20 years ago. The roadways were accepted in the 1980s for maintenance but never built to County standards. Currently the road is approximately 14' wide gravel road. The drainage is bad.

Mr. Blom has property at the end of subdivision he would like to access through the platted right of way. When the right of way was platted, the County did not have any

regulations to require a turn around bulb. Mr. Blom discussed this with Mr. Watkins about building a County road or to get access through the platted right of way where the road has not been built. Mr. Watkins stated there are a few options, one is to give a driveway access permit with the owner knowing the County will never accept it and it will just be a driveway. Mr. Blom wanted to build something that would be maintainable by the County since it would be an extension. It is Mr. Watkins' understanding that Mr. Blom is going to develop four tracts off, which is allowable by the subdivision regulations.

Mr. Watkins stated from the Public Works stand point, the department is looking at this like what they would like to see built as a roadway. Knowing what he did, he would not put the 30' asphalt road at the end of this gravel road. Mr. Watkins suggested the typical roadway that would be built would be a 22' wide roadway and that is what he told Mr. Blom to request with a variance.

As discussed, there are many roads in the County that do not have turn around bulbs. Mr. Blom made the comment about he would make a cul-de-sac at the end so the County maintenance vehicles could turn around. Mr. Watkins told Mr. Blom that all the rules would have to be followed and if he dedicated a right of way through it, build the road to a standard that would be accepted, go through the variance committee and it would be a win for both parties.

Mr. Watkins stated this went to the Road and Bridge Advisory Committee. He was not at the meeting but wanted the Commission to know why Mr. Blom brought this request forward. It was discussed in the office and they decided it would be good to have a turn around area.

Dan Simon, 2001 Corona Road Suite 303, Columbia, was present on behalf of Phil Blom.

Dan Simon stated Mr. Blom purchased the land. Cut off the back half, which gave him access to Drake Lane and sold that to someone else. The other portion is now being farmed by tenants. There is no current request pending to have the property subdivided or develop the property. If this variance was granted, the immediate accomplishment would be that the tenants could get the grain off the land in the fall. There are trees in the right of way currently.

Whether it is through a driveway permit, which would meet their needs, or build a road that is contiguous and similar to the one that is there and to County standards, Mr. Blom would like to go forward in that manner. Either way, Mr. Blom receives over the right of way and to his property. As Mr. Watkins indicated, they could receive a driveway permit from the department.

Mr. Simon stated they would like to do things the right way and the way that was suggested by the department which would build a cul-de-sac on Mr. Blom would build on property he owns and dedicate to public use.

He requested the denial be overturned and the Commission permit the requested variances.

Commissioner Miller stated it was known that a variance was needed and Mr. Watkins cannot speak on behalf of the Road and Bridge Advisory Committee or the County Commission. Mr. Watkins can only give suggestions but cannot guarantee anything.

Mr. Simon stated Mr. Blom understands that and they are not making any claims that County employees made any representations.

Thad Yonke, Senior Planner, stated the reason there is a representative from County Planning on the Road and Bridge Advisory Committee is primarily to enforce and support the regulations as they are written, to try to find ways to show the regulations and maintained in their integrity and not grant variances, and when variances are granted they meet regulation criteria for granting a variance and there is no other mechanism in the regulations to accomplish the same thing.

The second reason for County Planning representation is because Road and Bridge is pseudo-modeled after the Board of Adjustment. Board of Adjustment has a formal deadline, formal notification process, formal application and fees and notice is given to neighbors. The Road and Bridge variance procedure is more of an administrative process. There is no notice to any neighbors. The only people that know that a request has been made is the applicant. In light of that, the traditional position of the Planning Department is to speak on behalf of neighbors.

Mr. Yonke stated for this request, there was no one at the meeting to represent the applicant and they only had the request letter to use. The request itself to take the right of way as dedicated and accept it for public use but not for maintenance, the department felt that because of the access to 300 acres of land that it would be premature to allow that to be built to a lesser standard. If the proceeding portion of the road were brought forward in a NID, then there would be brand new build roadway that was built to substandard level. It is one thing to have an old roadway built to substandard regulations but it is another to build new roadway to a substandard level. If the other was going to be brought up to standards to allow the new portion that was not to standards before is an economic variance. It is not allowed under regulations to build a road for economic purposes.

The second issue is to do the cul-de-sac on the property Mr. Blom bought is not a variance that can be granted by Road and Bridge. The only request to the Public Works Department would be from the type of surface. Because that would be brand new road right of way that has never been platted or created, it would have to be done with through the Subdivision regulations through the Planning Department. Also, because it is new road right of way, the cul-de-sac and possible extension of the road, then it would have to meet full platting standards. The road is already over 1,000' so it would be an extension of a road over 1,000'. It is a non-through road. It would require a major plat to be done

because it is new road right of way and then would trigger six inch water line and fire hydrant requirements. There are a lot of issues that are involved in this that have not been researched or brought forward by parties requesting the variance. The request to take this road for maintenance, the Planning Department believes is inappropriate until some of the other issues are resolved.

Ultimately, the Planning Department does not have a problem with extending the gravel driveway from where maintenance ends now in the right of way to serve the property. The issue is making sure that all parties are aware if this is done that does not mean it will be taken for maintenance. If it is taken for maintenance, there needs to be a justification for why this portion should be built to a lesser standard. If the applicant wants to grant a private turnaround in a form of an easement that allows the County to turnaround that would avoid the platting process. Otherwise, to do a new cul-de-sac, this request is at the inappropriate venue and should go through the Planning Department and the platting process. By going through the platting process, it would trigger other issues the Planning Department does not believe have been reviewed.

Commissioner Elkin asked when Sycamore Hills was platted was this road not meant to be a cul-de-sac. Mr. Yonke stated Sycamore Creek was stubbed to the adjoining property.

Commissioner Elkin stated a cul-de-sac could not be allowed until the length of a dead end road was discussed by Road and Bridge. Mr. Yonke stated that is correct. Due to the length of the roadway a variance from Road and Bridge would have to be requested to allow for a cul-de-sac in excess of 1,000'. Also, it would have to go through Planning and Zoning to allow for a cul-de-sac.

Mr. Yonke stated the Planning Department does not have a problem with getting access to the property, they want to make sure the proper procedures are followed and the ramifications of those procedures before the Commission makes a decision and the property owner makes other choices. It will effect potential dividing of the property in the future.

Commissioner Elkin stated if the land will strictly be used for agriculture and the only need access to harvest and plant then the best solution would be a driveway permit. Mr. Yonke stated it is his understanding that they can receive a permit from Public Works to clear the portion of the right of way that is dedicated that is not currently maintained because there is no road surface and place the driveway in that area, access their property and no variance would be required.

Mr. Watkins stated because it is not maintained then Public Works has no jurisdiction over that. The only thing he would issue would be a driveway permit. He would let them know that it is platted right of way for public use.

Mr. Yonke stated a permit would be issued to work within the right of way.

Mr. Watkins stated if they were just tying into it and just having access then it would be a driveway permit.

Mr. Yonke stated there is a permit to work off of and that permit does not require a variance. In order for the County to take it as maintenance, then there is a variance.

Commissioner Elkin asked if a private easement is granted for a turnaround at the end of the property, could the property still be divided into 10 acre tracts. Mr. Watkins stated the turnaround was requested by the Public Works Department to allow the grader to turn around. Since the road is 14' wide and there are a lot of trees on the right of way, the equipment cannot turn around. If it was maintained, the department would like to have the access. Typically a plat like this today would already have the temporary easement for turnaround.

Commissioner Miller stated because of the 1,000' regulation, the department requested something that needed a variance that was not originally requested. Mr. Watkins stated they were doing that for the County's benefit.

Commissioner Miller stated it does not matter if it is for the County's benefit or not but if it breaks the rules then it has to have a variance. Mr. Watkins stated that is probably true and the department has probably gotten themselves into this situation before.

Mr. Yonke stated one of the reasons to bring forward the idea to just have a place to turn around, if an easement were granted to the County for what would look like a cul-de-sac bulb but not dedicated right of way, it would also not be maintained by the County. However, the County would have the right to use it as a turnaround. The 1,000' regulation would also not be a part of this because it would not be public road right of way it would simply be an easement.

The ability to divide the land off the end of the possible easement because the zoning of the land is A-1, which is a 10 acre minimum. The likely mechanism will be an administrative survey instead of the platting process. If this process is used the four administrative surveyed lots can be served by one driveway. In addition, as many 20 acre lots can be served by the same driveway because that is outside the subdivision regulation threshold. There are some issues about dividing the land without finding other access or bringing public access in. The further the public access is in the property, the more the lots can be divided. If a cul-de-sac bulb is on the property and the County takes it for maintenance, that then opens the possibility of six 10 acre tracts because two of the lots could have enough frontage on the cul-de-sac not to count toward the four tracts.

Commissioner Elkin stated this still gets back to the original issue of 1,000'. Regardless if there is a cul-de-sac or not, it does not meet the 1,000' rule right now. Mr. Yonke stated it does not meet the 1,000' length for road regulation. He would assume one could argue

that it does meet the Planning and Zoning 1,000' length because that is how it was platted. A counter-argument could be made that it was for a through road and that it would not have been done if it was to be terminated. At 10 acre tracts, it is unlikely that a public road would be built to do that but Sycamore Creek subdivision is A-2 zoning. One could request rezoning of this land to lower to allow for smaller lots to create the roads and bring the utilities to the area. There are other issues that are involved in this.

Mr. Watkins stated that rezoning would trigger the upgrades to a road.

Mr. Yonke stated the Department wants to make it clear that if this variance is granted and someone comes forward with a rezoning request then the roads would have to be upgraded.

Commissioner Miller stated she is inclined to just give a driveway permit and not allow the variances because she does not believe the County can go against their own regulation. She will go to look at the site and evaluate it from the site.

Mr. Simon stated he had print outs from the Assessor's website. Commissioner Miller stated she will tour the area herself.

Commissioner Elkin stated he has been at the site.

Brian Dollar, 15230 N. Tucker School Road, Sturgeon, was present on behalf of this item.

Brian Dollar suggested an easement be granted. Maybe this type of turnaround would not violate any County regulations.

Mr. Watkins stated if the cul-de-sac is removed from the request and the request is just to build a 22' road to the property line then that would be something that the County would do normally.

Mr. Yonke stated the Planning Department could be ok with that.

Mr. Watkins stated he takes fault for the cul-de-sac. He was the one who suggested that because anytime a cul-de-sac is offered, the department reaches for it.

Commissioner Miller stated this is a good lesson for the department.

Phil Blom, 2273 Dripping Springs Road, Columbia, stated he approached Mr. Watkins about this. He would rather work with the County and do this correctly.

Commissioner Miller stated the ideal thing to do would to allow a variance of 22' wide gravel road with ditches to allow for the County to maintain to the property line and have a private turnaround easement. She could support this from those perspectives but she still

would like to tour the site.

Commissioner Elkin stated he believes that is a practical solution.

Commissioner Elkin stated this is a first reading and request the Deputy County Clerk to schedule these items for a second reading at the next available meeting with an appropriate order for approval.

Subject: Planning and Building Inspection – Release of Sewer Bond for Walnut Brook Subdivision Plat 4

Thad Yonke, Senior Planner, was present on behalf of this item.

Thad Yonke stated the Planning Department has received notification from the Boone County Regional Sewer District that the sewer improvements have been completed for Walnut Brook Subdivision Plat 4. The Certificate of Deposit, in the amount of \$31,230, is being held in the Treasurer's Office. The money can now be released since the sewer district has ok'd the improvements.

Commissioner Miller moved to release the Certificate of Deposit bond for sewer improvements for sewer improvements for Walnut Brook Subdivision Plat 4 in the amount of \$31,230.00 and authorize the County Treasurer to sign said release.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 244-2005**

Subject: Authorize Use of the Commission Chambers (Missouri Partnership on Smoking or Health)

Commissioner Miller moved to authorize the use of the Commission Chambers on July 12, 2005 from 1:00 p.m. to 4:00 p.m. for a meeting related to healthcare issues to tobacco use sponsored by the Missouri Partnership on Smoking or Health.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 245-2005**

Commissioner Reports

There were no Commissioner Reports.

Public Comment

Adam Wilkerson and Warren Szewczyk from Boy Scout Troop 6 were in attendance as part of the requirements for the Citizenship in the Community merit badge.

There was no further public comment.

The meeting adjourned at 2:17 p.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner