

TERM OF COMMISSION: October Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

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

The regular meeting of the County Commission was called to order at 7:00 p.m.

Department of Planning and Building Inspection Director Stan Shawver reported **Mt. Pleasant Baptist Church requests a permit for a day care center/preschool on two acres located at 21495 S. South Mt. Pleasant Road, Hartsburg.** The property is located two miles east of Hartsburg. This property and that to the west is zoned A-R (Agriculture-Residential). Property to the north and south is zoned A-2 (Agriculture). Property to the east, across Highway 63, is zoned A-1 (Agriculture). The site includes Mt. Pleasant Baptist Church. The property was zoned A-2 before it was rezoned A-R in August, 1995. The 1973 comprehensive plan designates the area as suitable for agriculture and rural residential land use. Staff notified 15 property owners concerning the request. Several people spoke in support of the request at the Planning and Zoning Commission meeting on September 21, 1995. The Planning and Zoning Commission voted unanimously to recommend approval of the request with the following conditions:

- The facility connect to the Eagle Knoll Planned Development central wastewater facility within 12 months or as soon as it becomes available.
- The facility be inspected by Boone County building inspectors for compliance with life safety code requirements.

Tammy Carwile, 19530 S. Route A, Hartsburg, stated she is a member of Mt. Pleasant Baptist Church and a member of the committee developing the preschool. The church is implementing a preschool ministry. A Christian preschool would benefit many children and their families. There is currently no Christian based preschool in southern Boone County. The church feels such a program would be an asset to Ashland and Hartsburg. It would be convenient for new development in the area. They expect 15 to 20 children to enroll initially and approximately 50 children at peak enrollment. They anticipate providing a program for elementary school children during the summer, with an additional 25 children enrolling in June, July and August. In June, 1995, the Missouri Department of Health made a courtesy inspection of the building and proposed playground area. A copy of their evaluation and photographs of the parking lot and grounds are included with the conditional use permit application.

Commissioner Stamper opened the public hearing.

Lynn Ballenger, 4901 Soft Pit Hill Road, Hartsburg, spoke in support of the request.

Commissioner Miller moved that the County Commission of the County of Boone approve a request by Mt. Pleasant Baptist Church for a permit for a day care center/preschool on two acres located at 21495 S. South Mt. Pleasant Road, Hartsburg, with the following conditions:

- The facility connect to the Eagle Knoll Planned Development central wastewater facility within 12 months or as soon as it becomes available.
- The facility be inspected by Boone County building inspectors for compliance with life safety code requirements.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 507-95.**

Director Shawver presented the **Review plan of Maple Meadows Planned Residential Development, located in S10-T47N-R13W, zoned R-S (Single Family Residential) and owned by Zumalt Properties, LLC.** The property is located one half mile south of Columbia on State Route K. Property to the north is zoned R-S. Property to the west is zoned R-M (Moderate Density Residential). Property to the east and south is zoned A-2. The plan shows 13 lots. One lot

will be reserved for open space and a wastewater disposal system. Twelve lots will each contain attached single family dwellings, for a total of 24 residential units. The total possible density on 7.4 acres is 42 units. Staff notified 142 property owners concerning the request. Two people spoke in opposition to the request at the Planning and Zoning Commission public hearing, citing concern for loss of trees, additional congestion on Route K, and the condition of the flood plain. The Planning and Zoning Commission voted unanimously to recommend approval of the review plan with the following restrictions:

- Street drainage be addressed by the developer and reviewed by the Boone County Public Works Department.
- No residential construction take place within the flood plain.
- Boone County Regional Sewer District approve the design of the wastewater treatment plant.
- Boone County Public Works Department approve the wastewater treatment plant location.

The applicant was present. David Rogers, attorney with offices at 813 E. Walnut, Columbia, represented the applicant. Mr. Rogers stated they intend to place the wastewater facility in the southwest corner of the property. The plan addresses concerns heard at the Planning and Zoning Commission public hearing. The northern portion of the property is a meadow. The southern portion is wooded. They intend to keep as many trees as possible. Some undergrowth will be cleared to make the area suitable for use as a park and recreation area by residents. The development should not exacerbate traffic conditions on Route K. The planned density of 24 units is well below the permitted density of 42 units. The Boone County Public Works Department indicated they want two entrances. Entrances are shown from Amos Drive and Route K. The property is served by a high pressure 4-inch water line. The line should provide sufficient fire flow given the pressure. If not, they will install the size line required to provide sufficient flow. A lagoon south of a subdivision on the west is at or near capacity. This wastewater treatment plant will provide substantial relief. Several houses on the north side of Route K can also tie in. The plant will accommodate this development and provide relief for others.

Commissioner Stamper opened the public hearing. There was no response.

Commissioner Miller moved that the County Commission of the County of Boone approve Maple Meadows Planned Residential Development Review Plan, located in S10-T47N-R13W, zoned R-S (Single Family Residential) and owned by Zumalt Properties, LLC., with the following conditions:

- Street drainage be addressed by the developer and reviewed by the Boone County Public Works Department.
- No residential construction take place within the flood plain.
- Boone County Regional Sewer District approve the design of the wastewater treatment plant.
- Boone County Public Works Department approve the wastewater treatment plant location.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 508-95.**

Director Shawver reported **Olson's Subdivision is a minor plat located in S24-T50N-R13W, zoned A-2, and owned by Clyde and Marjorie Olson.** The two lot subdivision is located north of Columbia where old Highway 63 and Highway 63 meet south of Highway 124. There is a house on lot two. They plan to build a house on lot one when they sell the house on lot two.

In response to a question from Commissioner Miller, Director Shawver replied a lagoon is planned for sewage disposal.

Commissioner Miller moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign the minor plat of Olson's Subdivision, located in S24-T50N-R13W, zoned A-2, and owned by Clyde and Marjorie Olson.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 509-95.**

Director Shawver reported **Rutland Ridge is a minor plat located in S3-T46N-R13W, zoned A-2, and owned by Roberta Dee Morris.**

Director Shawver reported this is a five acre lot near Easley. It is being subdivided from a 20 acre parent parcel. The remaining 15 acre parcel was processed as an administrative survey. The lot will be accessed by an easement off Rippetto Road and will have an individual sewage lagoon.

Commissioner Miller moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign, the minor plat of Rutland Ridge located in S3-T46N-R13W, zoned A-2, and owned by Roberta Dee Morris.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 510-95.**

SUBJECT: Revision of Major Thoroughfare Plan

Director Shawver reported in 1987, County and City Planning and Zoning Commissions began work to create an overlay to the Major Thoroughfare Plan to encompass the Columbia metro area. The County Commission and City Council adopted the plan in 1988. It has been reviewed periodically by the Columbia Area Transportation Study Organization (CATSO), most recently in 1993. The plan needed to be revised due to a number of developments and annexations during the past year. Director Shawver reviewed the list of proposed changes.

Commissioner Stamper called for public comment.

Bob Teerlinck, 1750 S. Range Line, asked are these the only changes?

Commissioner Stamper replied yes.

Mr. Teerlinck stated the Long Range Planning Steering Committee recommends Scott Boulevard be extended to Route K and Highway 740 intersect with I-70. How is the plan revised?

Commissioner Stamper replied on the plan Scott Boulevard intersects with Route KK which connects with Route K. Highway 740 connects with I-70 at Lake of the Woods, but does not proceed further north. It can be requested that the CATSO committee discuss an issue.

Mr. Teerlinck explained how they would like Highway 740 to connect with I-70.

Commissioner Stamper commented when the new comprehensive plan nears completion, recommended changes will be given to the CATSO committee. Commissioner Stamper moved that the County Commission of the County of Boone approve the following revisions to the Major Thoroughfare Plan for the Columbia metro area:

- Louisville Drive - Collector; runs north/south between Chapel Hill Road and Broadway, west of the Georgetown subdivision. Part of Louisville Drive has already been platted in Boone County as a collector street.
- Interchange for Providence Road extension with Highway 63 to provide north/south access.
- Interchange with Gans Road and Highway 63. Diamond interchange to be located approximately 1,000 feet north of Gans Creek. New alignment for Gans Road to relocate the arterial away from Gans Creek.
- Addition of Creekwood Parkway and Golden Bear Drive as collector streets.
- Upgrade Brown School Road to an arterial from Highway 763 to US 63 and realign to connect with US 63.
- Addition of Roger I. Wilson Memorial Drive as a collector.
- Addition of a collector, as yet unnamed, running north/south from Prathersville Road and Brown School Road.
- Addition of Harvester Drive as a collector.
- Realignment of Derby Ridge.
- Extension and realignment of Sunflower Street to intersect with I-70 Drive NW.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 511-95.**

SUBJECT: Award Bid 88-15AUG95, Recycling Services

Commissioner Stamper welcomed Gene Poveromo, Solid Waste Coordinator and Planner with the Department of Planning and Building Inspection. Commissioner Stamper announced today is Mr. Poveromo's last day of employment with Boone County. He is moving to North Carolina. Mr. Poveromo will be greatly missed. On behalf of the County Commission, Commissioner Stamper expressed appreciation to Mr. Poveromo for his service to Boone County. Commissioner Stamper recognized Mr. Poveromo's outstanding support for, and commitment to Boone County.

Mr. Poveromo thanked the Commission and stated it has been a pleasure working for and being employed by Boone County. Mr. Poveromo proceeded to review his written recommendation to the Commission regarding the bid award.

Purchasing Director Beckie Jackson concurred with the recommendation

In response to a question from Commissioner Miller, Mr. Poveromo replied the County has four recycling containers to serve Midway, Harrisburg and Centralia. One container is used for rotation. A bid will be prepared to acquire additional containers. Grant funding has been secured for the additional containers and for hauling and tipping service during 1996.

Commissioner Miller moved that the County Commission of the County of Boone award bid 88-15AUG95, Recycling Services, as follows:

<u>Civic Recycling</u>	<u>T-Mac</u>
Container Rental	Hauling
Landfilling (Post Tipping)	Landfilling (Pre Tipping)
Tipping/Marketing	Relocation Service
Weight Report	Trash Service

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 512-95.**

Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached contracts with Civic Recycling and T-Mac for recycling services.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 513-95.**

SUBJECT: Discuss Amendments to Subdivision Plat Vacation Procedures

Mr. Patton distributed three alternatives to revise section 1.8 of the subdivision regulations. Mr. Patton stated he has found there is law to support both sides in the lawsuit filed by David Rogers on behalf of Rhodes-Payne. An alternative to the lawsuit is to amend the subdivision regulations. They point out a problem with the ordinance. When actual or potential problems with regulations are discovered, they need to be addressed. Therefore, he drafted three alternatives for discussion. The county is not concerned when a developer, who owns all land on a plat, wants to replat. The county is concerned when development has occurred and the developer wants to replat the property and subdivision property owners object. In the 1991 revision to the ordinance, the county adopted a provision to deal with this concern. Once developed, a plat could not be vacated unless all property owners in the subdivision consented. If they did, the county then examined the impact replatting would have. During the last revision, the county decided if a developer deals with the issue by including a method of plat vacation in subdivision restrictions or covenants so that parties buying property are aware of the provision, the county will not involve itself. The commission also decided to allow majority rule instead of requiring unanimous consent of property owners. The first alternative allows the owner of the land for which vacation is sought to petition the County Commission for vacation. If after a public hearing, the commission finds the vacation and subsequent replat would have no adverse impact on the subdivision, the commission would grant the plat vacation. The second alternative says if property has been sold or developed and the issue of plat vacation and replatting has not been addressed in recorded deed covenants or subdivision restrictions, a majority of persons owning a majority of the real estate must petition the County Commission for vacation. Alternative three allows either the owner or a majority of owners to petition for vacation and adds a provision where if less than a majority of property

owners petition, the County Commission must find that such owner or owners will be denied all beneficial economic use of the property unless vacation is granted.

Commissioner Stamper stated he would like to discuss the proposed revisions at the meeting next Tuesday. A public hearing can then be held if there is agreement on an alternative.

Mr. Rogers stated he filed a lawsuit against Commissioner Stamper on behalf of Rhodes-Payne. He granted an additional extension on pleadings to be filed to allow sufficient time for this discussion to occur. Mr. Rogers assured the commission nothing in any of the proceedings--starting with this discussion and ending when the process is concluded--will be used against the county in the lawsuit. Mr. Rogers stated they think they have clearly based the lawsuit on a legal issue. He would like the lawsuit to be an impetus to changing the ordinance. He believes alternative two and three are worthless if he is correct in his lawsuit. Although alternative one does not thrill him, it does not seem to be subject to the objections he raises in the lawsuit.

SUBJECT: Allocate Marriage and Dissolution Fees to Comprehensive Human Services/The Shelter

Commissioner Stamper moved that the County Commission of the County of Boone allocate marriage and dissolution fees to Comprehensive Human Services/The Shelter.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 514-95.**

SUBJECT: Reports from Commissioners

Commissioner Stamper reported he discussed the feasibility of the county granting an easement for use of an abandoned road as a foot path between Rock Bridge State Park and Three Creeks Conservation Area with Tim French, Staff Supervisor for Planning and Information Analysis with the Missouri Department of Conservation. They are interested in having such an easement.

Commissioner Stamper reported he met with Department of Natural Resources Director David Shorr regarding High Point Lane. It is their goal that a portion of Rock Bridge Lane be vacated.

Commissioner Stamper reported James Michael Sloan resigned his appointment as Rocky Fork Township Planning and Zoning Commissioner. He no longer resides in Boone County.

Commissioner Miller reported the Boone Retirement Center Board met to review the initial design of the new Boone Retirement Center. P.C. & E. is the contractor.

The meeting adjourned at 8:02 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

ABSENT

Linda Vogt
District II Commissioner