

TERM OF COMMISSION: March Session of the February 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 Malaby
County Counselor John Patton
Planning and Building Inspection Director Stan Shawver
Public Works Design and Construction Professional Engineer
Tom Ratermann

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

SUBJECT: Public Hearing and Consideration of Planning and Zoning Issues

Director of Planning and Building Inspection Stan Shawver reported **Clifford and Alma Inscore request to rezone from A-1 (Agriculture) to A-2 (Agriculture) 15.83 acres, more or less, located at 3000 E. Highway 124, Hallsville (the southeast corner of Robinson Road and Highway 124.) Inscore Subdivision is located in S17-T50N-R12W. Clifford and Alma Inscore are the owners. Don Bormann is the surveyor.** 15 property owners had been notified of this request and Mr. Shawver said at an earlier Planning and Zoning Commission hearing one neighbor spoke in support of the request and two others had questions regarding the zoning but did not voice any opposition toward the request. The Planning and Zoning Commission voted 4-3 to recommend approval of the request.

Clifford Inscore, 3200 E. Highway 124, addressed the Commissioners. Mr. Inscore told the Commissioners that he and his wife were retiring and were requesting A-2 zoning for 15.83 acres to be sold in three lots. The remaining land would be leased as farm land.

Commissioner Stamper convened to a public hearing. No response.

Commissioner Vogt said the request was not inappropriate as the property currently sits next to land zoned A-2.

Mr. Shawver clarified that the land adjacent to the Inscore's, north and on the west side of Robinson road, had been platted and not rezoned.

Commissioner Miller asked Mr. Shawver what had concerned the Planning and Zoning Commissioners.

Their concern, Mr. Shawver said, was with the remaining acreage. The Planning and Zoning Commission was concerned that the Inscore's were requesting zoning for portion of the property and not the entire 80 acres. Mr. Shawver said that the request had not met with strong opposition from the Planning and Zoning Commission.

Commissioner Vogt moved that the County Commission of the County of Boone approve a rezoning request by Clifford and Alma Inscore to rezone 15.83 acres, more or less, from A-1 to A-2 zoning at 3000 E. Highway 124, Hallsville.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 94-97.**

Mr. Shawver reported on the **Inscore Subdivision, S17-T50N-R12W, zoned A-2, a three-lot, five-acre average lot size, minor subdivision, Clifford and Alma Inscore, owners.** The proposed lots will have on-site sewage disposal and no road improvements are proposed. The Planning and Zoning Commission approved the plat unanimously.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept the minor plat of the Inscore Subdivision and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 95-97.**

Mr. Shawver reported **Kimberly's Hope Subdivision is located in S8-T51-R13W, zoned A-2. Aubrey and Kimberly Weger, owners. Brian Dollar is the surveyor.** It is a one lot-subdivision on Route F, 5.29 acres, with an existing house on the property that is currently being rehabilitated. This splits their property into two ten-acre lots and Planning and Zoning approved the minor plat unanimously.

Commissioner Vogt moved that the Boone County Commission receive, accept the minor plat of Kimberly's Hope Subdivision and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 96-97.**

Mr. Shawver reported **Clover Leaf Estates is located in S8/9-T50N-R12W. A-2. Thomas Smith, Owner. Daniel Brush, surveyor.** Clover Leaf Estates is a two-lot minor subdivision west of Hallsville. Each lot is 7 1/2 acres and access is by private easements. Planning and Zoning approved and recommended approval by the Boone County Commission.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept the final plat for minor subdivision Clover Leaf Estates and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 97-97.**

SUBJECT: Public Hearing: Installation of Gate to Close East Cedar Court to Improve Access by Boone County Regional Sewer District to Wastewater Treatment Plant. Tom Ratermann, Boone County Public Works, reported that the purpose of the gate is to prevent unauthorized access, to improve access by the Sewer District and to provide a site for any excess soil generated by the improvements. The Sewer District is considering installing a culvert under East Cedar Court so that the plant could be accessed from Rocky Fork Drive. The installation would create a through road from East Cedar Court to Autumn Drive. Mr. Ratermann suggested that the Commission consider closing, but not vacating East Cedar Court at South Cedar Court, under the Boone County Traffic and Road Use Regulations. The gate, he said, would not deny access to any properties, since all properties are accessed from Autumn Drive. All work would be done at the Sewer District's expense, with the culvert meeting County standards. Other work, however, would not be done to County standards since the Sewer District was not seeking County maintenance. Mr. Ratermann recommended that any closing be contingent upon the Sewer District construction of the road.

Mr. Ratermann reported that two property owners in the Clearview neighborhood had commented on the proposed closing. One wanted to determine whether closing would affect the platted right-of-way; the other had several concerns. He expressed an interest in the road being built to County standards, but Mr. Ratermann reported that since the Sewer District is not seeking County maintenance this is not required. The other concern was additional flow to the plant and the Sewer District entered into an agreement 1987 and in 1994 to serve the Shalimar Gardens and Crestwood Hills Subdivisions.

Commissioner Stamper opened the public hearing.

David Schiefer, 5420 N. Golden Drive, Columbia, MO, President of the Clearview Neighborhood Association told the Commissioners that the Clearview Neighborhood Association has been fighting for twenty years for a second entrance to the subdivision. Mr. Schiefer said that another 100 homes are slotted to be developed and he objected the closing of any roads. He pointed out that the plant is currently fenced to keep unauthorized access out and that the Sewer District had access to the plant by Autumn Road. Mr. Schiefer asked the Commissioners why the gate was necessary.

Mr. Schiefer was also concerned about the possibility of the Sewer District serving Crestwood Hills and Shalimar Gardens and wanted to know if the district would use Clearview's

infrastructure or if they would circumvent the subdivision. Mr. Schiefer stated that until those questions were answered, the Clearview Neighborhood Association could not support the placement of a gate.

Commissioner Stamper asked Mr. Schiefer if the infrastructure belonged to the people of Boone County.

Mr. Schiefer replied that he did not know, but said there were problems with the mains.

Commissioner Stamper stated that the sewage capacity did not have anything to do with the gate and asked that all comments be restricted to a discussion of the gate.

Mr. Schiefer then said he was concerned with the closing of the road when there was limited access to the neighborhood. He said that people living on East Cedar Court and Autumn Drive had only one exit from the subdivision and if the road was put in, there would be two exits.

Commissioner Stamper asked if it was a road now.

Commissioners Miller and Vogt replied that it was not.

Commissioner Vogt said she understood that the Sewer District owns the property and there is no road, but if a road should go through, since the sewer district owns the property they would have to participate in building those roads.

Mr. Ratermann explained that there are platted lots on East Cedar Court and Autumn Drive and if the developer would build on those lots and wanted maintenance of the street in front of those lots, then the lots would have to be built to County standards.

Commissioner Vogt asked if a gate would affect that expansion.

Mr. Raterman said no.

Commissioner Stamper stated that the discussion was for a road closing and not a vacation. A closing, he said, could be removed as quickly as it was put in. A vacation would have to be replatted.

Mr. Schiefer asked why, if the current plant was fenced in, a gate across the road was necessary.

Commissioner Stamper replied that the Sewer District was having problems with vandalism and unauthorized access.

Mr. Schiefer repeated his concern of closing off a road when there was limited access to the neighborhood.

Commissioner Miller asked Mr. Ratermann about the 30 foot ravine where the culvert would be placed. She said it made sense to utilize the excess dirt knowing that the area would someday be developed.

Rodney Aaron, 384 E. Hackberry Blvd., Columbia, MO, President-Elect of the Clearview Neighborhood Association addressed the Commissioners and said he was concerned with the placement of a gate. Mr. Aaron told the Commissioners that he was not aware of any problems with vandalism, but stated the lagoon was near capacity and to increase its capacity would be a problem.

Diane Davis, 329 E. Clearview, Columbia, MO, also addressed the Commission and stated that the road was an opportunity to improve access to the subdivision and did not feel that a gate would stop potential vandalism. She asked how the new road would limit the current problems.

Commissioner Stamper asked for clarification regarding the new road Ms. Davis referred to.

Ms. Davis said that the road did not currently exist, but was platted off of Cedar Court.

Commissioner Miller said that if the sewer district access road was open, it would have to be built to a County standard for public access and explained that was not the kind of road the Sewer District wanted to build. It was her understanding that the Sewer District was utilizing the dirt and culvert for the future. As someone would develop this, she said, they would have to bring the road up to County standards, making it less costly to build those roads in the future.

Ms. Davis then said the road would become a building block for a permanent road in the future. She also asked why developers were required to build roads to County standards, but the sewer district was not.

Commissioner Stamper explained that the road was not a residential one.

Ms. Davis then cited her concerns for the sewage treatment plant expansion.

Commissioner Stamper asked Mr. Ratermann if there were plans for expansion.

Mr. Ratermann stated that the treatment capacity of the plant was to be increased.

Commissioner Stamper said that sewer and road issues were being mixed and asked that questions on capacity be directed to the Sewer District.

Commissioner Miller said that once the infrastructure is in the hands of the sewer district, they do not come back to the homeowner and ask permission to upgrade. They do charge the developer who wants to hook on for the improvements, helping the whole system at the same time. She advised that Ms. Davis speak with Mr. Ratermann after the meeting.

Commissioner Stamper asked again that the sewer issues not be discussed at this hearing as the Commissioners have no authority over the Sewer District.

Ms. Davis then asked what were the long term plans for handling the sewage for Crestwood Hills. She had heard there was another plant being planned across the road from her residence and that the Clearview plant may be shut down.

Commissioner Stamper asked again that comments be focused towards the temporary gate across the roadway.

Howard Hart, 5522 Rocky Fork, Columbia, MO opposed the gate because it divided Clearview. He felt there was a double standard and the sewer department would be responsible for building a road as would any other contractor. He said the road should be a public road maintained by the County and there should be no gate; there was no problem with people going through the road and the gate should be placed in the fence surrounding the plant and not in the road.

Mr. Aaron addressed the Commissioners again and said the issues of sewer and gate were difficult to separate because the gate serves as a blockade. The gate is being set there for the future, he said, and in his mind it was a blockade saying something was being denied. He didn't see how the Commissioners could separate the two.

Commissioner Stamper closed the public hearing. He stressed again that the issue of sewer had nothing to do with whether or not a roadway was closed on a temporary basis. The issue was that the sewer district was wanting to keep unnecessary traffic out of the plant through the placement of a temporary gate.

Ms. Davis asked if any of the owners of the undeveloped lots had been contacted regarding these issues.

Mr. Ratermann replied they were contacted through the press. One of the property owners of two lots across the street from the plant and one of the lots adjoining the plant called to see that the roadway would not be vacated. The lot owner did not have a problem with the installation of a gate.

Commissioner Stamper asked Mr. Ratermann, for the edification of the audience, if there was a planned expansion of the sewage plant or was the plan to enhance what was already there.

Mr. Ratermann said that the increase of the treatment capacity could be done through the current ownership, although temporary easements may be acquired for purposes of grading. He also told members of the audience that the Sewer District board of directors meets on the third Tuesday of the month at 7 p.m. at the Sewer District's office on North 7th Street.

Again, Commissioner Stamper asked that comments and questions focus on the proposed gate.

Commissioner Miller asked if the culvert and dirt was necessary.

Mr. Ratermann replied that the Sewer District could continue to access the plant from Autumn Drive instead of East Cedar Court. It would improve the sewer district's ability to operate the plant if they had two accesses, he said. It would also give a place for the excess dirt generated by building the plant, thereby holding down costs.

Commissioner Miller asked Mr. Ratermann if Autumn Drive turned into a gravel road near the plant.

Mr. Ratermann replied that County maintenance stops at Harold Court and from Sacketts Drive to the plant it is a one-lane rock road.

Commissioner Vogt asked if there were houses along the road past Sacketts Drive.

Mr. Schiefer replied there were none.

Commissioner Miller said, then, from that perspective, no one needed to travel past Sacketts Court except the Sewer District.

Commissioner Stamper said he understood the concern that the gate was a blockade, but there seemed to be some bigger issues. The concerns over increased capacity of the treatment facility were just, he said, but needed to be addressed to another group and encouraged the audience to do so. He also stressed that if a contractor came in and wanted to improve the roadway that the gate would come out.

Commissioner Miller said she understood the reasoning for the gate. When there were no houses back there, she said, there was no reason for anyone to be there unless they were with the Sewer District. To have a cut-through would create more traffic. She did not oppose the positioning of a gate on a temporary basis until there was a need for the lots to be platted.

Commissioner Vogt said that the treatment plant and the roads belonged to the people. She said the gate was the neighborhood protecting something that they own. The gate request, she said, is to keep vandalism down and to keep kids from playing around the treatment plant. She said there was not a problem with the gate and asked what was the process to take the gate down.

Commissioner Stamper said it would take a County Commission order to reopen the roadway and the Sewer District would be directed to remove the gate.

Mr. Aaron asked if the gate was being placed to deter vandalism.

Commissioner Miller said that the gate would deter traffic from driving through the area on a regular basis.

Mr. Aaron said that the plant was already fenced and that a gate would not deter anyone from the area.

Commissioner Miller said that it would be a stop to four-wheel drive vehicles and stated there had been some problems with illegal dumping and the gate would also put a stop to that activity.

Mr. Aaron said that there had been no evidence of four-wheelers or dumping in the area and said that the placement of a gate would not deter that kind of activity.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved that the County Commission of the County of Boone table the request of the Sewer District to allow an on-site review by the County Commissioners.

Commissioner Vogt seconded the motion. Motion passed.

SUBJECT: Reports from the Commissioners.

None.

SUBJECT: Public Comment

Ms. Davis asked if there was a possibility to get second access to the Clearview Subdivision by the water tower from 763.

Commissioner Stamper said the County of Boone had no plans for creating a second access. He said that the Planning and Zoning Commission would work with any developer interested in creating another access into the subdivision. Those issues, he said, would be addressed as the project develops.

Ms. Davis asked if under current development regulations would Crestwood Hills ever be allowed one two-lane access.

Commissioner Stamper said that the developer could not be held accountable for roadways off of their property. He said it was difficult to require a developer to build a roadway out to an adjoining major thoroughfare when there was already a point of access available to them.

Ms. Davis was concerned then, with an overload of the existing road.

Commissioner Stamper said that planners had a very critical eye on the east-west transportation corridors in the northern portion just outside of Columbia. He cited the improvement of Smiley Lane.

The meeting adjourned at 8:03 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner