

TERM OF COMMISSION: May Session of the May 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
County Counselor John Patton
Planning and Building Inspections Director Stan Shawver
Deputy County Clerk Ashley Williams

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

SUBJECT: Request by Rocky Fork LLC to rezone from R-S (Single Family Residential) and A-R (Agriculture Residential) to A-2 of 104.08 acres, more or less, located at 6791 N. Hwy. VV, Columbia

Planning and Building Inspector Stan Shawver reported that the tract for Rocky Fork LLC is 426.74 acres, currently 189.89 acres zoned R-S (Single Family Residential) and 237.04 acres zoned A-R (Agriculture Residential). The request is to rezone to A-2 (Agriculture). The site is located 1 1/2 miles north of Columbia; the property touches Creasy Springs Rd., Mauller Rd. and State Hwy. VV. The majority of the property is vacant, however, there are two dwelling units, a barn, a garage and several outbuildings. The applicant does not want to use this property for residential development and wants to remove any implication that it could be used for residential development. The applicant indicates that they may need to expand an existing rock quarry on adjacent property, which is operated as a nonconforming use. The 1973 plan and the 1996 85% draft both designate this area as being suitable for agriculture and rural residential land uses. According to the 1996 plan, this site is located adjacent to the residential area. Approximately 237 acres are located within the Columbia Urban Service Area (all of the area currently zoned A-R). There have been no previous requests to alter land use on this property. Staff notified 146 property owners concerning this request. Mr. Shawver said that the initial request from Rocky Fork LLC to rezone 426.74 acres had first been heard on August 15, 1996 and was denied by the Planning and Zoning Commission. He showed the Commissioners a map of the area that marked the original request and the current request for rezoning.

Craig Van Matre, 1103 E. Broadway, Columbia, an attorney representing Rocky Fork LLC and Bill Eckhoff, managing member of Rocky Fork LLC and an officer of Richardson and Bass addressed the Commissioners. Mr. Van Matre said he was pleased to announce that after lengthy negotiations with Mr. Eckhoff and the neighbors surrounding the property in question, they had reached a complex and fair agreement. He explained that the reason for the request to move the quarry, currently situated on 69 acres, to the northeast, was to increase the area of buffer zone between the quarry and the residential areas surrounding it. Mr. Van Matre said that Rocky Fork LLC and the neighborhood associations had made a series of agreements and compromises concerning the hours of use, number of blasts and a listing of other conditions too numerous and complex to detail. He said that he and Mr. Walther agreed on most of the language of the condition that details the settlement and the conditional use permit for the quarry and asphalt plant. Those conditions were contingent upon the approval of County Counselor John Patton and the County.

Mr. Van Matre asked that the County Commission grant the rezoning request.

Commissioner Stamper asked Mr. Van Matre to describe Rocky Fork LLC's intentions with the property.

Mr. Van Matre said that his client currently operated a rock quarry that has been in business at that location since the 1960s. The quarry has been modernized and updated, but is close to Creasy Springs Road and to residents to the south. Central companies formed Rocky Fork LLC to acquire the surrounding real estate to the northeast so the quarry can be moved to the 104 acres depicted in the plan. The intention is to gradually move the quarry northeast so there is a buffer between the neighbors and the rest of the quarry. Mr. Van Matre said there was enough quarry there to last another 100 years. He said that the land would gradually be reclaimed, leaving a

central lake, making the area an ideal residential area. In the meantime, he said, the County needs the rock and the asphalt produced. The quarry will gradually move the crushing operation and the asphalt plant to the northeast to help minimize the noise and adverse affects on the neighbors as the plan unfolds.

Commissioner Stamper asked Mr. Van Matre to elaborate on Rocky Fork LLC's desire to downzone the property around it.

Mr. Van Matre explained that the rock quarry is a necessary business and industry for the County, but it isn't something people enjoy living close to. His clients, he said, understood that a buffer zone needed to be established, so they acquired almost 600 acres with the idea that the area surrounding the quarry would act as a buffer. He pointed out that the effort to establish a buffer took eight separate acquisitions and that all of the property, except for the designated 104 acres, is intended to be a buffer zone.

Mr. Eckhoff said that they wanted to leave the property looking as natural as possible. A new access road to the quarry has been built to the highway, so they are no longer using Creasy Springs Road.

Commissioner Stamper convened a public hearing.

Skip Walther, 700 Cherry, Columbia, an attorney representing Boone County Quality for Life Association. He explained that the group consists of several homeowner's associations that were formed before or as a consequence of this particular rezoning request. He agreed with Mr. Van Matre and said that they had been able to arrive at an agreement where they felt they could support the application for rezoning.

Mr. Walther said that it had been appropriate to negotiate with Rocky Fork LLC. First, and most important, he argued, was that the applicant has agreed to restrict the existing quarry in the same fashion as they agreed to restrict the proposed expansion. By arriving at an agreement, he said, they had been able to obtain a restriction of the existing use, which otherwise would not have been available.

He said that any time you appear before a public body, there is always a risk that the public body might arrive at a decision not acceptable to the people that decision was to serve. Mr. Walther said that they entered into negotiations so the neighborhood associations could have a significant affect upon the eventual issuance of a conditional use permit. He explained that while he represented several neighborhood associations, the agreement would not bind 100% of the landowners affected by the rezoning. Mr. Walther clarified that the limitations placed on a conditional use permit would not satisfy everyone, nor prevent them from filing lawsuits if they choose to contest. He said there had been a great deal of discussion about whether or not the applicant is using the property under a lawful, nonconforming use. He said that the agreement would not forever settle everybody's rights and liabilities. What it does do, he said, is resolve the rights of the associations and the rights of the rezoning applicant. The agreement identifies their rights and liabilities. Mr. Walther said he believed the agreement is fair to the association and to the rezoning applicant and they stood before the Commission ready to endorse the application by Rocky Fork LLC for rezoning.

Commissioner Vogt asked how many neighborhood associations were represented by the Boone County Quality for Life Association.

Mr. Walthers replied that there were nine.

Greg Wolf, 6550 North Creasy Springs Road, is an adjacent landowner and member of the leadership committee for the Boone County Quality for Life Association, thanked the Commissioners for giving the organization time to work on the rezoning issue. He said it had been a challenging experience, but that they had been able to accomplish their goals. Mr. Wolf said they were counting on the applicant to honor his agreement, but would look to the Commission for help in seeing the agreement honored.

Roy A. Knapp, 308 E. Hackberry, said he had been in Clearview for about ten years. He said he had been following the details of the plan and thought it would be an improvement to let Rocky Fork LLC move their operation. He said he was in support of the request.

Keith Sanders, 6551 North Creasy Springs Road, said that he was one of the property owners not represented by the Boone County Quality of Life Association and had several concerns, one of which were the Planning & Zoning regulations and policies, in general. He said it seemed to him to be bad policy to go along with the rezoning. Because the property was grandfathered as a quarry, people in the neighborhood bought property, knowing there was an existing quarry, but not anticipating an expansion. Certainly, he said, Mr. Eckhoff, as a business man, understood that in acquiring property, he was running the risk of not gaining County Commission approval for a rezoning request. Mr. Sanders said he didn't have a lot of sympathy for Mr. Eckhoff. He said he felt people had been intimidated to agree to something they really didn't want. He said it was the role of government to protect the rights of the citizens. He said he hoped this wasn't the case of one dollar equals one vote.

The public hearing was closed.

Commissioner Stamper asked Mr. Walther if he would explain the process by which surrounding property owners were invited into discussions concerning their rights and the rezoning request.

Mr. Walther said that property owners in the area network by phone. The Boone County Quality of Life Association was comprised of representatives from nine home owners associations. The organization met for the first time in October 1996 and that was the first time that an offer was made to the association regarding the nature of the restrictions. Usually, he said, the meetings were monthly and that the Boone Quality of Life Association was responsible for notifying the people within their association of the scheduled meetings and that all members of the neighborhood were invited to attend. Mr. Walther said that there were 20 to 30 homeowners at each meeting and that typically, all of the neighborhood associations were represented. It was his understanding that the representatives then reported back to their respective groups.

Mr. Sanders said that he and his wife were never contacted by anyone. Early on, he said, when the rezoning process was rumored to be in the mills, they did sign a petition opposing the rezoning. He said that his wife attended the last public meeting held by the Boone County Quality of Life Association and that the vote approving the conditions and terms was not unanimous. Mr. Sanders said that he felt the compromises made were the result of eagerness. In response to questions from Commissioner Stamper, Mr. Sanders said that he lives 3/4 of a mile from the entrance of the quarry on Creasy Springs Road, right across the street from Mr. Wolf. He said that while the new entrance had lightened the traffic on Creasy Springs Road, it had increased the traffic on VV. Mr. Sanders said he did not have a problem with the concept of a buffer, although it was his opinion that in less than 100 years the quarry will be mined out. He said that in spite of a buffer, deeper mining made for more sound and more dust.

Mr. Van Matre had no rebuttal.

Commissioner Stamper commented on Mr. Sanders' concerns for people's rights. He said there were people's rights as issue on every side of the equation and that as Commissioners, they were to be as objective as possible. He said that he was most proud of the neighborhood associations that came to the table to listen objectively and to deal with the issues and to work out a solution with Rocky Fork LLC. He was also proud that they had worked out a buffer and would not be quarrying right up to people's back yards. He reiterated that he was concerned for Mr. Sander's rights and Mr. Eckhoff's rights equally. He said he supported the rezoning request and the conditions placed on the operation

Commissioner Vogt said that despite the rezoning request, there would always be a quarry operation in the vicinity and she was pleased that people on both sides of the issue had come together to produce an acceptable outcome. She also said that there are 650 miles of rock roads in Boone County and it was her opinion that Boone Countians would rather that rock be purchased within the County. She appreciated the fact that the two groups had worked together.

Commissioner Miller said that she had received phone calls and comments long before the rezoning had become an issue. She was appreciative that the quarry had moved the entrance to the operation and said that the negotiations could become a future method of dealing with Planning and Zoning issues where neighbors and applicants could work through the details.

Commissioner Stamper told Mr. Eckhoff that there was a large development on one side of Mauller Road and asked if he would be interested in donating 6-8 acres for park land on property across the street.

Mr. Eckhoff replied that children need to have some place to play and he'd rather see them have suitable park area. He said the company would be interested in that type of a development.

Commissioner Stamper moved that the County Commission of the County of Boone approve the rezoning from R-S (Single Family Residential) and A-R (Agriculture Residential) to A-2 (Agriculture) of 104.08 acres, more or less, located at 6791 N. Hwy. VV, Columbia.

Commissioner Miller seconded. Motion passed unanimously. **Order 211-97.**

SUBJECT: Request by Steven Nichols on behalf of John Massey to rezone from A-2 (Agriculture) to C-G (General Commercial) of 2.36 acres, more or less, located at 8802 S. Route N, Columbia

Mr. Shawver reported that the property is located on State Highway N approximately 3 miles south of Columbia and 4 miles north of Easley. The property is zoned A-2 (Agriculture), as is all of the surrounding property. This property was used as a farm implement dealership prior to the adoption of zoning regulations. The building that contained the dealership, parts area and repair shop were converted to a daycare center in 1995. This change in use resulted in the grandfather rights being downgraded to the equivalent of R-M zoning. The owner is interested in selling the property and the potential buyer wants to use the property for a construction business. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. The proposed use is inconsistent with the Master Plan, with the exception that the application indicates that the buyer may work on farm equipment. Staff notified 8 property owners concerning this request. One neighbor spoke in opposition regarding future use and Planning & Zoning recommended to deny and the applicant has filed an appeal.

Steve Nichols, 8789 S. Route N said that they would be willing to create a buffer zone and that the potential buyer wants a nice office. He said that they wouldn't be willing to sell to someone who will not keep the property nice because they will be living across the street from the property in question.

Sandra Nichols, 8789 S. Route N, said that they knew John Massey, the potential buyer, and said he was a good business man and they were confident the property would be well-kept. She said their current home is on the market, but they plan on building a new home on the adjacent lot. She said they would not be moving out of the area and their ultimate interest is in that area.

Commissioner Vogt asked Mr. Nichols if he was aware that a change in zoning to C-G would allow a potential owner to put almost anything on the property.

Mr. Nichols said it had been his understanding that the property had always been C-G and they were not aware that they had lost their grandfathered rights when the property was downzoned to accommodate the day care center they operated there.

Commissioner Vogt said she was curious as to why the Nichols' weren't asking for Planned Commercial zoning, in particular because they live across the street from the land.

Mr. Nichols said it was their intent to sell the property to Mr. Massey who would then request the property be rezoned Planned Commercial.

Commissioner Stamper clarified that they were not concerned with the character of the potential buyer, they were concerned about the potential property uses if the land was zoned General Commercial. He then convened a public hearing.

Roger Traxler, 8653 S. Route N, said that his property adjoins the property in question. He said he has lived there for 25 years and has no complaints about a shop going in. His family members are three adjacent landowners and they have no opposition to the request.

Shirley Traxler, 8653 S. Route N, said that the daycare had always been kept neat and clean and she felt that Mr. Massey would continue to run a good operation and she supported Mr. Nichols' request.

Commissioner Stamper closed the public hearing.

Commissioner Miller said that at the request of Mr. Nichols she met with Mr. Massey on the property in question and discussed what he wanted to do with the property. In talking with staff, the uses intended do not fit into commercial zoning, except for the office. She told Mr. Massey their concerns with allowing commercial property in the middle of different zoning and that it might be in his best interest to approach the Commissioners with a request for Planned Commercial.

Commissioner Stamper said that in the past seven years, General Commercial zoning has only been granted once in this type of a similar situation.

Mr. Shawver confirmed that.

Commissioner Stamper said that he didn't have a problem with the proposed use, he was concerned about giving someone a license to do what they please as a result of the General Commercial rezoning. He said they were used to dealing with Planned Commercial.

Mr. Shawver said that the Planning and Zoning Commission had been hesitant about the possibilities of granting General Commercial. The application was submitted this way because this type of zoning would be the quickest and the Nichols and Masseys could settle their purchase agreement. A request for planned development of any kind, he said, was a rather lengthy process.

Commissioner Stamper asked the Commissioners for their instincts on the issue.

Commissioner Miller said that it was her instinct that if the commercial zoning was approved tonight, Mr. Massey would begin the application process for Planned Industrial zoning. The only problem she saw was if the Planning and Zoning Commission didn't support the request, he would be stuck with a piece of property zoned Commercial.

Mr. Shawver said that Mr. Massey is aware of the possibility. He does railroad repairs in northern Missouri. The equipment Mr. Massey uses is very unique and has only one or two uses, so it's not the type of equipment he would want sitting idly.

Commissioner Miller said she could support the request because it had been a permitted and grandfathered commercial use before it was downgraded.

Commissioner Stamper asked Mr. Nichols what would happen if he would have to come back to reapply.

Mr. Nichols said he didn't think they would be able to get the property sold. Mr. Massey is currently renting two different spots.

Commissioner Stamper said again that he was not worried about Mr. Massey's character. He said that they deny requests for General Commercial zoning repeatedly and was concerned that granting the request would be stepping out of character.

Commissioner Miller said that the difference with this property is that it had been grandfathered with a commercial use and was accepted by the people in the neighborhood.

Commissioner Vogt said she was concerned because they could not be assured that Mr. Massey, nice though he sounded, would keep the property. She said circumstances might require him to sell it three years from now.

Commissioner Miller said that the Traxler's live on all three sides of the property and have beautiful homes. She said she could also support the request because the surrounding landowners support it.

Commissioner Miller moved that the County Commission of the County of Boone approve the request by Steven Nichols, on behalf of John Massey, to rezone from A-2 (Agriculture) to C-G (General Commercial) of 2.36 acres, more or less, located at 8802 S. Route N, Columbia.

Commissioner Stamper seconded.

Commissioner Vogt said she was torn. She said it seemed irresponsible to vote yes, because they never knew what might happen in the future.

Commissioner Miller said she did not disagree with that concern.

Commissioner Stamper said the one flaw was the property's previous commercial use. He said he could vote for it, but he didn't like it. He understood they were taking a risk.

Motion passed unanimously. **Order 212-97.**

SUBJECT: Request by S. Diane Heuer to rezone from REC (Recreation) to C-GP (Planned Commercial) and to approve a Review Plan on 3.1 acres, more or less, located at 16827 N Old Hwy 63 North, Sturgeon

Mr. Shawver reported that the property is located on Old Highway 63 approximately 7 miles south of Sturgeon and 1.5 miles north of the intersection with Highway 124 west. The property is zoned REC (Recreation), all of the surrounding property is zoned A-2 (Agriculture). This request is to rezone 3.10 acres to C-GP (Planned Commercial). This property was originally zoned A-2, but in 1975, 5 acres were rezoned REC to allow a commercial stable. At some point thereafter, the original barn was converted and used in conjunction with an insulation business. This site is within the service area of Public Water District No. 10, and is within the Harrisburg School District. The master plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 18 property owners concerning this request. No one spoke in opposition to the request and Planning and Zoning Commission approved the rezoning request and review plan with the condition that no signs be permitted on the property.

Diane Heuer, 16921 Old Hwy. 63 North said she purchased the property in 1975 with the understanding that it had been zoned commercial. She moved her business there because she lives nearby. Her employees meet at the site and then travel to their various jobs. Ms. Heuer said she had been doing this since 1984 and had never realized that she was not in compliance until she was recently contacted by Planning and Zoning.

Commissioner Stamper convened a public hearing. No one spoke in support or opposition and the hearing was closed.

Commissioner Vogt moved that the County Commission of the County of Boone approve a rezoning request for S. Diane Heuer to rezone from REC (Recreation) to C-GP (Planned Commercial) on 3.1 acres, more or less, located at 16827 N Old Hwy. 63 North, Sturgeon.

Commissioner Miller seconded. Motion passed unanimously. **Order 213-97.**

Commissioner Vogt moved that the County Commission of the County of Boone approve a Review Plan for S. Diane Heuer on 3.1 acres, more or less, located at 16827 N Old Hwy. 63 North, Sturgeon, with the condition that there be no signs permitted on the property.

Commissioner Miller seconded. Motion passed unanimously. **Order 214-97.**

SUBJECT: Request by Ron and Teri McBee to rezone from A-2 (Agriculture) to C-GP (Planned Commercial) and to approve a Review Plan on 8.71 acres, more or less, located at 15160 N Old Hwy. 63 North, Sturgeon

Commissioner Stamper expressed concern that this parcel of land was part of the state highway department's acquisition intention and noted that the applicant nor an agent for the applicant was present to answer questions.

Mr. Patton explained that according to County regulations, the only way the Commission can prohibit development is if the land is part of a master plan and has been surveyed. Otherwise, the property has to be looked at strictly from a land use standpoint. He also clarified that because the property owners are aware of the highway department's intentions, an upgrade in zoning or the presence of a building will not affect the amount the state will pay the property owner.

Commissioner Stamper moved that the County Commission of the County of Boone table the request by Ron and Teri McBee to rezone from A-2 (Agriculture) to C-GP (Planned Commercial) and to approve a Review Plan on 8.17 acres, more or less, located at 15160 N Old Hwy. 63 North, Sturgeon and asked that Planning and Building Inspections staff notify the applicant for the need of public testimony.

Commissioner Vogt seconded. Motion passed unanimously. **Order 215-97.**

SUBJECT: Petition to vacate and replat lots 37, 38 and 39 of University Estates Subdivision, Plat 2, submitted by Jeffrey D. Anderson Trust

Mr. Shawver reported that the property is part of the University Estates subdivision that was platted in the late 1960s or 1970s. The request is to vacate lots 37, 38 and 39, plat number 2. The replat would make the three lots into one, including all existing easements and right of ways, and would contain approximately 4.7 acres.

Tom Monroe, 18950 North Tucker School Road, Sturgeon and Richard Jenkins, 702 Pear Tree Circle approached the Commissioners. Mr. Jenkins said he was purchasing the property from the Jeffrey D. Anderson Trust.

Mr. Monroe explained that the purpose of the request was to replat three lots into a single lot to be used as a home site. He said there would be less traffic and less noise with only a single residence there and that Raven Hill Nurseries was to the north and the large lot would create an additional buffer between the neighborhood and the nursery.

Mr. Jenkins said that he liked the property the way it was and that additional homes would ruin it as a wildlife area. He also said that his motive for combining the lots was not to reduce the amount he would have to pay to the Neighborhood Improvement District.

Andy Lister, Coordinator of the Neighborhood Improvement District program, said that the informal agreement between the County and Mr. Anderson was that only one of the three lots would be assessed, even though the road to be improved would not be improved to those three lots.

Commissioner Stamper convened a public hearing.

Jim Joy, 3606 W. Hilltop Drive, Columbia, addressed the Commission. He said he was representing a loosely knit neighborhood association concerned about the potential vacation of the lots in University Estates and that Mr. Jenkins might be able to remove himself from the covenants of the subdivision.

County Counselor John Patton explained that the vacation of the lot lines would not affect the covenants established by the subdivision. If the covenants would be violated, that would be a matter to be enforced through the civil courts.

Mr. Shawver said that the land, even after a replat, would still be part of the University Estates subdivision and under County regulations a single wide mobile home could not be placed on the property without coming before the Commission. A modular home, however, would be permitted.

Eugene Boone, 3611 W. Campus Dr., Columbia, said that his property abuts the lots in question. He said that he signed the petition to participate in the NID, but said he didn't understand that when the lots were vacated that they would be separated from the subdivision.

Commissioner Stamper explained that the request was not to vacate from the subdivision, the request was to vacate property lines. He said that the measure to protect them from substandard housing would be a matter of civil court and that was the process they would have to go through today should Mr. Jenkins choose to build substandard housing on the three lots as they existed.

David Piest, Public Works Department, said that the vacation was originally presented as two petitions, one as a vacation of the lots and the other for a vacation of the roads.

Barbara Townsend, 3609 Hilltop Drive, Columbia, said that her lot directly abuts the three lots in questions. She said she was not clear as to what it meant to vacate the subdivision. She said she and her husband weren't concerned with the lots being combined, they were concerned about the use of the land once it was combined.

Commissioner Stamper explained again that the request was not for an alternate use, the request was to vacate the lot lines and to replat the property into one lot. It still has to meet it's residential use and still has to meet the covenants.

Steve Terrece, 3612 West Campus Dr., said he was not opposed to the request. He said that Mr. Jenkins had done a lot towards cleaning up the property.

The public hearing closed.

Commissioner Stamper was informed by Mr. Jenkins that he had no desire to install a modular home.

Mr. Monroe explained that the reason for vacating the lot lines was because the County wanted to run a four inch waterline at Mr. Jenkins' expense. Because there will only be one home built on the three lots there is only a need for one line. The measure of vacating the lot lines will save Mr. Jenkins money in the long run.

Commissioner Miller moved that the County Commission of the County of Boone approve the vacation of lots 37, 38 and 39 of University Estates, Plat Number 2, as shown in Book 10, Page 189 of the Boone County, Missouri Records, said vacation being contingent on the submission and approval of a replat.

Commissioner Vogt seconded. Motion passed unanimously. **Order 216-97.**

SUBJECT: Coleman Meadows, final plat. S12-T48 N-R14W. Danny and Janine Coleman, owners. Bill R. Crockett, surveyor

Commissioner Miller moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign the final plat for Coleman Meadows S12-T48 N-R14W. Danny and Janine Coleman, owners, Bill R. Crockett, surveyor.

Commissioner Vogt seconded. Motion passed unanimously. **Order 217-97.**

SUBJECT: Adopt findings and conclusion for revocation of a conditional use permit

Mr. Shawver reported that the County Commission had authorized the revocation of a conditional use permit issued to Ricky Knight, based on the evidence that had been presented at the regular County Commission session on May 20, 1997. He said that Mr. Knight has 30 days to come into

compliance with the conditional use permit or he would have to begin efforts to remove one trailer. He also said that he had not heard from Mr. Knight regarding the revocation.

Commissioner Stamper said that the Commission hated to be forced into a revocation of a conditional use permit, yet they hated to see the rules of the County being ignored.

Commissioner Stamper moved that the County Commission of the County of Boone adopt the findings and facts and conclusions of the law in the matter of the revocation of a conditional use permit issued to Amega Mobile Homes Sales, Inc.: Ricky Knight and Dixie Davis, as presented to the Commission.

Commissioner Miller seconded. Motion passed unanimously. **Order 218-97.**

SUBJECT: Jail Task Force Report

Commissioner Stamper tabled the discussion on the Jail Task Force Report and asked that the discussion be referred to a work session.

SUBJECT: Award Bid 26-14MAY97, Leasing Pneumatic Tire Compactor

Commissioner Stamper moved that the County Commission of the County of Boone award bid 26-14MAY97 for the leasing of a pneumatic tire compactor from Midco Equipment Company as having presented the lowest and best bid. The monthly lease cost is \$3,000.

Commissioner Vogt seconded. Motion passed unanimously. **Order 219-97.**

SUBJECT: Award Bid 25-14MAY97, Leasing Vibratory Rollers

Commissioner Stamper moved that the County Commission of the County of Boone award bid 26-14MAY97 item number 4.7.1 for a self propelled single-smooth drum vibratory roller to Allied Construction Company as having presented the lowest and best bid meeting the minimum bid specifications, the monthly lease cost for this equipment is \$3,395; and award item number 4.7.2 for a self propelled single-pad foot vibratory roller to Midco Equipment Company as having presented the lowest and vest bid meeting the minimum bid specifications, the monthly lease cost is \$3,800.

Commissioner Vogt seconded. Motion passed unanimously. **Order 220-97.**

SUBJECT: Reports from Commissioners

Commissioner Stamper moved that the County Commission of the County of Boone approve an offer of \$4,000 for the right-of-way for the Nichols and Reed property for the Vawter School Road project, based on the recommendation of the Public Works department and withdraw the efforts toward condemnation.

Commissioner Miller seconded. Motion passed unanimously. **Order 221-97.**

Commissioner Stamper moved that the County Commission of the County of Boone dispose of two of the four vehicles currently held by the County and sell by auction, on behalf of Cornell Motors one vehicle with high mileage and another with low mileage.

Commissioner Vogt seconded. Motion passed unanimously. **Order 222-97.**

Commissioner Stamper moved that the County Commission of the County of Boone accept the counter offer for the Bigenheimer property for the right-of-way acquisition for the Vawter School Road project and authorize the establishment of a driveway entrance.

Commissioner Miller seconded. Motion passed unanimously. **Order 223-97.**

Commissioner Miller reported that it had been brought to her attention that trailer courts were not included in the wording for the Public Nuisance Ordinance. The Commissioners agreed to include all trailer courts, regardless of their size.

Commissioner Vogt reported that she had talked with Michelle Hombs on Route F, Harrisburg regarding a bridge that had collapsed on their property. Ms. Hombs, she said, felt that the road was a public road and was the responsibility of the County.

SUBJECT: Public Comment

Roy A. Knapp, 308 E. Hackberry, said that he had come to the Commission meeting to complain. He said he was encouraged that the process seemed to work smoothly.

Mr. Knapp told the Commissioners that he and his wife had purchased two lots with the intention of building a home. Because of the lay of the land, they need to build on the lot line dividing the two lots and it was going to cost the Knapp's \$1500 to have the property surveyed so they could erase a line and legally build their home. He said that nobody would lose or gain anything by his building on a lot line and that it seemed silly to have to go through such a lengthy and expensive process just to do what seems to be common sense.

Mr. Patton explained that the process was created to protect property owners from developers when they go in and vacate and replat subdivisions. He said that the problem was the surveyor was asking for a tremendous amount of money and that he'd been a victim of that process himself.

Commissioner Miller said that she asked Mr. Knapp to present his concerns for the record because it was her belief that there should be an easier process for one landowner requesting to combine two lots.

Commissioner Stamper asked Mr. Patton to look into the matter and communicate back to Mr. Knapp. He thanked Mr. Knapp for bringing the issue to their attention.

The meeting adjourned at 9:20 p.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