

TERM OF COMMISSION: July Session of the May Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counsel John Patton
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:00 p.m.

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

Subject: Planning and Zoning

A. Review Permit issued to Jerry and Angie Gerzen for an Animal Training and Boarding Facility on 39.17 acres, located at 5650 N. Boothe Lane, Rocheport (*Permit Issued 07/02/2002*)

Stan Shawver stated this property is located 6 miles northeast of Rocheport on Boothe Lane. The property is zoned A-1, Agriculture, as is all of the surrounding land. The applicants operate a horse training and boarding facility on their property, which includes a number of structures related to the business. This site is located within the Columbia School District, Boone Electric and Consolidated Public Water District Number 1 service areas. The original zoning for this tract is A-1. There have been no previous requests submitted on behalf of this site. The master plan designates this area as being suitable for agriculture and rural residential land uses. The proposed use is consistent with the master plan. Staff notified 11 property owners about this request.

This request originally went before the Planning and Zoning Commission in May 2002, a

recommendation was forwarded to the County Commission for approval. On July 2, 2002, the County Commission conducted a public hearing on this request and issued an order approving the request with the following conditions:

- Require appropriate signage- maximum of 3 square feet
- Limit number of horses to 21.
- Hours of operation cease at 9:00 p.m.
- Privacy fence to be installed between the stable and (West/East) property line of the adjoining property.
- All fences will be maintained in an appropriate manner.
- Commission to review conditional use in one year with periodic staff reviews.
- Manure must be kept 100' away from adjoining properties and disposed in a proper manner- no burning.
- The driveway and required parking area to be dust free with a minimum of chip and seal surface. The required parking area will be determined by the area of the stables.
- Any outdoor lighting must be directed inward and downward.
- A portable toilet must be on site as long as any stables are leased.

Mr. Shawver noted staff did an inspection of the property on July 25, 2003. This inspection found that a sign is in place as required. The privacy fence has been constructed and appears all fences are being maintained in an appropriate manner. The driveway had been asphalted however the parking area had not been improved at that time.

Commissioner Schnarre asked if staff saw any manure piles. Mr. Shawver stated no they did not see any manure piles. He did not see any permanent outdoor lighting. There was some lighting that had been obtained from somewhere else that did not appear to have been installed. This was lighting that could be sufficient to the conditions made on July 2, 2002.

Jerry and Angie Gerzen, 5650 N. Boothe Lane, Rocheport, were present on behalf of this item.

Commissioner Schnarre asked for comments on why the parking area had not been completed at this time. Mr. Gerzen stated he spoke with Mr. Shawver about this issue. They bid the paving and they ended up paying double the amount originally given for materials. They are waiting on the money to complete the parking lot.

Commissioner Schnarre asked how many horses are there now. Mr. Gerzen stated there are three horses.

Commissioner Elkin asked if these were horses that were in leased stables. Mr. Gerzen stated no, these were his own horses. He noted he had one field boarded horse last month.

Commissioner Miller asked if they were trying to get all this done before they began

leasing. Mr. Gerzen stated that is correct.

Commissioner Miller stated she was at the facility today and it is a nice facility.

Mr. Gerzen stated he did have the bids for the driveway and parking area.

Commissioner Miller asked if they believe the parking area will be complete in the next 60 days. Mr. Gerzen stated yes.

Commissioner Elkin asked if there had been over 21 horses in the past year. Mr. Gerzen stated no.

Commissioner Elkin asked if there have been any operations past 9:00 p.m. Mr. Gerzen stated twice a horse has been brought back after 9:00 p.m.

Commissioner Elkin asked if there is a portable toilet on site. Mr. Gerzen stated there is a restroom in the stable area.

Commissioner Schnarre opened the floor for a public hearing.

Mike McMillen, 5800 N. Boothe Lane, Rocheport, stated his property is north of the Gerzen's property. He believes the Gerzens are nice neighbors and has had no problems with them. He has no reservations about the Gerzens application.

John Gerzen, 204 W. Phyllis, Columbia, stated the problem with the dust is coming from the road, not Jerry and Angie's property. Lights have been installed around the stable.

He noted Jerry lets the 4H kids come out and ride their horses. He helped a lady in May who was broke down on I-70 and had a horse trailer.

John Gerzen stated the location of the sign is not seen because there is a tree in the way.

He believes that by adding the fence it bettered the neighbor's property.

Jim Chenault, 5600 N. Boothe Lane, Rocheport, stated he has some concerns with the Gerzen's request. They would not be opposed to moving the sign to a place visible from the road.

As for the restroom, he has not seen a sewage lagoon being dug or any plumbing being laid for a restroom. Last he was aware of, the sewer line for that restroom hooked into the Chenault's sewage lagoon. To his understanding, from the Department of Health, this is a violation of County Code. He spoke with someone from the Department of Health and this person did come out to the site prior to the last meeting, July 2002. The Department of Health employee informed the Chenault's that to install a bathroom in the facility, a

permit had to be issued and inspected by the Department of Health. He is not sure where the sewage run-off would go from the restroom facility.

Another of Mr. Chenault's concerns is what type of on-going oversight there is of permits. He knows that Mr. Shawver was out to inspect the Gerzen property last week. Mr. Chenault noted the fence was not actually completed until last Thursday.

There are flood lights on the left side of the Gerzen's stables that still shine on to the Chenault's property.

Mr. Chenault stated his main concerns are the restroom facility and the oversight of the permit.

Commissioner Elkin asked for further explanation of the sewer line connecting to Mr. Chenault's lagoon. Mr. Chenault stated there is a bathroom in the building that is now used in the stables and was in place when he bought his property. It was not functional at the time they moved in or when the Gerzen's bought their property. Several years later when they had to replace sewer line, it was discovered that the sewer line from the stables ran into the Chenault's lagoon.

Commissioner Elkin asked if this was all one farm at one time. Mr. Chenault stated that was correct and at the time they bought their property it was part of a 500 acre farm. When they bought their land, there was not a sewer lagoon. The lagoon had to be installed to code when the property transferred. The pipe from the barn hooked into the old pipe from their house at a junction prior to where the pipe was then run. Before the lagoon was built, there was a pipe that drained on to a field and into a ditch. When the lagoon was built, it was built where the pipe ended and ran more pipe to the existing pipe. He does not believe anyone was aware that this was done.

The Chenault's were informed when they bought the property that the lagoon was the minimum needed to service a house of their size with six occupants so additional use for the lagoon probably would not work.

Commissioner Elkin stated regarding oversight, the rules that are set are binding and asked Mr. Shawver to elaborate on oversight of conditional use permits. Mr. Shawver stated in section 15.A.3 of the Boone County Zoning Regulations, there is a provision that allows for the applicant of a conditional use permit to be called back before the Commission if it is found that they are in violation of the conditional use permit. A permit can be revoked. This has been done in the past.

Mr. Chenault stated Mr. Gerzen has not been doing the same amount of business in the last year that he had been doing in previous years. He believes that based on past history; there should be concerns that if things go back to the way they were before, they are concerned with the remedies available at that point.

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre asked Mr. Gerzen what his plans are for the restroom. Mr. Gerzen stated a plumber rerouted the piping and now the runoff runs into their ditch and only on their property.

Commissioner Miller stated this is not a sewer system.

Commissioner Elkin stated he does not believe this would pass an inspection by the Health Department.

John Patton stated they have to have a permit.

Commissioner Elkin asked where their system is on their home. Mr. Gerzen stated they have a lagoon and it is about 500 to 600 yards away. A portable toilet could be put in but there would not be anywhere for people to wash their hands.

Commissioner Schnarre stated he believes all the conditions, with the exception of the restroom facility and parking lot, have all been met. He believes the permit should be approved with a condition of having the Health Department approve a restroom facility and complete the parking lot in a specific amount of time.

Commissioner Miller stated she agrees with Commissioner Schnarre. She believes the time limit should be 60 days.

Mr. Gerzen noted the parking area will be bigger than needed to allow for room for people to turn around without tearing up the parking area.

There was no further discussion on this item.

Commissioner Miller moved to approve the continuance of the Conditional Use Permit issued to Jerry and Angie Gerzen for an Animal Training and Boarding Facility on 39.17 acres, located at 5650 N Boothe Lane, Rocheport with the following conditions:

- 1) Complete parking area with a minimum of chip and seal surface within the next 60 days,
- 2) Contact the Health Department within the next 60 days to correct sewer issues,
- 3) All conditions from Commission Order 297-2002 will remain in effect.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 361-2003**

B. Receive and Accept the following Plats:

- Stack Subdivision. S24-T51N-R13W. A-2. Robert and Nancy Stack, owners.
- Garner, Re-Plat of Lot 1. S5-T48N-R13W. George Bernard Garner Non-Marital Trust and Lou Ann Montague, owners.
- Wingate Subdivision. S35-T49N-R12W. Don Wingate, owner.

Mr. Shawver stated Stack Subdivision is located at Route NN and Highway 63. Garner Subdivision was approved for vacate and re-plat last month by the County Commission and is located at I-70 Drive NW and Gibbs Road. Wingate Subdivision located south of Hallsville.

The Planning and Zoning Commission approved the plats and are ready to be received and accepted by the County Commission.

Commissioner Miller moved to receive and accept the following plats:

- Stack Subdivision,
- Garner, Re-Plat of Lot 1, and
- Wingate Subdivision

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 362-2003**

Subject: Juvenile Justice Center – Second Reading and Public Hearing for Approval of Budget Amendment

Commissioner Elkin moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
4020-03411: JJC Capital Projects – Federal Grant Reimbursement	\$10,000.00
4020-71231: JJC Capital Projects – Owner Costs	\$10,000.00

Said budget amendment is to establish a budget for the Juvenile Accountability Incentive Block Supplemental Grant for 2003.

The County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Missouri Department of Public Safety award for the Contract for the JAIBG Supplemental Award.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 363-2003**

Subject: Sheriff’s Department

A. Second Reading and Public Hearing for Approval of Budget Amendment

Commissioner Elkin moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
2500-92400: Forfeiture Fund – Replacement Auto	\$3,017.00

Said budget amendment is to cover the replacement vehicle that came in over budget.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 364-2003**

B. Second Reading and Approval of Disparate Agreement with the City of Columbia

Commissioner Miller noted this is for the Local Law Enforcement Block Grant funds that are shared between the City and County. This is set up in a way that if neither party can agree then neither gets any funding.

Commissioner Miller moved to authorize the Presiding Commissioner to sign the Disparate Agreement between the City of Columbia and the County of Boone.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 365-2003**

Subject: Purchasing Department

A. Second Reading and Award of Bid 48-08JUL03 (2003 Light Duty Pickup Truck)

Commissioner Elkin moved to award bid 48-08JUL03 for a 2003 4wd Pickup to Roberts Auto Plaza.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 366-2003**

B. Second Reading and Award of Bid 47-08JUL03 (Pavement Repairs/Drainage Improvements)

Commissioner Miller moved to award bid 47-08JUL03 for Pavement Repairs/Drainage Improvements to Frech Paving Company.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 367-2003**

Subject: Safety Committee – Second Reading and Approval of Budget Revisions

Commissioner Miller moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
1191-91300: Insurance and Safety – Machinery and Equipment	\$9,600.00	
1191-91100: Insurance and Safety – Furniture and Fixtures		\$9,600.00

Said budget revision is for the purchase of six Philips AEDs.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 368-2003**

Commissioner Elkin moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
1191-60200: Insurance and Safety – Equipment Repairs/Maintenance	\$1,600.00	
1191-37210: Insurance and Safety – Training		\$1,600.00
1191-23050: Insurance and Safety – Other Supplies	\$500.00	
1191-37210: Insurance and Safety – Training		\$500.00

Said budget revision is for the purchase of training videos.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 369-2003**

Subject: Public Works – Second Reading and Approval of Budget Revision

Commissioner Elkin moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
2040-92300: Public Works – Replacement Machinery and Equipment	\$3,600.00	
2040-92301: Public Works – Replacement Computer Hardware		\$3,600.00

Said budget revision is to replace two computers for the Public Works Department.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 370-2003**

There was no public comment.

The meeting adjourned at 7:38 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner