

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Director Resource Management Stan Shawver
County Counsel C.J. Dykhouse
Sheriff Captain Chad Martin
Deputy County Clerk Mike Yaquinto

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

Resource Management

1. Request by Jerome and Charlotte Niemeier to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 32.5 acres, more or less, located at 10175 W Eaton Rd., Harrisburg. (appeal)

Stan Shawver read the following Staff Report:

The minutes for the Planning and Zoning Commission meeting of May 16, 2013, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located along the Howard County line, at the intersection of Rupard and Eaton Roads, approximately 1 mile to the west of Harrisburg. It is approximately 32.5 acres in size and has a house, a barn, and a shop building on the property. The property is zoned A-1(Agriculture), and has A-1 zoning to the north and

east, with A-2(Agriculture) zoning to the south, and the Howard County line to the west. This is all original 1973 zoning. Property to the south across Eaton Road sought a conditional use permit to place single-wide mobile homes on platted lots in 1999, but was denied. There have been no other requests on the subject property.

The applicant has requested a rezoning from A-1 to A-2 in order to have the option of creating 2.5 to 5 acre tracts. The Boone County Master Plan has indicated that this property is suitable for rural residential and agricultural land uses. The master plan also designates a sufficiency of resources test for the approval of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning.

Utilities: The property is served by a Consolidated Public Water Service District #1 4" water line. The Howard County Electrical Cooperative will provide electrical service. On-site systems will provide wastewater treatment.

Transportation: The property is located at the intersection of Eaton and Rupard Roads, both publicly-dedicated and maintained rights-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, who maintains a station in Harrisburg, approximately 1 mile to the east. The nearest fire hydrant off of the water main serving this property is approximately 2 miles away at the Route J/Eaton Road intersection, and is capable of producing 600 gallons per minute of fire flow.

Zoning Analysis: Given the constraints on this property by the existing water infrastructure, the current A-1 zoning is appropriate, as greater density is not achievable. If smaller lots are desired, the planned zoning process would be the appropriate way to get smaller lots while preserving the overall character of the area. With the proposed zoning permitting up to 13 lots, it is clear that this proposal cannot meet the requirements

of the sufficiency of resources test.

Staff recommended denial of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their May 16, 2013 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend denial of the request.

The motion to deny the request carried. The applicant has filed a timely appeal in accordance with Section 15 F (2) (d) of the Zoning Regulations and so is before the Commission on appeal.

There were no questions for Mr. Shawver.

Commissioner Atwill opened the meeting to the public and asked if there was anyone that wanted to speak on behalf of the applicant.

Jerome Niemeier, the property owner addressed the Commission.

The main reason he was requesting the rezoning was because his children did not want the house located on the property, just the adjacent land and it would be much easier if he could just sell the house and the shop on the five acres they are situated on. He said that he recently sold off 10 acres and has only 22.5 acres remaining.

One of the other reasons for the denial was the waterline which he was told was too small for a subdivision. There are 13 mobile home trailers across the road that are being removed and the waterline seems fine for those trailers. Also, if he was to build a

subdivision, it would need to be re-zoned and approved anyway. Once the five acres was gone, he would like to keep 13 acres in a tract.

Commissioner Atwill asked if the 13 mobile homes across the street are served by the same water service.

Mr. Niemeier said they are and that they are currently in the process of being removed. The owner of the property is going to level the land and take it back to the original lay of the land.

Commissioner Atwill said that with the removal of the 13 mobile homes, the water service would be minus those customers and asked if Mr. Niemeier was going to increase the water service with his re-zoning request.

Mr. Niemeier said he had no intentions of increasing the water service and just wants to re-zone the 5 acres. He has sold 10 and is left with 22.5.

Commissioner Miller asked what part of the property was sold.

Mr. Niemeier said it was the north end of the property.

Commissioner Miller asked County Counselor C.J. Dykhouse if there is a problem because the application is for 32.5 acres and now there is only 22.5 acres.

Mr. Dykhouse said that it could be an issue. The owner of the 10 acres is not present. There is a survey of the 10 acres so it is possible to come up with the remaining 22.5 acres.

Commissioner Atwill said that the application is inaccurate and needed to be amended.

Mr. Dykhouse said that has been done verbally tonight based on the appeal. The paperwork would need to be amended noting that the sale occurred sometime after the appeal was registered.

Commissioner Thompson asked Mr. Niemeier if he did own the 32.5 acres at time he was preparing to appeal the ruling.

Mr. Niemeier said he did.

Mr. Dykhouse said that if the Commission decided to deny the request, then there is not an issue with the acreage discrepancy. If they are inclined to approve, it would be beneficial to give staff time to present an amended order because the current order is not correct. As soon as the corrections are made, it can be presented in a regular meeting.

Commissioner Atwill said it would be proper to have the order reflected correctly with the right acreage so anyone doing research will not have conflicting information and the property description on file will be accurate.

Commissioner Miller said that even though the request will not be voted on tonight, it is still a Public Hearing and we need to continue if there is anyone else that would like to speak on this item.

Commissioner Atwill asked Mr. Niemeier if he had anything further to add.

Mr. Niemeier said he did not.

Commissioner Atwill asked if there was anyone else that would like to speak for or against the appeal.

There were no other speakers and Commissioner Atwill declared the Public Hearing closed. The Commission will await the re-do on the application with the correct description.

Commissioner Miller moved to table the request.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0.

2. Petition submitted by Charlotte Pisarek for permission to vacate and replat Lot 1 of Biggs Road Subdivision, as shown in Plat Book 43, Page 25 of Boone County Records.

Stan Shawver said this involves the Biggs Road Subdivision plat, northwest of Ashland. It is a one lot subdivision, zoned A-2. The petition is filed to vacate the property so it can be re-platted into two lots. Subdivision regulation Sec. 1.8.1.3 says that a subdivision can be re-platted or vacated only after Commission conducts a hearing to ascertain whether the change in the lot will affect the character of the neighborhood, traffic conditions or circulation. Also if it does not affect property location alignment, improvement of streets and roads, property values, public utilities and services, health and safety of those owning or possessing real estate within the subdivision to be vacated.

The regulations state that all property owners within 500 feet must be notified of the request. Twelve owners were notified and no opposition to the request was received. The owner of the property is here as well as the surveyor.

There were no questions for Mr. Shawver and Commissioner Atwill opened the meeting to the public and asked if there was anyone that would like to speak on behalf of this

request.

Gene Basinger identified himself as the surveyor and said he is present if the Commission has any questions regarding the division of the land.

Charlotte Pisarek identified herself as the owner of the property and said the reason she would like to split the land is to be able to pay down her debt on what she owes and still own her house.

Commissioner Miller asked where the land was to be divided.

Ms. Pisarek said it would be just south of the house.

Commissioner Miller said that the division appears to have no undue effect on the neighborhood.

There were no further comments or questions.

Commissioner Atwill asked if there was anyone to speak in opposition to the petition and there was no opposition. Commissioner Atwill closed the Public Hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the petition by Charlotte Pisarek for permission to vacate and replat Lot 1 of Biggs Road Subdivision, as shown in Plat Book 43, Page 25 of the Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #246-2013**

3. Second reading; Cooperative Contract with City of Columbia for 2013 Road Maintenance pavement Preservation Projects (1st reading 5-23-13)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the agreement between the County of Boone and the City of Columbia on the 2013 Road Maintenance Pavement Preservation Projects. The terms of the agreement are stipulated in the attached cooperative agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Cooperative Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #247-2013**

4. 1st & 2nd reading; Cooperative Agreement with State of Missouri Dept. of Natural Resources for remonumentation of survey corners

Stan Shawver said that the Department of Natural Resources has a program to have County surveyors set new monumentation at section corners which have not been remonumented since originally done in the 1800's. Boone County has participated in the past in this program. The DNR reimburses the County for cost of materials. The County did not participate last year because there was no County surveyor on staff at that time. The fiscal year for the state is ending June 30 and some funds have been leftover and they have approached the County for participation in the program. After some research, two location sites were found suitable for this remonumentation and once approval is given by the Commission, we can begin.

Commissioner Miller noted that the project needs to be completed and invoiced by June 17 which does not give the County much time.

Mr. Shawver said that is correct. Once we examined the contracts and paperwork, we were able to proceed to this next step of getting Commission approval and why there is a request for a 1st and 2nd reading in today's meeting.

There were no further comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the agreement between the County of Boone and the Department of Natural Resources for remonumentation of survey corners. The terms of the agreement are stipulated in the attached Private Surveyor Cooperative Remonumentation Program Contract. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #248-2013**

Circuit Clerk

5. Second reading; Budget Amendment to use additional interest revenue to purchase 10 scanners (1st reading 5-16-13)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment for the Circuit Clerk's Office to increase interest revenue for one time interest payment accumulated from November 1998 to December 2003 to purchase 10 scanners needed for e-filing:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1221	3710	Interest	Boone County Circuit Clerk's Office		8,500
1221	91000	Office Equipment	Boone County Circuit Clerk's Office		8,500
			Total		17,000

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #249-2013**

Human Resources

6. Second reading; Agreement with Gallagher Bassett for TPA services pending workers' compensation claims (1st reading 5-23-13)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve a separate Third Party Administrator Agreement between Boone County and Gallagher Bassett Services, Inc. to handle any workers' compensation "run-off" claims. The terms of the agreement are stipulated in the attached Third Party Administrator Agreement. It is furthered ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. Commission Atwill abstained. **Order #250-2013**

Sheriff's Department

7. First reading; Budget Revision to complete wiring process

Captain Martin said the Sheriff's Department is looking for approval on the Budget Revision to transfer money into an account to re-wire the entire main older facility with category 5 wire for networking. The existing facility was built over 20 years ago and does not have the wiring needed for the new phone system that will be installed. Since the budget was established, some other problems have arisen on the I/T network, creating networking concerns and some things have been added which now overtax the entire system.

Captain Martin also said that the Sheriff's Department and the Information Technology Department have been searching for a company to do this massive job for about five months. We have found one that will be presented to Commission at the next meeting for a 1st read. The budget is established on that quote, it is not supplied here because it is not in place yet.

There were no further comments or questions.

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

Commission

8. Public Comment


None

9. Commissioner Reports

None


The meeting adjourned at 7:35 p.m.

Attest:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner