

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commission Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Director Resource Management Stan Shawver
County Counselor C. J. Dykhouse
Manager, Design & Construction Derin Campbell
Manager, Road Maintenance Operations Chet Dunn
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 5:30 p.m.

Commissioner Atwill said this is a Public Hearing relating to the closure of Bayte Lane. The hearing will give those in favor of the closure a chance to voice their opinion and then if there are any opposed to the closure, an opportunity to do the same.

Commissioner Miller noted that this is just a Public Hearing today, and no decision will be made concerning the closure and asked Derin Campbell to read the Staff Report.

Mr. Campbell read the following Staff Report:

As Acting County Highway Administrator, and in consultation with Chet Dunn, Manager – Road Maintenance Operations, I am recommending that the portions of Bayte Lane shown in the attached exhibit as “ROW Not Maintained” be ordered closed by the County Commission under Section 1.8.1 of the Boone County Roadway Regulations. Appropriate traffic control devices will be placed to inform the public about the road closure by Public Works. This closure is necessary to promote public safety and convenience.

Under Section 1.8.1 of the County's Road Regulations, the Commission is to conduct a public hearing on a potential road closure. After the public hearing, if the Commission finds that no person owning property or residing upon any portion of the road to be closed will be denied access from his or her property to a public highway by such closure, the Commission can order the road closed to preserve, protect, or promote public safety or convenience.

The Resource Management Department notified the property owners within 1,000 feet of the section of road that will be closed. There were 32 property owners notified of the proposed road closure by letter.

In addition, a display advertisement was placed in the July 21, 2013 edition of the Columbia Daily Tribune. The advertisement was also published in the July 24, 2013 edition of the Boone County Journal.

I have attached the Exhibit showing the area of Bayte Lane to be closed, as well as a copy of Section 1.8.1 of the County's Road Regulations.

Commissioner Atwill asked Mr. Campbell to describe the roadway of Bayte Lane within Glascock Branch.

Mr. Campbell described the roadway with pictures shown on the projection screen where it showed that the road has not been properly maintained for some time. Portions of the road run down the streambed of Glascock Branch where several of these crossings exist and also portions of the road bed are in the creek.

Commissioner Atwill asked if there are any environmental issues with the road bed being in the creek.

Mr. Campbell said that there could be possible threats where someone could break down and substances could leak into the stream with possible liability to the County.

Commissioner Atwill asked about the traffic on the roadway.

Mr. Campbell said he has no official count but his guess is around five.

Chet Dunn said that there are no County records of being on that road for the last 12 years.

Commissioner Atwill asked if they received any responses from the letters sent out.

Stan Shawver said that one written response was received and the concern was the blockage of the road and the access they would have to their property. Their property is listed as SGB Farms Partnership on the map and their access is through the Travers property. They would need a key if the road barricade is installed.

Commissioner Atwill asked if there is the possibility that this property could be landlocked.

Mr. Shawver said there is not. There is access from E. Cedar Tree Lane. It is just more convenient to get to the north side from the Travers property.

Commissioner Atwill asked Chet Dunn if he has any recommendations on this road closure.

Mr. Dunn said that the road has not been maintained for years and there is no way to navigate equipment through the initial creek crossing. All through there, the roadway is in the creek and if the equipment broke down, there could be some environmental issues. In some cases, you just don't know where the road begins or ends. It is not safe to maintain and my recommendation is to close the road.

There were no further comments and Commissioner Atwill opened the meeting to public

comment and asked for those that are in favor of the closure to come forward and express their thoughts.

Kevin Schanzmeyer, who lives at 5 E. Bayte Lane, has a very good view on what happens when vehicles come down the roadway. Most every Friday/Saturday night, 4WD trucks come through and start spinning wheels in the mud for several hours. This goes on most of the evening. When they get stuck, they come to the house. They have no idea where they are at. They are just road tripping. I don't know of anyone that uses the road for any legitimate purpose. The only use is for recreational purposes.

Kevin Dooley who lives at 145 W. Cedar Tree Lane said that he owns the majority of the land that runs along the roadway. He has been dealing with this problem for years. There is a valley in the adjacent area where the kids, over the years, have hollowed out an area the size of this room where they have parties. Recently, someone rolled a 4WD vehicle off the narrow section of the creek and ended upside down. About eight years ago I found a Meth Lab and called the Sheriff. They could not get down there. I had to drive them there so they could collect the evidence. This has been a huge mess and trying to keep people out of there is almost impossible. It is a growing problem and the roadway needs to be closed.

Greg Busacker who lives at 725 E. Cedar Tree Lane (SGB Farms Partnership) said that he is for and against the closing. He would like to see a modification that was proposed in the letter where a locked gate is installed. Occasionally, I go in there to hunt and would like to get access if possible. If the barricade is put up, then it would isolate access to the gravel road on the Travers property. So I support the closure, but prefer a locked gate.

Commissioner Miller asked Chet Dunn to explain his plan for closing the roadway.

Mr. Dunn said it would be a system of locks and chains to gates that would be erected. Each land owner would have a lock. The County would put in the posts and gates and the owners

would put up the fencing. The County would have a lock in case of an emergency.

Commissioner Atwill asked if there was anyone else to speak in support of the road closure. There were no other speakers.

Commissioner Atwill asked if there was anyone present that would like to speak against the road closure. There were no speakers and Commissioner Atwill closed the Public Hearing.

Commissioner Miller said that this is a very reasonable request by the land owners and staff. Conservation and their staff were not very happy with the events taking place there as well. We have the support of the DNR, Public Works and the land owners. The County can accommodate the concerns expressed.

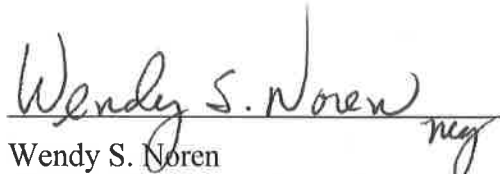
Commissioner Thompson said that this will definitely support the safety of everyone involved.

Commissioner Miller said that the proposal will be put on the August 8th agenda as a 1st and 2nd read to comply with the Sunshine Act.

There were no further comments or questions.

The meeting adjourned at 5:55 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