

TERM OF COMMISSION: December Session of the October 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 Purchasing Melinda Bobbitt  
Director Resource Management Stan Shawver  
County Counsel C. J. Dykhouse  
Director Community Services Kelly Wallis  
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 9:30 a.m.

### **Proclamation**

#### **1. Proclamation recognizing Judge Larry Bryson for years of service to Boone County**

Commissioner Miller read the following proclamation:

*WHEREAS*, the County of Boone has been privileged to receive the good work and services of Larry Bryson as Associate Circuit Judge of the County since his election in 1986 through December 31, 2014, and in recognition of his years of service and outstanding work; and

*WHEREAS*, Larry Bryson has managed to also live a full life as husband to his wife Patricia, father to his children Amity, Caleb, Lucas, and Matthew; and grandfather to Grace and Evie; and

*WHEREAS*, Larry Bryson has also served the United States of America and is a

retired captain of the U.S. Army Artillery Reserve; and

*WHEREAS*, Larry Bryson worked to ensure access to justice through processing thousands of civil, criminal, small claims, and traffic cases a year to ensure the speedy and just resolution of citizens' matters; and

*WHEREAS*, Larry Bryson deserves special recognition for his work building public trust and confidence;

*THEREFORE*, with our best wishes for the future let it be known that Larry Bryson is hereby recognized for his outstanding fairness and integrity during his years of service as Associate Circuit Judge of Boone County, Missouri, for which all Boone Countians have benefitted.

**IN TESTIMONY WHEREOF**, this 30<sup>th</sup> Day of December, 2014.

Commissioner Miller said this is an honor to do this as she had worked with the Judge on his first election.

The Commissioners thanked Judge Bryson for his years of dedicated service to the County.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby honor Larry Bryson, Associate Circuit Judge of the County of Boone, with this proclamation and recognize him for his outstanding fairness and integrity during his years of service to the residents of the County.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #598-2014**

**2. Proclamation recognizing Kathy Lloyd for years of service to Boone County**

Commissioner Thompson read the following proclamation:

*WHEREAS*, the County of Boone has been privileged to receive the superior work and services of Kathy S. Lloyd for the 13<sup>th</sup> Circuit between the dates of July 28, 1986 to December 31, 2014, and recognizes her dedication, service and outstanding work; and

*WHEREAS*, Kathy Lloyd has served Boone County in the Juvenile Office from 1986 through 1997, in various positions including Superintendent of the Juvenile Justice Center, Chief Deputy Juvenile Officer, and Juvenile Officer; and

*WHEREAS*, Kathy Lloyd has served Boone County from 1998 through 2014 as Court Services Supervisor, Drug Court Coordinator, Assistant to the Court Administrator and Court Administrator; and

*WHEREAS*, Kathy Lloyd deserves special recognition for her effort in the renovations of the Boone County Courthouse and the Courthouse Plaza, and transitioning the 13<sup>th</sup> Circuit to eFiling; and

*WHEREAS*, Kathy Lloyd worked tirelessly to continue to improve the court functioning and focused especially on serving the youth in our community, putting their best interests first; and

*WHEREAS*, Kathy Lloyd has managed to also live a full life as wife to her husband Bill and mother to her children Lauren and Graham; and

*THEREFORE*, with our best wishes for the future, let it be known that Kathy Lloyd is

hereby recognized for her outstanding leadership, dedication and work during her years of service to Boone County, Missouri, from which all Boone Countians have benefitted.

**IN TESTIMONY WHEREOF**, this 30<sup>th</sup> Day of December, 2014.

Commissioner Thompson said it is a pleasure to make this proclamation presentation to Kathy who will be leaving us to take the Court Administrator job for the state of Missouri.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby honor Kathy Lloyd, Court Administrator for the 13<sup>th</sup> Circuit, and recognize her for the outstanding leadership, dedication and work during her years of service to the residents of the County.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #599-2014**

The Commissioners thanked Kathy for her dedicated service and wish her well in her new assignment with the State.

## **Purchasing**

### **3. First reading; Disposal of Surplus Equipment by auction on GovDeals**

Melinda Bobbitt read the following memo:

The Purchasing Departments requests permission to dispose of the following list of surplus equipment by auction on GovDeals or by destruction for whatever is not suitable

for auction.

There were no 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.

**4. Second reading; Bid Award 51-13NOV14 – Sign Posts Term & Supply (1<sup>st</sup> read 12-23-14)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 51-13NOV14 – Sign Posts Term & Supply to Comade Inc.

The terms of the bid award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #600-2014**

**5. Second reading; Bid Award 48-17OCT14 – Photogrammetric Products & Services (1<sup>st</sup> read 12-23-14)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 48-17OCT14 – Photogrammetric Products & Services to Surdex Corporation.

The terms of the bid award are stipulated in the attached Purchase Agreement. It is further

ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #601-2014**

**6. Second reading; Partial Award Bid 27-10JUN14 – Purchase of Service Contracts for Community Children’s Services – Child Advocacy Services (1<sup>st</sup> read 12-23-14)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve partial award bid 27-10JUN14 – Purchase of Service Contracts for Boone County Community Children’s Services for Child Advocacy Services to Heart of Missouri CASA.

The terms of the bid award are stipulated in the attached Agreement for Purchase of Services. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #602-2014**

**7. 1<sup>st</sup> & 2<sup>nd</sup> reading; Contract Amendment Number One to 3-130709TV – John Deere 6125M Cab Tractors**

Melinda Bobbitt read the following memo:

*Contract 3-130709TV – John Deere 6125M Cab Tractors* was approved in commission on February 20, 2014 on commission order 73-2014. The attached amendment changes

the directions on Purchase Orders contained on the vendor's quote summary to make out the service agreement PO to Sydenstricker Implement Co. instead of John Deere Company.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number One to 3-130709TV – John Deere 6125M Cab Tractors.

The terms of this amendment are stipulated in the attached Contract Amendment Number One. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number One.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 603-2014**

### **Sheriff's Department**

#### **8. Second reading; Subrecipient Monitoring Agreement between the City of Columbia and the County of Boone (1<sup>st</sup> read 12-23-14)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Subrecipient Monitoring Agreement between the City of Columbia and the County of Boone relating to the FY2014 Justice Assistance Grant Program Award. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #604-2014**

### **Community Services**

#### **9. 1<sup>st</sup> & 2nd reading; Agreement between Boone County and True North of Columbia for the program service - Shelter for Victims of Domestic Violence**

Kelly Wallis said that on September 2<sup>nd</sup> a notice was issued stating that funding was available for organizations to submit proposals for the Shelter for Victims of Domestic Violence. One proposal was received from True North who met all the statutory requirements.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Agreement between the County of Boone and True North of Columbia, Inc. for the purchase of the program service Shelter for Victims of Domestic Violence. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #605-2014**

### **Resource Management**

**10. Mollies Acres 2. S2-T49N-R13W. A-R. KMMA Properties LLC, owner. Steven**



**R. Proctor, surveyor.**

Stan Shawver read the following staff report:

These plats were considered by the Planning & Zoning Commission during their December 18, 2014 meeting.

The minutes for the Planning and Zoning Commission meeting of December 18, 2014 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on State Highway VV between Botner Road and Worstell Lane. It is approximately 16.26 acres in size and zoned A-R(Agriculture-Residential). The proposal is to divide the property into four lots, each ranging from 2.51 acres to 4.12 acres in size. The property has several large structures, some smaller structures, and two ponds present. There is an old house and two other structures slated for removal to become compliant with the zoning regulations on lot 4.

Lots 1 & 2 have direct access on to Botner Road, Lot 3 has access to Worstell Lane, and Lot 4 has access to Botner, Worstell & State Highway VV. All three roads are publicly-dedicated and publicly maintained. The applicant has requested a waiver to the traffic study requirement.

The property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area and the Boone County Fire Protection District. Existing infrastructure can provide domestic service for water and electricity. The existing hydrants on Botner and State Highway VV are at a level of service satisfactory to the requirements of the Boone County Fire Protection District.

The proposed lots are to use on-site wastewater systems. The Columbia/Boone County Health Department will permit and regulate any new or existing on-site wastewater systems. Specifically, there is no sign of an existing system on Lot 4, and residential development of the property will require a new system will need to be installed under permit with the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 43 points on the rating system.

Staff recommended approval of the plat.

The Planning & Zoning Commission reviewed this plat during their December 18, 2014 regular meeting. There were six members of the commission present during the meeting.

A motion was made to approve the subdivision plat for Mollies Acres Plat 2. The motion passed unanimously, so it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commissioner to sign the plat.

Commissioner Miller said it meets the minimum lot size.

There were no further comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the Presiding Commissioner to sign it:

- Mollies Acres 2. S2-T49N-R13W. A-R. KMMA Properties LLC, owner. Steven R. Proctor, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #606-2014**

**11. Hane. S22-T49N-R13W. A-R. E. Irene Hane Family Trust, owner. Curtis E. Basinger, surveyor. (appeal)**

Stan Shawver read the following staff report:

The subject property is located at the southwestern corner of the intersection of Fenton Road and Creasy Springs Road, approximately 1 & ½ miles to the northwest of the city limits of Columbia. The subject property is 27.70 acres in size and zoned A-R(Agriculture-Residential). This property is surrounded by A-R zoning, with a planned A-R property to the northwest. The A-RP was rezoned in 1998. The proposal creates two lots, each approximately 3 acres in size, and leaves the remainder of the property for future development.

Lot 2 has direct access to Fenton Road, and lot 3 has direct access to Fenton Road and Creasy Springs Road. Both Fenton & Creasy Springs are publicly-dedicated, publicly-maintained rights-of-way.

Consolidated Public Water Service District #1 can provide domestic service to this property. Boone Electric can provide electrical service to this property. The property is in the Boone County Fire Protection District for fire protection.

On-site wastewater systems are proposed for this property. The Columbia/Boone County Health Department will inspect and approve any on-site wastewater systems.

The current design indicates a 40' setback on lot 2 and a 60' setback along Creasy Springs Road on lot 3. The front yard requirement in the A-R zoning district is 25 feet. Therefore, a 25' building line should be shown along Creasy Springs Road and Fenton Road. The minimum width for any lot that is 2.5 acres or greater is 150' measured at the building line. Lot 2 does not meet the minimum standard for lot width and the plat should be revised accordingly. The building line on Lot 3 should be adjusted to 25' and the lot width should be verified to meet the minimum standard at the revised, 25-foot, building line.

The property scored 63 points on the rating system.

Staff recommended approval of the plat with the following conditions:

1. The building line on Lot 2 should be changed to 25' and the lot width shall be adjusted to meet the 150' minimum width requirement at the 25' building line.
2. Lot 3 shall be modified to show a 25' front building line and verification that the lot is 150 wide at the building line shall be provided.

The Planning & Zoning Commission reviewed this plat during their December 18, 2014 regular meeting. There were six members of the commission present during the meeting.

A motion was made to deny the subdivision plat for Hane Plat 2. The motion passed unanimously. On December 22, 2014 an appeal of the decision of the Planning and Zoning Commission was filed. A copy of the appeal has been provided to the county commission for consideration.

Gene Basinger said he is a professional surveyor and would like to make a comment on the staff report concerning the P & Z meeting. At that P & Z meeting, there was a vote taken on this plat request and it turned out to be a 3 – 3 tie. At that point, my assumption was that it

would go to County Commission with no recommendation. I have seen this in the past, but now, don't know if this is a new policy or just pertaining to plats, because staff then proceeded to tell the P & Z Commissioners that someone had to change their vote. This seems like a strange situation. There was more discussion on the plat and the Planning Department said there are three choices. Approve the plat as is, approve the plat with conditions or deny the plat.

P & Z asked me what I would like done with the plat. I said I do not want this plat approved with conditions. Either approve it or deny it. I just want to get it before the County Commission. At that point, a motion was made to deny the plat and everyone voted for the denial, so that is where the unanimous decision came from.

The staff, in their report, did not specify that the building lines did not meet the 150' distance minimum as shown. They claim the lot width of 150' is to be measured at the 25' building line. I have provided the Commission with handouts of copies of the Zoning Regulations and Land Use Regulations, known as the Subdivision Regulations. On page 2 of the Subdivision Regulations, there is a definition of a Building Line which reads as follows: **Building Line** – A line specifically established upon a plat or by the zoning regulations which identifies an open area unoccupied and unobstructed from the ground upward, into which no part of a building shall project except as provided by the zoning regulations. On page 3, in Table A, it states that for any lot 2.5 acres or greater, the minimum lot width at building line is 150' and that is what we have here with this plat.

Now, going to the Zoning Regulations, on page 2, it has the definition of Lot Width which is: The width of a lot measured at the building line. Next, on page 3, under Minimum Yard Requirement it says: The following minimum yards for non-farm uses, measured in feet, shall be provided within the districts indicated below. In the district A-R, which this is, the front setback is 25'. It says Minimum Yards Requirement, Minimum Yards. So, therefore, it does not say anything about "at the building line of 25 feet" which is the minimum.

Everything I read says Minimum Yard Requirements. My plat meets the Minimum Yard Requirements and some of the setbacks are 25' and some others are further. The Subdivision Regulations say a Building Line is established by the Zoning Regulations. So, you can put these two together and see how that works. I believe the regulations are very specific concerning yard requirements and lot width. This plat conforms to the Subdivision Regulations and Zoning Regulations. This plat meets the minimum yard requirement and minimum lot width at the building line. They never said I didn't meet the width at the building line, only that it had to be at 25'.

At the P & Z meeting, staff made the argument that the legal department said they could only defend the 25' building line. My question is; Defend it from what? A good attorney can defend anything, and they do. How is the legal department going to defend a lot width at the building line that exceeds 150'. Staff also showed examples of possible problems with moving the building line and I assume they will do the same at this meeting. Some, in my opinion were not possible, some are what I have proposed and some seem ridiculous. Once a plat is recorded, it stands on its own. What's on the plat is gospel. I don't see that there is anything to defend. The plat stands on its own. If there is nothing to defend, then nothing on the plat has meaning. What can you defend? Why do we have plats if they mean nothing? Legal staff was not at the P & Z meeting, therefore, they need to be given an opportunity to defend their position, if possible. Also, Planning should have the opportunity to defend their decision as well.

The additional handouts you have are five examples of surveys by five different surveyors from a wide range of times and a wide range of building line situations. These show building lines for subdivision plats that are different from the minimum building lines.

Example #1 is a plat recorded in December of 1978 under the previous Subdivision Regulations. The plat has a minimum 50' building line. This is not designated on the plat drawing, but referenced in Note 1 of the restrictions listed on the plat. Lot 5 has a 150'

building line. Lots 6 & 7 have 100' building lines. Each building line meets the minimum lot width.

Example #2 is actually one of mine from January of 1981 under the previous Subdivision Regulations. The minimum building line is 50'. Lot 32 shows a building line of 90'.

Example #3 is from November of 1996 under the current Subdivision Regulations. The plat has 25' minimum building lines. On lots 108, 109, 110, 111 and 112, the building line has been moved to 60' to meet the minimum lot width.

Example #4 is from 2001 under the current Subdivision Regulations. The plat has a 50' minimum building line. For lots 5 & 6, the building line is not defined. They are defined by distances along the lot lines and through the lot corners and much more than the 50' minimum. This was done to meet the minimum lot width.

Example #5 is from March of 2010 under the current Subdivision Regulations. One can't tell what the building line requirement is, but the plat has 20', 25' and 50' building lines. I don't know how they were able to get a 20' building line based on the current regulations.

From these examples, over a 32 year period, different surveyors have been moving building lines to meet minimum lot widths. In a discussion with Bill Florea about the building lines on my plat, he wanted some examples. Surely, if I could remember and find plats with different building lines, they should be able to remember different building lines. I don't want to spend my time looking for examples as the regulations seem very clear to me. My building lines meet the regulations. I know how Planning works. I give them examples which they review and the answer is always the same; we don't do it like that anymore. This is nothing but a waste of my time. If these five examples don't convince you, then 10, 15 or 20 would not make any difference.

There are several questions where I would like some answers.

Does the Planning Staff have the authority to decide which plats are placed on the agenda?

Does the Planning Staff have the authority to pull plats off the agenda without the consent of the surveyor?

Why doesn't a tie vote in the P & Z go to the County Commission with no recommendation?

Does the Planning Staff have the authority to tell P & Z that because of tie votes, they must re-vote the original decision to break the tie.

Is this how the County Commission wants the Planning Staff to treat the citizens and land owners of Boone County?

In my opinion, the Planning Staff has overstepped their authority and in doing so, has kept this plat from being approved. They have caused the delay in getting this to the County Commission and cost my client considerable more expense than it should have. They may think they are hurting the surveyors, but in the end, are hurting the land owners of Boone County. This plat was created so these lots could be sold as needed to be able to pay for the owners care in a nursing home.

There is a reason why these lots are designed the way they are. No one has ever asked about the lot design. Boone County regulations might work well in Kansas, Nebraska or Iowa where the land is square and rolling. They put hardships on surveyors in Boone County to meet the regulations to create reasonable tracts of land.

This plat meets the letter, the intent and the past allowances of the Planning Department.



So, therefore, I ask for support in approving this plat.

Commissioner Atwill asked if there was anyone else present that would like to speak on this issue. There were no additional speakers. Commissioner Atwill asked County Counsel, C. J. Dykhouse, if he as had an opportunity to review the issues presented today.

Mr. Dykhouse said that it appears, from the review of the materials today and Mr. Basinger's presentation, the issue is; where must a building line be placed on a plat under our regulations for purposes of measuring minimum lot width. Staff has one interpretation and Mr. Basinger has a different interpretation. Fortunately, the County Commission has appointed a board of citizens that is designated by statute and has the jurisdiction to hear appeals relating to disagreements about administrative officials interpretations of regulations and that is the Boone County Board of Zoning Adjustments.

By statute, that board is the board that the General Assembly designated and the County Commission authorized, by our regulations to hear issues relating to building setback regulations and issues with respect to errors of law by administrative officials as well as to decide matters referred to it by the County Commission.

As County Counsel, my legal recommendation to the County Commission is to refer this to the Board of Zoning Adjustments for further proceedings as to that core issue; where must a building line be drawn under the regulations for purposes of measuring lot width. That is the dispute.

Commissioner Miller asked if the Board of Zoning Adjustment has heard this type of case before.

Mr. Shawver said it has not.

Commissioner Atwill said that it appears that this request has been misdirected to us at this point in time or is it properly directed and we are just the referral of that process.

Mr. Dykhouse said it depends on how it is analyzed. Substantively, this should have been heard by the Board of Zoning Adjustment because it comes down to an interpretation of the regulations for measuring minimum lot width. I don't fault procedurally how we got here today now that the issue has been crystallized, which I didn't think it was initially. Now that we know what the issue is, it is clear to me that this is the exact thing that should have been queued to the Board of Zoning Adjustment. They will make a Findings of Fact and Conclusions of Law on the record and this will resolve the matter and their decisions are subject to review in Circuit Court.

Commissioner Atwill asked if this is referred to the Board of Zoning Adjustment, what is our procedure for doing that. And once it is to the Board, what is their procedure.

Mr. Dykhouse said they have rules and procedures they have adopted as well as bylaws. Mr. Basinger would have an opportunity to make a filing and they would queue this up on their agenda. They would have a hearing as a contested case.

Mr. Dykhouse presented Commissioner Atwill with a list of the Board of Zoning Adjustment members.

Commissioner Atwill said the current members of the board are David Butcher, Rhonda Stone Lightfoot, Cindy L. Bowne, Lance Robbins and Frank Thomas.

Commissioner Miller asked if all members terms are valid and not expired.

Mr. Dykhouse said that the term of Mr. Butcher expires on February 22, 2015 and all other board members are 2016 and beyond.

There were no additional comments or questions at this time.

Commissioner Atwill asked if there is a motion.

Commissioner Thompson moved on this day the County Commission of the County of Boone hereby refers the appeal of the denial of the Hane Subdivision Plat to the Boone County Board of Zoning Adjustment for further proceedings after the payment of appropriate fees by the applicant. In making this referral, the County Commission, on the basis of the record before it, notes the following in connection with this matter:

- RSMo Sec. 64.825 provides for the county subdivision regulations to determine, among other things, building lines.
- RSMo Sec. 64.840 provides that the Board of Zoning Adjustment is appointed to serve as the board of adjustment for building and setback regulations.
- RSMo Sec. 64.870 provides for a County Board of Zoning Adjustment to, among other things, hear and decide appeals where it is alleged that an administrative official has made an error of law and to hear and decide all matters referred to it by the County Commission.
- The issue in this appeal is where a building line must be placed for purposes of measuring the minimum lot widths in laying out lots within a platted subdivision.
- Staff has determined that the “setback” as determined by the Boone County Zoning Regulations is the appropriate place for the “building line,” when that “building line” is being used for purposes of measuring the minimum lot width required by the County’s regulations.
- Surveyor contends that the “building line” can be wherever he draws it beyond the “setback” when using the “building line” to measure minimum lot width.
- The Board of Zoning Adjustment is the appropriate body to determine if the staff’s interpretation of the regulations is in error.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #607-2014**

Commissioner Miller said that of the questions that Mr. Basinger posed to the Commission, the only answer that comes to mind at this time concerns the tie vote taken by P & Z. Under Roberts Rules, if there is a tie, it is a failure, it is automatically denied. No other vote is required, the motion is just denied.

Mr. Basinger asked if past decisions of this type of denial by the P & Z have been pushed to the Commission with a no recommendation.

Commissioner Atwill said he can't speak to the past on that. Until this was looked at, everyone here expected the decision would be made here. The law is clear on how this should be handled.

Mr. Basinger said he disagrees. The regulations speak for themselves. The situation now, every time they interpret or re-interpret the regulations, the only way to get something else is to go to the Board of Zoning Adjustment. I realize that doesn't make any difference to the Commission, but the plat started in October and here we are today and I will need to make an application with the Board of Adjustment. I don't know when their deadlines are or when they have meetings. This will now be a couple of months out from today. Now, if they make a decision and the decision is in my favor, do I need to wait for another County Commission meeting and return to get the plat signed or does it go right through to the Commission for signature. What actually happens.

I see no interpretation. The regulations are very specific in this case. There are some regulations that are pretty gray and can be interpreted in different ways, but no so in this case. I am confused. With all that has gone on with this plat, I think we deserve to know the

answers to the questions I asked earlier. The citizens of Boone County deserve a whole lot better than what they are getting.

Commissioner Atwill said that no one said this was an easy job or every decision would make everyone happy. This is a good example of that. It is pretty clear that there is an interpretation that has been made by the staff of the County. You may disagree with it, but there are a lot of cases on the books where there have been disputes over interpretation of statutory provisions in the State of Missouri. This is very similar to that and there is a process for resolving that. Whether we like the issue or not, is not very important. We have to follow the process. At this point, you would have us ignore the process, I think, but we are not going to do that.

Mr. Basinger said he is not asking the Commission to ignore the process. In his opinion, the regulations are very specific. It appears the Commission believes that the regulations are not specific in this case. Every time there is any kind of interpretation for a plat that the staff makes and we surveyors disagree with, the only recourse we have is the Board of Zoning Adjustment. That is extending the time limit and increasing the cost to do this. This does make a difference to the citizens of Boone County. Money is money. I disagree with this process.

Commissioner Atwill said we understand your feelings on this and your assumption about our personal beliefs is an assumption.

Commissioner Miller inquired into the process for going to the Board of Adjustment and what is their meeting schedule.

Stan Shawver said the board has a published list of dates when they meet and a published list of submission deadlines.

Commissioner Miller asked Mr. Shawver if he could tell everyone here what those are for the next meeting.

Mr. Shawver said the next submission deadline is January 26<sup>th</sup> and the next meeting is February 26<sup>th</sup>.

Mr. Dykhouse said the Commission is in the primary role of writing the regulations. The Commission adopts the regulations in accordance with a comprehensive plan and after there has been an opportunity for public input. The Commission, as a legislative body, writes the rules. The statutes contemplate and the Commission regulations, in accordance with the statutes, contemplate that interpretation issues about the rules written are the province of the Board of Zoning Adjustment. This is just how the process works. It is an allocation of responsibilities and burdens. The Commission, primarily, is not in the interpretation business, but in the drafting business. The Commission decides what the rules ought to be and the implementation of the rules written and if there is a dispute, it is the province of the Board of Zoning Adjustment. That is the process. When queued up appropriately and identified early on, that process can happen as expeditiously as any other.

There were no further comments or questions on this subject and Commissioner Atwill closed the discussion on this topic.

### **Commission**

#### **12. 1<sup>st</sup> & 2<sup>nd</sup> reading; Approve Closed Session authorized per RSMo Sec 610.021 (1) at 2:00PM on December 30, 2014**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Tuesday, December 30, 2014, at 2:00 p.m. The meeting will be held in Room 338 of the Roger B. Wilson Boone County Government

Center at 801 E. Walnut, Columbia, Missouri, as authorized by RSMo 610.021(1), to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #608-2014**

**13. Public Comment**

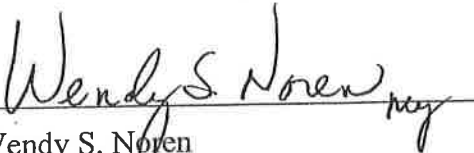
None

**14. Commissioner Reports**


None

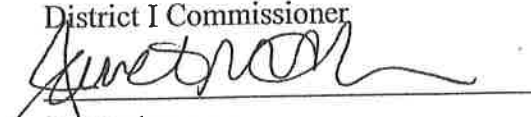
The meeting adjourned at 10:27 a.m.

Attest:

  
Wendy S. Noren  
Clerk of the County Commission

  
Daniel K. Atwill  
Presiding Commissioner

  
Karen M. Miller  
District I Commissioner

  
Janet Thompson  
District II Commissioner

