

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Director Resource Management Stan Shawver
Planner Bill Florea
Planner Uriah Mach
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Public hearing and request by Shane and Ashley Burr to rezone from REC (Recreation) to A-2 (Agriculture) on 3.0 acres, more or less, located at 12230 W Sinking Creek Rd., Rocheport.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their October 20, 2016 meeting.

The minutes for the Planning and Zoning Commission meeting of October 20, 2016, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their October 20, 2016 regular meeting. There were seven members of the commission present during the meeting.

The subject property is located near the corner of Roby Farm Road & Sinking Creek Road, approximately 2 miles to the southeast of Rocheport. The property is approximately 3 acres in size and zoned REC(Recreation). There is REC zoning to the north, south, and west, with A-2(Agriculture) zoning to the east and southeast. This is all original 1973 zoning. There is an existing structure on the eastern side of the property. The property is located in a Missouri Department of Natural Resources sinkhole area.

The applicant is seeking to rezone to A-2(Agriculture) zoning in order to construct a house on the property.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation 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. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on to Sinking Creek Road, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station in Rocheport being closest for service.

Zoning Analysis: The proposed rezoning is consistent with development in the surrounding area. Available infrastructure can support the proposed rezoning request.

The property scored 38 points on the rating system.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their October 20, 2016 regular meeting. There were seven members of the commission present during the meeting.

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

The motion was approved unanimously, so the request comes forward with a recommendation for approval.

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Shane Burr said he is requesting the rezoning in order to build a primary residence on the property.

Commissioner Miller wondered why this property was originally zoned REC.

Stan Shawver said that this area at one time had a campground and was used for various recreational purposes.

There were no further comments or questions.

Commissioner Atwill asked if there is anyone else that would like to speak for or against this request. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Shane and Ashley Burr to rezone from REC (Recreation) to A-2 (Agriculture) on 3.0 acres, more or less, located at 12230 W Sinking Creek Rd., Rocheport, MO.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #493-2016**

2. Public hearing and request by Ralph and Mary Ann Gates to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a review plan for Gates South Home on 10.89 acres, more or less, located at 11105 E Mexico Gravel Rd., Columbia.

Approving order for rezoning

Approving order for review plan

Bill Florea read the following staff report:

The parent property is located at the northwestern corner of the intersection of Mexico Gravel Road & Glendale Drive, the subject property is located approximately 750 feet

west of the intersection. The Site is approximately 3 miles east of the nearest city limits of Columbia. The parent property is 156.17 acres in size and zoned A-1(Agriculture). The subject property contains an existing Home, Garage, and on-site wastewater lagoon and is surrounded by A-1 zoning. This is all original 1973 zoning.

The applicant is seeking to rezone a 10.89-acre portion of the property to A-1P (Planned Agriculture). The rezoning will create a 4.51-acre not-for-development agriculture area containing an existing pond and a 6.38-acre lot for subdivision and development that contains the existing structures.

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 subject property is located in Public Water Service District #9, who has domestic flows available to the parent property. Boone Electric can provide electrical service and an on-site system inspected by the Columbia/Boone County Health Department will provide wastewater treatment.

Transportation: The property is located on Mexico Gravel Rd, which is a publicly maintained roadway.

Public Safety: The property is located in the Boone County Fire Protection District, who maintains a station near Lake of the Woods, approximately 3 miles to the west.

Zoning Analysis: This request is a classic example of the advantages of planned A-1 over A-2 rezoning requests. It allows for smaller lots, but preserves the overall density

of the area. The applicant will be transferring the proposed Lot 1 by Family Transfer once the zoning goes into effect. The proposal should be large enough that it can accommodate a formal Right-of-Way acquisition for Mexico Gravel Rd should it be needed.

The property scored 38 points on the rating system.

Staff recommended approval of the rezoning and the review plan.

The Planning & Zoning Commission conducted a public hearing on this request during their October 20, 2016 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request and the Review Plan.

The motion was approved unanimously, so the request comes forward with a recommendation for approval.

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Ralph Gates said he is requesting this rezoning so his sister, who is a retired teacher in Kansas City, can move back and live in mom and dad's old house.

There were no questions or comments.

Commissioner Atwill asked if there is anyone else that would like to speak for or against this request. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Ralph and Mary Ann Gates to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on 10.89 acres, more or less, located at 11105 E Mexico Gravel Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #494-2016**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Ralph and Mary Ann Gates for a Review Plan for Gates South Home on 10.89 acres, more or less, located at 11105 E Mexico Gravel Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #495-2016**

3. Public hearing and request by Stephen and Sally Phillips to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a review plan for Phillips Farm on 10.50 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.

Approving order for rezoning

Approving order for review plan

Stan Shawver read the following staff report:

The subject property is located on Mexico Gravel Road, 800 feet south of the intersection of Andrews Ln and Mexico Gravel Rd, approximately 7000 feet to the east of the nearest city limits of Columbia. The parent property is 75.9 acres in size and zoned A-1(Agriculture). The subject property is vacant and surrounded by A-1 zoning. This is all original 1973 zoning.

The applicant is seeking to rezone a 10.50-acre portion of the property to A-1P (Planned Agriculture). The rezoning will create a 7.90-acre not-for-development agriculture area and a 2.6-acre lot for subdivision and development.

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 subject property is located in Public Water Service District #9, who has domestic flows available to the parent property. Boone Electric can provide electrical service and an on-site system inspected by the Columbia/Boone County Health Department will provide wastewater treatment.

Transportation: The property is located on Mexico Gravel Rd, which is a publicly maintained roadway.

Public Safety: The property is located in the Boone County Fire Protection District, who maintains a station near Lake of the Woods, approximately 3.25 miles to the west.

Zoning Analysis: This request is a classic example of the advantages of planned A-1 over A-2 rezoning requests. It allows for smaller lots, but preserves the overall density

of the area. The applicant will be transferring the proposed Tract 1 by Family Transfer once the zoning goes into effect. The proposal should be large enough that it can accommodate a formal Right-of-Way acquisition for Mexico Gravel Rd should it be needed.

The property scored 30 points on the rating system.

Staff recommends approval of the rezoning and the review plan.

The Planning & Zoning Commission conducted a public hearing on this request during their October 20, 2016 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request and the Review Plan.

The motion was approved unanimously, so the request comes forward with a recommendation for approval.

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Tim Reed said he is with ES &S and is representing Dr. Phillips. We prepared this plan for the rezoning. Dr. Phillips has one of his sons who wants to build a house on the 80 acre farm and this is the procedure that staff has helped us with to get this done.

There were no questions or comments.

Commissioner Atwill asked if there is anyone else that would like to speak for or against this request. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve a request by Stephen and Sally Phillips to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture on 10.50 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #496-2016**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve a request by Stephen and Sally Phillips for a review plan for Phillips Farm on 10.50 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #497-2016**

- 4. Public hearing and request by Beacon Street Properties and Joanna M Wilson Trust to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and approve a review plan for Heather Hills Estates on 70.04 acres, more or less, located at 7770 S High Point Lane, Columbia.**
 - Approving order for rezoning**
 - Approving order for review plan**

Bill Florea read the following staff report:

The property is located on the east side of High Point Lane approximately one-half mile south of Route K. The zoning is A-2, which is the original zoning. All of the neighboring property is also zoned A-2 except property to the northwest which is in the City of Columbia and is zoned R-1. In 2006 a rezoning to AR-P, Review Plan and Preliminary Plat was approved to allow creation of 45 lots. The internal road network, water lines and some of the sewer lines were installed. The approvals expired before the Final Development Plan and Final Plat were approved. Therefore, the zoning of the property remains A-2.

In 2012 a preliminary plat application was submitted under the A-2 zoning that would have created 12 lots. In 2015 that application was withdrawn and replaced with a one lot minor plat that was approved and recorded. Also, in 2015 a rezoning to AR-P with review plan and preliminary plat for a 50-lot subdivision was submitted. That request was denied. The developer has purchased and contracted to purchase additional adjoining property to bring the total acreage to 70.04

The requested A2-P designation allows a density of one dwelling unit per 2.5 acres. There is no minimum lot size however all of the bulk standards still apply. This proposal contains 28 residential lots which is compliant with the allowed density. There are 3 common lots which the developer and/or homeowner's association may use for stormwater, landscaping or other neighborhood amenities.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a "gate-keeping" function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities: Consolidated Public Water District Number 1 provides water service to the property. Water lines were installed with the previously approved development, however the district has not accepted them for operation and maintenance. The district has provided the developer with a list of items that must be completed prior to accepting the water lines.

Sewage disposal will be provided by Boone County Regional Sewer District. A force main will be constructed from the development to the South Route K Wastewater Treatment Facility.

Boone Electric will provide power.

Transportation: Streets internal to the development were constructed around 2007 and are stubbed out to adjoining property to the north and south. Since a final plat was not approved the streets have remained in private ownership since they were built. The developer has been provided with a list of conditions that must be met in order to address possible deterioration prior to acceptance by the County.

Traffic generated by the development will generally travel north on Highpoint Lane to the intersection with Route K. A traffic study was conducted to analyze the impact to that intersection. The conclusion is that there will be less than a one second increase in delay at the intersection, therefore no improvements to the intersection are warranted.

Public Safety Services: The property is approximately three miles from the Boone County Fire station on Route K and 5 miles from the station at Scott Blvd and Vawter School Road. The water lines in the development will provide the necessary fire flows.

Stormwater: The development has been designed to comply with the County Stormwater Regulations. Two common areas have been set aside for stormwater infrastructure and two tree preservation easements are shown on the preliminary plat. Detailed engineered plans will be developed at the final platting stage.

Zoning Analysis: The proposal contains 70.04 acres of net development area. A-2P zoning requires 2.5 acres of net development area per residence. The maximum density for this development is calculated by dividing the net development area by the required net development area per residence or 70.04 acres /2.5 acres, which is 28. The Plan/Plat proposes 28 lots and complies with the density limits of the proposed zoning.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The proposed density of one dwelling per 2.5 acres is in keeping with the rural residential designation.

It should be noted, however, that urbanization is encroaching on this area. The property is less than 500 feet from the city limits of Columbia and approximately ¼ mile from a subdivision containing lots in the 8,000 to 10,000 square foot range.

Staff notified 33 property owners about this request. The property scored 69 points on the rating system.

Staff recommended approval of the rezoning, review plan and preliminary plat.

The Planning & Zoning Commission conducted a public hearing on this request during their October 20, 2016 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request and the Review Plan. The preliminary plat was approved.

The motion was approved unanimously, so the request comes forward with a recommendation for approval.

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Jay Gebhardt said he has nothing to add from the staff report. It has been approved by P&Z and he is here to answer any questions.

The Commission had no questions.

Commissioner Atwill asked if there is anyone else that would like to speak for or against this request. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Beacon Street Properties and Joanna M Wilson Trust to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) on 70.04 acres, more or less, located at 7770 S High Point Lane, Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #498-2016**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Beacon Street Properties and Joanna M Wilson Trust for a review plan for Heather Hills Estates on 70.04 acres, more or less, located at 7770 S High Point Lane, Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #499-2016**

5. Request by Ri-Mor Topsoil LLC for a permit for topsoil management, harvesting, conditioning and stockpiling on 52.5 acres, more or less, located at 5353 W Cunningham Dr., Columbia (tabled 8/30/16).

Stan Shawver said since the August 30th meeting, he has met with MoDOT advising that the Commission has requested them to conduct a state study on Cunningham Road which the state maintains. They came back with a recommendation that the speed limit be lowered from 55 MPH to 40 MPH. The traffic engineers have identified the locations for the signs. They have also indicated they have received complaints about the condition of the road and they will check it and maintain it in a safe fashion.

The Commission had no questions at this time.

Commissioner Atwill asked Mr. Gebhardt if he has anything to add since the last meeting.

Mr. Gebhardt said there have been some additional conditions added and the total list of conditions is as follows:

1. Hours of operation shall be limited to
 - Monday through Friday 7 AM to 7 PM
 - Saturday 8 AM to 3 PM
 - No operation Sunday
 - No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day
2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.
(This includes both state and county land disturbance permit)
3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.
4. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.
5. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.
6. This location shall be used as an overflow location. The total number of loads shall be limited to no more than 30 loads in any given day and to 100 loads in any given 7 day period.
7. This permit expires in one year.
8. Applicant must re-apply for and receive a new conditional use permit in order to continue operations.

Items 6, 7 and 8 are new conditions added since the last meeting and we are satisfied with those new conditions.

Commissioner Miller said that there have been conversations with Ri-Mor and MoDOT in helping maintain the road should the road have problems and MoDOT could not get there. What was the resolution of those conversations.

Mr. Gebhardt said we had originally proposed this idea, but it becomes problematic for Stan to get his people to enforce it. The proposal is if there is a problem with the road, MoDOT would evaluate the situation within a 24 hours period and determine if there is a need for immediate repair or if it can wait. If it gets to a point where MoDOT does not have the resources, manpower or time to make the repair, Ri-Mor has offered to do those repairs within a 10 day period and if they did not do that within 10 days, they would seize operations at the site until the repairs are completed.

Commissioner Miller said it was understood that we did not want it in the permit because we don't want to monitor this and am just asking if those conversations occurred and an arrangement has been made.

Mr. Gebhardt said absolutely.

Commissioner Atwill said it is clear, understood and agreed to that the permit will expire in one year and Ri-Mor would have the right to come back and apply for another permit.

Mr. Gebhardt said we understand that to be the case.

Commissioner Miller said this gives Ri-Mor the opportunity to show they can be a good neighbor and can manage the site along with the others they have. I want everyone to know that I did not think this needed a permit and I would have said that. It is fair to say this came about when Ri-Mor went to do a soil site that was not zoned Agricultural and had to be down zoned to that zoning designation and that is when they found out they needed a Conditional Use Permit. We don't typically just have people snubbing their nose at our regulations, but this was a very unusual permit. I just needed to clarify that.

Commissioner Thompson said this will give Ri-Mor and the neighbors time to determine whether Ri-Mor will be a good neighbor and also will give us time to evaluate whether MoDOT will live up to their word.

Commissioner Atwill said from the previous meeting, we understand from the neighbors the following:

- The road is too narrow
- The loads are too heavy for the road
- The trucks are too big
- The road is easily damaged
- MoDOT will not improve the road
- Consider the usage dangerous and threatening

We also know the law allows the use of the road for hauling heavy loads like these. The weight and speed are determined by the State of Missouri. This is a public road and MoDOT has agreed to limit the speed to 40 MPH and agreed to continue to patch the road on an as needed basis.

There has been interest expressed for further comments by the members of the community and if you have something to expand upon this further, we will allow that at this point, but we fully understand the circumstances and I think that this is a compromise that is reasonable.

Roy English said he does not have a full understanding. In the paperwork, it says there will be no earth moving on that property until they have a permit. The reason I have some questions is because they are moving dirt all the time.

Stan Shawver said they have a state permit, but need to obtain the county Land Disturbance Permit. Also, there are lots and lots of people in construction all over the county that don't know they need both the state and county permit.

Gordon Thompson asked who will monitor the work with Ri-Mor and MoDOT concerning the road.

Commissioner Atwill said there won't be a monitor in the form of a person, but the neighbors will be alerting Mr. Shawver's office if they feel there is a deviation from those limitations set forth in the order. More importantly, they have to come back in one year for renewal, if they choose to do so, and at that time, there will be another opportunity to question the operation.

Fred Hinshaw said he sent an e-mail to the Commission and wanted to make sure they received it.

Commissioner Atwill said they did receive it.

Mr. Hinshaw said that one of the points in the e-mail is the concern on the residential values. Anytime we have a significant number of vehicles of this type moving up and down that short access road, it has to have a negative effect on the residential area. There are 3 or 4 roads that access this road, all residential property and with 30 trucks pounding up and down this narrow road, anyone interested in property there is going to notice that and it will have a negative effect.

I have been in the real estate business since 1976 and prior to that in banking working out of the real estate department doing a lot of appraisal work. Aside from the road, that is going to need constant repair, we are more concerned on our value. The reports move right through that and we don't agree and our opinion matters on this issue. If they come back in one year for renewal, we will still be dealing with is value issue.

There were no other speakers and the Commission thanked those that expressed their thoughts on this request.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by Ri-Mor Topsoil LLC for a permit for topsoil management, harvesting, conditioning and stockpiling on 52.5 acres, more or less, located at 5353 W Cunningham Dr., Columbia, subject to the following conditions:

1. Hours of operation shall be limited to
 - Monday through Friday 7 AM to 7 PM
 - Saturday 8 AM to 3 PM
 - No operation Sunday
 - No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day
2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.
3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.
4. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.
5. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.
6. This location shall be used as an overflow location. The total number of loads shall be limited to no more than 30 loads in any given day and to 100 loads in any given 7 day period.
7. This permit expires in one year.
8. Applicant must re-apply for and receive a new conditional use permit in order to continue operations.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #500-2016**

6. Receive and accept the following plats:

- **Raymond Pauley. S8-T49N-R12W. A-2. Raymond Pauley, owner. Steven R. Proctor surveyor.**

- **Roddy Farms Estates. S19-T48N-R13W. A-2. Freda Pennewell, owner. David T. Butcher, surveyor.**

- **Gannen Chase. S32-T51N-R13W. A-2. Lee and Jamie Cole, owners. Steven R. Proctor, surveyor.**

- **Valley Springs Plat 6. S18-T48N-R13W. Monty and Kelli Kerley, owners. Nathanael E Kohl, surveyor.**

Stan Shawver provided the following details on the plats:

Raymond Pauley is a one lot subdivision located on Oakland Gravel Road about 2 miles north of Columbia.

Roddy Farms Estates is a one lot subdivision located on Gillespie Bridge Road about ½ mile west of Columbia.

Gannen Chase is a two lot subdivision located at the interesection of Perche Church Road and Barnett School Rd about 3 miles northeast of Harrisburg.

Valley Springs Plat 6 is a one lot subdivision located on State Highway UU about 1 mile west of Columbia.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the Presiding Commissioner to sign them:

- Raymond Pauley. S8-T49N-R12W. A-2. Raymond Pauley, owner. Steven R. Proctor surveyor.
- Roddy Farms Estates. S19-T48N-R13W. A-2. Freda Pennewell, owner. David T. Butcher, surveyor.
- Gannen Chase. S32-T51N-R13W. A-2. Lee and Jamie Cole, owners. Steven R. Proctor, surveyor.
- Valley Springs Plat 6. S18-T48N-R13W. Monty and Kelli Kerley, owners. Nathanael E Kohl, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #501-2016**

Sheriff's Department

7. Second reading; Approve acceptance of the 2016 Edward Byrne Memorial Justice Assistance Grant (1st read 10-27-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the acceptance of the 2016 Edward Byrne Memorial Justice Assistance Grant awarded to the Sheriff's Department.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #502-2016**

Joint Communications

8. Second reading; Budget Revision for personnel costs associated with the addition of the new Radio Tech position (1st read 10-27-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the following budget revision for Joint Communications for personnel costs associated with the addition of the new Radio Tech position and transfer from Information Technology to Joint Communications.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2701	10100	BC Joint Communications	Salary & Wages	22,855	
2704	10100	Joint Communication Radio Network	Salary & Wages		17,922
2704	10200	Joint Communication Radio Network	FICA		1,371
2704	10300	Joint Communication Radio Network	Health Insurance		2,426
2704	10325	Joint Communication Radio Network	Disability Insurance		68
2704	10350	Joint Communication Radio Network	Life Insurance		20
2704	10375	Joint Communication Radio Network	Dental Insurance		176
2704	10400	Joint Communication Radio Network	Workers Comp		602
2704	10500	Joint Communication Radio Network	401A Match		270

				22,855	22,855

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #503-2016**

9. Second reading; Budget Revision for equipment costs associated with the addition of the new Radio Tech position (1st read 10-27-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget revision for Joint Communications for estimated equipment costs associated with the addition of the new Radio Tech position and transfer from Information Technology to Joint Communications.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2701	86850	BC Joint Communications	Contingency	6,520	
2704	23035	Joint Communication Radio Network	Maintenance Supplies		100
2704	23850	Joint Communication Radio Network	Minor Equip & Tools		800
2704	48050	Joint Communication Radio Network	Cellular/Mobile Device		350
2704	59000	Joint Communication Radio Network	Motor Fuel/Gasoline		350
2704	59010	Joint Communication Radio Network	Fuel Surcharge		20
2704	91300	Joint Communication Radio Network	Computer Hardware		2,400
2704	91302	Joint Communication Radio Network	Computer Software		2,500

				6,520	6,520

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #504-2016**

10. Second reading; Approve Antenna Site Agreement and Memorandum of Antenna Site Agreement with SBA Network Services (1st read 10-27-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Antenna Site Agreement and Memorandum of Antenna Site Agreement with SBA Network Services for the site located at 22801 South Demarco Rd. in Hartsburg, MO.

The terms of the Agreements are stipulated in the attached Agreements. It is further ordered the Presiding Commissioner is hereby authorized to sign said Antenna Site Agreement and Memorandum of Antenna Site Agreement

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #505-2016**

Commission

11. 1st & 2nd reading; Board Appointment for Dan Atwill to Airport Advisory Board

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint the following:

Name	Board	Period
Dan Atwill	Airport Advisory Board	November 1, 2016 through October 31, 2020

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #506-2016 (Commissioner Atwill abstained)**

12. Public Comment

Gordon Thompson said he would like to give a public thanks to Karen Miller for her work over the last 20 plus years. Over those years, she has taught me a lot concerning issues we face, like the one tonight, which we don't agree with, but to solve public issues, we need compromise for solutions.

The best compliment I can give her is from an article I read in a German paper which was giving thanks to Chancellor Merkel. I am replacing her name with Karen's. "Karen Miller has been able to navigate ethical boundaries between private interests and public responsibility." Very few people can do that. This is all hand written, but I am tearing this portion out and giving it to Commissioner Miller.

Commissioner Atwill thanked Mr. Thompson for everything he does in the community and they certainly agree with him.

Roy English said he wants to personally thank the entire Commission for all the listening they have done for me as well as all the things I have sent in writing. I do appreciate that.

I would like to ask about something in the meeting earlier that said Ri-Mor would be going to the state to do other things on the road.

Commissioner Miller said they approached the state to see what could be done to change the conditions of the road by which they could operate. They discussed the speed limit and condition of the road. They did this, we did not. Ri-Mor asked us to approach the state for a speed study since they will not do one for a private entity, but will for a government entity. They then gave us a report and that is when they lowered the limit.

Mr. English said he would like some information on the permit.

Commissioner Atwill said they are in the process of getting it.

Mr. English said he would like to submit some written comments that he was going to say during the meeting, but opted to submit for the record along with the minutes. These are just my thought on what I was going to say.

The Commission said they will make these hand written notes available with the County Clerk's documented record as well as on the County web site.

Mr. English thanked the Commission for listening.

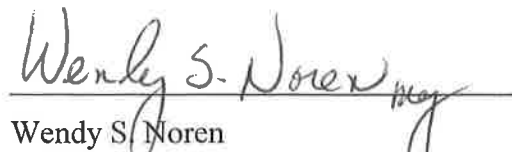
The Commission thanked Mr. English for his continued concern and for speaking tonight.

13. Commissioner Reports

None

The meeting adjourned at 7:58 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

1

Comments for Boone County Commission MTNG
11-1-16

While there appears to be little if any benefit to our community, I believe the Top Soil manipulation activity is not at issue here.

There are however 2 related issues that I feel warrant some degree of scrutiny and possible appropriate corrective actions.

1.) The seemingly, less than transparent manner in which the activity was begun and perpetuated for years, unbeknownst to the county, at any known level and did so unfettered by appropriately required permits.

2.) The severe damage caused to West Cunningham drive as a direct result of the repeated use of heavy trucks hauling heavy loads on a road never constructed for such.

I would like to suggest that "all entities" involved with this request in any way from its inception ought to find common grounds on which to appropriately discuss and reach an amicable agreement. This would allow the Commission to consider issuance of a fair judgement, complete with a fully transparent permit reflecting actions that are required and expected by the applicants and acceptable to all involved.

2

After having spoken with most entities involved and giving much thought on my own with ^{some} input from others, these are my humble suggestions

1. Request appropriation of a reasonable speed limit to facilitate road protection and public safety on West Cunningham Drive (35 MPH with 30 posted at the curve seems appropriate).
2. Request that RI-MOR do whatever necessary (keeping Cunningham Drive preservation in mind) such that this particular site will be concentrated on for completion ASAP, even if it means holding off on the other sites until this one is complete. This should eliminate the need for "long ~~term~~" use of heavy trucks carrying heavy loads on W Cunningham.

3. Request that if the County Commission votes approval for the requested permit, that ~~the~~ ^{the permit} clearly states expectations as to duration etc and meets transparency intent.

4. Advise all involved ^{in this road issue} that respect needs given to Mo-Dot which is ^{doing} and will continue to do all that is appropriate and financially wise and feasible to maintain the roadway.

3

Then once the site is cleared of this activity, Modat may consider resurfacing the road in some fashion to restore safety and a more sightly roadway.

Personally I see some light at the end of this "Road", and if we all remain optimistic a Rainbow just may appear.

Thank you!

Ray H English

