

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
Director Resource Management Stan Shawver
Deputy County Clerk Michelle Thompson

The meeting was called to order at 1:31 p.m.

Resource Management

1. First & Second Reading; Letter of Credit Extension: Credit No. 2100705028 with Landmark Bank

Stan Shawver explained that when Mr. Toalson originally received approval for Toalson Estates, it included some improvements, primarily stormwater, but there was also a paving segment. It was secured by a letter of credit as part of the development agreement. That was approved in Commission Order 321-2017. The stormwater has been completed but that paving has not. Mr. Toalson has indicated he hopes to have it done in October. The original letter of credit has expired, so this would be an updated letter of credit to cover the cost of the paving. The total amount is \$132,320.

There were no comments or questions from the Commission.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby accept an updated letter of credit (Credit No. 2100705028) issued by Landmark Bank in the amount of \$132,320 in support of the Development Agreement for Toalson Estates Subdivision as set forth in Commission Order 321-2017.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #352-2019**

Sheriff's Department

2. Second Reading; K-9 Basic Training Contract: Moniteau County (1st read 8-20-19)

Commissioner Atwill moved now on this day, the County Commission of the County of Boone does hereby approve the attached K-9 Basic Training Agreement between Boone County and Moniteau County.

Terms of the agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said K-9 Basic Training Agreement.

Commissioner Parry seconded the motion.

The motion carried 2 to 0. **Order #353-2019**

Commission

3. Public Comment

Ashely Ernst was present to address the Commission.

Ernst had concerns about the passing on Senate Bill 391. She wanted to know if Boone County was going to plan to create some regulations on CAFOs before the bill takes effect.

Commissioner Atwill explained his personal opinion on the issue is that he is opposed to CAFOs and finds that they are not what he remembers as family farming, or maybe even farming at all. Although there are a lot of reasons he could discuss on why he personally does not support CAFOs, the County's hands are somewhat tied. There are legal reasons

why the Commission would not be asking for an ordinance. The structure of state and county government is such that the state established counties for the purpose of carrying out state law. As part of that, counties only have the authority that is granted by the Constitution or the State Legislature. The County does not have the authority to override a state law. He does not believe it would do anything except lead to litigation. Litigation is expensive and the County is in a time of declining revenue with increasing costs. The County does not need further expense added on when it is not something the County could successfully pursue.

Ernst asked if the County had until August 28th or September 19th to do something.

Commissioner Atwill said that is when the bill was scheduled to be effective, but it has now been delayed by a temporary restraining order, which is easy to get. It is highly unlikely that the action in Jefferson City and in Circuit Court will be successful beyond a temporary restraining order.

Ernst wanted clarification that the County couldn't pass something ahead of time.

Commissioner Atwill said the County could but it wouldn't be effective. It wouldn't work. It would not be of any value except to those whose file law suits to have it set aside.

Ernst said a couple of other counties have gone against this.

Commissioner Atwill said that is fine for them. They are not analyzing this the way the Boone County is.

Ernst explained that she was deeply concerned the County is losing local control and that the focus is more on what corporations want. These are factory farms. To her, this ties in with the proposed wind development in Harrisburg as well. It is her government and she wants to live in a Democracy.

Commissioner Atwill explained that she needed to speak with her State legislators about this.

Commissioner Parry said it would also be helpful to talk to the Farm Bureau as well. It is interesting to him that the Farm Bureau has a different opinion about CAFOs than they do wind turbines. One of the things the Commissioners struggle with is always fighting to protect the rural quality of life. None of the Commissioners support CAFOs. The Commission has consulted with the County Counselor and after reviewing the basis for those other counties' lawsuits, the County Counselor just doesn't think it holds up. It is pretty clear what the Legislature is going to do. The Commission has been to lots of meetings with the commodity groups and there is a general belief that because of the density in this county, a CAFO will never come here. He hopes that will be right. So much time has been spent trying to clean up the Hinkson Creek and there are five streams in Boone County that are on the 303 D List of the EPA. This is the wrong place for a CAFO, but given the County's current financial situation, it is a risk the Commissioners don't feel should be made with the County's money.

4. Commission Reports

None

The meeting adjourned at 1:45 p.m.

Attest:



Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

