

TERM OF COMMISSION: July Session of the May Adjourned Term

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

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:02 p.m.

Subject: Planning and Zoning

A. Request by George and Karen Hobson for an animal boarding and training facility on 99.97 acres located at 4801 Ben Williams Road, Columbia

Stan Shawver stated this property is located 2 ½ miles southeast of Columbia on Ben Williams Road. The property is zoned A-1 (Agriculture) as is all of the surrounding property. There is a house and combination kennel / workshop on the property at this time. The applicants are requesting a permit to allow training and boarding of dogs. The applicant trains dogs for upland game hunting. The applicant owns five dogs and would train an additional three dogs. This site is within the Columbia School District. Electricity is provided by Boone Electric Cooperative. Water service is provided by Public Water District No. 9. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 3 property owners about this request. Staff recommends approval of this request with the following conditions:

- That the driveway and required parking area be dust free with a minimum of a chip and seal surface. Chip and seal surface to be complete within six months of approval.

As a Conditional Use Permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

- A. The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- B. The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

C. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

D. All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

E. The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

F. The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

G. The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The Planning and Zoning Commission held a public hearing on this request on July 18, 2002. Seven members of the Commission were present and a motion was made and approved to recommend approval of this request with the staff recommended condition. The motion received unanimous support and comes forward this evening for a recommendation for approval.

George Hobson, 4801 Ben Williams Road, Columbia, was present on behalf of this item.

George Hobson stated he has applied for and obtained, without exception, the required licenses required from the Missouri Department of Agriculture, if this request is approved by the Commission. He has also obtained, from the Missouri Department of Conservation, the permits to use the land for dog training. He noted the driveway and required parking area has already been chip and sealed.

Commissioner Elkin asked Mr. Hobson if he currently has five dogs. Mr. Hobson stated that was correct and those are his personal dogs.

Commissioner Elkin asked if it was Mr. Hobson's intent to not have any more than three dogs at a time. Mr. Hobson stated that was correct. This would be enough dogs to be in training at one time.

Commission Elkin asked if the training goes from 60 to 90 days and if the owners would be at the facility every day. Mr. Hobson stated that was the correct time for the training. He discourages the owners from coming to visit their dogs every day because it decreases the bonding he needs to train. The owners are allowed to visit at appropriate times. He noted he also requested to have obedience classes for seven to eight people at one time.

There is enough parking at this location for this request. The classes would not be any more than two evenings a week.

There were no further questions of the applicant.

Commissioner Stamper opened the floor for a public hearing on this request.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller stated she believes this is an appropriate land use and having the wooded area close for the training is a good asset.

Commissioner Miller moved to approve the request by George and Karen Hobson for an animal boarding and training facility on 99.97 acres located at 4801 Ben Williams Road, Columbia, with the following condition:

- That the driveway and required parking area be dust free with a minimum of a chip and seal surface. Chip and seal surface to be complete within six months of approval.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 331-2002**

B. Request by Father Eugene Robl K.C. Club, Inc., to rezone from A-2 (Agriculture) to REC (Recreational) of 18.94 acres, more or less, located at 20750 N Highway 124, Centralia.

Mr. Shawver stated this property is located just south of Centralia on State Highway 124. The property is zoned A-2 (Agriculture), as is all of the surrounding property. There is an open air shelter on the property. The applicants have requested that the property be rezoned to REC (Recreation). It is their intent to build a 6000 sq. ft. multi-purpose building. This tract is located in the Centralia R-6 Public School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by Public Water District No. 10. The original zoning for this tract is A-2. A conditional use permit was issued in 1992 for an Outdoor Recreational Facility. The master plan designates this area as being suitable for residential land uses. Staff notified 6 property owners about this request. The applicant should be aware that the Boone County Fire Protection District will probably require the installation of a fire hydrant prior to the construction of a 6,000 sq. ft. building. This may be problematic as Public Water District 10 does not allow the

installation of fire hydrants on their water lines. Early contact with the Fire District is recommended by the staff. The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: Public Water District No. 10 will provide water service. There should be sufficient water available for domestic type use. As noted above, the water district does not allow fire hydrants to be installed on their lines. Any required fire flow will have to be provided through other means, perhaps by way of installation of a dry hydrant. The applicant has contacted the Boone County Fire Protection District to discuss this issue.

The closest central wastewater system is located within the City of Centralia. It is more than likely that wastewater service will be provided on-site. This would fall under City/County Health Department regulations and the Department of Natural Resources.

Boone Electric will provide electricity.

There is good road access to the site. Access can be provided from both a state highway and from a public road district road.

The property is in the Boone County Fire Protection District. A district fire station is located within 1 ½ miles of this site.

Staff recommends approval of this request.

This request originally went before the Planning and Zoning Commission in June, 2002. After a public hearing at the June meeting, the Planning and Zoning Commission tabled this request. The applicant returned to the July 18, 2002 Planning and Zoning Commission Meeting with a request for the same rezoning but less acreage. The Planning and Zoning Commission made a motion to recommend approval of the rezoning of 18.94 acres. This motion received unanimous support and comes forward with a recommendation for approval.

Pat Reichert, 17800 N Route JJ, Centralia, was present on behalf of this request.

Pat Reichert stated the original request was for the whole parcel of land to be rezoned. Because of the complaints they had been receiving, they decided to remove 575 feet from the east side of the property which leaves approximately 5 acres of open land on the north side of the property. This leaves approximately 180 feet of frontage on the street to the north of the property. The way the land is currently zoned, there cannot be any restrooms or enclosed building. The reason for this request to rezone is they would like to have a

closed building with restrooms where they can hold their meetings and other gatherings. The initial plans are for a 40' x 50' building and possibly enlarge the building in the future. He noted they have spoken with the Boone County Fire Protection District regarding the dry fire hydrant in the lake on the property. There is ample water supply to take care of any needs for the fire hydrant.

Commissioner Stamper opened the floor for a public hearing on this request.

Cyndy Barnes of Hallsville, stated she is representing her grandparents who live across the road from the subject property. She is concerned about the possibility of the applicants wanting to rezone the rest of their property in the future and wanting to build the 6,000 square foot building as they had originally proposed. She believes the REC zoning is too open. There are plenty of halls and parks in Centralia for organizations to hold meeting and other functions. She believes the property values will decrease. She does not have a problem with the organization having occasional parties and meeting but she wants to know what will happen when the building is rented out to others and the consequences such as noise, litter, possible safety problems, alcohol, and trespassing. She does not believe any of the neighbors support this request and does not believe anyone would want this next to their property. This is too questionable.

William Heaton, 20425 N Route JJ, Centralia, stated his property runs along the south and east side of the applicant's original plans. He is concerned with drainage because the terrain slopes toward his property. If there is a lagoon is put on the land or a parking lot is built, where there is surface water run off, there is no control to the direction the water will flow. He is also concerned with possible trespassing.

Louis Nordon, 12654 Audrain Road, Centralia, stated it seems to him there is a lot of uncertainty of what will be done with the property. The applicants would not be able to put any buildings on the north side of the property because there has to be 300' between the lake and the building. This portion of the property is not included in this request. There is plenty of acreage to put a building on but he wanted to know what will be done with the rest of the property. The types of activities that can occur on this property have never been stated. When the applicants purchased the land, they knew it was zoned A-2 and wanted the land for recreation to begin with. They should have had enough knowledge to know the land was zoned one way and wanted to do something else with the land. It is like a developer putting up duplexes on land that is zoned for single family residential. As he has read through the Planning and Zoning Commission meeting minutes, he does not see any testimony of anyone who supported this request. He believes if this request is such a good idea for Centralia, then there should have been supports at the meeting.

Edward Bettenhausen, 19930 N Route JJ, Centralia, stated his property is to the north of the subject property. He is concerned with where the building will be put on the property. He is also concerned with the size and the placement of the lagoon on the property.

Nothing has been proposed as to where the building or lagoon will be on the property. He noted there is work being done on a parking lot on the subject property. Mr. Bettenhausen stated he is a neighbor and none of the members have come to talk to him or anyone else in the area about their request. He is also concerned with the drainage of the lagoon because this property sits on a ridge that drainage on one side goes to the Missouri River and the other side to the Mississippi River. He would also like to know what type of building will be built.

Harvey Million, Jr., 530 S. Collier Street, Centralia, stated the Knights of Columbus does a lot of work for the communities of Centralia and Hallsville. They currently do not have a place of their own to hold meetings. They are concerned and considerate of their communities, which they give back to. He believes they are good neighbors. The land was purchased in hopes of being able to have a meeting room. They are not sure how the entire 40 acres will be developed. The zoning application was scaled back to satisfy the neighbors. As far as building and environmental issues, even though there are no current plans, will be subject to existing building codes and environmental regulations. He requests the Commission to consider this application for approval.

There was no one else wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked the applicant to come forward and address the issues brought up during the public hearing.

Mr. Reichert stated the building will be just north of the current shelter. The parking lot will remain the same size until the building is larger, which is west of the current shelter. The lagoon would be built to DNR standards. They have not contacted DNR on this issue. They hope it will be south of the building.

Commissioner Stamper asked Mr. Bettenhausen if the drainage on the ridge is as defined as he says it is. Mr. Bettenhausen stated that was correct.

Commissioner Stamper stated he was reviewing the Zoning Regulations and noticed there is a high tolerance for churches in every zoning district the County has. This means the applicants could have requested a permit to build a church annex building and the permit would have been issued. The applicants did not have to go through a rezoning process and hold public hearings on the request. He noted since the applicants have come through with a rezoning request for REC, the Commission is frustrated because there is no Planned REC zoning district.

Commissioner Elkin asked Mr. Shawver if a Conditional Use Permit was issued for this tract in 1992. Mr. Shawver stated that was correct.

Commissioner Elkin asked if the Conditional Use Permit is under recreational. Mr. Shawver stated the Conditional Use Permit is for an Outdoor Recreational Facility.

Commissioner Elkin stated for the past 10 years, the property has had a Conditional Use Permit and wanted to know what type of activities could be on the property with the Conditional Use Permit. Mr. Shawver stated any type of outdoor recreational activities such as sport activities, picnic areas, and swimming.

Commissioner Elkin asked if the only reason the applicants are requesting this rezoning is to allow for an enclosed building. Mr. Shawver stated that was correct.

Commissioner Elkin stated any type of wastewater treatment system has to be approved by the Health Department. Mr. Shawver stated it depends on the design and flow. The Health Department and DNR will have to approve the system.

Commissioner Elkin stated the applicant cannot just dig a hole for a wastewater system, they would have to go through the correct procedures. Mr. Shawver stated that was correct.

Commissioner Elkin stated any building that is constructed will have to be inspected by the County Planning and Building Inspection Department. Mr. Shawver stated that was correct.

Commissioner Miller stated she wanted to clarify that lagoons have to be 100 feet from the property line so neighbors will not have to worry about the lagoons being close to their property. She noted churches rarely give up the land that they have. Also, there have been no complaints for this property in the last ten years since the Conditional Use Permit was issued. She believes the Knights of Columbus has proven themselves as good neighbors. She believes this is a reasonable request.

Commissioner Stamper stated he wanted clarification from Mr. Nordon on the statement earlier about buildings being 300' from a lake. Mr. Nordon stated in the minutes from the June 20, 2002 meeting, someone mentioned buildings being 300' from a lake. Commissioner Stamper noted buildings have to be 300' from wastewater treatment facilities. Commissioner Stamper stated fire hydrants have to be 300' from buildings.

Commissioner Stamper asked Ms. Barnes if she had anything else to offer. Ms. Barnes stated the Commissioners keep referring to the Knights of Columbus as a church but they are not a church. Commissioner Stamper stated they the Knights of Columbus is a club affiliated with a church.

Commissioner Elkin asked Mr. Shawver if the County has any guidelines regarding water runoff. Mr. Shawver stated at this time there are no County policies on this issue but he is hoping that there will be a policy in the near future and hopefully before this building is

expanded, if the Knights of Columbus want to expand their building.

Commissioner Elkin asked Mr. Shawver if the building is expanded, the applicants would have to go through all the processes with the Planning and Building Inspections Department. Mr. Shawver stated that was correct.

There was no further discussion on this issue.

Commissioner Stamper asked what the pleasure of the Commission was on this issue. Commissioner Elkin stated he does not see a big difference between the building that is currently on the land and what could happen. He believes the applicants scaled back their original request to appease some of the neighbors and have addressed all the issues that have been brought forward. Some of the issues are not related to the decision the Commission has to make.

Commissioner Elkin moved to approve the request by Father Eugene Robl K.C. Club, Inc., to rezone from A-2 (Agriculture) to REC (Recreational) of 18.94 acres, more or less, located at 20750 N Highway 124, Centralia.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 332-2002**

C. Request by Columbia Curb and Gutter Co. to rezone from R-M (Moderate Density Residential) to M-LP (Planned Industrial) and to approve a *Review Plan* for Columbia North Industrial Park on 25.61 acres, more or less, located at 6300 N. Masonic Drive, Columbia.

Mr. Shawver stated the 25.6-acre tract is located at the northwest terminus of Masonic Drive, just north of the Columbia City Limits near the Prathersville area. The applicant proposes a rezoning from Moderate Density Residential, R-M to Planned Light Industrial, ML-P. A review plan has been submitted for review and approval. The property is in the Columbia School District

The Master Plan designates this property as suitable for residential land use but identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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

Columbia Water and Light will provide water. A water main extension will likely be required in order to provide fire protection. Boone Electric will provide electricity. Sewer service can be provided by the City of Columbia upon execution of a pre-annexation agreement and extension of a sewer main to the property. The applicant has chosen to construct an on-site wastewater system to treat the estimated 600 gallons per day of wastewater that will be generated by the development. This should be adequate for the proposed use.

The property is at the dead end of Masonic Drive, a state maintained road that extends approximately ½ mile from Prathersville Road.

The proposed use will not result in a significant increase in demand for public safety services. All such services can be provided efficiently due to the close proximity of the property to the Columbia City Limits.

The Commission may reject or approve a Review Plan subject to conditions, which include but are not limited to the following:

- Use
- Layout
- Circulation
- Buffer zones
- Landscaping
- Setbacks
- Off-street parking
- Other factors deemed as being essential to the sound development of the area and for the protection of adjacent areas

The proposed use is classified as industrial, which raises issues as to the compatibility with existing uses and zoning in the project vicinity. There is a residential subdivision adjacent to the northeast of the property and property to the north is zoned A-R and is in residential use. Uses along Masonic Drive include the Scottish Rite and the Blue Lodge, which are classified as recreational and the Masonic Home, the future state office of the Masons that is a commercial office use.

Buffering may be adequate to address the issue of use incompatibility. A 50-foot wide buffer has been shown on the plan. No specific design has been proposed. The design of the buffer should, at a minimum, include an 8-foot tall earthen berm and three staggered rows of evergreen trees.

The proposed use requires only minimal sewer service. However, there are other uses allowed within the Light Industrial district that would require connection to a public sewer. The uses allowed within the industrial park should be limited to those proposed on the Review Plan. If, in the future, a change of use is requested, the owner should be required to file a new Review Plan in order to determine whether adequate services exist to support the new uses.

The circulation pattern within the site looks to be reasonable and adequate. No parking has been shown for the equipment maintenance facility. There is a note on the plan indicating that 20 parking spaces will be provided. The parking spaces must be shown on the Review Plan.

Staff notified 25 property owners about this request.

The property scored 78 points on the rating system.

Staff recommends approval of the rezoning and review plan subject to the following conditions:

1. The applicant shall submit a buffering plan for review and approval by the Director. The buffer strip shall be improved with an 8' tall berm, which shall be located adjacent to the interior edge of the buffer strip. The buffer shall also be planted with three rows of evergreen trees with the rows spaced at 10-15 feet and trees spaced not more than 15' within the row. The trees in the center row shall be offset from the trees in the outer and inner row. The trees must be a minimum of 1-½ inches in diameter at breast height at the time of planting. The Director may approve an alternative design if it achieves the purpose of providing an all-season barrier to mitigate visual, sound and dust intrusion onto neighboring properties.
2. Any change of use, other than the uses stipulated on the plan, requires the filing of a new review plan.
3. The landowner shall provide proof that a Land Disturbance Permit has been issued for the site by the Missouri Department of Natural Resources prior to any land disturbance on the property.
4. The applicant shall develop and adhere to an erosion control plan developed in consultation with the Natural Resources Conservation Service. The plan must be approved by NRCS prior to any land disturbance on the property.
5. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers,

- including spill prevention, control and counter measures. Documentation of compliance shall be provided to Boone County prior to occupancy of the facility.
6. The location of the wastewater treatment facility shall be shown on the Review Plan.
 7. Parking for the equipment maintenance facility shall be shown on the plan.
 8. The plan shall be revised so that the references to the notes on the graphic portion of the plan correspond to the correct note on the right margin of the review plan.
 9. All exterior lighting shall be directed inward and downward.

The Planning and Zoning Commission held a public hearing on the issue on July 18, 2002. The Planning and Zoning Commission made a motion to approve this request with all nine staff conditions plus one condition, "The storage of construction debris for more than 60 days is prohibited. The motion received unanimous support and comes forward with a recommendation for approval.

Ron Shy, 5600 South Highway KK, Columbia, was present on behalf of this item.

Ron Shy stated he does not have much else to add to the staff report and the details of the plan were well expressed at the Planning and Zoning Commission meeting. The items with regard to the land disturbance permit and erosion control plan on the recommended conditions would be difficult to obtain because the land has already been disturbed. Mr. Shy has spoken with Frank Gordon and they have applied for a State Land Disturbance Permit and those are in process. The way he interprets the condition, the permit must be in hand and given to the Department. He is unsure of how this will be handled because they had obligations in regard to depositing some fill material or excess millings and excess excavations on that site already. The land has already been disturbed.

Mr. Shy stated his client is agreeable to all other conditions.

Commissioner Stamper stated when he first reviewed the plans submitted by the applicant, he was not aware that the property was not contiguous to Wagon Trail Road and the property stops short of that road. He does not believe the traffic coming out of the industrial park should be on Wagon Trail Road because of the high volume of traffic. He believes the traffic should be going on to and coming off of Highway 63. Mr. Shy agrees with Commissioner Stamper.

Commissioner Stamper stated he does not believe the northwest border of the property line is conducive with putting in a road. Mr. Shy stated that is a correct assumption.

Commissioner Miller asked how the recommended conditions for the land disturbance

permit and erosion control would be handled. Mr. Shawver stated recommended condition #3 could be revised to read, "The landowner shall provide proof that a Land Disturbance Permit has been issued for the site by the Missouri Department of Natural Resources." Recommended condition #4 could be revised to read, "The applicant shall develop and adhere to an erosion control plan developed in consultation with the Natural Resources Conservation Services."

Commissioner Elkin asked if the debris or millings is material that has come from a project that will be stored at the site and what type of containment would be used to store any of the debris. Mr. Shy stated the applicant will be using the millings to build their parking areas for their equipment and a driveway. After the parking area and driveway is built, it will have some sort of dust control. Other debris is inert, gravel or asphalt.

There was no further discussion.

Commissioner Stamper opened the floor for a public hearing.

Harold Sterley, 2070 E. Northwood Drive, Columbia, stated the southwest corner of his property borders the northeast corner of the subject property. There is approximately 350' between the corner post and his backdoor. He is present this evening to make sure the recommended conditions from Planning and Zoning be adhered to without any variance. The rezoning of this tract will subject it to the uses outlined in the Boone County Zoning Regulations Sections 5 (a) 10 (C-G General Commercial District) and 5 (a) 12 (M-L Light Industrial District). Once this rezoning is complete, the land can be used for anything from a tavern to a fish cannery to a textile mill and many other purposes.

Commissioner Stamper stated if this request is approved, the land can only be used as outlined on the plan submitted. Mr. Sterley stated this was his understanding of the permitted uses of the land. He wanted to emphasize that he believes that the Planning and Zoning recommendation allows for no other use, other than what is being proposed. If the applicant wants to do anything else with the land, he believes they should have to go back to Planning and Zoning Commission for approval. Those other uses seem to be far from the character of the residential areas in the area. He believes the recommended conditions are appropriate.

Mr. Sterley noted there was discussion at the Planning and Zoning Commission meeting about the buffer zone. He believes the buffer zone as recommended by the Planning and Zoning Commission and the staff is adequate for the area. One reason for keeping the buffer zone is over the past few years, all the underbrush and trees have been cleared from the property. While some of the larger trees have been contained, the noise magnification from Highway 63 is probably four-fold from what they originally heard. They believe the buffer zone, as recommended, is essential from a noise aspect, because there has been suggestion the trucking operation hours will begin at 6:30 a.m.

Mr. Sterley stated it is to his understanding there will be a wastewater lagoon. Even though this will be under the regulation from the Health Department and DNR, no one has described what the waste will be, if it is hazardous or toxic waste. There is a concern that this lagoon could have runoff or a spill. Commissioner Stamper stated that any hazardous or toxic waste will have to be addressed with its own regulations.

Mr. Sterley stated he believes the berm will be a good buffer for the lagoon if there were ever a leakage or spill. The millings and construction debris issues have been addressed. These are his concerns and he believes if the applicants do go forward with the plans, he wants to make sure the plans are adhered to and restricted to the conditions.

There was no one else present to testify.

Commissioner Stamper closed the public hearing.

Mr. Shy stated the wastewater system will not be a lagoon; it will be a sand filter system.

Commissioner Elkin asked if this would be standard wastewater. Mr. Shy stated this would be from office employees.

Commissioner Miller asked if 600 gallons of wastewater per day is a good estimate. Mr. Shy stated that was correct.

Commissioner Elkin stated with the M-LP zoning, which is Planned Light Industrial the plan submitted has to be followed. Any other changes to the plans have to go through the same process and be approved by the Planning and Zoning Commission and the County Commission.

There was no further discussion on this issue.

Commissioner Miller moved to approve the request by Columbia Curb and Gutter Co. to rezone from R-M (Moderate Density Residential) to M-LP (Planned Industrial) of 25.61 acres, more or less, located at 6300 N. Masonic Drive, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 333-2002**

Commissioner Stamper moved to approve the request by Columbia Curb and Gutter Co. for a *Review Plan* of 25.61 acres, more or less, located at 63300 N. Masonic Drive, Columbia with the following conditions:

1. The applicant shall submit a buffering plan for review and approval by the Director. The buffer strip shall be improved with an 8' tall berm, which shall be located adjacent to the interior edge of the buffer strip. The buffer shall also be planted with three rows of evergreen trees with the rows spaced at 10-15 feet and trees spaced not more than 15' within the row. The trees in the center row shall be offset from the trees in the outer and inner row. The trees must be a minimum of 1-½ inches in diameter at breast height at the time of planting. The Director may approve an alternative design if it achieves the purpose of providing an all-season barrier to mitigate visual, sound and dust intrusion onto neighboring properties.
2. Any change of use, other than the uses stipulated on the plan, requires the filing of a new review plan.
3. The landowner shall provide proof that a Land Disturbance Permit has been issued for the site by the Missouri Department of Natural Resources.
4. The applicant shall develop and adhere to an erosion control plan developed in consultation with the Natural Resources Conservation Service.
5. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers, including spill prevention, control and counter measures. Documentation of compliance shall be provided to Boone County prior to occupancy of the facility.
6. The location of the wastewater treatment facility shall be shown on the Review Plan.
7. Parking for the equipment maintenance facility shall be shown on the plan.
8. The plan shall be revised so that the references to the notes on the graphic portion of the plan correspond to the correct note on the right margin of the review plan.
9. All exterior lighting shall be directed inward and downward.
10. The storage of construction debris for more than 60 days is prohibited.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 334-2002**

D. Receive and Accept the following plats:

i. Pin Oak Block 5 Plat

Mr. Shawver stated this is the re-plat of the vacation the Commission approved on July 2, 2002. The Planning and Zoning Commission approved the plat and it comes forward with a recommendation to be received and accepted.

Commissioner Elkin moved to receive and accept Pin Oak Block 5 Plat.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 335-2002**

ii. Jose Plat

Mr. Shawver stated this is a one lot plat on Calvin Drive. Planning and Zoning Commission approved the plat and it comes forward with a recommendation to be received and accepted.

Commissioner Elkin moved to receive and accept Jose Plat.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 336-2002**

Subject: Purchasing Department

A. Second Reading and Award of Bid 45-18JUN02 (Lumber – Bridge Boards)

Commissioner Stamper moved to award bid 45-18JUN02 for Lumber – Bridge Boards to LaCrosse Lumber Company.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 337-2002**

B. Second Reading and Award of Bid 49-09JUL02 (Benson Road Improvements)

Commissioner Elkin moved to award bid 49-09JUL02 for Benson Road Improvements to

J.C. Industries per the recommendation of the Purchasing and Public Works Departments.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 338-2002**

C. Second Reading and Award of Bid 39-18JUN02 (Prescription Medication Term and Supply)

Commissioner Stamper moved to award bid 39-18JUN02 for Prescription Medication Term and Supply to D & H Drug Corporation.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 339-2002**

D. Second Reading and Award of Bid 51-09JUL02 (Painting Services Term and Supply)

Commissioner Elkin moved to award bid 51-09JUL02 for Painting Services Term and Supply to Ken Hensel Painting.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 340-2002**

E. Second Reading and Approval of Sole Source Contract with Zimmer Radio Group

Commissioner Elkin moved to approve the contract with Zimmer Radio Group for Radio Advertising.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 341-2002**

Subject: Public Works

A. Second Reading and Approval of Change Order #1 For FRP Bridge Project

Commissioner Stamper moved to approve Change Order #1 for the New Haven Bridge FRP Project.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 342-2002**

B. Second Reading and Approval of Consultant Servicing Agreement with The Louis Berger Group Inc. (Harold Cunningham Road Project)

Commissioner Miller moved to approve the Proposal for Consultant Services contract with The Louis Berger Group Inc. for the Harold Cunningham Road Slope Stability Project.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 343-2002**

Subject: Authorize a Closed Session

Commissioner Stamper moved to authorize a closed session on Thursday, August 1, 2002 at 3:00 p.m. in Room 243 of the Roger B. Wilson Boone County Government Center as authorized by Section 610.021 (3) to discuss the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 344-2002**

There was no public comment.

The meeting was adjourned at 8:13 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner