

TERM OF COMMISSION: February Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
Planner Uriah Mach
Interim Director Resource Management Bill Florea
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Request by Kellie Dickenson and Jason Karrick for a conditional use permit for an agribusiness oriented to and exclusively serving the agricultural community on 27.36 acres located at 19175 N Old Hwy 63 N, Sturgeon.**

Uriah Mach read the following staff report:

The subject property is located on Old Highway 63 North between State Route NN and Williams Road, approximately 1 mile north of Riggs and 2 miles to the southwest of Sturgeon. The property is 27.36 acres in size and is zoned A-2(Agriculture). There is A-2 zoning to the north, west, and south, with A-R(Agriculture-Residential) zoning to the southeast and east. There is a house, garage, and three sheds on the property. 11 property owners were notified about this request.

The applicant is seeking a conditional use permit to operate an agribusiness, a business that is oriented to and exclusively serves the agricultural community. In this case, Show

Me Diesel LLC, which repairs fuel injection pumps, turbochargers, and injectors for tractors and other agricultural equipment. They receive agricultural equipment for repair and use UPS and other parcel delivery services for parts orders.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. 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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(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.

The repair of agricultural equipment is not an extraordinary activity in this part of the county. Neither is the arrival and departure of parcel delivery services such as UPS, Federal Express, or the United States Postal Service in the county at large. Public testimony may be indicative as to whether this criterion is met.

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

The proposed use is consistent with the surrounding agricultural area. This use should not substantially diminish or impair property values of existing properties in the neighborhood. Public testimony may be indicative as to whether this criterion is met.

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

The structure proposed by the applicants to house the conditional use shall meet the requirements of the building code and fire code as administered by Boone County Resource Management and the Boone County Fire Protection District. The availability of public water to meet those code requirements is limited. Other facilities, such as roads, road access, and drainage, are available.

(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.

This area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties have already developed in a manner consistent with the zoning and the existing utility infrastructure. The approval of this conditional use permit will not impede the re-development or improvement of the surrounding property.

(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.

The limited nature of the proposal should prevent congestion or hindrance of the flow of traffic on public streets. Existing access onto the property may need to be improved to meet the requirements of the fire code and building code.

(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 proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed.

Zoning Analysis: This conditional use is not in conflict with the surrounding land uses. Repair facilities exclusively supporting agricultural equipment are a part of large agricultural areas. While such facilities can create a commercial/industrial feeling to an area, the limited scale of this proposal should mitigate that impact. The limited scope of the proposal, a single building, and the small number of employees, should also limit the commercial/industrial feel of the use.

Staff recommends approval of this conditional use permit with the following conditions:

1. Only agricultural equipment is to be served by this business.
2. Any expansion beyond the buildings shown on the exhibit will require revision to the conditional use permit.
3. That the construction of the proposed commercial building be subject to the requirements of the Boone County Fire Protection District & Boone County Resource Management, Building Inspection Division.
4. Dust-free surfacing (minimum of chip-seal) of the driveway and parking surfaces serving the business will be required.
5. Hours of operation shall be limited to 8:00 AM to 5:00 PM Monday through Friday.
6. No operation on the following holidays: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

The Commissioners had no questions at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of this request.

Jason Karrick said the business we want to start up is to rebuild fuel injection components on diesel engines. We do not work on any complete engines, or trailers and trucks. The customer either sends it to us or brings it in.

We have three employees, myself, Kellie and her son and we don't have any plans for additional employees. As far as traffic is concerned, we have kept track of how many walk-ins we have had over the last couple of weeks and we average three per day. The rest of the work is brought in by UPS. We will have a UPS truck there probably every day.

There is good access along the road off Hwy. NN on the north side and Old 63 off Hwy. 63 on the south. Over 95% of what we work on is farm tractors and farm agricultural equipment. Nothing will be worked on outside, nothing will be sitting outside of the building. Everything will be done inside. Everything that we work on is small enough to be carried in the front door. As far as waste – we have three parts cleaners and a contract with Crystal Clear. There is no waste oil and no noise due to the inside work.

The building we want to put up will look like a normal machine shed that anyone else would have up and down the road. It will be a stick frame building with a metal roof and siding. We will set this up where it will not look like a big industrial building. We just need a small shop area for the work and part of the building will be used for personal use.

Commissioner Atwill asked if there is anyone else here to speak on behalf of this request. There were no speakers and Commissioner Atwill asked if there is anyone present that would like to speak in opposition to this request.

Ralph Berenson said he owned an auto shop for 27 years and things can get out of hand. It gets crowded for room and things go outside. I know how mechanical places work. You get busy and start taking shortcuts and doing other things.

If this is going to be such a clean operation, they have a nice place behind the wooded area at the side of their house. Keep this off our road. We have a lot of retirees in the area. We walk the streets, cut each other's grass. I used to ride my horse on the road, but can't anymore because they have 30-ton tractor trailers up and down that little asphalt road which is now all torn up.

The neighborhood is going to pieces. They have brought in commercial businesses along with the trucking. The trucking coming out of the quarry can go ½ mile down to a concrete road. When I built my house, there was a sign at the start of the road which said 12-ton maximum. Now we have 18 wheelers and so much traffic. People don't feel safe and kids can't ride their bicycles. I was told that the road can't be regulated, well, they did before with the 12-ton sign.

Commissioner Atwill thanked Mr. Berenson for expressing his thoughts on this issue.

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

Bill Florea said he would like to add for the record that this comes forward to the County Commission as a unanimous recommendation from the P & Z.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by Kellie Dickenson and Jason Karrick for a conditional use permit for an agribusiness oriented to and exclusively serving the agricultural community on 27.36 acres located at 19175 N Old Hwy 63, Sturgeon.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #87-2017**

2. Request by T-Vine Enterprises Inc. to rezone and approve a review plan and preliminary plat for Settlers Ridge located at 8000 N Rte B in S9-T49N-R12W:

- **From A-2 (Agriculture) to R-MP (Planned Moderate Density Residential) on 19.7 acres**
- **From A-2 (Agriculture) to R-SP (Planned Single-Family Residential) on 4.97 acres**
- **From A-2 (Agriculture) to C-GP (Planned General Commercial) on 22.02 acres**
- **From R-D (Two-Family Residential) to R-DP (Planned Two-Family Residential) on 3.16 acres**
- **From A-2 (Agriculture) and R-S (Single-Family Residential) to R-S (Single-Family Residential) on 7.91 acres**
- **Order for Rezone**
- **Order for Review Plan**

Bill Florea read the following staff report:

The subject property is located north of Columbia on State Highways B and HH. This 90.59 acre parcel is bisected by Route B. A Review Plan and Preliminary Plat were first approved for this project in February, 2001. The planned zoning districts included 4.97 acres RS-P, 21.07 acres RM-P and 28.43 acres CG-P. Several tracts were rezoned to straight zoning districts including 47.82 acres of RS and 14.73 acres of RD. Four final plats have been approved however one of the Final Plats was a reworking of a previous Final Plat. One final development plan has been approved that established CG-P zoning for two lots at the intersection of Settlers Ridge Drive and Route HH. The Preliminary Plat and Review Plan were re-approved in January 2007 but expired in January 2012. The applicants submitted revisions in 2011. As part of the 2011 submission was a request to have a five-year approval for both the Review Plan and Preliminary Plat. The approval for five years was granted but expired in 2016. The applicant has resubmitted

the Review Plan and Preliminary Plat for re-approval with some minor reconfiguration of the zoning district boundaries.

Since the January 2007 approval, the County has adopted stormwater and stream buffer regulations. Changes have been made to the Plat and Plan to provide stream buffers and set aside areas for stormwater treatment in the 2011 version and have been further refined in the current proposal.

The current proposal will set the zoning districts at 19.7 acres R-MP (Planned Moderate Density) 4.97 acres of R-SP (Planned Single Family Residential) 22.02 acres of C-GP (Planned General Commercial) 3.16 acres of R-DP (Planned Two-Family Residential) and 7.91 acres of R-S and the existing 4.33 of R-D in the areas that are currently under consideration.

A traffic impact analysis was completed in 2000, which identified several offsite road improvements. Those improvements were linked to a development phasing plan so that construction of the improvements would occur concurrently with the phase of the development that created the impact that was being mitigated. The original traffic study has been reviewed by Allstate Consultants for the purpose of determining whether additional mitigation may be required at this time. According to that review the base traffic projections, from the original report, of 3% annual growth were higher than the actual observed increase in traffic on Route B. Therefore, the conditions outlined by the original traffic study are anticipated to be conservative in terms of background traffic. The original traffic study remains valid. All of the previously identified off-site improvements will be adequate to mitigate impacts created by the development.

The original plat and review plan were approved with three conditions. One of those conditions required the developer to abide by the development phasing plan that was proposed in the traffic impact study. In 2006 the developer submitted an updated phasing

plan along with a schedule of required offsite improvements. That plan was approved and was re-submitted with this request and altered accordingly.

Review Plans have a 2-year expiration date under the current zoning regulations unless otherwise approved. A condition of approval will be included in the recommendation section of this report to grant a 3-year extension to the review plan due to the size and complexity of this project. If granted the review plan and preliminary plat both will have a five-year lifespan, this was approved last time and is proposed again.

The development will receive sewer service from the City of Columbia via a sewer main that was constructed for this project. A revised annexation agreement was executed on November 25, 2011. The agreement dictates conditions under which sewer service will be provided to the property.

The property scored 71 points on the point rating system. Staff notified 124 property owners about this request.

Staff recommends approval of this request with the following conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvements shall be built by the developer in accordance with the phasing plan and offsite improvement schedule attached to the Preliminary Plat/Review Plan.
3. The review plan approval shall be extended by 3-years for a total of 5-years from the date of approval.

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

James Jeffries said he is with Allstate Consultants along with Rhonda Carlson from T-Vine Enterprises. Staff did a good job of covering the history of this and we are here to answer any questions you might have.

Commissioner Atwill asked if this is the property off Route B with the convenience store.

Mr. Jeffries said the convenience store is across the street.

Commissioner Atwill inquired about the phone service in that area.

Ms. Carlson said there is service on the developed side only.

Commissioner Parry asked if the ownership is on both sides of Route B.

Mr. Jeffries said it does.

Commissioner Parry asked what portion are we looking at today.

Mr. Jeffries said both sides.

There were no further questions or comments.

Commissioner Atwill asked if there is anyone else present to speak on behalf of this request. There were no speakers and Commissioner Atwill then asked if there is anyone present that would like to speak in opposition to this request. There were no speakers and Commissioner Atwill closed the public hearing.

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the request by T-Vine Enterprises to rezone:

- a. From A-2 (Agriculture) to R-MP (Planned Moderate Density Residential) on 19.7 acres
- b. From A-2 (Agriculture) to R-SP (Planned Single-Family Residential) on 4.97 acres
- c. From A-2 (Agriculture) to C-GP (Planned General Commercial) on 22.02 acres
- d. From R-D (Two-Family Residential) to R-DP (Planned Two-Family Residential) on 3.16 acres
- e. From A-2 (Agriculture) and R-S (Single-Family Residential) to R-S (Single-Family Residential) on 7.91 acres all located at 8000 N Route B, Columbia.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #88-2017**

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the request by T-Vine Enterprises for a Review Plan for Settlers Ridge located at 8000 N Route B, Columbia, subject to the following conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvement shall be built by the developer in accordance with the phasing plan and offsite improvement schedule attached to the Preliminary Plat/Review Plan.
3. The review plan approval shall be extended by 3-years for a total of 5-years from the date of approval.

Commissioner Parry seconded the motion.

The motion carried 2 to 0. **Order #89-2017**

3. Request by North Battleground LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single-Family Residential) and approve a review plan and preliminary plat on 38 acres located at 8321 E St Charles Rd, Columbia.

- **Order for Rezone**
- **Order for Review Plan**

Bill Florea read the following staff report:

The property is located on the north side of St. Charles Road approximately 1700-feet west of Route Z. The parent tract is 38 acres in area and is occupied by a single family dwelling and several farm buildings. The current zoning for this property is A-2, which is the original zoning. Adjacent property is zoned as follows:

- North - A-2
- South – A-2
- East – A-1
- West – A-2 and AR-P

The Northeast Columbia Area Plan identifies this site as being suitable for residential land uses. A similar development plan for this property was on the Planning and Zoning Commission Agenda in November, 2011 with 100 single family dwellings at a gross density of 2.7 homes per acre. That request was withdrawn prior to the Commission making a recommendation. A second plan was proposed in February 2012 which was denied by the Commission. The applicant appealed the denial to the County Commission. The County Commission tabled the request. In June of 2014 an 88 lot

version was proposed. In July of 2014, the review plan and preliminary plat, were approved by the County Commission with 5 conditions. Amongst the conditions of approval were several that required the condition be met before submission of a Final Development Plan. Since Review Plan approval is only good for 2 years, a 6-month extension was sought and obtained to try to meet the conditions. The extension along with the Review Plan expired in January 2017.

The current application is very like the request that expired and includes a request to rezone the property to Planned Single Family Residential (RS-P) along with the required review plan and a preliminary plat. The proposal is to create up to 88-residential lots varying in size from about 8,300 to 27,000 square feet. If approved as proposed, the resulting gross density will be 2.3 homes per acre.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation, and public safety services.

Utilities:

- Water: The property is in Public Water Supply District 9.
- Sewer: The City of Columbia and The Boone County Regional Sewer District have a connection agreement for the service area that includes North Battleground PRD. The Developer has entered into an annexation agreement with the City of Columbia as a condition of receiving sewer service.
- Electricity is provided by Boone Electric.

Transportation:

The development proposes two new public street connections to St. Charles. All lots within the development will have frontage on and direct access to the internal street network. The proposed street layout is interconnected with undeveloped property to the east and west. County regulations require subdivision streets to be stubbed out to adjacent properties in order to provide an interconnected road network. The streets in North Battleground are stubbed to adjacent properties at three locations. All internal streets will be designed and built to Boone County Standards.

In October 2012 the County published the Boone County Northeast Transportation Plan that was prepared by the firm of Crawford, Bunte and Brammeier. The plan projected future land use and the development generated traffic in the area. It also defines a road network to accommodate the projected traffic. The plan also estimated the cost of the necessary road improvements and generated a per unit cost for the various types of development. The per unit cost is a proportional dollar amount that would be necessary to mitigate the impacts that are directly attributable to development in the study area. The plan is silent regarding the method for obtaining the mitigation fee but suggests that there may be several options including cash payment or construction of segments of the identified roadways.

The plan also identified future rights of way and suggested that right of way dedications should be obtained as development occurs. One of the future roads identified in the plan aligns with the north property line of this development. The developer has agreed to dedicate a half width right of way along the north boundary of the development for future roadway purposes.

Public Safety Services:

The property is within 2.3 miles of the nearest fire station. Public safety services to this location should be adequate for the needs of the development. However, there may be increased response times due to inadequacies of existing roads. Comments received from the Boone County Fire District indicated that the internal street network is inadequate to meet the International Fire Code Appendix D section 107 which states, "Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3."

Section D104.3 Remoteness. "Where two access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property or area served, measured in a straight line between accesses."

The developer and the Fire District have agreed to address this issue by staging the development. The southern portion of the development will be the Stage 1 and will include Lots 1-12, 54-88. The northern portion of the development will be Stage 2 and include all of the remaining lots. Stage 1 will be considered to meet the Fire Code Access standard. No portion of Stage 2 may be developed until a second access, in compliance with the Fire Code, is developed. Development of the Stages may be phased in accordance with the phasing plan on the Development Plan.

Stormwater

The development is subject to the Boone County Stormwater Regulations. The current annexation agreement, which is necessary in order for the development to receive sewer service, includes a requirement that the development must comply with Columbia

Stormwater Regulations. Columbia has revised its policy regarding extraterritorial enforcement of its storm water regulations. A new annexation agreement may be sought by the developer that reflects the change in policy.

Zoning Analysis:

The Northeast Columbia Area Plan identifies this property as suitable for residential use but does not specify an appropriate density. The subject property is less than ½ mile west of Route Z, which is the eastern boundary of the area designated for residential use in the Northeast Columbia Area Plan.

The original zoning for this area is A-2 and several tracts have been developed at that density on the south side of St. Charles. Copper Creek, the development adjacent to the west, was rezoned from A-2 to AR-P in 1999. That was the first rezoning in this area since zoning was established in 1973. Therefore, Copper Creek can be seen as the foundation in establishing a new character of development. Copper Creek was approved as a planned residential development with lots ranging in size from 2.6 acres to 1.1 acres. The gross density in Copper Creek is six-tenths (0.55) of a dwelling unit per acre: approximately one third of the potential density allowed in an AR-P district.

The proposed density of North Battlefield is 2.3 dwelling units per acre: approximately half of the potential density allowed in an RS-P district.

The construction of a new high school, elementary school, sewer trunk line and roundabouts on St. Charles at Clark Lane, Lake of the Woods and Route Z are material facts that have occurred since the approval of Copper Creek and which change the outlook for potential density in this area. These new elements of infrastructure indicate that a policy of increased density would be appropriate to this area. However, this policy should not be undertaken to the detriment of existing property owners. New development in this area should tend to blend with the scale and pattern of existing development.

Neighborhood objections at the previous hearings were raised regarding the density and quality of housing in North Battleground. With appropriate design, the compatibility issues between the proposed and existing development can be mitigated.

The developer has addressed these stated compatibility issues by:

- Reducing the total number of lots from 100 to 88
- Increasing the size of lots directly adjacent to Copper Creek
- Establishing a landscape buffer adjacent to Copper Creek
- Proposing minimum housing standards and use restrictions in the restrictive covenants

The property scored 78 points on the rating system. Staff notified 42 property owners about this request. Since the County Commission approved a proposal substantially like that currently proposed.

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

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
3. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.

These are the same conditions that the County Commission imposed on the previous version of the request with the exception that the two conditions that have been incorporated into the current request, no longer need to be conditions, but the substance of the requirement or option is still in effect.

Commissioner Parry inquired as to the two items removed.

Mr. Florea said he would have to look those up, but were removed because they were not needed.

Commissioner Parry asked if Musket Lane will connect with Slickrock Drive or are you just stubbing it out.

Mr. Florea said we are just stubbing it out. It will be left to the developer to go further.

Commissioner Parry referred to the ½ right-of-way on the north side of the property and the Northeast Transportation Plan and the possibility of putting a roadway there.

Mr. Florea said that is one of the identified roads for this plan.

There were no further comments or questions and Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of this request.

Tim Crockett said he is representing the applicant and that Mr. Florea did a thorough and comprehensive job with the staff report. This is the same plan submitted and approved some time ago. It has expired and we are back here tonight for approval with a few minor modifications. I will be glad to answer any questions.

There were no questions from the Commission.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby **approve** the request by North Battleground LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single-Family Residential) on 38 acres located at 8321 E St Charles Rd, Columbia.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #90-2017**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by North Battleground LLC to approve a review plan on 38 acres located at 8321 E St Charles Rd, Columbia., subject to the following conditions:

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
3. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #91-2017**

4. Receive and accept the following plats:

- Clearview Meadows. S7-T49N-R12W. A-2. Ryan Pelc and Ashely Pelc, owners. Mark W. Robertson, surveyor.
- Charlie Ridge. S35-T50N-R13W. A-2. Austin Mueller and Jessica Mueller, owners. Steven R. Proctor, surveyor.
- Replat of Lots 70, 71 and 72 of the Woodlands Plat 4A. S21-T48N-R12W. R-S. Phillip A. Shindler and Jeri Lou Shindler, owners. Ronald G Lueck, surveyor.
- Nature Lane Plat 1. S7-T49N-R13W. A-2. Robert W. Wilson Trust and Joan Wilson Trust, owners. Christopher M Sander, surveyor.
- Whiskey Wolff Creek Plat 2. S14-T49N-R13W. R-S. Von Wolff, LLC, owner. Jay Gebhardt, Surveyor.
- Valley Spring Plat 4. S13-T48N-R14W. A-2. Hereth Properties LLC, owner. Kevin M. Schweikert, surveyor.

Uriah Mach said these are the standard plats brought forward from the P & Z for receipt and acceptance by the County Commission.

Commissioner Atwill 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:

- Clearview Meadows. S7-T49N-R12W. A-2. Ryan Pelc and Ashely Pelc, owners. Mark W. Robertson, surveyor.
- Charlie Ridge. S35-T50N-R13W. A-2. Austin Mueller and Jessica Mueller, owners. Steven R. Proctor, surveyor.
- Replat of Lots 70, 71 and 72 of the Woodlands Plat 4A. S21-T48N-R12W. R-S. Phillip A. Shindler and Jeri Lou Shindler, owners. Ronald G Lueck, surveyor.
- Nature Lane Plat 1. S7-T49N-R13W. A-2. Robert W. Wilson Trust and Joan Wilson Trust, owners. Christopher M Sander, surveyor.
- Whiskey Wolff Creek Plat 2. S14-T49N-R13W. R-S. Von Wolff, LLC, owner. Jay Gebhardt, Surveyor.
- Valley Spring Plat 4. S13-T48N-R14W. A-2. Hereth Properties LLC, owner. Kevin M. Schweikert, surveyor.

5. 1st & 2nd reading; Approve Nursery Heights Subdivision Development Agreement

Bill Florea said the agreement stipulates that the development of Nursery Heights will be completed in six phases A-F. The phases must occur in sequence (alphabetical order). Improvements to Nursery Road, which will be reconstructed to meet standards for a Collector Street, as defined in Chapter 2 of the Boone County Roadway Regulations, are required to be completed prior to platting Phase D.

The agreement also stipulates that the developer will close the Campus Drive extension at the property line as a condition precedent to the approval of any building permits for any lots beyond the first 49 lots. The closure will be accomplished by the installation of a temporary

gate across Campus Drive. The developer will ensure that Campus Drive remains closed by the gate until the County has issued 100 building permits within the development. At that time the developer will remove the gate and install a sign stating "Local Traffic Only".

The Commissioners had no questions and Commissioner Atwill asked if anyone present would like to speak on this item. There were no speakers so Commissioner Atwill asked for a motion.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached Nursery Heights Subdivision Development Agreement between Boone County and Nursery Heights Development Group, LLC, agreed in accordance with Section 1.7.5 of the Boone County Subdivision Regulations. It is further ordered that the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #93-2017**

Purchasing

6. Second reading; Contract Amendment Number One to 18-06APR19 – Tires, Heavy Trucks and Large Equipment (1st read 2-23-17)

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number One to 18-06APR16 – Tires for Heavy Trucks and Large Equipment.

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

Commissioner Parry seconded the motion.

The motion carried 2 to 0. **Order 94-2017**

7. Second reading; Bid Award 01-12JAN17 – Auction Services for Real Property (1st read 2-23-17)

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby award bid 01-12JAN17 – Auction Services for Real Property to JRWI II, LLC d/b/a United Country Missouri Land & Home Auction Services.

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 for Auction Services for Real Property.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #95-2017**

8. Second reading; Upgrade to Temperature Control System in Boone County Jail as approved on Sole Source 18-123102 (1st read 2-23-17)

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the upgrade to Local Area Control Modules and Associated Software for HVAC located at the Boone County Jail per previously approved sole source contract 18-123102. The upgrade is with C&C Group of Jefferson City, MO.

Terms of the upgrade are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Parry seconded the motion.

The motion carried 2 to 0. **Order #96-2017**

Community Services

9. Second reading; Agreement for Purchase of Services – The Community Montessori Counseling Partnership (1st read 2-23-17)

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached agreement between Boone County and Columbia Community Montessori.

The terms of the Agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement for Purchase of Services – The Community Montessori Counseling Partnership.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #97-2017**

Commission

10. First reading; Amendment #2 to Parking Lot Lease with First Christian Church of Columbia, MO

C. J. Dykhouse said this agreement takes us, for sure, to December 31, 2020 and likely to December 31, 2025. This reflects an increase in our parking capacity for the lot immediately adjacent to our building from 60 spots to 74 spots at a very competitive rent.

This base rent figure, which I am quoting, does not include a charge for our maintenance obligations under the lease. The base rent prior to the credit is \$25.30 a month per spot and after the credit it is \$18.28 a month per spot even when we add the per spot amount for our maintenance obligation which leads to very competitively priced parking.

Commissioner Atwill thanked Mr. Dykhouse for his work on getting this completed.

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.

11. 1st & 2nd reading; Organizational Use of the Courthouse Plaza by CoMo for Progress for March 4, 2017

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Courthouse Plaza by CoMo for Progress for March 4, 2017 from 7:30 a.m. to 9:30 a.m.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #98-2017**

12. Public Comment

None


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


Fred J. Parry
District I Commissioner


Janet M. Thompson
District II Commissioner