

TERM OF COMMISSION: October 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 Fred Parry  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
Planner Uriah Mach  
Assistant County Counselor Ron Sweet  
Deputy County Clerk Mike Yaquinto

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

### **Resource Management**

- 1. Public hearing and request by Mary Coats for an animal boarding facility on 36.82 acres located at 10500 S Rte. N, Columbia.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their October 19, 2017 meeting.

The minutes for the Planning and Zoning Commission meeting of October 19, 2017, 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 19, 2017 regular meeting. There were six members of the commission present during the meeting.

The subject property is located on State Highway N, approximately 5 miles south of Columbia, near Sapp. The subject property is approximately 36 acres in size and split zoned A-2(Agriculture) & R-S (Residential Single-Family). The R-S portion is approximately 11 acres in size. The property has A-2 zoning to the north, south, and east, with R-S to the west. The R-S portion was rezoned to A-2 on the August 29, 2017 County Commission agenda. The surrounding property is all original 1973 zoning. There is a vacant house on this property, along with several accessory structures.

The applicant is seeking a conditional use permit to operate a small animal boarding/day care facility for small pets (dogs and cats). The applicant seeks to provide care for 5-10 animals on a regular basis, with a maximum of 20 pets for peak vacation/travel periods. The applicant will be constructing a new building to support this use.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

Animal boarding facilities tend to generate additional traffic and noise due to the nature of the use. The applicant has indicated that staff will be doing pick-up/drop-off travel, rather than having the customers bring their animals to the facility, limiting the additional traffic impact. Noise may be mitigated by the large size of the property on which the facility is located, smaller number of animals, proximity to State Route N road noise, and the intention to make use of substantial sound insulation on the proposed building for this use.

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

The proposal makes an effort to minimize its impact on the surrounding property. While there may be some increase in traffic and noise, this area is rural residential in nature, and will likely not notice any substantial impacts to property values.

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

The subject property has access to utilities via Consolidated Public Water Service District #1 for water, Boone Electric for electrical service, and access to State Route N, a publicly-dedicated/publicly-maintained right of way.

(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.

The adjacent properties have R-S and A-2 zoning. This is original 1973 zoning. Development has occurred at a level consistent with the A-2 zoning, due to the availability of utility and roadway infrastructure. The establishment of this conditional use permit will not impede the normal and orderly development 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.

Access will be available to State Route N, a public right-of-way. The Missouri Department of Transportation will be the permitting agency for points of access.

(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.

Zoning Analysis: The proposed conditional use is not an unreasonable one. With the identified intention of building a structure to support this use and the more 'concierge'-style of this animal boarding facility, some of the typical problems with such uses can be avoided. Namely, the increased traffic for client drop-off/pick-up and the problems of adapting an existing structure to meet commercial standards are avoided. At the identified scale of 5-10 animals, surging to 20 during peak seasons, this conditional use is a reasonable request.

Staff recommended approval of the conditional use permit with the following conditions:

- 1) That development of this site be done in compliance with the requirements of the Boone County Resource Management & the Boone County Fire Protection District.
- 2) That the on-site wastewater system proposal be found satisfactory to the director of Boone County Resource Management and the Columbia/Boone County Health Department.

The Planning & Zoning Commission conducted a public hearing on this request during their October 19, 2017 regular meeting. There were six members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the conditional use permit with the suggested conditions. That motion carried unanimously.

The Commission had no questions at this time.

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

Mary Coats said the farm has been in the family almost 100 years and has had lots of family gatherings. Over time, the farm has fallen into disrepair. Our goal is to bring the farm back to life. I bought the farm from the family about nine years ago and during that time, we have done a few improvements and want to do more. One of the things we want to do is build a small boarding and day care facility for dogs and cats, nothing exotic.

Last year, I decided it was time to launch Lucky Dog Paws which is an in-house day care facility where we go to the customer's house and care for their pets as well as doing some concierge services like water plants, pick up mail, etc.

Phase 1 offered the in-home services and Phase 2 will continue to offer the in-home services as well building a small facility for boarding and day care. This facility will accommodate pets for those customers who plan to be gone for a period of time. It will be a small facility, 5-10 pets on a daily basis with a maximum of 20 pets at peak periods. We plan to offer these services to small, select group of customers which will allow us to provide a premier boarding and day care facility.

The will be a small, barn type style and blend in with the surrounding community. Loading and un-loading will take place indoors. We intend to insulate the facility to keep the noise to a minimum using sound dampening materials. There will be a supervisor on-site at all times. We do not anticipate any increase in traffic. Waste will be contained and services will be provided by a professional waste management company. Per zoning regulations, I have notified all property owners within 1,000 feet with a personalized letter and there have been no negative responses.

Commissioner Atwill asked how far south of the Pierpont intersection is this business.

Ms. Coats said it is about four miles and is adjacent to the Nashville Church.

There were no further comments or questions for Ms. Coats.

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

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by Mary Coats for an animal boarding facility on 36.82 acres located at 10500 S Rte. N, Columbia, subject to the following conditions:

- That development of this site be done in compliance with the requirements of the Boone County Resource Management & the Boone County Fire Protection District.
- That the on-site wastewater system proposal be found satisfactory to the director of Boone County Resource Management and the Columbia/Boone County Health Department.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #484-2017**

2. **Public hearing and 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.**

Stan Shawver read the following staff report:

This site is located west of Columbia off of the east end of Cunningham Drive, west of Perche Creek. The property is zoned A-2, which is the original zoning. This property received a conditional use permit for Topsoil Excavation and Export on November 1, 2016 under Commission order 500-2016, with a condition requiring re-application in one year. Adjacent land to the east, under the same ownership, has an approved Development Plan for 20.75 acres of M-LP (Planned Industrial) zoned land and a Conditional Use Permit for Topsoil Management, Conditioning, Harvesting, and Stockpiling on 106.54 acres. The adjacent land not owned by the developer is zoned as follows:

- North A-2
- East A-1
- South A-2
- West A-2

The 52.5-acre site is within the 100-year floodplain of Perche Creek. The site is mostly level and bordered by agricultural/floodplain land and bluffs to the west and Perche Creek to the east. The character of the area is described as agricultural with low density residential on the bluffs to the west and east. The master plan designates this site as being suitable for residential land uses.

This request is to extend a previously-approved conditional use permit allowing removal, conditioning, and export of topsoil. This use has been ongoing at this location for

several years. Topsoil will be removed from a portion of the site each year and stockpiled for sale. The operator may utilize equipment such as agricultural tractors, scrapers, bull dozers, loaders, dump trucks and a topsoil screener. Agricultural operations will continue on the site, and will not be subject to the limitations of a conditional use permit (if granted). Truck traffic leaving the site will enter Cunningham Drive at the southern end of the property, then proceed west to the intersection with US 40 across from the Midway Truck Stop. Both roads used to access the site are maintained by Missouri Department of Transportation (MoDOT). Trucks owned and operated by Ri-Mor and 4 or 5 other companies currently haul from the site.

Potential externalities that could result from the use include noise from equipment and traffic and mud/debris on the road caused by trucks hauling soil from the site. With proper conditioning and operations those impacts can be minimized.

The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

(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.

Externalities such as noise, dust and exhaust fumes should not impact the public due to the isolated nature of the project site. Conditions of approval requiring dust control on the access road should adequately address the possibility of dust related impacts. Noise will be mitigated by the elevation difference between the project site and nearby residential areas and limited hours of operation.

(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.



Activities in the area that are already permitted include agricultural and residential uses. Much of the project activity will be similar in nature to the agricultural uses that have been occurring on the property for several decades. For example, topsoil removal utilizes mechanical scrapers which will sound like a farm tractor from a distance. The noise will occur over a longer period of time however, because the topsoil removal occurs between harvest and planting.

The limited hours of operation will confine the likely impacts to hours when most homeowners are at work or school. However, topography and conditions of approval will provide additional mitigation of impacts. Previous conditional use permits of this type have been approved with limited hours of operation on the weekend beyond what is proposed on this request. Due to the pre-existing activity and lack of complaints about that activity, broader conditions have been proposed.

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

Due to the limited nature of the potential offsite impacts and the proposed conditions of approval it is unlikely that the use will result in diminished or impaired property values in the area.

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

The proposed use does not require any public utilities. The proposed use will utilize W Cunningham Drive and US 40 for access. Both roads are maintained by the State and should be able to sustain the truck traffic generated from this use.

(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.

Property to the east has an approved Conditional Use Permit for the same use that was granted in June 2016 after being rezoned to A-1 in January 2016. A portion of the same property has an approved ML-P Review Plan.

Property that is adjacent to the north and west is in the Perche Creek Floodplain and in agricultural use.

The closest residential areas are located approximately equidistant to the east and west. Both areas are separated from the site by distance and elevation.

This should provide adequate screening of the topsoil operation from nearby residential uses and any undeveloped properties.

(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 applicant anticipates approximately 20 to 30 truck trips per day. Averaging 30 trips over the 12-hour per day operating window yields an hourly traffic count of 2.5 trucks per hour. This will not result in traffic congestion on area roads.

(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.

Conditions of approval address the need to obtain a Land Disturbance permit and comply with the Stream Buffer Regulations. All other applicable regulations are likewise enforceable.

Staff notified 23 property owners about this request.

Zoning Analysis: There have been no complaints made to Boone County Resource Management regarding the activities on this property since the initial approval of this conditional use permit.

Staff recommended approval subject to the following conditions:

1. Hours of operation shall be limited to
  - Monday through Saturday 7 AM to 7 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.

The Planning & Zoning Commission conducted a public hearing on this request during their October 19, 2017 regular meeting. There were six members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the conditional use permit with the suggested conditions. That motion carried unanimously.

Commissioner Parry inquired about the maintenance of Cunningham Road.

Mr. Shawver said it is part of the state roadway system and maintained by MoDOT.

Commissioner Atwill asked about the current condition of Cunningham Road.

Mr. Shawver said that MoDOT has made several repairs and improvements as well as lowered the speed limit. There have been no complaints of the road condition to-date.

Commissioner Atwill noted that 23 residents are affected and if there have been any responses.

Mr. Shawver said there have been none.

Commissioner Atwill asked if the property has been used since the issuance of the Conditional Use Permit.

Mr. Shawver said it has.

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 is a civil engineer with A Civil Group and is representing the owner, Mel Smarr, who is also here. As the staff report indicated, there have been no complaints throughout our one-year test to see what we can do. They have been using the site, hauling out of there. At the P & Z meeting, I read into the record a lot of the reasons why I thought they have met the conditions of the CUP. I am here to answer any questions.

Commissioner Thompson asked how many trips are coming out of the site.

Mr. Smarr said about 20/day. It has been an off year.

Commissioner Thompson noted that it had been predicted to have about 30 trips per day.

Mr. Smarr said that is correct.

Mr. Gebhardt said that two other sites are in the process of being opened and in the future, the work will be spread over these three sites.

There were no further questions for Mr. Gebhardt and Mr. Smarr.

Commissioner Atwill asked if there is anyone else that would like to speak on this request. There were no 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 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 Saturday 7 AM to 7 PM

No operation Sunday

No operation on New Year's 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.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #485-2017**

- 3. Public hearing and request by Michael Kent Gilbane to revise a previously approved Review Plan for Gilbane Rebuilders on 2.5 acres located at 10371 E I-70 Dr. NE, Columbia. (appeal)**
- **Requesting Order to Rezone**
  - **Requesting Order for Review Plan**

Stan Shawver read the following staff report:

The subject property is located on I-70 Drive Northeast, approximately 1 ½ miles to the east of the intersection of State Route Z and Interstate 70. The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. The property is 2.7 acres in size and zoned M-LP (Planned Light Industrial). On the property, there is an existing commercial building and a large fenced area. The property has R-M (Residential Moderate Density) to the north, east, and west, with A-2(Agriculture) zoning to the south across Interstate 70.

The Planning and Zoning Commission recommended denial of the original request in February 2000. The applicant appealed the request to the County Commission who approved the rezoning. The Commission approval included several conditions imposed to aid in making the use compatible with the surrounding neighborhood and as such, limiting the intensity of the use. The rezoning, approved by the County Commission on Commission Order 64-2000, dated February 29, 2000, has the following conditions:

1. That all stormwater is retained on the property.
2. That an 8' privacy fence where appropriate to protect the residential area.
3. That there will be no guard dog on the premises.
4. That there will be no more than 15 cars that are not completed outside the building at any time.
5. That the Planning & Zoning Staff would work with the applicant for appropriate landscaping on the property.

The review plan, approved by the County Commission on Commission Order 178-2000, dated May 1, 2000, with the following conditions:

1. That all stormwater is retained on the property.
2. That an 8' privacy fence where appropriate to protect the residential area.
3. That there will be no guard dog on the premises.
4. That there will be no more than 15 cars that are completed outside the building at any time.
5. That the Planning & Zoning Staff would work with the applicant for appropriate landscaping on the property.

The applicant is requesting a revision to the approved M-LP (Planned Light Industrial) Final Plan on this property. The revisions contained in the proposal include:

- Number and Type of Display Vehicles: The applicant wishes to expand the number of display cars from 15 to 30 and to include four recreational vehicles (RVs) as a type of display vehicle bringing the total number to 34.
- Display Surface: The original plan required a chip seal surface. The applicant proposes to relax that standard to gravel.
- Wastewater: The original approval was based on oversight of the wastewater system by the Department of Natural Resources. A note on the proposed plan indicates that the DNR permit was not renewed based on no reportable discharge. Oversight of the wastewater system by a governmental entity is mandatory. The applicant has not addressed this issue.
- Based on language in the proposed Landscaping Plan it is difficult to determine whether the applicant intends to comply with the original condition regarding vegetative screening.



The Boone County Master Plan identifies this area as being suitable for 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 Public Water Service District #9, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

**Transportation:** The property has direct access on to I-70 Drive Northeast, a publicly-dedicated, publicly-maintained right of way.

**Public Safety:** The property is located in the Boone County Fire Protection District, with the station at Lake of the Woods being closest for service.

**Zoning Analysis:** The full build-out of this proposal more than doubles the number of display vehicles previously approved on this property. Since its approval in 2000, this property has been a steady source of zoning violation complaints and requests for compliance by the neighboring property owners. The most recent complaint was received in April of 2014. Code enforcement officers contacted the owner in response to this complaint about the violations and failure to abide by the conditions. The property owner took limited corrective action but failed to work out a compliance schedule to bring the property into full compliance. The primary concern was the number of cars and the presence of RV’s, which were not permitted under the commission orders and were the basis for the complaints. County staff was compelled to enlist the services of the County Counselor’s office to enforce compliance with the conditions set by Commission Orders 64-2000 & 178-2000 in regard to status of the fence, and numbers

and types of vehicles on the property. The case was submitted to the County Counsel's office in July of 2014, with compliance not reached until July 18, 2017.

Lack of Compliance with the approved Final Plan:

- The owner has yet to meet the prior condition requiring vegetative screening to the east. Seventeen years of growth of vegetative screening would have mitigated the impact of the use on neighboring property owners and may have limited or eliminated the complaints and requests for compliance by neighbors.
- The owner has yet to meet the prior requirement for a dust-free parking and display surface as shown on the May 2000 Final Plan. Since the applicant is seeking a more intense use of the property relaxation of this standard would be inappropriate. The owner has not submitted any information justifying the relaxation of this standard.
- The existing display spaces and proposed display and parking spaces do not comply with the current 25' perimeter setback requirement. All display and parking spaces must be on a chip seal surface. Compliance with this standard is straightforward as existing spaces will need to meet this standard if this plan is approved.
- The existing wastewater system has yet to receive approval from the Columbia/Boone County Health Department. While the applicant believes that the level of service is insufficient to cross any thresholds, the health department does not have sufficient information to confirm that the required level of service for on-site wastewater is present.

Failure to Comply with Review Plan Standards: The review plan fails to comply with several standards as prescribed by the Boone County Zoning Regulations listed as follows:

- Uses are shown encroaching into the required 25-foot perimeter setback as required by Section 6.9.1
- A list of Allowed Uses was not provided as required by Section 6.1.2 and 6.4.1
- Required parking spaces are not delineated on the plan as required by Section 6.4.6

- The required landscaping plan is inaccurate and does not address the need to screen adjacent properties to the east and west as required by Section 6.4.3
- Does not show existing zoning districts within 200-feet of the property (Section 6.4.6)
- Does not show the location size and use of existing structures within 200-feet of the property (Section 6.4.6)

Approval of the request should be denied for the following reasons:

Approval of this request would result in an inappropriate increase in intensity of the use and relaxation of the conditions under which the business is required to operate. The purpose of conditions placed on a planned rezoning request is to make uses that are not necessarily in character with the existing surrounding zoning more compatible. When those conditions are not met, the property owner demonstrates a lack of interest in establishing compatibility with surrounding properties. The applicant has developed a track record of consistent non-compliance with the current conditions. Non-compliance with the conditions has consistently generated complaints from neighboring property owners and has required intervention by the County Counselor to compel compliance. The current final plan and conditions are the absolute minimum necessary to maintain the business at this location. Expansion of the use is unwarranted at this site.

Boone County Zoning Regulations Section 6.2.9 states that the Commission shall review the proposed development for conformity with the county Master Plan, Major Thoroughfare Plan, subdivision and zoning regulations, the point rating system and other land planning principles. As detailed previously in this report, the proposed review plan does not conform with Sections 6.1.2, 6.4.1, 6.4.3, three elements of 6.4.6 and Section 6.9.1.

Based on this information, staff recommended denial of the rezoning and review plan.

The Planning & Zoning Commission conducted a public hearing on this request during their October 19, 2017 regular meeting. There were six members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend denial of the rezoning request. That motion carried unanimously. The applicant filed a timely appeal of that denial.

Commissioner Thompson said she is concerned about the status of the waste water system and if it is currently in compliance.

Mr. Shawver said not to his knowledge, it is not.

Commissioner Thompson said that a brief review of Case Net shows Boone County case State v. Gilbane with a final judgment entered on March 14, 2014.

Mr. Shawver said he does have a copy of that. We obtained that when we checked on the condition of the waste water system. There is a judgment against Michael K Gilbane d/b/a Gilbane Rebuilders and Gilbane Mobile Home Park as non-compliant.

Commissioner Thompson asked if this was entered in the Boone County Circuit Court.

Mr. Shawver said it was.

Commissioner Thompson asked that this judgment be made part of the record.

Mr. Shawver produced the judgment to the Deputy County Clerk for insertion into the record.

There were no further questions at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present representing the applicant.

Michael Kent Gilbane said he was fully intending on having his engineer/surveyor here this evening, but he is doing missionary work in Africa. I did not know this at the time of the scheduling of the appeal and he said he could not make it. I feel I need him here to address some of the issues that have been brought forward. I would like to submit a letter to the Commission requesting a continuance of this hearing until the January 2, 2018 meeting.

Commissioner Atwill asked the nature of his participation in this process.

Mr. Gilbane said he is the one that designed all the drawings, blueprints and conducted the surveys regarding the zoning around the property.

Commissioner Atwill asked if he could address the question of the waste water treatment problem.

Mr. Gilbane said possibly yes, but he is my professional that I would like here representing me.

Commissioner Atwill asked if Mr. Gilbane would like to address the non-compliance as outlined in the presentation.

Mr. Gilbane said he would like, again, to submit the letter requesting the continuance of this hearing until that time.

Commissioner Parry said he is not sure concerning the privacy fence on the parking lot and the waste water treatment, but if he can shed some light on this, I am okay with it.

Mr. Gilbane said this can better be addressed if the individuals are here that can talk about those issues. I should have the right to have my professionals represent me on the allegations staff has made.

Commissioner asked for the name of the surveyor.

Mr. Gilbane said it is Nate Kohl

Commissioner Atwill said they will accept the letter for the continuance.

Commissioner Parry moved to table this item until the P & Z Commission meeting scheduled for January 2, 2018.

Commissioner Atwill seconded the motion.

The motion carried 3 to 0.

Commissioner Thompson said the letter will go into the record showing submitted by Mr. Gilbane and not Mr. Kohl.

**4. Second reading; Agreement between Boone County and the Missouri Department of Agriculture regarding the County Surveyor Cooperative Remonumentation Program (1<sup>st</sup> read 10-26-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Contract for Services between Boone County and the Missouri Department of Agriculture in connection with the delineation of section and quarter section corners of the United States Public Land Survey and known as the County Surveyor Cooperative Remonumentation Program.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract for Services.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #486-2017**

**5. 1<sup>st</sup> & 2<sup>nd</sup> reading; Request to consider a special road closure of Gans Road**

Stan Shawver said we received a request from Peace Frame Productions, LLC, a filmmaker asking to close a section of Gans Road between Rock Quarry Road and Bearfield Road for the purpose of film production on November 6, 2017 between 10:00 a.m. and 4:00 p.m. An agreement has been drawn up by county counsel and signed by Peace Frame Productions. A press release will be forthcoming and road signs will be put up. That section of road has about 1,200 vehicles a day and that is primarily in the morning and then peaks again in the evening.

Commissioner Thompson thanked Mr. Shawver and Mr. McCann for contacting all the affected agencies which assisted in getting this approved.

There were no further comments or questions.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby take up the matter of permitting Peace Frame Productions, LLC, to use Gans Road in Boone County, Missouri, between its intersections with Rock Quarry Road and Bearfield Road on November 6, 2017 for filming and film production.

Pursuant to the provisions of RSMo §304.130 to 304.140 and 49.266, as revised, the Commission has the authority to approve the closure for special use of any county maintained road upon such terms and conditions as it deems appropriate. The Commission has so determined that such use as is described in the attached Special Use Road Permit Agreement between Boone County and Peace Frame Productions, LLC is appropriate.

NOW, THEREFORE, upon the recommendation of Boone County Resource Management and the agreement made a part of this record, the County Commission hereby approves that Special Use Road Permit Agreement between Boone County and Peace Frame Productions, LLC, attached hereto and authorizes the Director of Boone County Resource Management, or his designee, to execute it.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #487-2017**

**Health Department**

**6. Second reading; Approve fees for permits and other activities associated with Chapter 9 of the Boone County Code of Health Regulations (1<sup>st</sup> read 10-26-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby set the fees for permits and other activities associated with Chapter 9 of the Boone County Code of Health Regulations (the Boone County Food Code) as follows:

**1. BASIC FEES: Effective May 1, 2018** those required to have a permit under this Chapter must prepare and submit an annual application on forms to be provided by the Boone County Health Department. For gross receipt purposes, all gross revenues not related to food shall be subtracted from the gross receipts figure used for this application. The Basic Fees shall be assessed according to the following fee schedule:

RISK→ GROSS RECEIPTS ↓	LOW RISK	MEDIUM RISK	HIGH RISK
< \$250,000	\$175	\$270	\$360



\$250,000 - \$750,000	\$260	\$355	\$435
>\$750,000	\$345	\$430	\$525

2. **TEMPORARY FOOD PERMITS:** Effective February 1, 2013, persons conducting a temporary food event (an event lasting less than fifteen (15) days), shall pay an inspection fee of Thirty Dollars (\$30.00). Notwithstanding the foregoing, there will be no fees charged for temporary food permits for events for which there is only one (1) food vendor participating.

3. **REINSPECTION FEES:** Effective February 1, 2013, in addition to the Basic Fees set out above, food establishments shall pay an administrative service fee of One Hundred Dollars (\$100.00) per inspection for second and subsequent re-inspections required to confirm corrections of violations noted during the inspection process.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #488-2017**

### Information Technology

7. **Public hearing and second reading; Budget Amendment for Small Law Enforcement Agencies RMS/JMS Project (1<sup>st</sup> read 10-17-17)**

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak to this item. 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 acknowledge the following budget amendment from the Information Technology Department for the Small Law Enforcement Agencies RMS/JMS Project. The County will receive reimbursement from the agencies over a five-year period and pay annual maintenance costs.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1170	3525	Information Technology	Reimbursement Special Projects		18,956
1123	86800	Emergency & Contingency	Emergency	55,633	
1170	91302	Information Technology	Computer Software		31,550
1170	71101	Information Technology	Professional Services		27,120
1170	91301	Information Technology	Computer Hardware		4,871
1170	37210	Information Technology	Training/Schools		6,000
1170	70050	Information Technology	Software Service Contract		5,048
				55,633	93,545

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #489-2017**

### **Purchasing**

- 8. Second reading; Contract Amendment Number Two to 129-123116SS – Software License and Services for Computer Aided Dispatch Systems (CAD) – (1<sup>st</sup> read 10-17-17)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number Two to 129-123116SS – Software License and Services for Computer Aided Dispatch Systems (CAD).

The terms of the amendment are stipulated in the attached Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number Two – Agreement for Software License and Services.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #490-2017**

**9. Second reading; Cooperative Contract 4400006644 – Technology, Services, Solutions and Related Products & Services (1<sup>st</sup> read 10-26-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the U.S. Communities Cooperative Contract 4400006644 – Technology, Services, Solutions, and Related Products and Services to purchase Technology, Services, and Solutions from Insight Public Sector, Inc. of Tempe, AZ.

The terms of the Term & Supply Cooperative Contract are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement for Technology Products, Services, and Service Solutions.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #491-2017**

**Joint Communications**

**10. Second reading; City of Columbia Joint Communications Invoice, April – September 2017 (1<sup>st</sup> read 10-26-17)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached City of Columbia Joint Communications Invoice for the period of April – September, 2017 in the amount of \$52,526.56.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #492-2017**

**Commission**

**11. 1<sup>st</sup> & 2<sup>nd</sup> reading; Approval of Destination Marketing Organization (DMO) for Boone County**

Commissioner Thompson moved on this day the County Commission of the County of Boone, in order to facilitate participation in programs administered by the Missouri Division of Tourism, does hereby designate the Conventions & Visitors Bureau, a department of the City of Columbia and governmental unit responsible for and actively engaged in the promotion of tourism in Missouri (specifically Boone County, Missouri), as the county's single, official Destination Marketing Organization (DMO) for participation in the cooperative marketing programs of the Missouri Division of Tourism.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #493-2017**

**12. 1<sup>st</sup> & 2<sup>nd</sup> reading; Approve Closed Session authorized per RSMo Sec 610.021 (1) & (2) at 10:30AM on November 1, 2017**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Wednesday, November 1, 2017, at 10:30 a.m. The meeting will be held in the Conference Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by RSMo 610.021(1), to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys and RSMo 610.021(2), to discuss the leasing, purchase or sale of real estate by a public government body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #494-2017**

**13. 1<sup>st</sup> & 2<sup>nd</sup> reading; Approve Closed Session authorized per RSMo Sec 610.021 (2) at 3:30PM on November 2, 2017**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Thursday, November 2, 2017, at 3:30 p.m. The meeting will be held in the Conference Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by RSMo 610.021(2), to discuss the leasing, purchase or sale of real estate by a public government body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #495-2017**

14. Public Comment

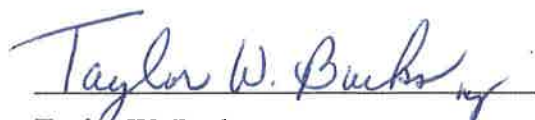
None

15. Commissioner Reports

None

The meeting adjourned at 7:57 p.m.

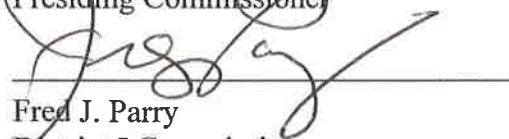
Attest:



Taylor W. Burks  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Fred J. Parry  
District I Commissioner



Janet M. Thompson  
District II Commissioner

**IN THE CIRCUIT COURT OF BOONE COUNTY  
STATE OF MISSOURI**

STATE OF MISSOURI ex rel.        )  
Chris Koster, the Attorney        )  
General of Missouri, and the        )  
Missouri Clean Water Commission, )  
And the Missouri Department of    )  
Natural Resources,                 )

Plaintiff,                             )

v.   )

Case No. 12BA-CV01409

MICHAEL K. GILBANE d/b/a         )  
Gilbane Rebuilders and Gilbane    )  
Mobile Home Park,                 )

Defendant.                            )

FILED  
BOONE COUNTY  
MAR 14 2014  
CIRCUIT COURT  
COLUMBIA, MO

**FINAL JUDGMENT**

This matter was heard by the Court without a jury on March 14, 2014. Based upon the evidence adduced, the Court enters these findings of fact, conclusions of law, judgment and order.

**I. Findings of Fact**

1. Defendant owns and operates Gilbane Rebuilders, an auto body repair shop, located at 10371 I-70 Drive NE, Columbia, Boone County, Missouri.
2. For Gilbane Rebuilders, Defendant applied for a permit from the Department of Natural Resources to construct a two-cell lagoon wastewater

treatment facility in September of 2000. The Department authorized the construction.

3. On April 30, 2004, the Department issued Missouri State Operating Permit No. MO-0128287 to Defendant to operate the wastewater treatment facility at Gilbane Rebuilders. The permit expired on April 29, 2009, and Defendant has not renewed it. Defendant has also not paid annual permit fees due each April 30 since 2006. Had the permit been renewed, Defendant would have been required to pay annual fees, with a 2% penalty as authorized by § 644.055 RSMo, for each month a payment was past due.

4. Defendant also owns and operates Gilbane Mobile Home Park (Gilbane MHP), a mobile home park with four mobile homes and one single family residence, located at 10225 I-70 Drive NE in Columbia, Boone County, Missouri.

5. Gilbane MHP is served by an unpermitted two cell lagoon wastewater treatment facility.

6. Effluent from the wastewater treatment facilities serving Gilbane Rebuilders and Gilbane MHP discharges to Little Cedar Creek, a named tributary of Cedar Creek.

7. The wastewater treatment facilities serving Gilbane Rebuilders and Gilbane MHP are both water contaminant sources as defined in § 644.016(24) RSMo.



8. Little Cedar Creek and Cedar Creek are waters of the state as defined in § 644.016(26) RSMo.

9. Neither facility qualifies for a no-discharge permit exemption under 10 CSR 20-6.015. Therefore, both facilities are subject to operating permit requirements set forth in 10 CSR 20-6.010.

## II. Conclusions of Law

10. This Court has jurisdiction over the subject matter herein and of the parties pursuant to § 644.076.1 RSMo.

11. Pursuant to § 644.076.1 RSMo, it is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of §§ 644.006 to 644.141 RSMo, or any standard, rule or regulation promulgated by the Missouri Clean Water Commission.

12. The Court hereby finds and concludes that Defendant has been in continuing violation of § 644.076.1 RSMo and the rules of the Missouri Clean Water Commission since 2009, and continuing to the present, by operating the wastewater treatment systems for both Gilbane Rebuilders and Gilbane MHP without operating permits.

13. Defendant is liable for past-due annual fees for the lapsed operating permit for Gilbane Rebuilders and a 2% penalty for each month a payment is past due. Annual permit fees were due each April 30. Because Defendant asserted in his answer an affirmative defense of limitations, and Plaintiff concedes that the claim may not be brought for a period longer than five years preceding the filing of the petition (April 11, 2012), this liability begins with the annual fees first due April 30, 2007.

### **III. Judgment**

14. The Court hereby enters judgment in favor of Plaintiff and against Defendant.

15. The provisions of this judgment and order shall be binding upon Defendant, as well as his agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of Defendant or his agents, servants, employees, heirs, successors, and assigns. Defendant shall provide a copy of this judgment and order to all persons or entities retained to perform work required by this judgment and order.

### **IV. Order**

#### **A. Injunctive Relief**

16. Defendant shall comply with the Missouri Clean Water Law and all implementing regulations for any and all future activities in the state of

Missouri.

17. Within fifteen (15) days of the effective date of this Judgment, Defendant shall pay past permit fees and penalties owed to the Department for Missouri State Operating Permit No. MO-0128287 for Gilbane Rebuilders in the amount of \$ 1,330.00, and Defendant is ordered to remit this sum, by check or credit card, to:

Department of Natural Resources  
Administrative Support/Accounting  
P.O. Box 477  
Jefferson City, MO 65102

Defendant is further ordered to continue to pay the annual fee and penalties assessed for late payments until the permit for Gilbane Rebuilders is properly terminated.

18. Defendant is ordered to immediately cease all discharges from the lagoons serving Gilbane MHP and Gilbane Rebuilders and shall pump and haul wastewater from the lagoons to a permitted wastewater treatment facility with the capacity to treat the wastewater. Defendant is ordered to continue pumping and hauling wastewater as necessary, to prevent any overflows or discharges of sewage to waters of the state, until Gilbane MHP and Gilbane Rebuilders are connected to a wastewater treatment system that has the capacity to accept the load and is permitted by the Department. Defendant shall submit pumping and hauling receipts to the Department on

a monthly basis starting March 28, 2014. The records shall include the date the wastewater was pumped; number of gallons pumped; and the name of the wastewater hauler and the permitted facility accepting the wastewater.

19. Within sixty (60) days of the effective date of this Judgment, Defendant shall submit to the Department for review and approval a preliminary engineering report prepared by a professional engineer licensed to practice in the State of Missouri evaluating both lagoons; identify alternatives for either upgrading, replacing, or eliminating the lagoons by connection to an area wide wastewater collection and treatment system. If applicable, Defendant shall submit a complete antidegradation submittal pursuant to the Missouri Antidegradation Rule and Implementation Procedure; and using these evaluations to recommend one of the alternatives that will result in compliance with the Missouri Clean Water Law and its implementing regulations. If the lagoons will not be used, the engineering report shall also include a closure plan. The engineering report shall be developed in accordance with Missouri Clean Water Regulation 10 CSR 20-8.

20. Within fifteen (15) days of receipt of Department comments on the preliminary engineering report, Defendant shall respond in writing to the Department addressing all Department comments on the engineering report to the Department's satisfaction.

21. Within sixty (60) days of the date the Department approves the preliminary engineering report, Defendant shall submit to the Department for review and approval a revised final engineering report to upgrade, replace, or eliminate the lagoons. The final engineering report shall also include:

a. If applicable, a complete application for a construction permit with applicable fee including plans and specifications, signed and sealed by a professional engineer licensed to practice in the State of Missouri.

b. A complete Antidegradation Review Public Notice Application with the Water Quality Review Sheet/Antidegradation Review Preliminary Determination.

c. A letter from the Boone County Regional Sewer District ("BCSD") waiving preferential status or a contract with the BCRSD for connection to BCSD's wastewater collection and treatment system; and

d. A closure plan for the lagoons developed pursuant the Department's standards.

22. Within fifteen (15) days of receipt of Department comments on final engineering report, Defendant shall respond in writing to the Department addressing all Department comments to the Department's satisfaction.

23. If the Department-approved alternative is to upgrade or replace the lagoons, within one hundred and twenty (120) days of the date the Department issues a construction permit, Defendant shall complete construction of any new or upgraded wastewater treatment system or systems that will treat wastewater generated by Gilbane MHP and Gilbane Rebuilders.

24. Defendant shall complete construction pursuant to the plans and specifications approved by the Department.

25. Within ten (10) days of completing construction, Defendant shall submit to the Department a Statement of Work Complete Form, signed, sealed, and dated by a professional engineer registered in the State of Missouri certifying that the project was completed in accordance with the Department-approved plans and specifications. If applicable, Defendant shall also submit to the Department a complete application requesting the issuance of an operating permit and the appropriate fee.

26. Within thirty (30) days of completing construction of the new wastewater treatment facility, Defendant shall achieve compliance with the effluent limitations contained the operating permit issued by the Department.

27. If the Department-approved alternative is connection to a BCRSD wastewater collection system, Defendant shall complete construction

of a sewer extension that will convey wastewater generated by Gilbane MHP or Gilbane Rebuilders to the BCRSD collection system within ninety (90) days of the date the Department approves the engineering report. If applicable, Defendant shall apply for and obtain a Construction Permit for a sewer extension.

28. If the Department-approved alternative is closure of a lagoon, within ninety (90) days of complete connection or upgrade, Defendant shall:

- i) complete closure of the lagoon pursuant to the closure plan as approved by the Department; and
- ii) stabilize the disturbed area with perennial vegetation with 70 percent fully established plant density over 100 percent of the disturbed area.

29. In the event lagoon closure activities require disturbing one acre or more than one acre, Defendant shall obtain a General Permit for land disturbance from the Department prior to beginning land disturbance activities. Defendant further shall comply with all requirements and conditions of the General Permit for land disturbance activities.

30. Within ten (10) days of completing closure of a lagoon, Defendant shall submit to the Department a letter certifying that the lagoon was closed pursuant to the closure plan approved by the Department. If Defendant connects a wastewater treatment facility to a BCRSD wastewater collection system, Defendant also shall submit to the Department, if applicable, a

complete request for termination of an operating permit issued to Defendant, using the appropriate Department form.

31. The State, through its authorized representatives, shall have the right of entry into any facility covered by this Judgment, at all reasonable times, upon presentation of credentials, to:

- a. monitor the progress of activities required under this Judgment;
- b. verify any data or information submitted to the State in accordance with the terms of this Judgment;
- c. obtain samples and, upon request, splits of any samples taken by Defendant or Defendant's representatives, contractors, or consultants;
- d. obtain documentary evidence, including photographs and similar data; and
- e. assess Defendant's compliance with this Judgment.

32. Upon request, Defendant shall provide the State, through its authorized representatives, splits of any samples taken by Defendant.

33. Until five years after the termination of this Judgment, Defendant shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic



form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to Defendant's performance of its obligations under this Judgment. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the State, Defendant shall provide copies of any documents, records, or other information required to be maintained under this Paragraph.

34. At the conclusion of the information-retention period provided in the preceding Paragraph, Defendant shall notify the State at least ninety (90) days prior to the destruction of any documents, records, or other information subject to the requirements of the preceding Paragraph and, upon request by the State, Defendant shall deliver any such documents, records, or other information to the State.

35. This Judgment in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the State pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of Defendant to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

## **B. Civil Penalty**

36. The Court may assess a penalty for the two years immediately preceding the filing of this lawsuit and continuing since the lawsuit was filed, up to \$10,000.00 per violation for each day, or part thereof, that the violation continued or continues without abatement. The Court has considered Plaintiff's evidence of the economic benefit enjoyed by Defendant for his non-compliance with the law. The Court hereby assesses against Defendant a civil penalty of \$5,000 Dollars. Within 120 days after entry of the Judgment, Defendant shall pay the civil penalty by check made payable to the "State of Missouri (Boone County)." Defendant shall mail the check to Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899 for deposit or credit to the proper account.

## **C. Stipulated Penalties**

37. In the event that Defendant fails to comply with the requirements set forth in this Judgment, Defendant shall be liable for stipulated penalties in accordance with the following schedule:

- a. \$100.00 per day for each day of each violation up to thirty days.
- b. \$250.00 per day for each day of each violation, from thirty-one days to sixty days.

c. \$500.00 per day for each day of each violation, beyond sixty days.

38. Stipulated penalties shall be due and payable within ten days of demand being made by the Attorney General's Office. Defendant shall pay stipulated penalties by check made payable to the "*State of Missouri (Boone County)*" and mailed, along with a copy of the State's stipulated penalty demand letter, to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. That check will be deposited and processed in accordance with the judgment and Missouri law.

39. The inclusion of stipulated penalty provisions in this Judgment, and the payment of stipulated penalties, does not limit the State's ability to pursue other penalties for the same acts; where a violation of this Judgment also constitutes a violation of a statute, stipulated penalties may be collected in addition to statutory penalties imposed for those violations.

#### **D. Notices and Submittals**

40. Whenever under the terms of this Judgment a notice is required to be given or a report or other document is required to be forwarded by one party to another, it shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice in writing of another individual designated to receive such communications. Notice to the individuals listed below or such other individuals designated

pursuant to the foregoing, in writing and hand-delivered or sent by registered or certified mail, postage prepaid, shall constitute complete satisfaction of any notice requirement of the Judgment.

To the Missouri Department of Natural Resources:

Phillip Akin  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
Phone: 573-751-1300  
Fax: 573-522-9920

To the Attorney General's Office:

Timothy P. Duggan  
Assistant Attorney General  
Agriculture and Environment Division  
State of Missouri Office of Attorney General  
P.O. Box 899  
Jefferson City, Missouri 65102  
Voice: 573-751-8795  
Fax: 573-751-8796


**E. Modification**

41. Except as otherwise specified herein, this Judgment may be modified or amended only with the approval of the Court.

**F. Costs**

42. Defendant shall pay all court costs in this action.

SO ORDERED.

  
\_\_\_\_\_  
Circuit Judge

Date: 3/14/14

COURT SEAL OF



BOONE COUNTY

Michael Kent Gilbane  
10371 E I-70 Drive NE  
Columbia, MO 65202

Boone County Commission  
801 E Walnut Street  
Columbia, MO 65201

Re: Appeal of a Denial by the Planning Commission

On October 24, 2017, I filed an Appeal of a Denial by the Planning Commission for a Revision to the Zoning Map which is on the agenda for consideration by the Commission at its meeting on October 31, 2017. I am requesting that this matter be tabled until the meeting on January 2, 2018, so that my engineer, Nathanael Kohl may be present and so that I may be present. Nathanael Kohl will be out of town for the October 31, 2017, meeting, and I will be out of town for the November 28, 2017, meeting.

Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Kent Gilbane", written over the typed name below.

Michael Kent Gilbane