

TERM OF COMMISSION: July Session of the July Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Room 301

PRESENT WERE: Presiding Commissioner Dan Atwill
District II Commissioner Janet Thompson
County Counselor CJ Dykhouse
Director Resource Management Bill Florea
Planner Uriah Mach
Senior Buyer Liz Palazzolo
Deputy County Clerk Michelle Thompson

The meeting was called to order at 9:30 am

**Conference Call Information:
Number: 425-585-6224 Access Code: 802-162-168**

Resource Management

- 1. Public Hearing on a request by E. Dale & Patricia Layos on behalf of Katina Anderson for an Equine Boarding and Training facility in the A-1 zoning district on 18.27 acres, located at 8101 E. Hwy WW, Columbia**

Bill Florea read the following staff report:

The Planning and Zoning Commission conducted a public hearing on this request during its July 16, 2020 meeting with eight members present. The minutes for that meeting along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on State Highway WW, approximately one mile east of the city limits of Columbia. The property is 18.27 acres in size and is zoned A-1 (Agriculture). All adjacent zoning is A-1. All of these zonings are

original 1973 zoning. Currently, there is a house, a row of covered stalls, and a horse barn on the property. Anderson Equestrian Center is applying for a conditional use permit to operate a riding school and boarding/training facility.

The applicant has indicated that most lessons will be in the late afternoon/early evening and group lessons will typically not exceed three students. The application includes a proposal for three additional structures on the property, a riding arena, a machine shed, and a shop. The shop building is not proposed as part of the riding school/boarding use.

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.

Hours of operation and use of best management practices will avoid injury to the use and enjoyment of surrounding property.

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

Hours of operation and use of best management practices will mitigate negative impacts to property values. Public testimony may better reflect any impacts on property values.

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

The property has infrastructure sufficient to serve the initial level of activity described in the conditional use permit. As the desired improvements are constructed, supporting infrastructure in the form of some dust-free paving and fire protection will be required. Water to provide fire protection can be obtained with some improvements to connect to a 12" water main on the south side of State Route WW.

- 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-1, with residential uses limited to 10-acre tracts or larger. The approval of this conditional use permit should not impede the normal and orderly development 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.

This use will generate traffic beyond what is expected for residential land use. Impact caused by the slight increase in traffic will have a negligible impact to State Route WW. However, improvements to the driveway should be done in a manner consistent with expansion of activity on site.

- 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-1 zoning district.

Zoning analysis: This request fits with the character and development pattern in this area. Commercial equine activity, such as boarding or riding instruction, can create negative off-site impacts. A conditional use permit allows for conditions to be placed on such activities.

This request is located on a major roadway and has access to public water for future fire protection requirements. Proximity to such elements of public infrastructure allow for future improvements to be built with necessary support. This site is located in the Columbia/Boone County East Area Plan area. The East Area Plan designate this area as suitable for rural land uses.

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

- a) The number of horses boarded at this facility shall be limited to 12. This number does not include horses owned by the operators. Expansion of the boarding space will require the services of a design professional to design the structure.
- b) Hours of operation of the riding school shall be limited to 12:00 noon to 7:15 pm, Monday through Friday. On the weekend, the riding school will be limited to daytime hours only (6:00 am to 9:00 pm Central Standard

Time, April through October and 6:00 am to 7:00 pm Central Standard Time, November through March).

- c) When the proposed covered riding arena is constructed, a dust control plan shall be implemented addressing the approach to WW and the first 100' of the driveway off Highway WW. The plan shall require a dust-free standard, which may include the regular use of magnesium chloride or other dust control measures.
- d) When the proposed covered riding arena is constructed, a sufficient number of dust-free parking spaces, minimum chip & seal, as necessary to comply with the Americans with Disabilities Act, shall be constructed as part of the project.
- e) A waste handling plan shall be submitted to the Director of Resource Management to ensure waste material shall be disposed of in an appropriate manner so as to create no impact to adjacent properties.

There were no comments or questions from the Commission.

John and Katina Anderson, the applicants, were present to speak on this item. The Andersons presented a Power Point slide to the Commission. That Power Point is included at the end of these minutes.

Commissioner Atwill asked if 45 feet was the width of the building.

John Anderson said yes. Currently, the building they have is 45 feet by 120 feet, so it is longer than it is wide. One day, they may want to go with a building that is more of a square rather than a rectangle, as it is easier for many things in riding.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

There was no one present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day the County Commission of the County of Boone does hereby approve the request by E. Dale and Patricia Layos, on behalf of Katina Anderson, to allow an Equine Boarding and Training Facility in the A-1 zoning district located at 8101 E. Highway WW, Columbia, with the following conditions:

- a) The number of horses boarded at this facility shall be limited to 12. This number does not include horses owned by the operators. Expansion of the boarding space will require the services of a design professional to design the structure.
- b) Hours of operation of the riding school shall be limited to 12:00 noon to 7:15 pm, Monday through Friday. On the weekend, the riding school will be limited to daytime hours only (6:00 am to 9:00 pm Central Daylight Time, April through October & 6:00 am to 7:00 pm Central Standard Time, November through March).
- c) When the proposed covered riding arena is constructed, a dust control plan shall be implemented addressing the approach to WW and first 100' of the driveway off of Highway WW. The plan shall require a dust-free standard, which may include the regular use of magnesium chloride or other dust control measures.
- d) When the proposed covered riding arena is constructed, a sufficient number of dust-free parking spaces, minimum chip & seal, as necessary to comply with the Americans with Disabilities Act, shall be constructed as part of the project.

- e) A waste handling plan shall be submitted to the Director of Resource Management to ensure waste material shall be disposed of in an appropriate manner so as to create no impact to adjacent properties.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #329-2020**

2. Public Hearing on a request by Bruce and Kathleen Maier to revise a previously approved Review Plan for Lot C-4 of Newton Subdivision, Block 4 on 1.35 acres, located at 1850 W. Route K, Columbia

Bill Florea read the following staff report:

The Planning & Zoning Commission conducted a public hearing on this request during its July 16, 2020 meeting with eight members present. The minutes for that meeting along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is situated along the south side of State Route K. A review plan for the total 22.76-acre Newtown development was approved by the County Commission on March 3, 1998. Subsequent final plans established permanent zoning.

The plan for Lot C-4 allowed up to three buildings with a maximum total footprint of 13,460 square feet. The allowed uses are limited to the Neighborhood Commercial, C-N permitted uses.

The access point to the lot was fixed on Center Street. There were no freestanding signs proposed for the development.

The current proposal is to revise the plan for Lot C-4 (1.35 acres) and limits the Allowed Uses only to retail sales in a maximum 9,100 square foot single-story building. A freestanding monument sign is proposed for the eastern portion of the lot.

Adjacent zoning is as follows:

North – R-S and R-SP

West and Southwest – C-GP

South – C-GP

East – R-M

This area is served by Consolidated Public Water District No. 1. There is an 8-inch waterline on the property along Route K. Sidewalks and fire hydrants are required for this development. Sewer service is to be from a BCRSD facility that serves the development and sewer service has been secured. This site scored 81 points on the rating system.

Access to the site is fixed and no access is allowed at any other location on the lot. Since the use is allowed under both the existing and the new proposal, traffic impact can be reasonably expected to be equivalent or less than that which is already approved under the current plan due to the reduction of the maximum floor area. Building elevations have been provided to show the materials of the proposed construction which indicate a masonry exterior. All site lighting should be oriented inward and downward to minimize glare and light trespass off the property. The reason for the plan revision is to allow installation of a freestanding monument sign.

Staff recommends approval subject to the following conditions:

1. The building construction materials are to meet a quality minimum of masonry.

2. All lighting on the property is required to be shielded or oriented in such a manner as to minimize glare or light trespass off the property.
3. It is recognized that the Director of Resource Management can approve minor alterations in the approved plan administratively if the Director believes that the change is not substantive. Determination of whether a proposed change is substantive is solely within the discretion of the Director.

There were no comments or questions from the Commission.

Colin Bruckerhoff was present to speak on behalf of the applicant.

Bruckerhoff explained the plan is to construct a 9,100 square foot Dollar General Store on Lot C-4 of Newtown Subdivision. The reason for this request is that the current approved plan does not allow for a monument sign on the property and, per Dollar General's design requirements, a monument sign is needed. They have worked closely with Staff on this site plan.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

There was no one present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day the County Commission of the County of Boone does hereby approve the request by Bruce and Kathleen Maier to revise a previously approved Review Plan for Lot C-4 of Newtown Subdivision, Block 4 on 1.35 acres located at 1850 W Route K, Columbia, with the following conditions:

1. The building construction materials are to meet a quality minimum of masonry.
2. All lighting on the property is required to be shielded or oriented in such a manner as to minimize glare or light trespass off the property.
3. It is recognized that the Director of Resource Management can approve minor alterations in the approved plan administratively if the Director believes that the change is not substantive. Determination of whether a proposed change is substantive is solely within the discretion of the Director.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #330-2020**

**3. First Reading; Road & Bridge Improvements/Repair Cooperative Agreement:
Rocheport**

Bill Florea explained this was another road and bridge agreement for shared revenue and this one was for the City of Rocheport. Rocheport will receive \$14,940.58 and this is year 2 of a 6-year cycle.

Commissioner Thompson said this is a great program. It offers a sense of certainty and continuity for those participating entities.

There were no more comments or questions from the Commission.

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.

4. First Reading; Stormwater Security Agreement & Performance Bond: Midway USA 40/J Campus Phase 2

Bill Florea said this is a stormwater security agreement with performance bond for phase two at the Midway USA 40/J Campus in the amount of \$267,401.88.

There were no comments or questions from the Commission.

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.

Purchasing

5. First Reading; Sole Source Contract: 151-123120SS – Single Feasible Source for HVAC Control Systems Services

Liz Palazzolo read the following memo:

Attached for signature and approval is Sole Source Request Form 151-123120SS for the purchase of HVAC Climate Control System Repair and Upgrades from C&C Group of Jefferson City, Missouri. The Purchasing Department requests approval of Single Feasible Source contract 151-123120SS that has been established on behalf of the Facilities Maintenance Department under advice from the County Auditor's Office.

The County has recurrent expenditures for the purchase of repairs and upgrades to the Schneider Electric HVAC control systems installed at the County Government Center, the Boone County Courthouse, the Boone County Annex, the Emergency Communications Center Back-Up Facility, the Emergency Communications Center, and the Boone County Sheriff's Administration Building and Detention Center. The HVAC systems are run with proprietary

software sourced from C&C Group. Only C&C Group is authorized to repair and upgrade the proprietary systems. As-needed repairs and upgrades will be provided to Boone County buildings, with the exception of the Boone County Sheriff's Administration Building and Detention Center which will be put under an annual maintenance plan.

The single feasible source has been advertised in both the Missouriian and the Columbia Tribune. No other vendors have come forth to indicate that they are able to provide necessary service to the proprietary HVAC control systems.

The contract period will run from August 1, 2020 through July 31, 2021, and there are three (3) one-year renewal options available after this initial period.

Payments will be paid from the following funds/accounts:

Fund 6100 Facilities Maintenance/Account 60200 – Equipment

Repairs/Modifications: \$ 52,955.00

Fund 6100 Facilities Maintenance/Account 60500– Equipment Service Contract:

\$ 4,332.00

There were no comments or questions from the Commission.

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.

6. Second Reading; RFP Award Recommendation: 21-02JUN20 – Security System and Monitoring Services (1st read 7-23-20)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby award Contract 21-02JUN20 – Security System and Monitoring Services to Alarm Communications Center, Inc. of Columbia, Missouri.

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

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #331-2020**

Joint Communications

- 7. Second Reading; Equipment Transfer Agreement: Eaton County, Michigan (1st read 7-23-20)**

Commissioner Atwill moved now on this day the County Commission of the County of Boone does hereby approve the equipment transfer from the Eaton County Central Dispatch as listed per the attached Equipment Transfer Agreement.

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

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #332-2020**

Commission

- 8. Second Reading of a Resolution re: The Government Center 1st floor remodel project (1st read 7-23-20)**

Commissioner Atwill moved now on this day the County Commission of the County of Boone does hereby adopt the attached Resolution as if read verbatim relating to the proposed remodeling efforts on the first floor of the Boone County Government Center.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #333-2020**

9. Public Comment

None

10. Commission Reports

Commissioner Thompson said, last Thursday, she was on a conference call put together by NACo and sponsored by the Bill & Melinda Gates Foundation. There were about ten counties represented on this call from all across the United States to discuss what economic recovery looks like right now. Commissioner Thompson will be preparing a report on that. The things that are being experienced in Boone County are similar to counties all over the country. Hopefully NACo and the Gates Foundation will help to find a path forward that will help with best practices through these changing and confusing times.

Commissioner Atwill asked if there was a funding opportunity.

Commissioner Thompson said they did ask how they could help and because of other experiences had with NACo and other partners, she suspects that there will at least be technical support and exchanges of best practices. As good as the Gates Foundation is at providing services and support for communities, there may be funding opportunities as well.

Commissioner Atwill asked what kind of areas they offer support in.

Commissioner Thompson said part of the conversation was about what the County's fiscal picture is and what it was at the start of COVID-19. As Commissioner Atwill knows and many County employees know very well, the lack of a State-wide and a local online sales tax response was hurting the County before and even more so now. Things such as childcare and healthcare were also discussed. One thing that was also discussed, which was a known problem before, is the broadband problem. Across the country people are recognizing the importance of broadband and the need for an effective delivery of that service to everyone. It is critical for children to be able to go to school and for people to do their jobs or to even apply for a job.

Commissioner Atwill said he doesn't understand why there has been such an issue getting broadband in the first place.

Commissioner Thompson said a couple of weeks ago she met with Joanne Nelson and a friend of Commissioner Thompson's who works in a company that provides internet service. This company is located in Arkansas but provides services up and down the east coast. One of the issues she discussed is the idea of thinking services are limited to either laying fiber or having hot spots. Hot spots are not the solution. One of the things she suggested Boone County look into is what is called fixed assets and would be what Verizon calls their 5G Network. These fixed assets can be put on towers like the Boone County 911 radio towers. So, there are other ways of providing service; thinking outside the box just has to be done.

Commissioner Atwill asked if the County can establish broadband or if it was reserved for the licensed FCC.

Commissioner Thompson said there is some litigation about that. Fixed assets could be the answer that is desperately needed.

There were no more comments or questions from the Commission.

The meeting adjourned at 10:21 am

Attest:



Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



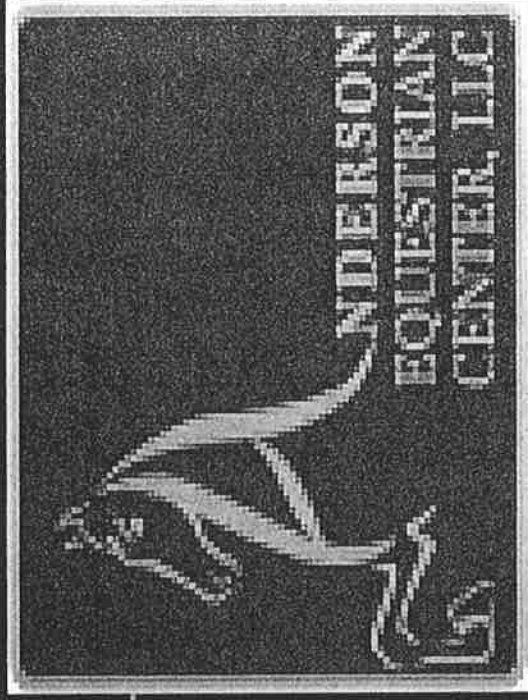
Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

Anderson Equestrian Center, LLC

Request for Conditional Use Permit



Introduction

- ❖ Katina and John Anderson, Owners and Instructor
 - ❖ Anderson Education Center LLC has been in operation for 6 years.
 - ❖ Just moved from Callaway County to Boone County early spring.
 - ❖ Certified instructor with the American Riding Instructors Association since 2011.
 - ❖ Certified K-12 Special Education Teacher, taught in Fulton Public School District for 7 years. Also worked as the Educational Diagnostician.
 - ❖ Master's of Education Degree in Educational Administration.
 - ❖ John has worked at the Columbia Police Department for 16 years. Certified by the Brotherhood of Working Farriers Association.
 - ❖ We are requesting this conditional use permit in order to continue offering this safe, fun and educational environment that uses horses to facilitate the formation of well rounded members of society.
-

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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.

- ❖ Approval of a conditional use permit will not affect the public welfare. The property will be monitored and maintained for elimination of potential safety issues.
 - ❖ An efficient manure removal procedure is in place. Manure will be loaded directly into a trailer that holds 30 cubic yards of material. It will be hauled off site for proper disposal.
-

OK

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.

- ❖ As the property sits, the barn and riding ring are behind the house. They are difficult to see from the roadway, and are obstructed from view of the neighbors by trees. The topographical nature of the property contains any potential noise from instruction, as the barn sits down in a “valley.”
 - ❖ There is not, and will not be any commercial traffic as all students arrive and depart in personally owned vehicles. Most students receive private instruction and one vehicle arrives at a time, and generally departs before the next student arrives.
 - ❖ When small groups are taught they are no larger than 3 students at a time. Many of these participants are siblings or close friends who carpool.
-

45

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

- ❖ The property as we received it was in disrepair and overgrowth. We have been working to restore it to a functional and appealing property.
 - ❖ By providing a service for healthy, safe outdoor activity, we can help boost property values and benefit the local community.
-

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

- ❖ The property has a well established driveway that is wide enough for two cars to pass side by side. The driveway leads to a circle drive in front of the barn. The driveway has supported a dump truck carrying 27 tons of gravel.
 - ❖ Ambulance, fire trucks and utility trucks can access the property.
 - ❖ Existing drainage and run-off follows the natural flow of the land to the back of the property and enters the creek bordering the property line. There is no concern about run-off flowing to neighboring properties.
 - ❖ The water district has informed us that the nearest fire hydrant is at Blackthorn and WW. This is located 300 yards from the door of the barn itself. They informed us that it is a large main that runs at 75-85 PSI head pressure and is more than adequate to supply any fire district needs.
-

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 property is surrounded by well established family farms and/or personally owned properties not suitable for future development. However, if neighboring development were to occur, due to the topographical layout and low traffic flow of 8101 East Hwy WW, it would not be burdensome to future development.

304.

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 property is located on State Hwy WW which is a well maintained, safe highway. The property enters WW at a location with great visibility in both directions.
 - ❖ On any given day, there will only be personally owned vehicles entering and exiting.
 - ❖ Student lessons are taught Monday-Thursday from 4:00pm-7:15pm, and Saturday's 8:30am-3:00pm. Students have minimal impact on traffic flow.
 - ❖ Boarder's may visit their horses between the hours of 8am-8pm. Out of our current boarder's, two only come on weekend mornings, one comes twice a week in the afternoon and the other lives out of state. Boarder's have minimal impact on traffic flow.
-

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 public use permit.

- ❖ We are currently in compliance with the requirements for the conditional use permit.
- ❖ Upon acquiring a building permit in order to construct/enclose the outdoor arena, all requirements will be met including adding hard surface parking for handicap access, approval from architects and building inspectors and regular application of magnesium chloride to the main access driveway and riding arena.

Dust
Down
Roger Chouinlin
Karen Atwell