

270 -2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

June Session of the April Adjourned

Te~~20~~, 20

County of Boone

} ea.

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby **approve** a conditional use permit for VH Properties, LLC to operate an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia, subject to the following condition:

1. The facility is limited to using ammunition that, at maximum, is equivalent to .22 caliber long rifle cartridges or less in power. Any desire for more powerful ammunition will require an amended conditional use permit.

Done this 28th day of June 2022.

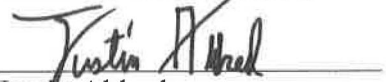
ATTEST:



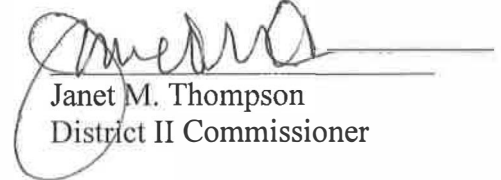
Brianna L. Lennon  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner

271-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

June Session of the April Adjourned

Term 20

County of Boone } ea.

In the County Commission of said county, on the 28th day of June 20 22

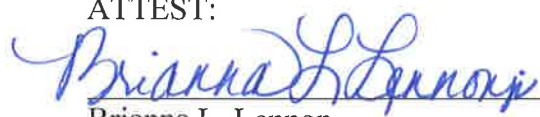
the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby **approve** a conditional use permit for VH Properties, LLC to operate a snack bar as an incidental use to an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia, subject to the following condition:

- 1. The facility is limited to a snack bar/catering. Any proposal to add a higher level of food service will require an amended conditional use permit.

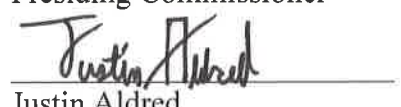
Done this 28th day of June 2022.

ATTEST:

  
 Brianna L. Lennon  
 Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner

272-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

Term 20

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby **approve** a conditional use permit for VH Properties, LLC to conduct retail sales as an incidental use to an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia, subject to the following condition:

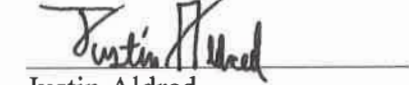
1. The facility is limited to 3,000 square feet of retail space with an additional 1,500 square feet of stockroom. Any proposal to add a higher level of retail use will require an amended conditional use permit.

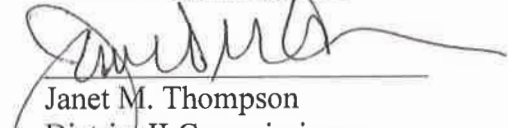
Done this 28th day of June 2022.

ATTEST:

  
 Brianna L. Lennon  
 Clerk of the County Commission

  
 Daniel K. Atwill  
 Presiding Commissioner

  
 Justin Aldred  
 District I Commissioner

  
 Janet M. Thompson  
 District II Commissioner

273-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

Term 20

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby deny the request Bridget Early for a Conditional Use Permit to allow a private family cemetery on one acre located at 21 and 31 E. Audubon Rd, Columbia.

Done this 28th day of June 2022.

ATTEST:

*Brianna L. Lennon*  
Brianna L. Lennon  
Clerk of the County Commission

*Daniel K. Atwill*

Daniel K. Atwill  
Presiding Commissioner

*Justin Aldred*

Justin Aldred  
District I Commissioner

*Janet M. Thompson*

Janet M. Thompson  
District II Commissioner

274-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

Ter~~22~~ 20

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorizes the Presiding Commissioner to sign said plat:

- Bertlee Acres Plat 3. S29-T51N-R11W. A-2. Edgar D & Diann L Hancock, owners. Don Bormann, surveyor.

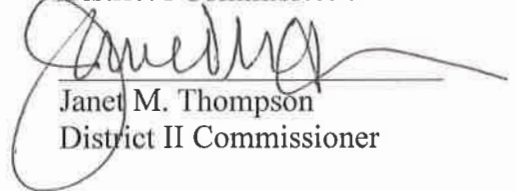
Done this 28th day of June 2022.



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner

ATTEST:



Brianna L. Lennon  
Clerk of the County Commission

275-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

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In the County Commission of said county, on the 28th day of June 20 22

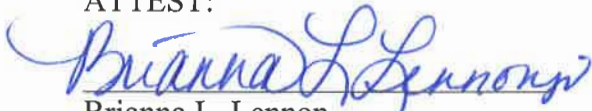
the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorizes the Presiding Commissioner to sign said plat:


- Sully's Meadow Estates Plat 1. S18-T50N-R11W. A-R. Jody Carmichael Siding & Gutting, LLC, owner. Steven Proctor, surveyor.

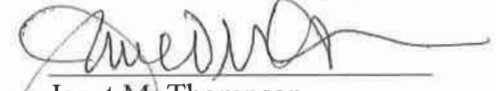
Done this 28th day of June 2022.

ATTEST:

  
Brianna L. Lennon  
Clerk of the County Commission

  
Daniel K. Atwill  
Presiding Commissioner

  
Justin Aldred  
District I Commissioner

  
Janet M. Thompson  
District II Commissioner

**Staff Report for County Commission**  
**RE: P&Z Agenda Items**  
**June 28, 2022**

**VH Properties – Conditional Use Permit (Shooting Range)**

The Planning and Zoning Commission conducted a public hearing on this request at its May 19, 2022 meeting and voted to recommend approval of the request on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

This property is located on the north side of Van Horn Tavern approximately 1900 feet west of the intersection with State Route UU and 300 feet west of the Columbia city limits. The 5.32-acre lot is zoned of Rec-P (Planned Recreational) after a rezoning April 2022. The lot is developed with large existing commercial building and associated parking.

Adjacent zoning is as follows:

- East and west, M-LP (Planned Light Industrial)
- North, across I-70, A-2 (Agriculture)
- South A-R (Agriculture-Residential).

The request is to obtain a Conditional Use Permit (CUP) for an indoor shooting range. The change of use will require modification of the building under the direction of an Architect licensed to practice in Missouri. The building modifications will be required to prevent rounds from penetrating the exterior shell of the building. The proposal indicates that the firearms used will be air rifles and guns using .22 long rifle or less powerful cartridges. The building modifications will also dampen any sound caused by the shooting activity.

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.

Limitations on the power of the firearms involved accompanied by the required modifications to the building should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer and water.

(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.

Nearby properties are either developed for significant commercial/industrial use or underdeveloped for residential use. The property is located along a major interstate highway with the corresponding level of noise. With the required building modifications, the establishment of this conditional use permit should not be injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

Adequate infrastructure and utilities are available to serve this site. The current site has adequate storm drainage for the facility and does not create any known downstream flooding issues.

Wastewater from the building is treated at a sanitary sewer plant, located on the adjacent property, that is owned and operated by Boone County Regional Sewer District. Electrical service is from Boone Electric.

Roadway access is to Van Horn Tavern Road. There are also three other access points that could potentially be used as access to the lot from adjacent properties via private internal driveways as part of the overall development complex. Circulation within the site is good with adequate access for emergency service providers.

(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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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 subject property is part of a development complex that has multiple access points onto Van Horn Tavern Road. There are also three other access points that could



potentially be used as access to the lot from adjacent properties via private internal driveways. Circulation of the site is good with adequate access for emergency service providers.

The previous use of the subject property was that of warehouse, distribution, and office with approximately 50 employees. Most of the vehicular traffic was confined to weekday AM and PM peak hours. The shooting range would have its peak traffic flow on weekends which will reduce the amount of peak hour traffic generated at this location. Furthermore, the proposed uses would have phased or staggered usage times. This would further break up the amount of traffic that is generated or using the adjacent roadways at any specific time.

The existing roadways and intersections have available capacity to adequately handle the traffic volumes that would be generated from the proposed uses. Relocation of the MidwayUSA campus and the transition of the other buildings to less intense uses will result in additional traffic reduction.

Specific traffic for the proposed uses for Lot 3 would include, at a maximum, 8 full time employees. They would also hold intermittent classes and seminars with attendants ranging from a few individuals up to 100 shooters. There would also be occasional weekend shooting tournaments with staggered attendance. These activities are not the normal daily activity of the facility and would generate traffic at non-peak times. Furthermore, the generated traffic would be less, campus wide, as compared to the previous use.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal will be less intensive than the traditional use of the property and meets the CUP criteria with conditions;

The property scored **80** points on the rating system.

Staff recommended approval of the conditional use permit, subject to the following conditions:

1. The facility is limited to using ammunition that, at maximum, is equivalent to .22 caliber long rifle cartridges or less in power, any desire for more powerful ammunition will require an amended conditional use permit.

## **VH Properties – Conditional Use Permit (Incidental Restaurant, Cafeteria, and Bar)**

The Planning and Zoning Commission conducted a public hearing on this request at its May 19, 2022 meeting and voted to recommend approval of the request on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

This property is located on the north side of Van Horn Tavern approximately 1900 feet west of the intersection with State Route UU and 300 feet west of the Columbia city limits. The 5.32-acre lot is zoned of Rec-P (Planned Recreational) after a rezoning April 2022. The lot is developed with large existing commercial building and associated parking.

Adjacent zoning is as follows:

- East and west, M-LP (Planned Light Industrial)
- North, across I-70, A-2 (Agriculture)
- South A-R (Agriculture-Residential).

The proposal is to obtain a Conditional Use Permit (CUP) for a restaurant, cafeteria, and bar use. At this time, there is no intention of having an actual on-site restaurant. All meals would be catered and brought to the site already prepared. Should a restaurant be added, its use would be incidental to the overall use of the facility. It is anticipated that any such use would be a snack bar use that sells pre-packaged goods and foods. No sit-down style restaurant is being proposed. The use of restaurant, cafeteria, and bar would be solely for the patrons of the shooting facility. It would not be open to the general public as a standalone use but rather as an incidental use for the shooting facility. The above use was anticipated and included in the sewer capacity calculations that were presented to the BCRSD and included in the recent sewer agreement. indoor shooting range. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans.

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.

Limitations to a snack bar use selling pre-packaged food should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer.

(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.

Limitations to a snack bar selling pre-packaged food should address any concerns along with the required building modifications. This conditional use permit should not be injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

Limitations to a snack bar use selling pre-packaged food should address any concerns.

(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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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.

Limitations to a snack bar use selling pre-packaged food should address any concerns.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal will be less intensive than the traditional use of the property and meets the CUP criteria with conditions;

The property scored **80** points on the rating system.

Staff recommends approval of the conditional use permit, subject to the following conditions:

1. The facility is limited to a snack bar/catering and any proposal to add a higher level of food service will require coming back through the process for a new approval.

### **VH Properties – Conditional Use Permit (Incidental Retail Sales)**

The Planning and Zoning Commission conducted a public hearing on this request at its May 19, 2022 meeting and voted to recommend approval of the request on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

This property is located on the north side of Van Horn Tavern approximately 1900 feet west of the intersection with State Route UU and 300 feet west of the Columbia city limits. The 5.32-acre lot is zoned of Rec-P (Planned Recreational) after a rezoning April 2022. The lot is developed with large existing commercial building and associated parking.

Adjacent zoning is as follows:

- East and west, M-LP (Planned Light Industrial)
- North, across I-70, A-2 (Agriculture)
- South A-R (Agriculture-Residential).

The proposal is to obtain a Conditional Use Permit (CUP) for retail sales incidental to the shooting range. The sales area would be about 2,500 square feet in size with a storage and stockroom of about 1,500 square feet. Sales would be limited to t-shirts, ammunition for use on-site, and other items that would be complementary to the overall shooting use. Product delivery would either be brought in personally by employees, delivered via standard delivery service (USPS, UPS, FedEx, etc.), or delivered via commercial courier. Deliveries would be received at the southeast corner of the building where delivery trucks would have adequate access to and through the site. This use was anticipated and included in the sewer capacity calculations that were presented to the BCRSD and included in the recent sewer agreement. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans.

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.

Limitations on the amount of space dedicated should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer.

(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.

Limitations on the amount of space dedicated should address any related concerns and along with the required building modifications, the establishment of this conditional use permit should not be injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

Limitations on the amount of space dedicated should address any concerns.

(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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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.

Limitations on the amount of space dedicated should address any concerns.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal will be less intensive than the traditional use of the property and meets the CUP criteria with conditions;

The property scored **80** points on the rating system.

Staff recommended approval of the conditional use permit, subject to the following conditions:

1. The facility is limited to 3000 square feet of retail space with another 1500 square feet of stockroom any proposal to add a higher level of retail use will require coming back through the process for a new approval.

### **Bridget Early - Conditional Use Permit (Private Family Cemetery)**

The Planning and Zoning Commission reviewed these requests at its March 17, 2022 meeting and voted to recommend denial on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

The property is located on the north side of Audubon Road, approximately 600 feet west of the intersection with State Route N. The applicant owns two lots, each is approximately 5 acres. Each lot is developed with a single-family dwelling and various outbuildings. The zoning is Agriculture, A-2. All adjacent zoning is A-2 except to the immediate southwest which is Single Family Residential R-S.

The applicant is requesting a conditional use permit to create a private family cemetery. The application indicates that the cemetery would be one-acre in size and located on the common property line between the two lots. Staff notified 43 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may or may not 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.

In order to meet this criterion, it is important that the presence of the cemetery is documented in a manner that provides notice of its location to the public. Measures to provide such notice can include a recorded survey of the boundary and fencing the perimeter of the cemetery. The application does not contain any information to indicate an intent to permanently identify the location of the cemetery.

- (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.

Missouri statutes provide a right of access, enforced by the sheriff, to persons wishing to visit a private cemetery that is surrounded by privately owned land if no public ingress is available. No public ingress is available to this proposed cemetery. Therefore, in the future, adjacent property owners or non-family owners of these lots could be forced to allow access to the cemetery which, could be injurious to the use and enjoyment of their property.

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

There is no indication that the use will diminish or impair property values.

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

A cemetery is a permanent installation. Its very nature raises questions about long term maintenance that extend beyond the lifespan of the current property owners. The application contains no indication of how the current owners intend to provide perpetual maintenance for the cemetery. Under Missouri law, maintenance of the cemetery can become the responsibility of the County. This is burdensome to the public. Lacking an adequate maintenance plan, the proposal does not meet this criterion.

(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 proposed use could impede the normal and orderly development of surrounding property. There are rights associated with burial sites that limit the use of land. This could impede future development activities.

(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 proposed use should not have any measurable effect on the flow of traffic.

(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.

There are several cemeteries with available space in Boone County. There is no public necessity for a private family cemetery.

Staff recommended denial of the request for failure to meet criteria a, b, d, e, and g.

If the Commission chooses to approve the request, Staff recommends the following conditions:

1. A survey of the cemetery boundary including the proposed location of an access easement from W. Audubon Road, subject to the approval of the Director, be recorded in Office of the Boone County Recorder. The applicant shall bear the cost of the survey and the recording fees.
2. The applicant shall construct and maintain a fence around the perimeter of the cemetery.
3. Prior to issuance of the Conditional Use Permit, the applicant shall develop and implement a maintenance plan that ensures perpetual maintenance of the cemetery by a private entity. The plan shall identify the entity responsible for maintenance activities and a funding source with enough money to provide for perpetual maintenance. The plan is subject to approval by the Director.

#### **D Who Land – Rezoning, Review Plan and Preliminary Plat**

The Planning and Zoning Commission reviewed these requests at its June 16, 2022 meeting and recommended denial on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

The property is located on the south side of Richland Road immediately south of the intersection of Richland Road and Trade Winds Parkway. The applicant is seeking to rezone 145.72-acres from A-1 (Agriculture) to R-SP (planned single family residential). The surrounding zoning is as follows: M-L (Light Industrial) to the north and northeast, A-1 to the east, southeast, south, southwest and west, and R-S (residential single family) to the northwest. These are all original 1973 zonings with the exception of approximately 9-acres of the northern M-L that was rezoned from R-S in 2008. The property is occupied by a home and one outbuilding. There is a land-locked 22-acre neighboring property, at 8104 E. Richland Road, that the proposed development flanks on two sides and contains a home and outbuildings. The 8104 property is served by existing easements for access and utilities that cross the proposed new development. The proposed development conflicts with those existing easements.

The requested rezoning to R-SP includes a Review Plan/Preliminary Plat for 354 residential lots, 10 common lots, and an extension of an existing public roadway, and nine new public roadways. Five of the residential lots are proposed to allow multi-family options with a density up to 4 units per lot for a 20 unit maximum and the ability to subdivide. The common lot around the existing house is proposed for development amenities such as recreational fields and courts. The house itself is intended to be remodeled into a clubhouse. The plan proposes that the building can be enlarged up to 5000 additional square feet. An Architect licensed to practice in the State of Missouri will be required as this will be a change of use. The club house is required to obtain a Conditional Use Permit in addition to being shown on the plan. The proposal indicates up



to nine phases to complete the buildout. The common lots are proposed predominantly to be used for stormwater management. Staff notified 34 property owners about this request.

The Master Plan designates this property as suitable for residential land uses. The proposed development is also within the East Area Plan which is a sub-area plan that compliments and refines the Master Plan. The *East Area Plan Future Land Use Map* shows a generalized graphic depiction of future land use allocation in the Plan area. The text of the plan refines that generalization by allocating land use by watershed. Approximately 86% of the property is within the Grindstone Creek Watershed. The East Area Plan encourages growth in the Grindstone Watershed.

The break between the residential and agricultural areas in the Plan is based upon watershed boundaries, with the Grindstone watersheds in the residential and industrial areas and the Gans watershed being predominantly agricultural. This is based in part upon the infrastructure investments already completed and existing land use and land cover. However, this is not an absolute distinction to be taken without considering the context of a proposed development. Traditional rectilinear property boundaries do not generally correspond with ridgelines that separate watersheds. These ridgeline boundaries are considered to be slightly fluid as a delineator because site grading and underground utilities can focus impacts caused by development into the dominant watershed. The current proposal is predominantly found within the Grindstone watershed with only a fringe of approximately 20-acres that extends into the Gans watershed.

The Sufficiency of Resources test was used to analyze this request.

Utilities: This property is served by Public Water Service District #9, water for fire protection will need to be extended into the development from the existing mains along Richland Road. The Boone County Regional Sewer District and the City of Columbia will provide wastewater services. The property is served by a sewer main that was constructed by the Boone County Regional Sewer District with capacity that is sufficient to serve the anticipated needs within the watershed up to the I-70/Route Z interchange. Boone Electric Cooperative provides power. There is adequate utility capacity to serve the needs of this development without significant upgrades.

Transportation: Access to this property is via Richland Road. The development proposes a public cul-de-sac, Aleppo Court, that serves six lots. An extension of Trade Winds Parkway provides the main collector on the west side of the development and Kieffer Lane is created as the connection on the east.

A traffic study was provided that focused on evaluating the intersections of the surrounding area and what impact the proposed development is expected to have. The study identifies that this development contributes significantly to a failure of the road system at the intersection of Rolling Hills/Grace Lane and Richland Road. The developer has entered into a pre-annexation agreement that requires them to pay \$188,097.20 to the City of Columbia to mitigate this impact.

The study identifies that an eastbound right turn lane is needed at the intersection of Trade Winds Parkway and Richland Road and this turn lane is incorporated into the development design.

Additionally, the study indicates that this development will add 3,465 average daily trips or ADT to Richland Road. The current ADT for this Richland Road is 2,950; the development alone will more than double the traffic load on Richland. The traffic study does not propose mitigation of this impact. The study indicates that Richland Road can handle this increase without causing a failure/degradation requiring mitigation. Despite not triggering a roadway failure, the addition of more than double the existing traffic count on the roadway is an impact directly attributable to the development.

The County Roadway Regulations set the ADT threshold for arterial roadways at 2500 ADT. If all of the traffic generated by the development was concentrated on a new roadway within the development, the developer would be required to construct an arterial roadway. Proportionally, the development is adding 138% of the minimum threshold for a County arterial roadway to an existing roadway that does not meet the geometric requirements for an arterial roadway.

The study indicates that Richland Road has a “book” maximum capacity of 11,232 ADT and assuming this is correct, the roadway is currently carrying 26% of its maximum capacity. The additional traffic generated from this development brings this use up to 57% of the maximum capacity. The significant increase in ADT will accelerate the time frame for physical improvements to Richland Road. Additional discussions with the development team have yielded a proposal to require the developer to improve the intersection of Richland Road and Tradewinds Parkway to a three-lane road section. Further analysis and a corresponding condition of approval is contained in the Zoning Analysis and Recommendation sections of this report.

**Public Safety:** This property is in the Boone County Fire Protection District approximately 4.8 miles from Station 1 on St. Charles Rd and 5.4 miles from the Station 12 at El Chaparral Dr.

**Zoning Analysis:** Generally, the starting point of any rezoning request is the assumption that the existing zoning is correct. In light of the adoption of the East Area Plan that assumption is not the case here. This proposal is consistent with the East Area Plan and the existing zoning is not. The issue of appropriateness comes down to infrastructure and impacts. The proposal efficiently utilizes existing major infrastructure while enhancing the roadway infrastructure of the area. This is all supported by the East Area Plan. The bulk of the development is in the Grindstone watershed and the small portion that falls in the Gans watershed is likely to be reduced/shifted as part of grading into the Grindstone. The development is required to comply with the stormwater regulations which will further reduce any potential impact to the Gans watershed.

The development utilizes Richland Rd, which is a major area roadway. While not constructed to the geometrics of an Arterial Roadway, it is designated both as an arterial and carries the existing ADT that exceeds the County threshold for an arterial. The

existing road surface is around 22 to 24 feet in width, which is less than a new local subdivision roadway. The arterial pavement standard is 50 feet in width. As with the other infrastructure, it is critical that improvements to the road network happen in conjunction with impacts attributable to development in order to support the rezoning.

The contribution to the future roundabout at Rolling Hills/Grace Ln. and Richland Rd. and the provision of an eastbound right turn lane at Trade Winds Parkway address some of the traffic impacts as identified in the traffic study. Mitigation for impacts to Richland Road, was not adequately addressed. This request was tabled in May to allow the developer and staff to develop a mitigation plan that is roughly proportional to the development related impact.

Staff met with the developer and explored an alternative road improvement to address the development generated impacts by encouraging traffic to use alternate routes and enhancing the long-term integrity of the Richland Road – Tradewinds Parkway intersection. Accompanying this improvement are any needed improvements to the culverts and stream that is proximate to the improved intersection. These improvements are based on the Conceptual Diagram Exhibit One, as presented here. The concepts behind these improvements are to encourage traffic from Five Pines to utilize Trade Winds Parkway to get to I-70 DR SE and therefore lessen the impact of development traffic directly to Richland Road and to establish a long term configuration for the intersection of Richland Road and Tradewinds Parkway.

The conflict between the development and the existing access and utility easements favoring the property at 8104 E. Richland Road is a significant factor in the decision whether to approve this development. The conflict will need to be resolved before the Final Plan can be submitted. It will be incumbent on the developer to ensure continuous uninterrupted vehicular access and utility service during the construction phase of the development. It will be necessary for the developer to obtain the consent of the owner of 8104 E. Richland in order to alter those easements. Otherwise, the development may need to be redesigned to respect the existing easements. Alternate easements or access may replace the existing, but this must be resolved between the private parties and the resultant solution must be acceptable to the Director of Resource Management. Access and utility service must remain uninterrupted throughout the construction phases and beyond.

With appropriate conditions, Staff believes the requirements of the sufficiency of resources test can be met. The property scored 76 points on the rating system. The nexus and the proportionality of the remaining road improvements that required tabling have been defined and an appropriate solution has been proposed.

Staff recommends approval subject to the following conditions:

1. Prior to submittal of the final plan, the developer shall provide a signed and notarized document from the neighboring property owner at 8104 E. Richland Road that:
  - a. Describes the manner in which vehicular access and utility service will be maintained continuously and uninterrupted during the construction phase of the development.
  - b. Agrees to release all portions of the easements, as shown on the survey recorded in Book 1010 Page 103 of the Records of Boone County Missouri, that conflict with proposed public rights of way and any element of the proposed development all subject to the approval of the Director of Resource Management.
  - c. That it is recognized that failure to appropriately address these concerns to the satisfaction of the Director of Resource Management will result in the need to redesign and bring the proposal back through the process.
2. The proposed improvements to the intersection of Trade Winds Parkway and Richland Road, based upon conceptual diagram exhibit one, including any and all modifications to the drainage and streams proximate to or impacted by the improvements be made to the satisfaction of the Director of Resource Management and the County Engineer.
3. Any off-site improvements, other than the roundabout at the intersection of Rolling Hills and Richland Road, must be installed prior to or concurrently with the phase of the development that includes connection of the southern extension of Trade Winds Parkway to Richland Road or the phase that includes the 101<sup>st</sup> lot, whichever is earlier.

## **Plats**

### **Bertlee Acres Plat 3**

The Planning and Zoning Commission reviewed the plat of Bertlee Acres Plat 3 at its June 16, 2022 meeting and approved it with one condition on a unanimous vote. I ask that you waive the reading of the staff report and authorize the clerk to insert it into the meeting minutes. The condition has been met, staff recommends that you receive and accept the plat of Bertlee Acres Plat 3 and authorize the Presiding Commissioner to sign it.

The Planning and Zoning Commission reviewed this plat at its June 16, 2022 meeting and voted to approve with one condition. That condition has been met, I ask that you received and accept this plat.

The subject property is located off Drew Road, south of the intersection of Drew Road and Ball Road, and approximately 2 miles south from the municipal boundaries of Centralia. The current proposed subdivision is a replat of Lot 5 of Bertlee Acres Plat 1 approved April 28<sup>st</sup>, 1977, and northern half of Lot 6 of Bertlee Acres Plat 2 approved February 27<sup>th</sup>, 1979. The southern half of Lot 6 is owned by the owners of Lot 7 and is

not being consolidated in Bertlee Acres Plat 3. The proposed subdivision would create a 4.10-acre lot out of one and one-half previously platted lots.

An existing shop building exists over the property boundary between lots 5 and 6. The shop structure violates Section 10 of the Boone County Zoning Ordinance 15-foot side setback from the property line for the A-2 zoning district. The proposed replat under Bertlee Acres Plat 3 would consolidate Lot 5 and the north half of Lot 6 into Lot 5A. The existing shop structure would follow setback requirements with the proposed Lot 5A. The property is zoned A-2 and surrounded by A-2 zoning on all sides. The A-2 zoning is original 1973 zoning.

The property has road frontage along and direct access to Drew Road. A driveway exists to serve the house and shop structure. Note #25 of survey states that a 33-foot half right-of-way was dedicated along Drew Road as part of Bertlee Acres Plats 1 and 2. Note #25 also mentions that the lot lines to the center of Drew Road exceeds 33 feet. The right-of-way dimension is not shown on the plat. The applicant has requested a waiver of the traffic analysis study.

Public Water Supply District #10 supplies water to the tract. The Boone County Fire Protection District provides fire protection for the tract. The nearest station, Station 10, is approximately 2 and a half miles away off Route CC.

An existing on-site wastewater lagoon is present on the property. The lagoon is under the jurisdiction of the Boone County/Columbia Health Department. The applicant has requested a waiver of the sewer cost-benefit analysis.

The dimensions of Drew Road and Ball Road to the north of the area to be platted are not shown on the plat. Per Section 3.4 of Appendix A of the *Boone County Subdivision Regulations*, "Show the location, dimension and purpose of all easements and rights-of-way". The subdivision plat does not show right-of-way for either Ball Road nor Drew Road. Without dimensions that show their right-of-way width, the submitted plat does not meet the requirements of a Final Minor Plat.

The property scored 37 points on the rating system.

Staff recommends approval of the plat with the requested waivers subject to the following condition:

That all rights of way shown on the plat meet the requirements under Section 3.4 of Appendix A of the *Boone County Subdivision Regulations*, "Show the location, dimension and purpose of all easements and rights-of-way."

The surveyor has added the required data to the plat, which now conforms to the plat standards. The condition of approval has been satisfied.

## **Sully's Meadow Estates Plat 1**

The Planning and Zoning Commission reviewed the plat of Sully's Meadow Estates Plat 1 at its April 21, 2022 meeting and approved it with one condition on a unanimous vote. I ask that you waive the reading of the staff report and authorize the clerk to insert it into the meeting minutes. The condition has been met, staff recommends that you receive and accept the plat of Sully's Meadow Estates Plat 1 and authorize the Presiding Commissioner to sign it.

The property is located three quarters of a mile east of the city of Hallsville along East Old Highway 124. The property is within a A-R (Agricultural- Residential) zoning district. The proposed subdivision plat would create three lots, a 3.15-acre lot, a 3.26-acre lot, and a 3.63-acre lot. A corresponding administrative survey was submitted to the Director of Resource Management for the remainder of the parent parcel, which is 10 acres. The administrative survey lot would be served by separate utility and access easements along the west portion of lot 3. The property is surrounded by A-R zoning to the east, south, and west. A-1 (Agriculture) zoning exists to the north across E Old Highway 124. All surrounding zoning is original 1973 zoning.

All three lots of the proposed subdivision have frontage on and direct access to E Old Highway 124. Lot 1 of the subdivision has an existing driveway to serve a single-family home and barn structures. Lots 2 and 3 will require new driveways for connection onto E Old Highway 124. The corresponding administrative survey lot will have an access easement along the western boundary of lot 3 to connect to E Old Highway 124. The applicant did not submit a request to waive the traffic study.

The platted area is within the service area of Public Water Supply District #4. Boone Electric Cooperative provides power for the area. Boone County Fire Protection District provides fire protection.

The three lots are proposed to utilize onsite wastewater lagoons. An existing lagoon on the proposed lot 2 currently serves a house that sits on lot 1. The applicant did not submit a request to waive the wastewater cost benefit-analysis. Removal of the lagoon on the proposed lot 2 would be required before the plat is accepted by the County Commission.

No written request for waivers for the traffic analysis or wastewater cost benefit was received by staff. However, the size of the proposed plat would have minimal impact to both traffic and wastewater services. Waivers of these two studies are warranted.

The property scored 63 points on the rating system.

Staff recommends approval of the plat as submitted and waivers to the traffic study and wastewater cost benefit analysis based on the following condition:

1. That the existing lagoon on the proposed lot 2 be relocated to lot 1 with the existing house it currently serves before final approval from County Commission.

276-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

Term 20

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby approve the request to name an unnamed roadway that is currently a private, non-county-maintained road to Haydens Pointe. Said road being in S15 & 16-T50N-R11W and is shown on surveys recorded in Book 5633, Page 124 and Book 5633, Page 125 of the Boone County Records.

Done this 28th day of June 2022.

ATTEST:

  
Brianna L. Lennon  
Clerk of the County Commission

  
Daniel K. Atwill  
Presiding Commissioner

  
Justin Aldred  
District I Commissioner

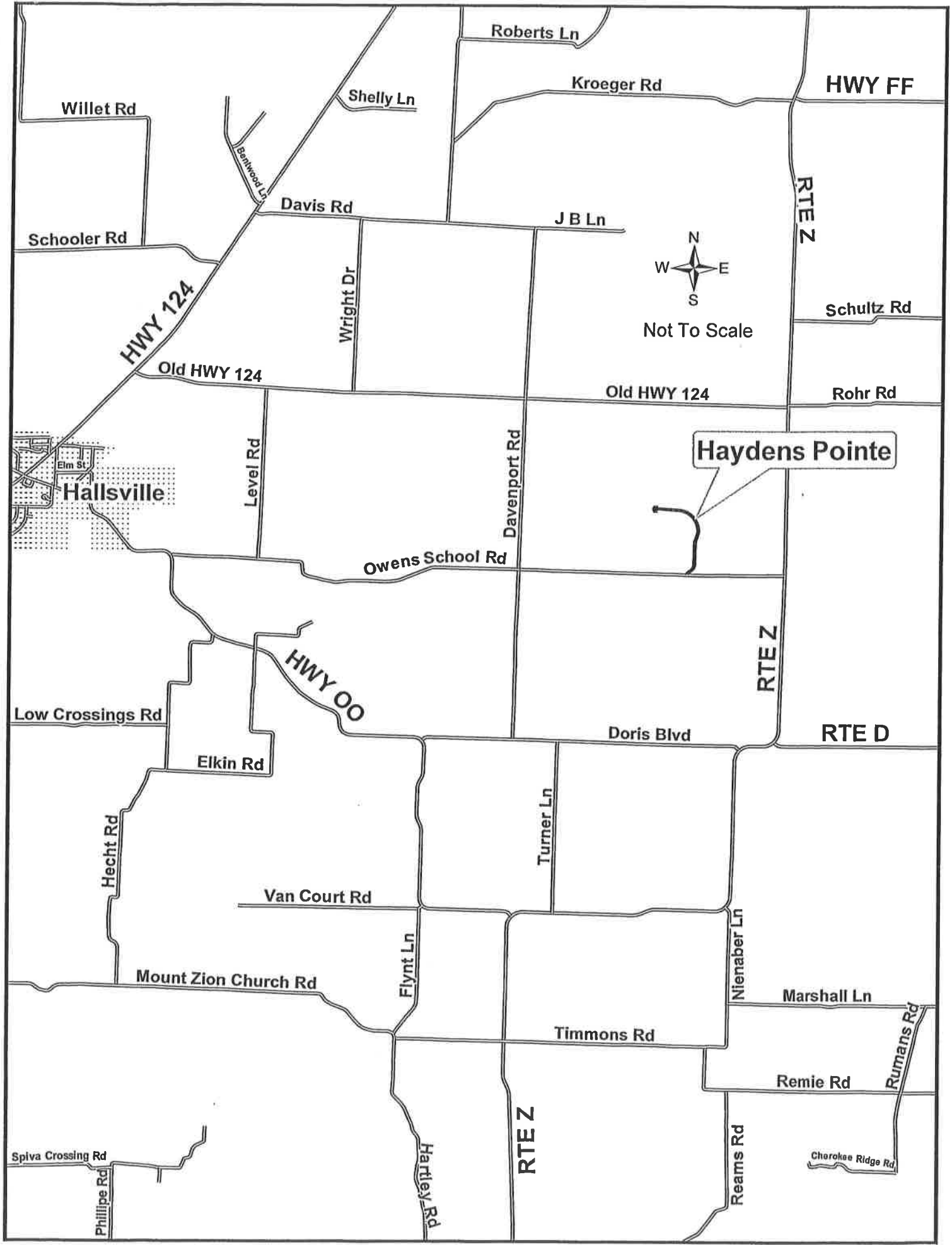
  
Janet M. Thompson  
District II Commissioner

**Request to name an unnamed roadway that is currently a private, non-county maintained road to HAYDENS POINTE. Said road being in Sections 15 & 16, Township 50 North, Range 11 West and is shown on surveys recorded in Book 5633 Page 124 and Book 5633 Page 125 of the Boone County Records.**

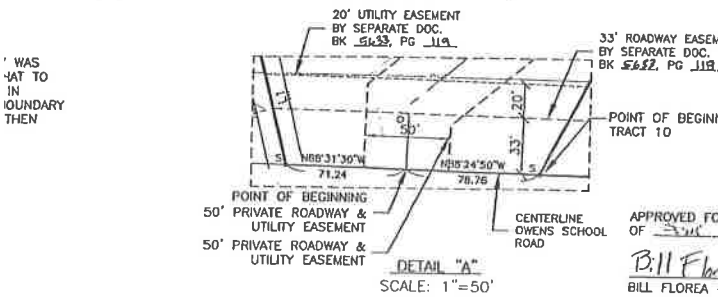
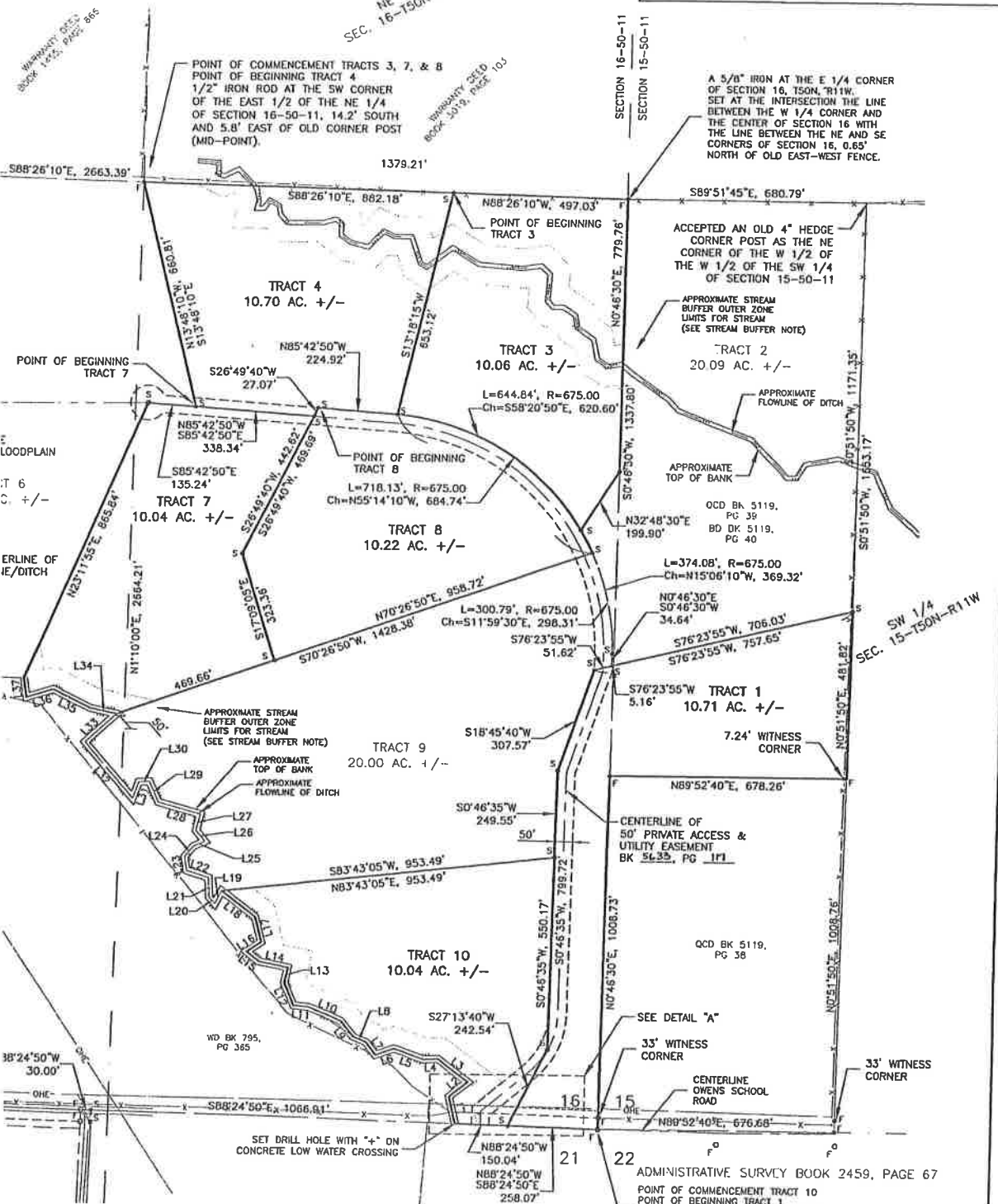
**HAYDENS POINTE: Beginning on the north side of Owens School Road approximately 3000 feet west of the intersections of Owens School Road and Route Z and running in a north/northwesterly direction for approximately 3300 feet.**







ADMINISTRATIVE SURVEY FOR  
**BRYAN & LESLIE CRUMP**  
 A PORTION OF TRACT 2 OF THE SURVEY IN BOOK 5265, PAGE 9  
 LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 15  
 AND THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 16,  
 TOWNSHIP 50 NORTH, RANGE 11 WEST  
 BOONE COUNTY, MISSOURI



APPROVED FOR RECORDING THIS 10<sup>th</sup> DAY OF July, 2022.

*Bill Florea*  
 BILL FLOREA - DIRECTOR OF RESOURCE MANAGEMENT



OWENS SCHOOL ROAD  
 Hallsville, Boone County, MO

Submitted: 4/21/2022

SHT. 1 of 02

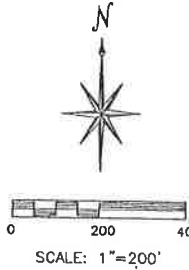
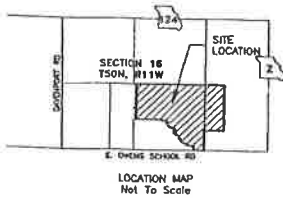
Recorded in Boone County, Missouri

Date and Time: 06/10/2022 @ 03:29:23 PM

Instrument #: 2022012679 Book: 5633 Page: 125

Instrument Type: BUA  
 Recording Fee: \$29.00  
 No. of Pages: 2

*Manalitz*  
 Here Direct, Recorder of Deeds



- LEGEND**
- S SET
  - F FOUND
  - DH DRILL HOLE
  - PM PERMANENT MONUMENT
  - o 1/2" IRON ROD OR PIPE
  - o 5/8" OR LARGER IRON
  - + DRILL HOLE OR CHISEL +
  - △ RIGHT OF WAY MARKER
  - STONE MONUMENT
  - CORNER POST
  - x FENCE LINE
  - (01/267) BK/Pg OF RECORD PLAT/SURVEY
  - M MEASURED DISTANCE
  - R RECORD DISTANCE
  - LOT NUMBERS FROM PRIOR SUBDIVISIONS/SURVEYS

**NOTES:**

THE BASIS OF BEARINGS IS GRID NORTH AS DETERMINED BY GPS OBSERVATION REFERENCED TO THE CENTRAL ZONE.

THIS SURVEY WAS EXECUTED TO COMPLY WITH THE ACCURACY STANDARDS FOR A RURAL CLASS PROPERTY JUNE, 2022.

A PORTION OF THIS TRACT IS LOCATED WITHIN ZONE "A" OF THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE FIRM FLOOD PLAIN MAPS, COMMUNITY-PANEL# 28019C0185D, DATED MARCH 17, 2011.

THE STREAM BUFFER LIMIT SHOWN ON THIS TRACT IS INTENDED TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 26 OF THE ZONING REGULATIONS OF BOONE COUNTY, MISSOURI. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS SPECIFICALLY APPROVED BY THE DIRECTOR. ANY PORTION OF THE STREAM BUFFER BANK THAT EXCEEDS SLOPES OF 15-25% SHALL HAVE AN ADDITIONAL 25' OF BUFFER FOR A TOTAL OF 75' FROM THE EDGE OF THE STREAM.

THIS TRACT IS SUBJECT TO THE BOONE COUNTY STORMWATER ORDINANCE

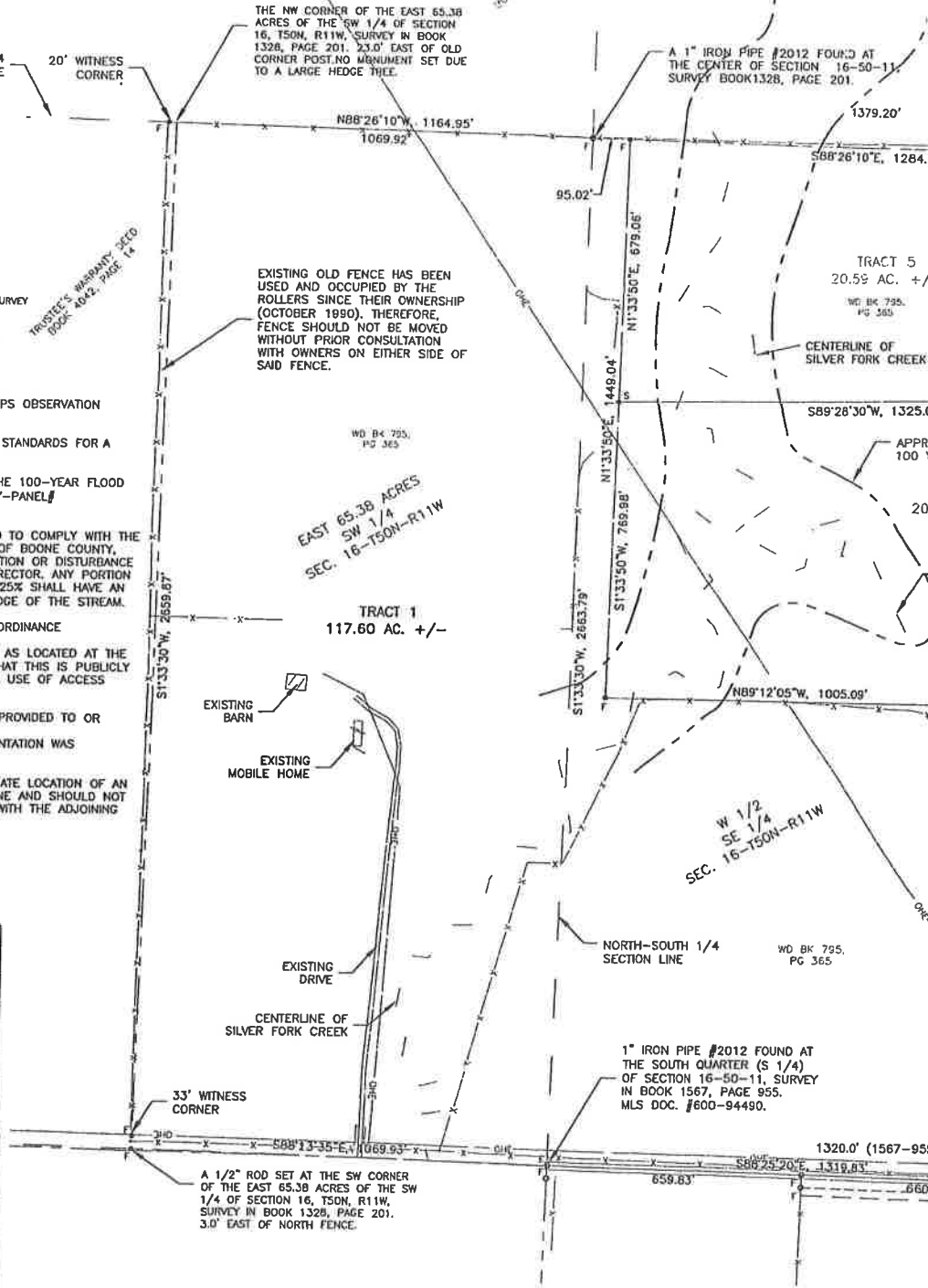
ROADWAY(S) AND/OR DRIVEWAY(S) SHOWN HEREON ARE SHOWN AS LOCATED AT THE TIME OF THE SURVEY. THE SURVEYOR DOES NOT REPRESENT THAT THIS IS PUBLICLY MAINTAINED ROAD NOR THAT KNOWLEDGE OF AN EASEMENT FOR USE OF ACCESS EXISTS UNLESS PUBLISHED HEREON.

ONLY THE RECORDED DOCUMENTS REFERENCED HEREON WERE PROVIDED TO OR DISCOVERED BY THE SURVEYOR. NO ABSTRACT, CURRENT TITLE POLICY/COMMITMENT/REPORT OR OTHER RECORD TITLE DOCUMENTATION WAS PROVIDED TO SURVEYOR.

ANY FENCE LINES DEPICTED HEREON REPRESENT THE APPROXIMATE LOCATION OF AN EXISTING FENCE. THE FENCE MAY REPRESENT A POSSESSION LINE AND SHOULD NOT BE MOVED OR RECONSTRUCTED WITHOUT PRIOR CONSULTATION WITH THE ADJOINING LAND OWNERS.

Line #	Direction	Length
L1	N13°40'40"W	78.50
L2	N51°07'10"E	67.00
L3	N53°00'45"W	107.00
L4	S87°44'45"W	41.00
L5	N70°33'10"W	90.00
L6	S70°39'20"W	57.00
L7	N36°00'05"W	45.00
L8	N67°51'45"W	41.00
L9	N38°34'25"W	58.00
L10	N67°46'00"W	98.00
L11	N83°50'55"W	46.00
L12	N23°17'35"W	70.00
L13	N12°14'20"E	45.00
L14	N78°59'35"W	83.00
L15	N52°51'15"W	47.00
L16	N56°41'00"E	50.00
L17	N15°01'10"W	75.00
L18	N52°35'00"W	121.00
L19	S26°32'10"W	42.00
L20	N40°39'45"W	25.00

Line #	Direction	Length
L21	N3°00'10"W	56.00
L22	N72°05'15"W	66.00
L23	N8°43'15"W	40.00
L24	N39°26'45"E	38.00
L25	N66°41'10"E	35.00
L26	N39°41'05"W	40.00
L27	N13°14'10"E	48.00
L28	N73°35'40"W	124.00
L29	N24°25'05"W	65.00
L30	S85°51'20"W	30.00
L31	S19°13'55"W	50.00
L32	N40°32'30"W	213.00
L33	N47°31'20"E	120.00
L34	N77°54'10"W	77.00
L35	N63°26'40"W	119.00
L36	S72°31'55"W	80.00
L37	N8°32'05"W	56.00



SUBSCRIBED AND SWORN BEFORE ME ON THIS 10<sup>th</sup> DAY OF June 2022. MY COMMISSION EXPIRES April 30, 2023.

TERESA E. SYFERO  
 NOTARY PUBLIC - NOTARY SEAL  
 STATE OF MISSOURI  
 COMMISSION EXPIRES APR 30 2023  
 #15043119

*Teresa E. Syfero*  
 TERESA E. SYFERO  
 NOTARY PUBLIC

THIS IS TO CERTIFY THAT AT THE REQUEST OF BRYAN CRUMP, A EXECUTED UNDER MY PERSONAL SUPERVISION AND I HEREBY DEC THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY WAS EXE ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROF SURVEYS. THE RESULTS ARE REPRESENTED ON THIS PLAT OF SUR DIVIDED TRACT AS SHOWN.

*Derek Forbis*  
 DEREK FORBIS, P.L.S. 2021015380  
 Date: JUNE 10, 2022



277-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

June Session of the April Adjourned

Te~~20~~ 20

County of Boone

} ea.

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby release Performance Bond #41391990 from the Platte River Insurance Company in the amount of \$267,401.88. Said bond was issued on behalf of 40-J Farms LLC & 40 & J Development LLC for stormwater improvements located at Midway USA Phase 2, W. Hwy 40 & N. Rte J, Columbia, Missouri 65202. The work has been completed as required. The original Commission Order accepting the Performance Bond is 336-2020.

Done this 28th day of June 2022.

ATTEST:



Brianna L. Lennon  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner

278-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

Term 20

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby approve the award of Amendment #1 to Co-op Contract 210101 for Technology Solutions, Products and Services – Term & Supply for the Boone County Information Technology Department on behalf of the Boone County Sheriff’s Office to Mobile Wireless of Plano, Texas.

Done this 28th day of June 2022.

ATTEST:

  
Brianna L. Lennon  
Clerk of the County Commission

  
Daniel K. Atwill  
Presiding Commissioner

  
Justin Aldred  
District Commissioner

  
Janet M. Thompson  
District II Commissioner

# Boone County Purchasing

**Liz Palazzolo**  
Senior Buyer



613 E. Ash Street, Room 109  
Columbia, MO 65201  
Phone: (573) 886-4392  
Fax: (573) 886-4390  
lpalazzolo@boonecountymo.org

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## COMMISSION MEMORANDUM

**TO:** Boone County Commission

**FROM:** Liz Palazzolo

**RE:** Amendment #1, Contract 210101 – Technology Solutions, Products, & Services – Countywide – Term & Supply

**DATE:** 06/13/22

Contract 210101 for Technology Solutions, Products & Services is a Countywide Term and Supply that is administered by IT. It was awarded July 20, 2021 by Commission Order 289-2021. Amendment #1 to the contract changes the perpetual licenses for the Sheriff's Office to subscription licenses, and locks in annual pricing for the licenses for the next three years. The End User License Agreement (EULA) added with this amendment has been updated to reflect the change in license type; the Legal Office reviewed the "Privacy" terms addressed in paragraph 16 and finds them acceptable as is. Other edits have been made to the EULA that refer to Missouri law governing (paragraph 10) and referring to the original agreement as being part of the entire agreement (paragraph 15). Reference to the County being responsible for attorney's fees was eliminated from paragraph 14. The FE contract number C000142 is added.

All other terms of the original agreement remain unchanged.

This is a Countywide Term & Supply.

/lp

Commission Order: 278-2022

Date: 06.28.2022

**CONTRACT AMENDMENT NUMBER ONE**  
**CONTRACT 210101**  
**TECHNOLOGY SOLUTIONS, PRODUCTS, AND SERVICES**

The Agreement 210101 dated the 20th day of July 2021 made by and between Boone County, Missouri and **Mobile Wireless LLC** for and in consideration of the performance of the respective obligations of the parties set forth herein, is amended as follows:

1. **ADD Attachment One** that changes the perpetual license to a subscription license as detailed in the attachment. **Attachment One** shall be incorporated into the contract by reference. Pricing and terms for the 102 Subscription Licenses for NetMotion COMPLETE shall be as indicated in NetMotion's Order Reference # **Q-208353** which is incorporated as **Attachment One** including the End User License Agreement:

Subscription Period		Annual Total Firm Price for 102 Licenses – NetMotion COMPLETE
Subscription Year 1	June 28, 2022 -- June 27, 2023	\$12,608.00
Subscription Year 2	June 28, 2023 -- June 27, 2024	\$10,608.00
Subscription Year 3	June 28, 2024 -- June 27, 2025	\$10,608.00

2. **REVISE** paragraph 7 of the Purchase Agreement as follows:

**7. Contract Duration** - This agreement shall commence on **August 1, 2021 and extend through May 31, 2025** subject to the provisions for termination specified below. *One (1) one-year renewal option is available to the County to exercise at its sole option to renew the contract term. The contract may be extended upon mutual agreement of both parties subject to provisions stated in the original contract under the heading "Terms of Agreement and Renewals."*

3. The Finance Enterprise Contract number assigned to this purchase agreement is C000142.
4. All other terms and conditions of the original contract shall remain the same and apply hereto.

**IN WITNESS WHEREOF** the parties through their duly authorized representatives have executed this agreement on the day and year first above written.





279-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

} ca.

June Session of the April Adjourned

2022

County of Boone

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby approve Cooperative Contract Number 83 of the America Regional Council-Kansas City Regional Purchasing Cooperative (MARC/KCRPC). It is approved for the County to utilize to purchase Public Safety Radios (P25 Capable) from Motorola Solutions, Inc. of Chicago, IL.

Done this 28th day of June 2022.

ATTEST:

*Brianna L. Lennon*

Brianna L. Lennon  
Clerk of the County Commission

*Daniel K. Atwill*

Daniel K. Atwill  
Presiding Commissioner

*Justin Aldred*

Justin Aldred  
District I Commissioner

*Janet M. Thompson*

Janet M. Thompson  
District II Commissioner

# Boone County Purchasing

**Melinda Bobbitt, CPPO, CPPB**  
Director of Purchasing



613 E. Ash St., Room 110  
Columbia, MO 65201  
Phone: (573) 886-4391  
Fax: (573) 886-4390

---

## MEMORANDUM

TO: Boone County Commission  
FROM: Melinda Bobbitt, CPPO, CPPB  
DATE: June 29, 2022  
RE: MARC/KCRPC Cooperative Contract: 83 – *Public Safety Radios (P25 Capable) (FE Purchase Agreement C000419)*

Dave Dunford, Radio Consultant for Boone County, requests that Boone County Joint Communications and the Sheriff Department utilize the America Regional Council-Kansas City Regional Purchasing Cooperative (MARC/KCRPC) cooperative contract 83 to purchase Public Safety Radios (P25 Capable) from Motorola Solutions, Inc. of Chicago, IL

This is a Term and Supply contract.

cc: Contract File  
Chad Martin, Patricia Schreiner, Joint Communications  
Dave Dunford, Radio Consultant  
Gary German, David Alexander, Sheriff Department

**PURCHASE AGREEMENT**  
**Public Safety Radios (P25 Capable)**

**THIS AGREEMENT, C000419**, dated the 28th day of June 2022 is made between Boone County, Missouri, a political subdivision of the State of Missouri through the Boone County Commission, herein "County" and **Motorola Solutions, Inc.**, herein "Vendor."

**IN CONSIDERATION** of the parties performance of the respective obligations contained herein, the parties agree as follows:

- 1. Contract Documents** - This agreement shall consist of this Purchase Agreement for **Public Safety Radios (P25 Capable)**, in compliance with all bid specifications and any addendum issued for the **Mid-America Regional Council-Kansas City Regional Purchasing Cooperative (MARC/KCRPC)** contract based on RFP number **83** and Boone County Standard Contract Terms and Conditions. All such documents shall constitute the contract documents which are incorporated herein by reference. Service or product data, specification and literature submitted with bid response may be permanently maintained in the County Purchasing Office contract file for this contract if not attached. In the event of conflict between any of the foregoing documents, this purchase agreement and the MARC/KCRPC contract based on RFP number **83** shall prevail and control over the vendor's bid response.
- 2. Purchase** - The County agrees to purchase from the Vendor and the Vendor agrees to supply the County with **Public Safety Radios (P25 Capable)** which shall be provided in conformity with the contract documents for the prices / discount structure set forth in Bidder's response, as needed and as ordered by the County. Discount structure includes **40% off APX radios, 27% off APX Next Radios, and 40% off of accessories from the manufacturer's list price.**
- 3. Warranty** - Manufacturer's minimum standard one-year warranty shall apply. Extended warranties may be purchased for pricing detailed within.
- 4. Contract Duration** - This agreement shall commence on **May 1, 2022 and extend through April 30, 2023** subject to the provisions for termination specified below. Contract may be renewed for **one (1) additional one-year period.**
- 5. Delivery - FOB Destination:** All deliveries shall be made FOB Destination with freight prepaid and charged back. The seller pays the freight and charges back the buyer by adding the freight charges to the invoices. A copy of the actual freight bill should be attached to the invoices as evidence of correct freight billing.  
Vendor agrees to coordinate delivery of equipment and service with the Boone County representative. The Vendor shall ship ordered products within a commercially reasonable time after the receipt of the order from the County. If a delay in said delivery is anticipated, the Vendor shall notify the County as to why deliver is delayed and shall provide an estimated time for completion of the order. County may cancel the order if estimated delivery time is not acceptable or not as agreed.
- 6. Billing and Payment** - All billing shall be invoiced to the ordering Department and billings may only include the prices as listed and/or calculated in the Vendor's bid response. No additional fees for extra services or taxes shall be included as additional charges in excess of the charges in the Vendor's bid response to the specifications unless specified in contract. The County agrees to pay all invoices within thirty days of receipt. In the event of a billing dispute, the County reserves the right to withhold payment on the disputed amount; in the event the billing dispute is resolved in favor of the Vendor, the County agrees to pay interest at a rate of 9% per annum on disputed amounts withheld commencing from the last date that payment was due.

Manufacturer's list price and discounted price must both be listed on the invoice.

- 7. Binding Effect** - This agreement shall be binding upon the parties hereto and their successors and assigns for so long as this agreement remains in full force and effect.

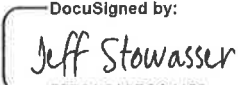
8. **Entire Agreement** - This agreement constitutes the entire agreement between the parties and supersedes any prior negotiations, written or verbal, and any other bid or bid specification or contractual agreement. This agreement may only be amended by a signed writing executed with the same formality as this agreement.

9. **Termination** - This agreement may be terminated by the County upon thirty days advance written notice for any of the following reasons or under any of the following circumstances:

- a. County may terminate this agreement due to material breach of any term or condition of this agreement, or
- b. County may terminate this agreement if in the opinion of the Boone County Commission delivery of products are delayed, or products delivered are not in conformity with bidding specifications or variances authorized by County, or
- c. If appropriations are not made available and budgeted for any calendar year.
- d. The County shall remain responsible for all payments for equipment and services provided by Motorola up to and including date of termination.

IN WITNESS WHEREOF the parties through their duly authorized representatives have executed this agreement on the day and year first above written.

**MOTOROLA SOLUTIONS, INC.**

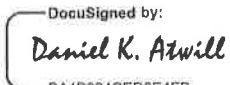
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 By \_\_\_\_\_  
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ASM MO-IL

Title \_\_\_\_\_

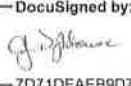
**BOONE COUNTY, MISSOURI**

By: Boone County Commission

DocuSigned by:  
  
 \_\_\_\_\_  
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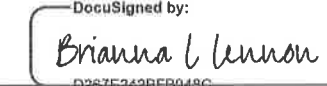
Daniel K. Atwill, Presiding Commissioner

APPROVED AS TO FORM:

DocuSigned by:  
  
 \_\_\_\_\_  
7D71DEAE89D74DD...

CJ Dykhouse, County Counselor

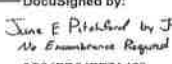
ATTEST:

DocuSigned by:  
  
 \_\_\_\_\_  
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Brianna L. Lennon, County Clerk

**AUDITOR CERTIFICATION**

In accordance with RSMo 50.660, I hereby certify that a sufficient unencumbered appropriation balance exists and is available to satisfy the obligation(s) arising from this contract. (Note: Certification of this contract is not required if the terms of the contract do not create in a measurable county obligation at this time.)

DocuSigned by:  
  
 \_\_\_\_\_  
RC24BD84EE7A463

Signature

6/13/2022

Date

Term & Supply

Appropriation Account

## STANDARD CONTRACT TERMS AND CONDITIONS - BOONE COUNTY, MISSOURI

1. Contractor shall comply with all applicable federal, state, and local laws and failure to do so, in County's sole discretion, shall give County the right to terminate this Contract.
2. Prices shall include all charges for installation (unless otherwise specified) to the Boone County Department.
3. The Boone County Commission has the right to accept or reject any part or parts of all bids, to waive technicalities, and to accept the offer the County Commission considers the most advantageous to the County. Boone County reserves the right to award this bid on an item-by-item basis, or an "all or none" basis, whichever is in the best interest of the County. The Purchasing Director reserves the right, when only one bid has been received by the bid closing date, to delay the opening of bids to another date and time in order to revise specifications and/or establish further competition for the commodity or service required. The one (1) bid received will be retained unopened until the new Closing date, or at request of bidder, returned unopened for re-submittal at the new date and time of bid closing.
4. When products or materials of any particular producer or manufacturer are mentioned in our contracts, such products or materials are intended to be descriptive of type or quality and not restricted to those mentioned.
5. Do not include Federal Excise Tax or Sales and Use Taxes in billing, as law exempts the County from them.
6. The delivery date shall be stated in definite terms.
7. Any shipping dates set forth in an Ordering Document are approximate, and **Motorola** will make reasonable efforts to ship Products by any such estimated shipping date. In case of delay, the Contractor must notify the Purchasing Department, and the County Commission reserves the right to cancel all or any part of orders if delivery is not made or work is not started as communicated.
8. In case of default by the Contractor, the County of Boone will procure the articles or services from other sources and hold the Contractor responsible for any excess cost occasioned thereby.
9. Failure to deliver as guaranteed may disqualify Contractor from future bidding.
10. Prices must be as stated in units of quantity specified and must be firm.
11. The County of Boone, Missouri expressly denies responsibility for, or ownership of any item purchased until same is delivered to the County and is accepted by the County.
12. The County reserves the right to award to one or multiple respondents. The County also reserves the right to not award any item or group of items if the services can be obtained from a state or other governmental entities contract under more favorable terms. The resulting contract will be considered "Non-Exclusive". The County reserves the right to purchase advertising from other vendors.
13. The County, from time to time, uses federal grant funds for the procurement of goods and services. Accordingly, the provider of goods and/or services shall comply with federal laws, rules and regulations applicable to the funds used by the County for said procurement, and contract clauses required by the federal government in such circumstances are incorporated herein by reference. These clauses can generally be found in the Federal Transit Administration's Best Practices

Procurement Manual – Appendix A. Any questions regarding the applicability of federal clauses to a particular bid should be directed to the Purchasing Department prior to bid opening.

14. In the event of a discrepancy between a unit price and an extended line item price, the unit price shall govern.
15. Should an audit of Contractor's invoices during the term of the Agreement, and any renewals thereof, indicate that the County has remitted payment on invoices that constitute an over-charging to the County above the pricing terms agreed to herein, the Contractor shall issue a refund check to the County for any over-charges within 30-days of being notified of the same.
16. Pursuant to Section 34.600 RSMo, for contracts \$100,000 and greater, Contractor/Vendor certifies it is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.
17. **For all titled vehicles and equipment, the dealer must use the actual delivery date to the County** on all transfer documents including the Certificate of Origin (COO), Manufacturer's Statement of Origin (MSO), Bill of Sale (BOS), and Application for Title.
18. **Equipment and serial and model numbers** - The contractor is strongly encouraged to include equipment serial and model numbers for all amounts invoiced to the County. If equipment serial and model numbers are not provided on the face of the invoice, such information may be required by the County before issuing payment.
19. All equipment and supplies offered in a quote must be new, of current production, and available for marketing by the manufacturer unless the County clearly specifies that used, reconditioned, or remanufactured equipment and supplies may be offered.

*Updated 10/01/21*

280-2022

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

June Session of the April Adjourned

Te~~07~~ 20

In the County Commission of said county, on the 28th day of June 20 22

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the attached Chief Local Elected Official (CLEO) Caucus Agreement for the Central Workforce Development Board and authorizes the Presiding Commissioner to execute the same.

Done this 28th day of June 2022.

ATTEST:

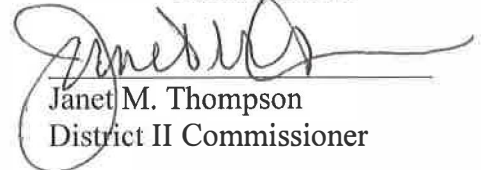
  
Brianna L. Lennon  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner



# CHIEF LOCAL ELECTED OFFICIAL CAUCUS AGREEMENT

THIS AGREEMENT, made and entered into this 10th<sup>th</sup> day of February 2022, by and between the COUNTIES of:

Audrain, Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Laclede, Maries, Miller, Moniteau, Morgan, Osage, Phelps, Pulaski, Washington

in the State of Missouri.

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## WITNESSETH

WHEREAS, the Chief Local Elected Officials (CLEOs) of the aforementioned counties and/or cities did previously adopt resolutions authorizing the creation of a caucus, in order to administer the provisions of Public Law 113-128, the Workforce Innovation and Opportunity Act (hereinafter “the Act”), and

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, each party acknowledges they do hereby agree to the following:

## AGREEMENT

**SECTION 1:** That the Counties of:

Audrain, Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Laclede, Maries, Miller, Moniteau, Morgan, Osage, Phelps, Pulaski, Washington

do hereby constitute a caucus for the purposes of Section 107 Public Law 113-128, the Act.

**SECTION 2:** The Chief Local Elected Officials (Presiding Commissioners) of the local government entities in Section 1 shall constitute the Central Workforce Development Board Caucus of Chief Local Elected Officials (hereinafter, the Caucus) which shall appoint the Central Workforce Development Board (CWDB) for the region under Section 107 of the ACT.

**SECTION 3:** The Caucus may adopt operational and procedural bylaws consistent with this Agreement, applicable federal and state laws and rules or regulations promulgated pursuant thereto. Bylaws or amendments thereto may be adopted by the affirmative vote of a simple majority of the members of the Caucus, provided that written copies thereof were delivered to each Caucus member at least 10 calendar days prior to the date of the meeting at which such bylaws or amendments thereto are to be considered.

**SECTION 4:** The Caucus shall execute an agreement with the Central Workforce Development Board (CWDB) to perform the functions of the Board under Section 107(d) of the Act, and the Caucus shall approve all local plans under Section 108 of the Act.

**SECTION 5:** The Caucus shall perform all functions for chief local elected officials as contained in Public Law 113-128, the Workforce Innovation and Opportunity Act.

**SECTION 6:** This Agreement shall be effective when approved by each member of the Caucus through their signature. This Agreement shall supersede any and all written or oral Caucus agreements under Public Law 113-128, the Workforce Innovation and Opportunity Act. This Agreement shall expire on June 30, 2024, at which time a new Agreement shall be required.

**SECTION 7:** Any amendments to this Agreement may be adopted with the concurrence of each and every member of the Caucus. The Caucus may be dissolved and this Agreement may be rescinded only with the consent of the Governor.

**SECTION 8:** The Chief Elected Official will attend at least one Local Workforce Board meeting annually.


**SECTION 9:** The CLEO and the LWDB Chairperson must attend summit(s) provided by OWD specifically for CLEOs and LWDB Chairpersons. OWD will make each Subrecipient aware of the training in advance.

The CLEO and LWDB Chairperson must attend an annual meeting with the OWD Director. OWD will make each Subrecipient aware of the meeting in advance.

**SECTION 10:** The CLEO may designate an alternate representative from their local government entity to attend and participate in the Caucus meetings on the CLEO's behalf. However, this designee shall not possess the right to vote on behalf of such CLEO, unless the proxy voting is as outlined below:

Absent members of the CLEO may authorize another member of such member's Commission or another member of the CLEO's to stand as their proxy. Such proxy authorization shall state the date of the meeting, the name of the absent member and the name of the proxy; include a notarized signature of the absent member; and shall be submitted to the Clerk of the CLEO's at or prior to the meeting for which the proxy is effective. If the proxy authorization is properly executed and submitted, the proxy may act with all powers of the absent member; however, no proxy shall cast a vote on any by-law of the CLEO's.


**SECTION 11:** This agreement will be reviewed and revised as needed annually at a meeting of the CLEOs and will be documented in local board minutes.

 2/10/22  
(Date)

Randy Verkamp  
Presiding Commissioner  
Phelps County

  
(Date)

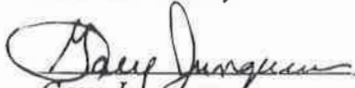
Gene Newkirk  
Presiding Commissioner  
Pulaski County


 2-10-22  
(Date)

Dave Sanssegraw  
Presiding Commissioner  
Washington County

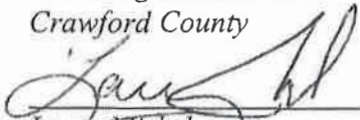
IN WITNESS WHEREOF, the parties representing the government entities listed in Section 1, through their signatures below, have read and understand this Agreement and hereto have caused this Agreement to be executed:

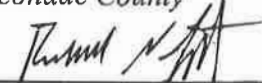
\_\_\_\_\_  
Alan Winders (Date)  
Presiding Commissioner  
Audrain County

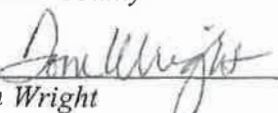
  
\_\_\_\_\_  
Gary Jungermann 2/10/22 (Date)  
Presiding Commissioner  
Callaway County

  
\_\_\_\_\_  
Sam Bushman 2/10/22 (Date)  
Presiding Commissioner  
Cole County

\_\_\_\_\_  
Leo Sanders (Date)  
Presiding Commissioner  
Crawford County

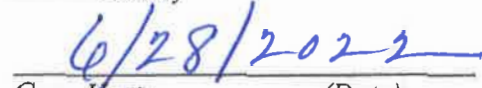
  
\_\_\_\_\_  
Larry Miskel 2/10/2022 (Date)  
Presiding Commissioner  
Gasconade County


  
\_\_\_\_\_  
Randy Angst 2/10/2022 (Date)  
Presiding Commissioner  
Laclede County

  
\_\_\_\_\_  
Tom Wright 2-10-2022 (Date)  
Presiding Commissioner  
Miller County

\_\_\_\_\_  
Tony Stephens (Date)  
Presiding Commissioner  
Morgan County

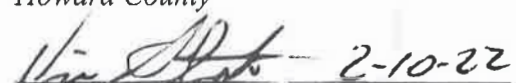
  
\_\_\_\_\_  
Daniel Atwill (Date)  
Presiding Commissioner  
Boone County


  
\_\_\_\_\_  
Greg Masty 6/28/2022 (Date)  
Presiding Commissioner  
Camden County

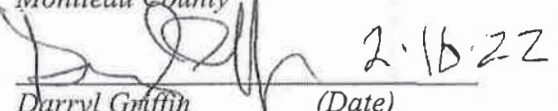
  
\_\_\_\_\_  
Don Baragary 2/10/22 (Date)  
Presiding Commissioner  
Cooper County

\_\_\_\_\_  
Darrell Skiles (Date)  
Presiding Commissioner  
Dent County

\_\_\_\_\_  
Jeremiah Johnmeyer (Date)  
Presiding Commissioner  
Howard County

  
\_\_\_\_\_  
Victor Stratman 2-10-22 (Date)  
Presiding Commissioner  
Maries County

  
\_\_\_\_\_  
Mac Finley 2-10-22 (Date)  
Presiding Commissioner  
Moniteau County

  
\_\_\_\_\_  
Darryl Griffin 2-10-22 (Date)  
Presiding Commissioner  
Osage County