

CERTIFIED COPY OF ORDER

STATE OF MISSOURI

} ea.

October Session of the October Adjourned

Term. 20 16

County of Boone

In the County Commission of said county, on the

11th

day of

October

20 16

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

Now on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the attached Finding of Public Nuisance and Order for Abatement of a public nuisance located at 4869 E. Hwy. HH, parcel #12-204-10-07-002.00 01.

Done this ^{11th} ~~3rd~~ day of October, 2016.

ATTEST:

Wendy S. Noren
Wendy S. Noren
Clerk of the County Commission

Daniel K. Atwill
Daniel K. Atwill

Presiding Commissioner

Karen M. Miller
Karen M. Miller

District I Commissioner

Janet M. Thompson
Janet M. Thompson

District II Commissioner

**BEFORE THE COUNTY COMMISSION OF
BOONE COUNTY, MISSOURI**

In Re: Nuisance Abatement)	October Session
4869 E Hwy HH)	October Adjourned
Columbia, MO 65202)	Term 2016
)	Commission Order No. <u>465-2016</u>

FINDING OF PUBLIC NUISANCE AND ORDER FOR ABATEMENT

NOW on this 11th day of October 2016 the County Commission of Boone County, Missouri met in regular session and entered the following findings of fact, conclusions of law and order for abatement of nuisance:

Findings of Fact and Conclusions of Law

The County Commission finds as fact and concludes as a matter of law the following:

1. The Boone County Code of Health Regulations (the "Code") are officially noticed and are made a part of the record in this proceeding.
2. The City of Columbia/Boone County Health Department administrative record is made a part of the record in this proceeding and incorporated herein by reference. In addition, any live testimony of the official(s) of the department and other interested persons are made a part of the record in this proceeding.
3. A public nuisance exists described as follows: 3 abandoned cars on the property.
4. The location of the public nuisance is as follows: 4869 E Hwy HH, Kristen Acres Lot 2 (a/k/a parcel # 12-204-10-07-002.00 01) Section 10, Township 49, Range 12 as shown by deed book 0028 page 0002, Boone County
5. The specific violation of the Code is: 3 abandoned cars on the property in violation of sections 6.9 of the Code. The Health Director's designated Health Official made the above determination of the existence of the public nuisance at the above location. Notice of that determination and the requirement for abatement was given in accordance with section 6.10.1 of the Code on the 23rd day of August 2016, to the property owner, occupant, and any other applicable interested persons.
7. The above described public nuisance was not abated. As required by section 6.10.2 of the Code, the property owner, occupant, and any other applicable interested persons were given notice of the hearing conducted this date before the Boone County Commission for an order to abate the above nuisance at government expense with the cost and expense thereof to be charged against the above described property as a special tax bill and added to the real estate taxes for said property for the current year.
8. No credible evidence has been presented at the hearing to demonstrate that no public nuisance exists or that abatement has been performed or is unnecessary; accordingly, in accordance with section 6.10.2 of the Code and section 67.402, RSMo, the County

Commission finds and determines from the credible evidence presented that a public nuisance exists at the above location which requires abatement and that the parties responsible for abating such nuisance have failed to do so as required by the Health Director or Official's original order referred to above.

Order For Abatement Chargeable As a Special Assessment To The Property

Based upon the foregoing, the County Commission hereby orders abatement of the above described public nuisance at public expense and the Health Director is hereby authorized and directed to carry out this order.

It is further ordered and directed that the Health Director submit a bill for the cost and expense of abatement to the County Clerk for attachment to this order and that the County Clerk submit a certified copy of this order and such bill to the County Collector for inclusion as a special assessment on the real property tax bill for the above described property for the current year in accordance with section 67.402, RSMo.

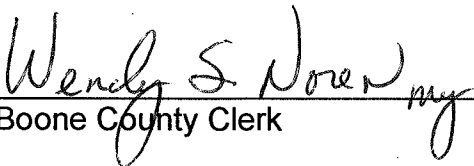
WITNESS the signature of the presiding commissioner on behalf Boone County Commission on the day and year first above written.

Boone County, Missouri
By Boone County Commission



Presiding Commissioner

ATTEST:



Boone County Clerk

4869 E Hwy HH

12-204-10-07-002.00 01



4869 E Hwy HH

ACTIVITY LOG

08/22/2016 citizen complaint received

08/23/2016 complaint investigated – 3 cars abandoned 1 on blocks; 1 no aired up tires, no plates; and one no aired up tires

08/26/2016 notice of violation sent via Certified Mail

09/16/2016 Certified Letter was returned to health dept unclaimed

09/23/2016 Notice ran in the Columbia Tribune

9/23/2016 Hearing notice sent First Class Mail

10/4/2016 pictures taken and violation still present, one of the cars the tires have been aired up on

9/21 - Sent to newspaper

Aug 22, 2016 1:44:50 PM CDT
File Edit Commands Help
4901 WEEDS SECTOR
NavLine

6781
 Events
 Email log
 Reminders
 Work requests

Call Information
Call ID: 6781 Status: Open Entity: City of Columbia
Description: 4869 Hwy HH
Comments
3 non working cars, one has no wheels or tires and sits on blocks. John 931 636 8795

Call Details
Call type: CE-County Nuisance
Entry date/time: 08/22/2016 08:32:53
Entry user ID: Niles, Michelle M Health
Origin:
Work group: Environmental Health

Contact Information
Contact ID: 154830
Contact name: Undefined
From phone: (573) 555-5555
Customer:
Location:
Service:

Call Assignment/Notification
Contact notification: Call back
Notification date:
Email updates: No
Notification user:
Forward to user: Dewrock, Britni M - HL Env.

Close Information
Close date/time: 00:00:00
Close user:
Elapsed time:
Action taken:

Print
Cancel
Exit
Refresh
Toggle Inform...
Contact Inquiry

4901 Weeds



Boone County Assessor

Boone County Government
 Center
 801 E. Walnut, Room 143
 Columbia, MO 65201-7733

Office (573) 886-4270
 Fax (573) 886-4254
 Open 8:00 am - 5:00 pm Monday to
 Friday

Parcel 12-204-10-07-002.00 01

Property Location 4869 E HWY HH

City **BOONE COUNTY (L1)** Road **COMMON ROAD DISTRICT (CO)** School **HALLSVILLE (R4)**
 Library **BOONE COUNTY (L1)** Fire **BOONE COUNTY (F1)**

Owner **DURAN MAURICIO R**
 Address **4869 E HWY HH**
 City, State Zip **COLUMBIA, MO 65202**

Subdivision Plat Book/Page **0028 0002**

Section/Township/Range **10 49 12**

Legal Description **KRISTEN ACRES
 LOT 2**

Lot Size **80.00 x 140.00**

Deed Book/Page **3001 0003** **3001 0002** **2471 0060** **1606 0032**

Current Appraised				Current Assessed			
Type	Land	Bldgs	Total	Type	Land	Bldgs	Total
RI	7,000	64,400	71,400	RI	1,330	12,236	13,566
Totals	7,000	64,400	71,400	Totals	1,330	12,236	13,566

Most Recent Tax Bill(s)

Residence Description

Year Built **1993**
 Use **SINGLE FAMILY
 (101)**
 Basement **NONE (1)** Attic **NONE
 (1)**
 Bedrooms **3** Main Area **1,086**
 Full Bath **2** Finished Basement **0**
 Area
 Half Bath **0**
 Total **5** Total Square Feet **1,086**
 Rooms

[iRecord](#) - [User Administration](#)[BMDEWROCC@GOCOLUMBIAMO.COM](#)
[Logout](#)

Nora Dietzel
Boone County , Missouri - Recorder of Deeds

[Click Here To View Document](#)

Boone County Recorder of Deeds
801 East Walnut, Rm. 132
Columbia, MO 65201-7728

(573) 886-4345 Office
(573) 886-4359 Fax

Document recording information

Instrument DT - DEED OF TRUST
Document No. 2010008111
Book 3635
Page 50
Recording Date 5/5/2010 9:39:10 AM
Dated date 4/29/2010

Referenced By This Document (1)

Book: 3635 Page: 49 DT 05/05/2010

References To This Document (1)

Book: 4447 Page: 128 RL

Referenced Amount \$2,815.20

Grantor(s) (1)

DURAN, MAURICIO R

Grantee(s) (1)

MISSOURI HOUSING DEVELOPMENT COMMISSION

Mortgagee's Address

3435 BROADWAY
KANSAS CITY, MO 64111

Legal Description(s) (1)

LT 2 KRISTEN ACRES

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Boone County, Missouri
Unofficial Document



Recorded in Boone County, Missouri

Date and Time: 06/01/2015 at 10:33:34 AM

Instrument #: 2015010832 Book: 4447 Page: 128

Instrument Type: RL

Recording Fee: \$27.00 S

No. of Pages: 2



_____(Space above reserved for Recorder of Deeds Certification)_____

PHONE#: (888) 679-6377

Investor #: HSS Service#: 969979RL1



Loan#: 9902552554S

Title of Document: DEED OF RELEASE

Date of Document: MAY 21, 2015

Grantor(s): MISSOURI HOUSING DEVELOPMENT COMMISSION, 3435 BROADWAY,
KANSAS CITY, MO 64111 0000

Grantee(s): MAURICIO R DURAN SINGLE PERSON, 4869 HWY HH, COLUMBIA, MO
65202-0000

Legal Description: LOT TWO 2 OF KRISTEN ACRES AS SHOWN BY PLAT OF SAID
SUBDIVISION RECORDED IN PLAT BOOK 28 PAGE 2 RECORDS OF BOONE
COUNTY MISSOURI

Reference Book & Page(s): Deed of Trust Dated: APRIL 29, 2010 Recorded on: MAY 05, 2010 as Instrument
No. 2010008111 in Book No. 3635 at Page No. 50

KNOW ALL MEN BY THESE PRESENTS: that the undersigned, owner of the beneficial interest under a certain Deed of Trust securing an indebtedness of **2,815.20**, whose parties, dates and recording information as shown, does hereby acknowledge that it has received full payment and satisfaction of the same, and in consideration thereof, does reconvey, without warranty, to the person or persons legally entitled thereto, the estate, title and interest now held by it under said Deed of Trust in said county in the state of MISSOURI, describing the land therein as more fully described in said Deed of Trust.

Original Beneficiary: MISSOURI HOUSING DEVELOPMENT COMMISSION

Property Address: 4869 HWY HH, COLUMBIA, MO 65202-0000

County of BOONE, State of MISSOURI.

Nora Dietzel, Recorder of Deeds

Boone County, Missouri
Unofficial Document

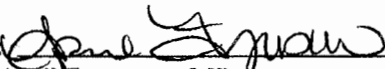
BOONE COUNTY MO JUN 01 2015

Loan#: 9902552554S Srv#: 969979RL1

Page 2

IN WITNESS WHEREOF, THE UNDERSIGNED, BY THE OFFICER DULY AUTHORIZED, HAS DULY EXECUTED THE FOREGOING INSTRUMENT ON **MAY 21, 2015**


Grantor: **MISSOURI HOUSING DEVELOPMENT COMMISSION BY U.S. BANK NA AS IT'S ATTORNEY IN-FACT**

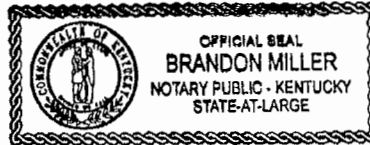
By: 
April Ferguson, Officer

State of KENTUCKY }
County of DAVIESS } ss.

On this date of **MAY 21, 2015**, before me the undersigned authority, personally appeared **April Ferguson**, personally known to me to be the person whose name is subscribed as the **Officer of MISSOURI HOUSING DEVELOPMENT COMMISSION BY U.S. BANK NA AS IT'S ATTORNEY IN-FACT**, a corporation, on the within instrument, who, being duly affirmed, acknowledged to me that he/she, being authorized to do so, in the capacity therein stated, executed the within instrument for and on behalf of the corporation, as its free and voluntary act and deed, for the consideration, uses and purposes therein contained.

Witness my hand and official seal on the date hereinabove set forth.


Notary Public: **Brandon Miller**
My Commission Expires: **08/20/2017**



PREPARED BY: **U.S. Bank Home Mortgage, 4801 Frederica Street P.O. Box 20005 Owensboro, KY 42304. JESSICA N WETTSTAIN**

And When Recorded Mail To:
**U.S. Bank Home Mortgage
4801 Frederica Street
P.O. Box 20005
Owensboro, KY 42304**

Nora Dietzel, Recorder of Deeds



CITY OF COLUMBIA/BOONE COUNTY, MISSOURI



HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH

NOTIFICATION OF DETERMINATION OF PUBLIC HEALTH HAZARD AND/OR NUISANCE AND ORDER FOR ABATEMENT

Duran Mauricio R
4869 E Hwy HH
Columbia, MO 65202

An inspection of the property you own on located at 4869 E Hwy HH (parcel # 12-204-10-07-002.00 01) was conducted on August 24, 2016 and revealed a 3 abandoned cars on the property.

This condition is hereby declared to be a public nuisance. You are herewith notified that you must begin correcting this condition within 7 days of receipt of this notice and order and that if the above nuisance condition has not been fully corrected within **15 days** after the receipt of this notice, an additional enforcement action will result for violation of Boone County Public Nuisance Ordinance Section 6.9. A reinspection will be conducted at the end of the 15-day period. If the above nuisance condition has not been fully corrected by that time, a hearing before the Boone County Commission will be called to determine whether a violation exists. If the County Commission determines that a violation exists and the nuisance has not been removed as ordered under this notice, the County Commission may have the nuisance removed with the cost of abatement, plus administrative fees, charged against the property in a special tax bill. In addition, a complaint may be filed against you in Circuit Court. **If the above nuisance condition has been corrected within the 15-day period, no further action is necessary.**

The purpose of these ordinances is to create and maintain a cleaner, healthier community. If you have any questions, please do not hesitate to contact our office. If you are not the owner or the person responsible for the care of this property, please call our office at the number listed at the bottom of this letter. Your cooperation is greatly appreciated.

Sincerely,

Britni Hendren
Environmental Public Health Specialist

This notice deposited in the U.S. Mail certified, return receipt requested on the 26th day of August 2016 by MD.

1005 W. Worley • P.O. Box 6015 • Columbia, Missouri 65205-6015
Phone: (573) 874-7346 • TTY: (573) 874-7356 • Fax: (573) 817-6407
www.GoColumbiaMo.com



CITY OF COLUMBIA/BOONE COUNTY, MISSOURI



HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH

HEARING NOTICE

Duran Mauricio R
4869 E Hwy HH
Columbia, MO 65202

An inspection of the property you own located at 4869 E Hwy HH (parcel #: 12-204-10-07-002.00 01) was conducted on August 24, 2016 and revealed 3 abandoned cars on the property. This condition is declared to be a nuisance and a violation of Boone County Public Nuisance Ordinance Section 6.9.

You are herewith notified that a hearing will be held before the County Commission on Monday October 11, 2016 at 9:30 am in the County Commissioners Office on the 2nd floor at the Boone County Government Center, 801 E. Walnut Street, Columbia, Missouri. The purpose of this hearing will be to determine whether a violation exists. If the County Commission determines that a violation exists, it will order the violation to be abated.

If the nuisance is not removed as ordered, the County Commission may have the nuisance removed. All costs of abatement, plus administrative fees, will be assessed against the property in a tax bill. **If the above nuisance condition has been corrected prior to the hearing, you do not have to appear for the hearing.**

The purpose of these ordinances is to create and maintain a cleaner, healthier community. If you have any questions, please do not hesitate to contact our office. If you are not the owner or the person responsible for the care of this property, please call our office at the number listed at the bottom of this letter.

Sincerely,

Britni Hendren
Environmental Public Health Specialist

This notice deposited in the U.S. Mail, first class postage paid on the 23rd day of September 2016 by MM

1005 W. Worley ♦ P.O. Box 6015 ♦ Columbia, Missouri 65205-6015
Phone: (573) 874-7346 ♦ TTY: (573) 874-7356 ♦ Fax: (573) 817-6407
www.GoColumbiaMo.com



Britni Hendren <britni.hendren@como.gov>

Newspaper Posting

Kuhler, Ruby <rgkuhler@columbiatribune.com>
To: Britni Hendren <britni.hendren@como.gov>

Wed, Sep 21, 2016 at 2:23 PM

Britni:

Good afternoon! I have attached a copy of the notice as it will appear Friday 9/23. Total cost is \$63.79. Please review the attached proof closely and make the following notations:

- If changes are required, mark them clearly on the proof; either email changes or and fax to 866-294-7696
- If no changes are required, please email confirmation

For your convenience, we will fax affidavits of publication on the final or next business day after the completion of your notice. If you'd like to utilize this option, please let us know with your fax number. We will mail the hard copy file after completion of the notice or with your bill.

CANCELLATION POLICY

Please be advised that if a legal notice is cancelled prior to publication, a \$35.00 production fee will be charged. Cancellations or changes made within the duration of the ad will be effective for the next available publication according to our deadlines (typically 72 – 96 hours prior to publication, depending on publication date). Cancellation instructions MUST be faxed to 866.294.7696. If you do not receive confirmation from us that the notice has been cancelled, it is your responsibility to follow up on the cancellation request by calling 573-815-1855. The Columbia Daily Tribune will not be liable for cancellation discrepancies if these procedures are not followed.

Thanks,

Ruby

Ruby Kuhler
Classified Advertising Manager
Columbia Daily Tribune / ColumbiaTribune.com PO Box 798, Columbia, MO 65205
Ph 573.815.1859
Fx 866.294.7696

TRIBUNE CLASSIFIEDS
The Market Leader

From: Britni Hendren [mailto:britni.hendren@como.gov]
Sent: Wednesday, September 21, 2016 1:28 PM
To: Kuhler, Ruby <rgkuhler@columbiatribune.com>
Subject: Newspaper Posting

[Quoted text hidden]

2048690.pdf
18K



CITY OF COLUMBIA/BOONE CO

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH

1005 W. WORLEY STREET
P.O. BOX 6015
COLUMBIA, MISSOURI 65205-6015

CERTIFIED MAIL



7015 0640 0003 3645 8127

USPS \$006.46

HAZARD AND/OR NUISANCE AND OR

Duran Mauricio R
4869 E Hwy HH
Columbia, MO 65202

REXIE

651 DE 1

9/3
011
0009/16/16

RETURN TO SENDER
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UNABLE TO FORWARD

MC: 65205601515 *1149-81827-26-46

65205601515

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- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

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Total Postage and Fees

\$

Sent To

Mauricio Duran

Street and

4869 E. Hwy HH

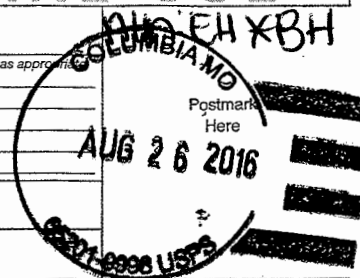
City, State

Columbia, MO 65202

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7015 0640 0003 3645 8127



CERTIFIED COPY OF ORDER

October Session of the October Adjourned

Term. 20 16

STATE OF MISSOURI }
County of Boone } ea.

In the County Commission of said county, on the 11th day of October 20 16

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

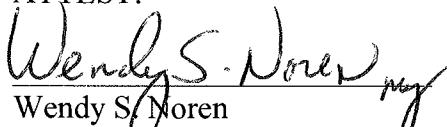
Now on this day the County Commission of the County of Boone does hereby approve the following recommendation from the Job Classification Committee:

Establish a "Radio Technician I" classification, class code 409100, on pay range 35. (Pay range 35 has a minimum salary of \$38,480 and a maximum salary of \$57,740.)

Establish a "Radio Technician II" classification, class code 409101, on pay range 39. (Pay range 39 has a minimum salary of \$42,473 and a maximum salary of \$63,731.)

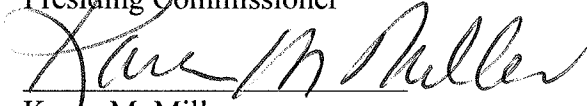
Done this 11th day of October, 2016.

ATTEST:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner

Boone County Human Resources

Jenna Redel
Director, Human Resources
and Risk Management



613 E. Ash Street
Columbia, MO 65201
Phone: (573) 886-4405
Fax: (573) 886-4444

October 6, 2016

Recommendations from Job Classification Committee

The Job Classification Committee met in person on September 26, 2016, and via an online vote on October 4, 2016, to review and discuss newly created positions of Radio Technician I and Radio Technician II in the Boone County Joint Communications Department. The Committee agreed to bring forward the following recommendations to the Commission:

Establish a "Radio Technician I" classification (class code 409100) on pay range 35.

Pay range 35 has a minimum salary of \$38,480 and a maximum salary of \$57,740.

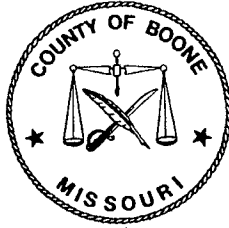
Establish a "Radio Technician II" classification (class code 409101) on pay range 39.

Pay range 39 has a minimum salary of \$42,473 and a maximum salary of \$63,731.

The job descriptions for the positions are attached hereto.

Best Regards,

Jenna Redel



BOONE COUNTY JOB DESCRIPTION

JOB TITLE: <u>Radio Technician I/II</u>	NEW: <u>X</u>	REVISED: _____ <small>(Please check one)</small>
REPORTS TO: <u>BCJC Director or designee</u>	FLSA: <u>Non-Exempt</u>	DATE: <u>10/16</u>
DEPARTMENT: <u>BCJC</u>	JOB CODE: 202	

DEFINITIONS:

With general supervision, performs a wide variety of advanced technical support for Boone County Joint Communications, including but not limited to the maintenance and repair of the two-way radio system, which includes VHF, UHF, and 800 MHZ base station transmitters and receivers and related linking systems, including microwave, Wi-Fi, and telephony.

ESSENTIAL FUNCTIONS: *(Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills and other characteristics. This list of tasks is ILLUSTRATIVE ONLY, and is **not** a comprehensive listing of all functions and tasks performed by incumbents of this class.)*

Programs, aligns, tests, and maintains radios and related electronics equipment using a wide variety of computers, software, and test instruments. Installs and maintains radios and related system equipment, located at remote radio sites, and equipment at the Boone County Joint Communication dispatch center. Repairs and maintains battery chargers, electrical circuits, and related equipment that support the radio system.

Provides daily problem resolution for various hardware and software problems related to the operation of the radio system and wireless services. Diagnoses problems, troubleshoots electronic equipment, and performs technical repairs at both system and component level. Operates and maintains digital and analog electronic test equipment working in shop and field settings. Orders parts and materials as necessary to maintain inventory for routine and emergency maintenance and repairs. Provides customer support assistance with technical questions related to operations of the radio system and related equipment. Coordinates service on tower mounted antennas, shelter equipment and standby power generators and wiring

Attends seminars/trainings as assigned to upgrade skills and provide contemporary service to the county. Represents the county at meetings as requested; serves on various committees.

Completes and maintains all equipment maintenance records required by the FCC and Boone County Joint Communications and updates computer generated data as needed.

Performs preventative maintenance using established testing procedures and prescribed schedule to ensure uninterrupted operation of radio system.

Assists in the design, configuration, and implementation of radio system changes, upgrades and improvements

Compiles and writes documentation of program development and subsequent revisions; creates and modifies administrative reports to meet informational needs. Performs other duties as needed or assigned.

KNOWLEDGE AND SKILL:

1. Demonstrated knowledge of land mobile radio systems and basic telecommunications.
2. Demonstrated experience with microwave and telephony as used for message backhaul in TDM (T-1) and IP formats.
3. An understanding of computer operations and terminology, with the ability to operate radio programming software, computer spreadsheets, databases, programming, and retrieval of information using various specialized software tools.
4. Working knowledge of the hazards and requirements of working in RF radiation areas.
5. Ability to read, comprehend and interpret technical manuals and various schematic diagrams.
6. English language oral and written communications skills are necessary for this position.
7. Ability to lift, load, and unload heavy and/or bulky equipment such as batteries and test equipment (up to 50 lbs.).
8. Ability to operate a motor vehicle and timely respond to remote locations as needed to maintain the radio systems.
9. Ability to occasionally enter and work within close quarters or confined spaces where fixed site equipment may be located and to climb ladders and work at heights up to 15'.
10. Ability to perform work in both an office setting and outdoors in all weather conditions.
11. Skill in communicating orally and in writing, and in establishing and maintaining cooperative working relationships with other departments and the public

MINIMUM QUALIFICATIONS:

The selected candidate will be required to pass a criminal history background check and/or fingerprinting with NCIC background check.

Valid driver's license and ability to obtain valid Missouri Operator's License within six months of employment.

Availability for after-hours response in support of the radio system, or other emergencies, as required.

High school diploma or GED

PREFERRED QUALIFICATIONS:

Technical diploma or Associates degree in electronics from an accredited technical school or college OR acceptable related work experience with demonstrated skills, knowledge and ability in wireless communications and electronics.

Practical field experience.

APPROVALS:

Department Director: _____ Date: _____
(Signature)

HR Director: _____ Date: _____
(Signature)

CERTIFIED COPY OF ORDER

STATE OF MISSOURI

} ea.

October Session of the October Adjourned

Term. 20 16

County of Boone

In the County Commission of said county, on the

11th day of October 20 16

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 Road & Bridge Improvement/Repair Cooperative Agreement between Boone County and the City of Sturgeon regarding the distribution of certain road sales tax and property tax revenues.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Road & Bridge Improvement/Repair Cooperative Agreement.

Done this 11th day of October, 2016.

ATTEST:

Wendy S. Noren
Wendy S. Noren
Clerk of the County Commission

Daniel K. Atwill
Daniel K. Atwill
Presiding Commissioner

Karen M. Miller
Karen M. Miller
District I Commissioner

Janet M. Thompson
Janet M. Thompson
District II Commissioner

**BOONE COUNTY ROAD & BRIDGE IMPROVEMENT/REPAIR
COOPERATIVE AGREEMENT
APPLICATION ENTITIES¹**

THIS AGREEMENT, dated this 11th day of October, 2016, is made and entered into by and between **Boone County**, a first class non-charter county and political subdivision of the State of Missouri by and through its County Commission, herein "County" and the **City of Sturgeon**, a municipal corporation, herein "City".

WHEREAS, County has, in Commission Order 249-2011, adopted updated policies regarding the distribution of certain road sales tax and property tax revenues, the terms and conditions of which are incorporated herein by reference; and

WHEREAS, City is an "Application Entity" as described in the aforementioned Commission Order; and

WHEREAS, City has been classified as an Application Entity that will receive an annual amount as described in Commission Order 609-2012, the terms and conditions of which are incorporated herein by reference; and

WHEREAS, County is willing to enter into a cooperative agreement with the City for the improvement and/or repair of City's road system under certain terms and conditions; and

WHEREAS, the parties are empowered to enter into cooperative agreement(s) for the purposes herein stated pursuant to section 70.220 and section 229.040 RSMo.

NOW, THEREFORE, IN CONSIDERATION of the mutual undertakings and agreements herein contained, the parties agree as follows:

1. **PURPOSE.** The purpose of this Agreement is to effectuate the Application-Based Funding from the County to the City as contemplated in County's policies on distributing road sales tax revenue and road property tax revenues. The terms and conditions of Commission Order 249-2011 & 609-2012 are incorporated into this agreement by reference.
2. **COUNTY AGREEMENTS:**
 - a. County will pay to the City the sum of **Forty Thousand One Hundred Sixty Dollars and Eighteen Cents (\$40,160.18)** as determined by the formula for Year

¹ Application entities are: Harrisburg, Hartsburg, Huntsdale, McBaine, Pierpont, Rocheport and Sturgeon.

4 of the 6-year cycle as described in Commission Order 609-2012, for use solely in the completion of road improvement and/or repair projects.

3. CITY AGREEMENTS.

- a. City agrees to use the funds that it receives from County pursuant to this Agreement solely for improving and maintaining its roads and bridges in accordance with its Boone County Road & Bridge Improvement/Repair Cooperative Agreement General Agreement for funding, certified by Commission Order 469-2011 which is incorporated herein by reference.
- b. City agrees that it shall submit to an audit by the County or its designated auditor upon request for purposes of determining whether the funds received by the City from the County under this agreement have been expended in compliance with this agreement.
- c. City agrees that it shall reimburse the County for any funds paid to it under this agreement which are expended in violation of this agreement or applicable law, rule or regulation, within ninety (90) days of notification of such a finding by County.
- d. City agrees to timely provide any documentation or information reasonably requested by County which relates in any way to this Agreement.
- e. City agrees that it will be liable for, and agrees to be liable for, and shall indemnify, defend and hold the County of Boone harmless from all claims, suits, judgments or damages, including court costs and attorney's fees, arising out of or in the course of the operation of this agreement. Notwithstanding the foregoing, nothing herein is intended to waive either the City's or the County's sovereign immunity as to any third party.
- f. City agrees that, for any work not performed by the City's own employees, City will comply with any and all applicable competitive bidding statutes or ordinances, the state Prevailing Wage law, domestic products purchase laws and such other laws, rules and regulations which are applicable to the City in letting and carrying out contracts for "public works" as that term is defined in applicable statutes, rules, regulations, and ordinances.

4. **PAYMENTS IN EXCESS OF LEGAL OBLIGATIONS.** City represents that the payments from County to City contemplated herein are in excess of any legal obligations imposed on County by virtue of applicable Missouri law, including RSMo §137.556 and the ballot language presented to voters authorizing the current Road & Bridge Sales Tax Levy under RSMo §67.547.
5. **TIMING OF PAYMENTS.** The payments from County to City contemplated herein will occur one time per year, near the beginning of the fourth quarter of the calendar year, and after receipt of the fully executed annual agreement.
6. **REPORTING.** City shall file a written report with County, at least annually, detailing the road and bridge improvement projects funded in whole or in part with the funding received herein, as well as provide a summary of any planned, future projects that are anticipated to be funded with current or future funding from the County. Said reports shall be in sufficient detail so as to allow County to document what specific portions of any City project were funded or are contemplated to be funded with funds received from the County.
7. **ASSIGNMENT.** Neither party may assign or transfer any of its rights or obligations under this Agreement to any other person or entity without the prior, written consent of the other party.
8. **SOLE BENEFIT OF PARTIES.** This Agreement is for the sole benefit of City and County. Nothing in this Agreement is intended to confer any rights or remedies on any third party.
9. **RELATIONSHIP OF PARTIES.** Nothing herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture, between the parties hereto.
10. **TERM.** This Agreement shall be in effect from its execution until January 1 of the following calendar year.
11. **TERMINATION.** Either party may terminate this Agreement upon thirty (30) days written notice directed to the other party.
12. **NONAPPROPRIATION.** The payments from County contemplated herein are conditioned upon there being a sufficient, unencumbered fund balance budgeted for that purpose. The County's obligations hereunder shall not in anyway be construed to be a

debt of the County in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by the County, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the County beyond that which is specifically required by state law. Notwithstanding any provision of this Agreement, the decision whether or not to budget or appropriate funds, or to extend this Agreement for any subsequent fiscal year, is solely within the discretion of the then-current governing body of the County, it being understood that adjustments to an appropriation may be made by the County in accordance with its Economic Development Adjustment policies adopted as part of its policies relating to the distribution of road sales taxes and road property taxes.

13. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws of the State of Missouri, and any action relating to the same shall be brought in the Circuit Court of Boone County, Missouri.
14. **BINDING ON SUCCESSORS.** The covenants, agreements, and obligations herein contained shall extend to, bind, and inure to the benefit of the parties hereto and their respective successors and approved assigns.
15. **COUNTERPARTS.** This Agreement may be executed by the parties in several counterparts, each of which shall be deemed an original instrument.
16. **COMPLETE AGREEMENT.** All negotiations, considerations, representations, and understandings between the parties are incorporated herein, shall supersede any prior agreements, and may be modified or altered only in writing signed by the parties hereto.
17. **AUTHORITY OF SIGNATORIES.** Each of the persons signing this Agreement on behalf of either party represent that he/she has been duly authorized and empowered, by order, ordinance or otherwise, to execute this Agreement and that all necessary action on behalf of said party to effectuate said authorization has been taken and done.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by their duly-authorized officers on day and year indicated by their signature below.

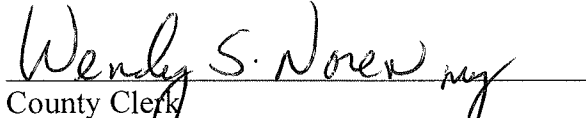
BOONE COUNTY

By:

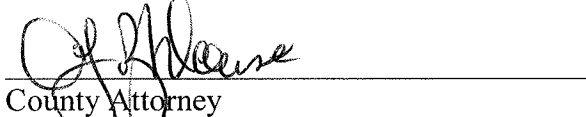

Presiding Commissioner

Date: 10-11-16

ATTEST:


County Clerk

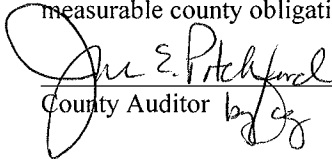

APPROVED AS TO FORM:


County Attorney

Boone County Auditor Certification:

I hereby certify that a sufficient, unencumbered appropriation balance exists and is available to satisfy the obligation arising from this contract.

(Note: Certification of this contract is not required if the terms of this contract do not create a measurable county obligation at this time.)


County Auditor by  Date 9/30/16
2049-71452

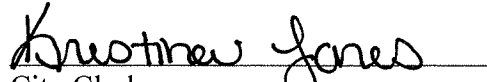
CITY OF STURGEON

By:



Authorized City Representative

Date: _____

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney