

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Karen Miller  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
Planner Uriah Mach  
Assistant County Counselor Ron Sweet  
Deputy County Clerk Mike Yaquinto

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

### **Resource Management**

- 1. Public hearing and request by EKD Properties V LLC to approve a Revised Review Plan for Bobcat of St. Louis Planned Commercial Development on 35.91 acres, more or less, located at 1101N Lenway Dr. Columbia.**

Commissioner Atwill said the requester of this item is not here yet and we will pass on this item and address it later in the meeting.

After item #4 was completed, Stan Shawver said it appears that the requester is not coming and asked the Commission if they would like to table this item.

Commissioner Thompson moved that this item be tabled until a later date. Commissioner Miller seconded the motion. The vote was 3 – 0 to table this item.

**2. Public hearing and request by North Battleground LLC to extend the approval of a Review Plan for North Battleground Planned Development originally approved July 1, 2014 (Commission Order 309-2014).**

Stan Shawver read the following staff report:

North Battleground Planned Development is located east of Columbia on St. Charles Road. The 38 acre parcel is zoned A-2, with R-SP pending submission of a final development plan. A review plan for this development was approved by the County Commission on July 1, 2014. Boone County Zoning Regulations provide that Final Development Plan must be submitted within 2 years of approval of a Review Plan. The applicants are requesting an extension of the deadline to submit a final development plan.

Commissioner Miller asked Mr. Shawver what still needs to be completed for the Review Plan to be approved.

Mr. Shawver said the Development Agreement addresses the traffic impact mitigation. A corrections list was sent on August 15<sup>th</sup> asking to address the following items for compliance with the Boone County Zoning Regulations:

- Please delineate the limits of the Type 2 Stream Buffer more clearly especially with respect to Lot 32.
- Regarding the title *Requested Allowed Uses* please remove the word requested.
- Please remove the words “which shall include greenhouses and nurseries” from the Allowed Uses. Greenhouses and nurseries are not allowed in the RS District and therefore are not allowed in an RS-P District.
- Advisory comment: some of the uses listed under Allowed Uses seem to be in conflict with Article II Section 1 of the draft Declaration of Covenants, Conditions, Reservations, Easements and Restrictions.

Please address the following items for compliance with the Boone County Commission Order 309-2014:

- Note 19 will have to correspond with the language of the development agreement. This may require amendment of that note after the development agreement is executed by both parties.
- The Final Plan cannot be approved until the developer enters into a development agreement with Boone County regarding traffic impact mitigation.
- The Phasing Plan needs to be amended to reflect paragraph 2 of the Commission

Other comments for your information:

- In Note 7 the word “plat” should probably be changed to plan.
- In Note 18 a word or words are missing in the phrase “All lots shall a minimum...” Please add appropriate language.
- The fee for this plan is \$100.00, which has been paid. This fee does not include any applicable recording fees.
- As noted above, the Plan cannot be approved until a development agreement is in place. You may resubmit paper copies at any time, however an original should not be submitted until the development agreement is in place. Approval and signing of the original will be delayed until the development agreement is executed by the developer and the County.

Commissioner Atwill asked if there were any other questions for staff. There were no questions and Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Tom Mendenhall said he is one of the owners of North Battleground. It was about five years ago they came in front of the Commission and began working on this development. At that time, we were asked by Commission to put this on hold while the High School, roads and various other things were in progress. We waited almost two years and we are now here asking for a one year extension. We lost our business partner and attorney about two weeks

ago and there have been numerous issues resulting from that and it would be appropriate to extend for one year to allow us to get everything in order.

We have extended this for two years and spent \$33,000 on engineering and have probably been at the finish line three or four times only have requirements change. It has been five years and if we had been building houses, it probably would have generated about \$1.5 million in property taxes. This did not work out and we are asking for the extension.

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

Commissioner Thompson said she respects Mr. Mendenhall's concerns and everything they have done as they have worked very hard on this project. She is reminded what has happened throughout most of her career when she has asked for an extension of time or a continuation. This was typically granted, but usually not for the length requested.

Before us now, is a list of issues that could be resolved or at least efforts could be made towards resolving them. While she is not willing to grant an extension of one year, she is certainly willing to grant an extension of six months to see how close the requester can get to completing the list of items that Mr. Shawver has placed on the record this evening.

This will get us closer and any judge would say to me, if you come back and exercised due diligence and things still remain outstanding, then you would make a second request for an extension of time. We will have six months to see the progress and then try to move forward. As Mr. Mendenhall said, it would be nice to have this project moving forward.

Commissioner Atwill said he respectfully disagrees. As Mr. Mendenhall has indicated, this matter has been before the Commission on several occasions. This is the first thing that happened, that I can remember, after I became a member of the Commission in 2011. I do remember we asked, specifically, for them to withhold presenting a proposal. They did that, then we asked and received a traffic study and following that, more recently, Mr. Mendenhall's group has been asked to pay significant sums of money in order to accompany

the development of offsite improvements.

This highlights the problem we have with respect to infrastructure, particularly roads. It is an unfortunate circumstance that leads us to the point that we have had to find a way to try to collect funding in order to improve the roads that are going to be heavily used by developments. That particular problem was characterized in a document that is pending right now which Mr. Mendenhall had earlier agreed to before changes occurred that would result in significant payment to such a road fund.

Under the circumstances as noted earlier by Mr. Mendenhall, there is no legal reason to deny a request for an additional 12 months. In development of housing projects, such as this, it takes a long time to get things going. They have made a good faith effort and this is not a court of law. We have missed revenue by delaying this for so long and out of courtesy to the circumstances as they exist and to show a good faith effort by the Commission, not to be in objection status all the time about the development of projects. This should be approved for a period of 12 months.

Commissioner Miller said the things that are outstanding are very minimal from an engineering perspective. The only issue is the development agreement and I agree with Commissioner Thompson. For many things that we do, we set a time and then see if progress is made and if good progress continues, then we can re-visit the issue to decide if more time is needed and granted. I support the timing of a six month extension.

There were no further comments.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by North Battleground LLC to extend the approval of a Review Plan for North Battleground Planned Development originally approved July 1, 2014 on Commission Order 309-2014 for a period of six months from the original expiration date of June 30, 2016.

Commissioner Thompson seconded the motion.

Votes were: Commission Miller – YES, Commissioner Thompson YES, Commissioner Atwill NO, saying the time is too short under the circumstances and it is only a political reason the one year extension is being rejected.

Motion carried 2 – 1. **Order #211-2016**

**3. Request by Jerome and Jeannine Taylor to approve a Final Development Plan for Happy Hollow Estates Planned Residential Development on 15.30 acres, more or less, located at 801 Happy Hollow Rd., Columbia.**

Stan Shawver read the following staff report:

The subject property is located off of Highway 163, to the east of the city limits of Columbia. The subject property is 15.3 acres in size. It has an existing house, pool, and shed present on the property. The property is zoned A-2P(Planned Agriculture), and has A-2P zoning to the north and east, and A-1(Agriculture) zoning to the south and west (Rock Bridge State Park). This property was rezoned from A-1(Agriculture) to A-2P (Planned Agriculture) in 1986.

A revised review plan was approved by the County Commission on September 1, 2015 with the condition that wastewater details be resolved with the City of Columbia prior to submission of the final development plan. A connection agreement with the city has been approved, so the final plan was presented.

In accordance with the Zoning regulations, a final development plan can be approved by the signature of the P & Z chairperson and secretary in cases where the County Commission has not added or changed conditions of approval agreed to by the P & Z Commission. The Final Development Plan complies with all of the requirements of the regulations and is ready to be approved. There is no public hearing required.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Jerome and Jeannie Taylor to approve a Final Development Plan for Happy Hollow Estates Lot 4 on 15.30 acres, more or less, located at 801 E Happy Hollow Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #212-2016**

**4. Receive and Accept the following subdivision plats:**

- **Curry. S19-T51N-R13W. A-2. Michael and Mary Curry, owners. Donald E. Bormann, surveyor.**
- **Harmon Estates Plat 2. S32-T50N-R11W. A-2. Larry and Judy Harmon, owners. Kevin M. Schweikert, surveyor.**
- **Weatherspoon. S13-T49N-R12W. A-2. K.W. Properties, Inc., owner. Kevin M. Schweikert, surveyor.**
- **Buckman. S11-T50N-R12W. A-R. Buckman Properties LLC, owner. J. Daniel Brush, surveyor.**

Stan Shawver said:

**Curry** is located on State Highway F approximately 4 miles northeast of Harrisburg. They are creating one lot.

**Harmon Estates** is located on State Highway OO approximately 3 miles southeast of Hallsville. They are creating one lot.

**Weatherspoon** is located on Mt. Hope Rd., approximately 1 ½ miles northeast of Columbia. They are creating two lots.

**Buckman** is located on Schooler Rd., approximately 1 mile north of Hallsville.

There were no comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the Presiding Commissioner to sign them:

- Curry. S19-T51N-R13W. A-2. Michael and Mary Curry, owners. Donald E. Bormann, surveyor.
- Harmon Estates Plat 2. S32-T50N-R11W. A-2. Larry and Judy Harmon, owners. Kevin M. Schweikert, surveyor.
- Weatherspoon. S13-T49N-R12W. A-2. K.W. Properties, Inc., owner. Kevin M. Schweikert, surveyor.
- Buckman. S11-T50N-R12W. A-R. Buckman Properties LLC, owner. J. Daniel Brush, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #213-2016**



**Auditor**

**5. Public Hearing and second reading; Budget Amendment to increase the appropriation for the actual bid received on the Parking Lot Addition at First Christian Church (1<sup>st</sup> read 4-19-16)**

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on the budget amendment. There were no speakers and Commission Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment from the Auditor’s Office to increase appropriation for actual bid received on the Parking Lot Addition at First Christian Church.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1190	71106	Non-Departmental	Contracted Services		17,816
1190	3525	Non-Departmental	Reimbursement Special Projects		32,843
					50,659

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #214-2016**

**Purchasing**

**6. First reading; Cooperative Contract EC07-14, Intrado Product for the Emergency Communication Center (911 Telephone System)**

Commissioner Miller read the following memo:

Frank Kirk, Senior Consultant with Mission Critical Partners and Aron Gish, Information Technology Director recommend we utilize the Houston-Galveston Area Council (H-GAC) cooperative contract *EC07-14* to purchase the Intrado 9-1-1 phone system with maintenance for the Emergency Communication Center project. Cooperative contract is with CenturyLink of Columbia, Missouri.

Contract total is \$891,812.34 and invoices will be paid from department 4101 – ECC Radio & Technology and 4102 – ECC Back-Up Center, account 71231 – ECC Construction Project. There will be an annual CenturyLink maintenance agreement cost of \$54,042.14.

There is \$8.65 million budgeted for the Emergency Communication Center project.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

**7. Second reading; Bid Award 01-24MAR16 – Parking Lot Addition at First Christian Church (1<sup>st</sup> read 3-24-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 01-24MAR16 – Parking Lot Addition at First Christian Church to Frech Paving Co.

The terms of the bid award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement. Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #215-2016**

**8. Second reading; Cooperative Contract EC07-14, Purchase Evans Consoles Furniture for Boone County Joint Communications (1<sup>st</sup> read 4-28-16)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the utilization of the Houston-Galveston Area Council (HGAC) Cooperative Contract EC07-14 to purchase Evans Consoles for the Emergency Communications Center from Evans Consoles Inc. of Vienna, VA.

The terms of the Cooperative Contract are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #216-2016**

**9. Second reading; Cooperative Contract 06913 and Sole Source Approval 130-123121SS – Avtec Radio Consoles for the Emergency Communication Center (1<sup>st</sup> read 4-28-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the NASPO Value Point Cooperative Contract 06913 to purchase Avtec Radio Consoles for the Emergency Communications Center from Avtec, Inc. of Lexington, SC.

The County Commission of the County of Boone further approves the attached ScoutCare Maintenance and Support Agreement and Sole Source Fact Sheet 130-123121SS for maintenance of the Avtec Radio Consoles in the ECC.

The terms of the Cooperative Contract, Sole Source Fact Sheet and ScoutCare Maintenance and Support Agreement are stipulated in the attached. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement, Sole Source Fact Sheet and Maintenance Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #217-2016**

**10. Second reading; Bid Award 18-06APR16 – Tires, Heavy Trucks and Large Equipment Term and Supply (1<sup>st</sup> read 4-28-16)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 18-06APR16 – Tires for Heavy Trucks and Large Equipment Term and Supply to Cross Midwest Tire, Inc.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #218-2016**

**13<sup>th</sup> Judicial Circuit**

**11. Second reading; Approve application for the Juvenile Court Diversion Grant (1<sup>st</sup> read 2-28-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached grant application by the 13<sup>th</sup> Judicial Circuit Court for the Juvenile Court Diversion Grant for the FY2017.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #219-2016**

**Commission**

**12. 1<sup>st</sup> & 2<sup>nd</sup> reading; Approve Change Order Request #28 for work at the Boone County Emergency Communication Center**

Commissioner Miller said this is to add moisture sensors below the raised floor and related systems to report through the building Automation System as requested by us. This will detect moisture build up before any damage can occur.

There were no comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the approval of Change Order #28 to Boone County Emergency Communications Center Bid Number 44-11DEC14.

The terms of the Change Order are stipulated in the attached Change Order #28. It is further ordered that Commissioner Karen M. Miller is hereby authorized to sign said Change Order.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #220-2016**

**13. Public Comment**

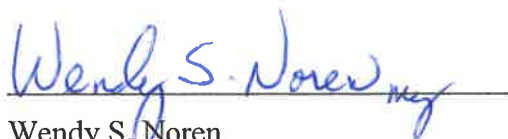
None

**14. Commissioner Reports**

None

The meeting adjourned at 7:28 p.m.

Attest:



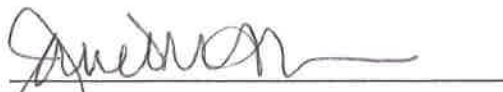
Wendy S. Noren  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Karen M. Miller  
District I Commissioner



Janet M. Thompson  
District II Commissioner