

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District II Commissioner Janet Thompson
Planner Uriah Mach
Senior Planner Thad Yonke
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Public Hearing and Petition submitted by Philip and Betty Jen for permission to vacate and re-plat lot 15 of River Hills Estates Block 2 as shown in Plat Book 12, Page 69 of Boone County Records.**

Thad Yonke read the following memo:

This is a petition to vacate and replat. The petitioners are Philip Jen and Betty Jen, owners of Lot 15 River Hills Estates Block 2. They are requesting permission to vacate one lot and then subdivide into two lots. The property is zoning A-1. The subdivision was originally platted in 1978.

According to Subdivision Regulations 1.8.1.2, the County Commission is ordered to conduct a public hearing to determine that the vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision ,

property values within the subdivision, public utility facilities and services and will not generally adversely affect the health, welfare, or safety of person owning or possessing real estates within the subdivision to be vacated or surrounding real estate.

The Commissioners had no questions at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of this issue.

Kevin Schweikert said he is representing the Jens on this matter. The staff report has covered the issue. It is approximately a 25-acre tract and will be subdivided into two tracts, both over 10 acres. The property is zoned A-1. Other tracts of property in the surrounding area are around 10 to 11 acres so this will not adversely affect the neighborhood.

Commissioner Thompson said this is more consistent with the neighborhood.

Mr. Schweikert said this is the largest tract in the area, so dividing it into two will be more fitting for this neighborhood.

Commissioner Atwill asked if there is anyone else that would like to speak on this issue, for or against. There were no speakers and Commissioner Atwill closed the public hearing.

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve a petition submitted by Phillip Jen and Betty Jen for permission to vacate and re-plat Lots 15 of River Hills Estates Subdivision Block 2 as shown in Plat Book 12, Page 69 of Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #153-2017**

- 2. Public Hearing and Request by 3WT Properties LLC to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan and Preliminary Plat for Arrowhead Lake Estates on 59.15 acres, more or less, located at 3151 W Route K, Columbia**
- **Order for rezone**
 - **Order for Review Plan**

Thad Yonke read the following memo:

The Planning and Zoning Commission considered this request during its June 16, 2016 meeting. The request was then introduced at the June 28, 2016 County Commission meeting. At the developer's request, the proposal was tabled until additional information regarding sewer service was available.

The minutes for the Planning and Zoning Commission Meeting of June 16, 2016 along with the Boone County Zoning Regulations and Boone County Subdivision Regulations are entered into the record of this meeting.

The subject property is located on State Route K, on the east side of Arrowhead Lake Drive. The subject property is 59.15 acres in size and zoned A-2(Agriculture). This is original 1973 zoning. The property has A-2 zoning to the north, east and west, with State Route K and the City of Columbia to the south. The property scored 74 points on the point rating system.

The applicant is seeking a rezoning to A-2P (Planned Agriculture) for purposes of subdivision of the property and using a private road for access to lots internal to the subdivision. The proposed preliminary plat shows 14 developable lots and 1 common lot. These lots range from 2.21 acres to 8.21 acres in size. The phasing plan with this development indicates that the common lot and lots 1 through 5, which front along Arrowhead Lake Drive, are proposed to be created first, with the remaining 9 lots to be

developed as part of a later phase. This later phase will require the construction of a hard surface private road and water main extensions to meet the requirements of the fire code and domestic water service.

The Boone County Master Plan has designated this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities:

- Boone Electric Cooperative provides electrical service.
- Consolidated Water provides water. A water study is in progress to identify any improvements to the water infrastructure that are necessary to provide sufficient volume and flow to meet the requirements of the Fire Code.
- Boone County Regional Sewer District and the City of Columbia provide sewage collection and treatment. The applicant has secured four service connections to the BCRSD line that is connected to the City of Columbia system. The BCRSD Board of Trustees has approved an agreement to provide service for 9 lots that will connect to a future force main that is to be constructed across the property.

Conditions will appear in the recommendation section of this report to ensure proper wastewater disposal and adequate water service.

Transportation: Lots 1 through 5, and the common lot (C1) are proposed with direct access on to Arrowhead Lake Drive, a publicly-dedicated, publicly-maintained right of way. Lots 10 and 11 share an access to Route K. Lot 14 has frontage on and direct access to Route K. Lots 12 and 13 will utilize the proposed private road for access to Route K.

Lots 6 through 9 are proposed to have access to State Route K using a private road in lieu of a public road. This road connects to State Route K along the common lot line between lots 12 and 13. All roads in the Urban Service Area, whether public or private, are required to be paved. The proposed private road will be a 20' paved surface capable of supporting a 50,000-pound vehicle its entire length with turnarounds constructed to meet the requirements of the fire code. The private road is not shown on the current proposal as extending the required length. Any approval will require the road be extended to each lot that it serves.

Public Safety: The nearest fire station is located at State Route K near Old Plank Road, approximately 3.3 miles away. Phase 1 of this proposal, lots 1-5, provides fire protection with fire hydrants installed along Arrowhead Lake Drive. Phase 2 of this proposal, lots 6-14, will provide fire protection by installing hydrants along the private road and State Route K to meet the requirements of the fire code. The current design of this property does not show hydrants installed to the meet the requirements of the fire code.

Zoning Analysis: The intent of this proposal is to create a combination of larger and smaller lots for residential development alongside and incorporated into the existing Arrowhead Lake neighborhood. The proposed density is in scale with the parent A-2 zoning. This design creates an approvable design that extends Arrowhead Lake into a previously undeveloped/underdeveloped area.

There are several additional issues that must be addressed in order to approve this proposal

- There are several inconsistencies between the requested Allowed Uses and the proposed restrictive covenants
- The proposed phasing plan may not provide sufficient flexibility to ensure efficient provision of infrastructure, a three phase plan will allow the developer more flexibility regarding construction phasing allowing for earlier phases to take

advantage of existing infrastructure and the sale of lots in those phases to finance new infrastructure in later phases.

- Lot 5 does not meet the minimum depth required for lots that are 2.5 acres or greater

59 property owners were notified about this request.

The Planning and Zoning Commission held a public hearing on this request on June 16, 2016 and voted 7-0 to recommend approval of the rezoning and review plan and to approve the preliminary plat subject to the following conditions:

- 1) Revision of the Phasing Plan to create three phases of development. Phase 1 will remain the same, covering lots 1-5 and C-1. Phase 2 will cover lots 10-14. Phase 3 will cover lots 6-9.
- 2) The proposed design for the private road to serve Phases 2 & 3 will require approval of the Director of Boone County Resource Management and the Boone County Fire Protection District.
 - a. Plans for construction of the road will be required to be submitted for approval by the Director and Boone County Fire Protection District prior to construction.
 - b. Road construction may be phased but shall be complete and extended to each lot prior to recording any final plat containing lots to be served by the private road.
 - c. The road shall, at a minimum, consist of a 20-foot wide paved surface and be capable of supporting a 50,000-pound vehicle.
 - d. Where fire hydrants are located adjacent to the road the width shall be increased to 26-feet for a distance of 20-feet on both sides of the hydrant.
 - e. Maximum grade of the road shall not exceed 10%.
- 3) Prior to Final Plan approval the developer shall provide verification of sewer service from the City of Columbia and Boone County Regional Sewer District for each lot in the development.

- 4) Prior to Final Plan approval the developer shall provide documentation from Consolidated Water that adequate volume and flow is available to the property to provide for fire protection requirements.
- 5) Fire hydrants shall be installed prior to final plat approval at each phase of development. The location of the hydrants shall be as approved by the Director, Boone County Fire Protection District and Consolidated Water.
- 6) The list of Allowed Uses shall be revised on the Final Plan to exclude uses that are inconsistent with the proposed restrictive covenants: Kennel or Hobby Kennel, Water Tower, Sewage Lagoon or Mechanical Treatment Plant where not approved by County Subdivision Regulations, Public Park, Place of Worship, and Family Day Care Home and Group Day Care Home.
- 7) Lot 5 shall be adjusted to meet the minimum lot depth requirement of 250-feet.

Commissioner Thompson asked about the inconsistencies between the requested allowed uses and the proposed restricted covenants and if that is covered in condition number six.

Mr. Yonke said yes, it should be.

There were no further questions at this time.

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

Tim Crockett said he is representing the applicant. Mr. Yonke did a thorough job with the staff report. This project went before P & Z nine months ago and one of the issues we wanted to clear up was the sewer situation regarding several of the lots. This is a somewhat complex sewer situation in this area, but we have it under control now and this plan is before you tonight with the support of P & Z.

There are a few items in the recommended conditions that I would like to discuss. For number six, we would like to reserve the right to possibly revise the protected restricted covenants to allow for daycare. We are not looking for a commercial daycare, but just want the ability for someone to watch a child or two in their home.

The other item involves 2e with regards to maximum grade, recommended at 10%. We would like Commission approval for maximum grade up to 12.5% and only with the approval of the Boone County Fire Protection District.

Gale Blomenkamp, Fire Protection District, made a point to stop by our office today to talk about this specific item. We shared our plan and thoughts and he had no concerns, but would like to look at the site and review as it is constructed before he gives his final approval.

We respectfully request that item 2e be revised to a maximum grade, not to exceed, 12.5% with approval by the Boone County Fire Protection District. It is our belief we will not need the 12.5. In some cases, it may be six or eight and in other cases, it may be 12. We want to get through this with as little destruction as possible to this area. We don't want to have to remove a bunch of trees. We want to work with the existing grade as much as possible. We feel we can do that along with the knowledge that we can go further if needed. Nothing will proceed without the proper approvals. Other than that, all other conditions are acceptable.

Commissioner Atwill asked about the three homes that will be served by the road that has been referenced.

Mr. Crockett said there are actually four. One lot already contains a home with an existing driveway that is in excess of 18% in some locations. It is a relatively steep drive that services that house and obviously we don't want to go that steep.

Commissioner Atwill asked if it is correct that the other three homes there would be obligated to have sprinkler service.

Mr. Crockett said that is his understanding.

Commissioner Thompson said she would like to revise the language for 2e to say “Maximum grade of the road shall not exceed 12.5%, contingent upon approval by the Boone County Fire Protection District.”

Mr. Yonke said he would also like to add the Director of Resource Management to the approval process because we cannot abdicate that responsibility. We need to be in that loop.

Commissioner Thompson said that was okay with her.

Mr. Crockett said that works for them as long as the Fire District says okay and we are in agreement.

Mr. Yonke said we need to make sure the design is such that our engineers are comfortable as well because the Fire District doesn't have engineers to look at this.

Commissioner Thompson said that conversation needs to happen. So the language will include the approval of both the Fire District and Director of Resource Management.

Mr. Crockett and Mr. Yonke both agreed.

Commissioner Thompson said she is wondering about the proposed restrictive covenants and that this document does not say anything and I don't know we are here to talk about the restrictive covenants they are going to impose and asked Mr. Dykhouse if he could clarify.

Mr. Dykhouse said we are not a party to enforcing that.

Commissioner Thompson said we are not involved in that so, in number six, can we replace the colon with a semi-colon followed by e.g. Then, whatever you come up with for the covenants, you will deal with that as C. J. has indicated.

Mr. Crockett said he is fine with that.

There were no further comments or questions.

Commissioner Atwill (with input from Commissioner Thompson on conditions 2e and 6) moved on this day the County Commission of the County of Boone does hereby **approve** the request by 3WT Properties, LLC for a Review Plan for Arrowhead Lake Estates Planned Development on 59.15 acres, located at 3151 W Route K, Columbia, subject to the following condition:

1. Revision of the Phasing Plan to create three phases of development. Phase 1 will remain the same, covering lots 1-5 and C-1. Phase 2 will cover lots 10-14. Phase 3 will cover lots 6-9.
2. The proposed design for the private road to serve Phases 2 & 3 will require approval of the Director of Boone County Resource Management and the Boone County Fire Protection District.
 - a. Plans for construction of the road will be required to be submitted for approval prior to construction.
 - b. Road construction may be phased but shall be complete prior to recording any final plat containing lots to be served by the private road.
 - c. The road shall, at a minimum, consist of a 20-foot wide paved surface and be capable of supporting a 50,000-pound vehicle.
 - d. Where fire hydrants are located adjacent to the road the width shall be increased to 26-feet for a distance of 20-feet on both sides of the hydrant.

- e. Maximum grade of the road shall not exceed 12.5%, contingent upon approval by the Director of Resource Management and Boone County Fire Protection District.
3. Prior to Final Plan approval the developer shall provide verification of sewer service from the City of Columbia and Boone County Regional Sewer District for each lot in the development.
4. Prior to Final Plan approval the developer shall provide documentation from Consolidated Water that adequate volume and flow is available to the property to provide for fire protection requirements.
5. Fire hydrants shall be installed prior to final plat approval at each phase of development. The location of the hydrants shall be approved by the Director, Boone County Fire Protection District, and Consolidated Water.
6. The list of Allowed Uses shall be revised on the Final Plan to exclude uses that are inconsistent with the proposed restrictive covenants; e.g. Kennel or Hobby Kennel, Water Tower, Sewage Lagoon or Mechanical Treatment Plant where not approved by County Subdivision Regulations, Public Park, Place of Worship, and Family Day Care Home and Group Day Care Home.
7. Lot 5 shall be adjusted to meet the minimum lot depth requirement of 250-feet.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #155-2017**

3. Report on a Preliminary Plat for Spencer Hills, Plat No. 4. S24-T49N-R13W. R-M. McGhee Real Estate Holdings, LLC., owner. David T. Butcher, Surveyor

Uriah Mach said this is a report only and read the following:

The subject property is in the northeastern corner of Clearview Subdivision, north of the intersection of Clearview Drive and Sacketts Road, approximately 1 ¼ miles to the north of the city limits of Columbia. The parent parcel is approximately 7 acres in size and zoned R-M (Residential-Moderate Density). There is R-M zoning to the west and south, with R-S (Residential-Single Family) to the east and north. This proposal is to divide the property in a manner consistent with the development to the west and south, creating 28 lots suitable for development and 2 common lots for stormwater management.

The proposal is extending Clearview Drive north to the limits of the property. The applicant has submitted a request to waive the traffic study requirement.

The subject property is served by Columbia Water & Light for water service, Boone Electric for electrical service, and the Boone County Fire Protection District for fire protection.

The proposal will connect to an existing central wastewater system maintained by the Boone County Regional Sewer District.

The property scored 76 points on the rating system.

Staff recommends approval of the plat and granting the requested waiver.

There were no comments or questions.

4. Receive and accept the following plats:

- **Gabriella Estates. S22-T45N-R12W. A-2. B&M Properties, LLC, owner. Stephen C. Heying, Surveyor**
- **Sievert Subdivision Plat 1. S30-T50N-R12W. A-2. Mark E. Sievert and Connie Sievert, owners. Kevin M. Schweikert, surveyor**
- **Corbin's Acres. S16-T46N-R12W. A-2. Derrick Schooler and Scott Schooler, owners. Ronald G. Lueck, surveyor**

Uriah Mach said that staff recommends approval of these plats.

Commissioner Thompson 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:

1. Gabriella Estates, S22-T45N-R12W. A-2. M&M Properties, owner. Stephen C. Heying, surveyor.
2. Sievert Subdivision Plat 1, S30-T50N-R12W. A-2. Mark E. Sievert and Connie Sievert, owners. Kevin M. Schweikert, surveyor.
3. Corbin's Acres, S16-T46N-R12W. A-2. Derrick Schooler and Scott Schooler, owners. Ronald G. Lueck, surveyor.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #156-2017**

Purchasing

5. Second reading; Bid Award 11-15FEB17 – Telephone Wiring Materials and Rack Hardware (1st read 3-23-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 11-15FEB17 – Telephone Wiring Materials and Rack Hardware Term & Supply to Accu-Tech Corporation.

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 Atwill seconded the motion.

The motion carried 2 to 0. **Order #157-2017**

6. Second reading; Bid Award 09-14FEB17 – Antenna/Feedline Equipment (1st read 3-23-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 09-14FEB17 – Antenna/Feedline Equipment Term & Supply to RFI Americas, Inc.

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 Atwill seconded the motion.

The motion carried 2 to 0. **Order #158-2017**

7. Second reading; Cooperative Contract 3-170105TV – Chevrolet Silverado Pick-up for Emergency Management (1st read 3-23-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the Missouri Department of Transportation Cooperative Contract 3-170105TV to purchase one (1) Chevrolet Silverado Crew Cab 4x4 Pickup Truck with Lou Fusz Buick GMC of St. Louis, MO.

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 Atwill seconded the motion.

The motion carried 2 to 0. **Order #159-2017**

8. Second reading; <\$6,000 Contract 08-28FEB17C – Carpet for the Prosecuting Attorney (1st read 3-23-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the less than \$6,000 contract, 08-28FEB17C, with Carpet Mart of Columbia, MO to furnish, deliver and install carpet for the Prosecuting Attorney's Office.

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

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #160-2017**

**9. Second reading; Contract Amendment Number One to 35-20JUL16 –
Comprehensive Health Care Solutions for Central Missouri (1st read 3-23-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the less than \$6,000 contract, 08-28FEB17C, with Carpet Mart of Columbia, MO to furnish, deliver and install carpet for the Prosecuting Attorney’s Office.

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

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #161-2017**

13th Judicial Circuit Court

**10. Public hearing and second reading; Budget Amendment Establish budget for
OSCA funding for Juvenile Detention Alternatives (1st read 3-14-17)**

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

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment from the 13th Judicial Circuit Court to establish a budget for the OSCA grant award in the amount of \$1,000 for the period of February 27, 2017 through October 31, 2017.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1243	3451	Judicial Grants	State Reimbursement		1,000
1243	37230	Judicial Grants	Meals/Lodging		1,000

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #162-2017**

Human Resources

11. Public hearing and second reading; Budget Amendment to account for 2016 revenue and expenditures not budgeted (1st read 3-16-17)

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

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment from Human Resources to account for 2016 revenue and expenditures not budgeted.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1195	3882	Insurance Claim Activity	Restitution Reimbursement/Settlements		300
1195	3945	Insurance Claim Activity	Insurance Proceeds		76,534
1195	59100	Insurance Claim Activity	Vehicle Repairs		27,317
1195	60100	Insurance Claim Activity	Building Repairs		37,183
					141,334

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #163-2017**

Community Services

12. Second reading; Letter of Intent and Request for Proposals – Scaling Data Integration (1st read 3-23-17)

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby approve the request by Community Services to submit a letter of intent and application to a Request for Proposal for:

Scaling Data Integration: Advancing Pay for Success, Systems Change, and Supportive Housing for Vulnerable, Justice-Involved, Populations.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #164-2017**

Commission

13. 1st & 2nd reading; Organizational Use of the Government Center Chambers by Mid-MO WILPF (Women’s International League for Peace and Freedom) for April 25, 2017

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Chambers by Mid-MO WILPF (Women’s International League for Peace and Freedom) for April 25, 2017 from 6:00 p.m. to 9:45 p.m.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #165-2017**

14. Public Comment

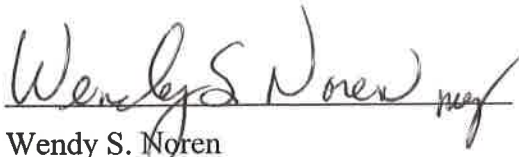
None

15. Commissioner Reports

None

The meeting adjourned at 7:38 p.m.

Attest:



Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

