

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Auditor June Pitchford
Risk Management Specialist Angela Wehmeyer
Boone County Counselor CJ Dykhouse
Director of Resource Management Bill Florea
Deputy Boone County Clerk Jodi Vanskike

Public Present: Keenan Simon from Simon & Struempf Engineering, Ashton Warren, Property Owner

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

The meeting was called to order at 7:00pm.

P & Z

- 1. Request by 11681 S Hwy DD LLC for a conditional use permit for a riding school and outdoor recreation facility in the A-2 (Agriculture) zoning district on 10 acres located at 11681 S Highway DD, Ashland. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission conducted a public hearing on this request at its November 17, 2022 meeting and voted to recommend approval of the request, with conditions, 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 at 11681 S Hwy DD, approximately 2 miles to the west of the intersection of Minor Hill Road and US Highway 63. It is 10 acres in size and zoned A-1 (Agriculture) and is surrounded by A-1 zoning. This is all original 1973 zoning. The property contains a single-family residence served by an on-site wastewater lagoon, a shed, a horse barn, a general-use barn and a fenced 116,000 square foot riding area with a gravel parking area.

The applicant is requesting a conditional use permit to operate a riding school. The applicant intends to teach small groups of no more than 6 students at one time, as well as provide boarding services for no more than 6 horses. Under the Boone County Zoning Ordinance, Section 6, District Use Regulations, A., (1) A-1 Agriculture District, the operation of a riding school is a conditional use and boarding no more than 6 horses is a permitted use. Staff notified 14 property owners about this request. The property scored 51 points on the point rating system.

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.

The riding school is currently in operation but lacks restroom facilities for the patrons which is detrimental to the public health. A suggested condition, requiring installation of a restroom and wastewater disposal system is included in the recommendation section of this report. With the addition of the restroom, the operation of this conditional use permit should not be detrimental to or endanger the public health, safety, comfort, or general welfare if operated in compliance with Boone County development and health standards.

(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.

Proper storage and disposal of horse manure, hours of operation, and limits on numbers of students should serve to limit any impacts on the use and enjoyment of other property in the immediate vicinity of the subject property.

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

Equine activities are a known aspect of rural life and the intensity requested in the application is limited to small groups. This conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

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

The property is located on State Route DD, a state-maintained road. Utilities are available to the site to meet the water and electrical needs of the use. Restroom facilities and an on-site wastewater treatment system to meet the needs of the proposed conditional use will be subject to permits in order to confirm compliance.

(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 subject property, at 10 acres in size, is as small as the overall zoning district for this area allows. The zoning and existing infrastructure will limit the development of surrounding property more so than 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.

This site has direct access on to State Route DD and has an existing gravel parking/access area. Hours of operation and limitations on class sizes will control any parking impacts. The establishment of this conditional use permit should not hinder the flow of traffic or result in traffic congestion on the public streets.

(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 shall conform to the other applicable regulations on the A-1 zoning district.

Zoning Analysis: This use is consistent with agricultural and rural residential activity in the surrounding area. If the level of activity is limited, as is proposed by the application, to minimize noise, light, and traffic impacts on the surrounding properties, off-site complaints and problems should be minimal. Any improvements to existing facilities to meet the requirements of the conditional use permit under criteria (a) and (d) will be done under permits with Boone County Resource Management to ensure proper installation and compliance with existing ordinances.

Staff recommends approval of the conditional use permit with the following four conditions and one statement of understanding:

- 1) Hours of operation be limited to daylight hours as defined in the Boone County Zoning Ordinance, April through October, 6:00AM to 9:00PM, and November through March, 6:00AM to 7:00PM.
- 2) That the riding school be limited to no more than ten students.
- 3) That the construction of restroom facilities be completed within one year of approval of this conditional use permit.
- 4) Manure and other waste material shall be disposed of in an appropriate manner to create no impact to adjacent properties.
- 5) That it be understood that the permitted Equine Boarding Facility use utilized by this property is limited to no more than six animals other than those owned by the owner or leaseholder of the subject property.

Commissioner Atwill opened the public hearing.

Ashton Warren, property owner, stated she is the owner and will be having western style riding lessons at this facility. Ms. Warren stated her husband dug a hole on the property and her plan at this time, is to put the manure in that hole and she works with local farmers that come and get it.

Commissioner Atwill closed the public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve a conditional use permit to operate a riding school in the A-2 Agriculture zoning district on 10.00 acres located at 11681 Highway DD, Ashland, subject to the following conditions:

- 1) Hours of operation be limited to daylight hours as defined in the Boone County Zoning Ordinance, April through October, 6:00AM to 9:00PM, and November through March, 6:00AM to 7:00PM.
- 2) That the riding school be limited to no more than ten students.
- 3) That the construction of restroom facilities be completed within one year of approval of this conditional use permit.
- 4) Manure and other waste material shall be disposed of in an appropriate manner to create no impact to adjacent properties.
- 5) That it be understood that the permitted Equine Boarding Facility use utilized by this property is limited to no more than six animals other than those owned by the owner or leaseholder of the subject property.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #545-2022**

2. **Request by Kevin & Amanda Olesen & Jeremiah Griffitt to rezone from REC (Recreational) to A-2 (Agriculture) on 10.47-acres of a 22.53-acre tract located at 7495 W Hwy 124, Harrisburg. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission reviewed this request at its November 17, 2022 meeting and recommended approval on a unanimous vote.

The property is located at 7495 W Highway 124 near the intersection of N Route E, and about ½ mile south east of the city limits of Harrisburg. It is 22.52 acres and split zoned A-2 Agriculture in the northern half and REC (Recreation) in the southern half. The property is surrounded by A-2 except for a portion along the eastern boundary zoned Recreation. All zoning appears to be original 1973 zoning. Two dwelling units currently occupy the property and are served by onsite wastewater lagoons.

The request is to rezone the southern portion of the property to A-2 agriculture and create a consistent zoning district across the lot. No land division is proposed at the time of application. The application indicates that future land division would likely occur.

The Boone County Master Plan identifies this area as being suitable for agricultural and rural residential use. The sufficiency of resources test was used to analyze this request.

Transportation

The property has direct road frontage along E Highway 124. An existing driveway serves both dwellings on the property.

Utilities

Boone Electric Cooperative provides electric service. Consolidated Public Water Supply District #1 provides water service to the property. An existing 6-inch water line is present along Highway 124. Wastewater lagoons serve the existing dwellings. Future land division and residential development will likely require use of onsite wastewater systems.

Public Safety

The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 4, is less than a mile away.

Zoning Analysis

The proposed rezoning meets the sufficiency of resources test. Rezoning the Recreation to A-2 will provide consistent zoning for the property and will match the zoning for most of the surrounding area.

The property scored 61 points on the rating system. Staff notified 22 property owners of the request.

Staff recommended approval of the rezoning request.

Commissioner Atwill opened and closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by Kevin Olesen and Amanda Olesen to rezone from Recreation (REC) to A-2 Agriculture on 10.47 acres located at 7495 W Highway 124, Harrisburg.

Commissioner Aldred seconded the motion.

The motion carried 3 to 0. **Order #546-2022**

3. Request by T-Vine Development to approve a Final Development Plan for Settlers Ridge Plat 5 on 4.45 acres located at 8150 N Glen Meadow Dr, Columbia.

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission reviewed this request at its November 17, 2022 meeting and approved the plan by consent.

The property is located at the end of Glen Meadows Drive, just south of Ketterer Road. It is 4.45 acres and is split-zoned R-D (Residential-Duplex) to the east, and A-2 (Agriculture) to the west. Adjacent zoning is as follows:

South - R-MP (Planned Residential Multi-Family), R-DP (Planned Residential-Duplex), and R-S (Residential Single-Family)

North and West - A-2 (Agriculture)

East - A-2 (Agriculture).

The review plan and rezoning request was approved in April of 2021(Commission Order 173-2021).

The property scored 71 points on the rating system.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify 3 criteria for approval:

- All the required information is accurately portrayed on the Plan
- The Final Plan conforms to the approved Review Plan

- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan

Commission Order 173-2021 placed the following condition on approval of the review plan:

1. The triggered improvements to Ketterer Road and the intersection of Route B & Ketterer Road are to be completed or bonded prior to the submission of the Final Plan and Final Plat.

After review of the submitted Final Plan, staff has found that the plan meets these three criteria.

Staff recommended approval of the final plan.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the request by T-Vine Development to approve a Final Development Plan for Settlers Ridge Plat 5 on 4.45 acres located at 8150 N. Glen Meadows Drive, Columbia.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #547-2022**

4. Settlers Ridge Plat 5, Final Plat. R-DP. S9-T49N-R12W. T-Vine Development, owner. James Jeffries, surveyor.

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission reviewed the plat of Settlers Ridge Plat 5 at its November 17, 2022 meeting and approved it by consent. It is requested that the Commission waive the reading of the staff report and authorize the clerk to insert it into the meeting minutes. Staff recommends that the Commission receive and accept the plat of Bertlee Acres Plat 3 and authorize the Presiding Commissioner to sign it.

The property is located at the end of Glen Meadows Drive, just south of Ketterer Road. It is 4.45 acres and split-zoned R-D (Residential-Duplex) to the east, and A-2 (Agriculture) to the west. Adjacent zoning is as follows:

South - R-MP (Planned Residential Multi-Family), R-DP (Planned Residential-Duplex), and R-S (Residential Single-Family), North and West - A-2 (Agriculture), East - A-2 (Agriculture).

This final plat creates 21 lots and extends Glen Meadows Drive to Ketterer Road as the next plat in the Settlers Ridge development.

The property scored 71 points on the rating system.

Utilities: Public Water Supply District 4 provides water service. The subdivision will receive sewer service from the City of Columbia. A revised annexation agreement was executed on

November 25, 2011. The agreement dictates conditions under which sewer service will be provided to the property. Boone Electric will provide power.

Transportation: A traffic impact analysis was completed in 2000, which identified several offsite road improvements. Those improvements were linked to a development phasing plan so that construction of the improvements would occur concurrently with the phase of the development that created the impact that was being mitigated.

Public Safety Services: The property is approximately 1.5 miles from the Boone County Fire station on Route HH. The water lines in the development will provide the necessary fire flows.

Staff recommended approval of the final plat.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby receive and accept the plat of Settlers Ridge Plat 5 and authorizes the presiding commissioner to sign it.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #548-2022**

5. Trade Winds Park Plat 3B Preliminary Plat. M-L. S12-T48N-R12W. Trade Winds Technology, owner. Jay Gebhardt, surveyor

Director of Resource Management read the following staff report:

The Planning and Zoning Commission reviewed this plat at its November 17, 2022 meeting approved it by consent. Preliminary plats do not require any action by the County Commission. However, as a matter of practice, they are presented to the Commission for your awareness. I am happy to answer any questions about the preliminary plat that you may have.

The property is located at the northwestern corner of the intersection of Trade Winds Parkway and Richland Road, approximately ½ mile east of the city limits of Columbia. The property is 28.53 acres in size and is zoned M-L (Light Industrial).

Adjacent zoning is M-L zoning to the northeast and east, with A-1(Agriculture) zoning to the south, and R-S zoning to the north and west. This proposal divides the property into sixteen lots ranging in size from 2.24 acres to 0.91 acres and extending two roads into cul-de-sacs.

The lots have access on Trade Winds Parkway, Technology Court, and Progress Place. All these roads are or will be constructed to publicly maintained roads County Standards. All lots except 301 and 302 will use Technology Court or Progress Place for access. The subject property is in the Public Water Service District #9 service area, the Boone Electric Cooperative Service area, and the Boone County Fire Protection District.

All lots will have sewer service provided by the City of Columbia.

This plat has been resubmitted to renew its lifespan as a preliminary plat.

The property scored 78 points on the rating system.

Staff recommended approval of the plat.

No action needs to be taken by the Commission.

Resource Management

6. First and Second Reading: Approval of a Lease Agreement with the City of Centralia for use of the Community Room for a public hearing

Director of Resource Management Bill Florea stated this is going to be used for the Resource Management Department's utility-scale solar farms third public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the Lease Agreement with the City of Centralia for use by the Boone County Resource Management to conduct a public hearing on December 8, 2022 and authorizes the Presiding Commissioner (or Director of Resource Management) to sign it.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #549-2022**

7. First and Second Reading: Recommendation for roadway maintenance acceptance of roads within the Settlers Ridge Plat 5 subdivision plat

Director of Resource Management Bill Florea stated the new roadway construction final report for the following road within Settlers Ridge Plat 5, Southeast Quarter of Section 09, Township 49 North, Range 12 West, Boone County Missouri, street name Glen Meadow Drive. Director Florea stated this road is 571 feet in length, the road was constructed by Emery Sapp & Sons, Inc. for T-Vine Development Corp. in accordance with the approved construction plans designed by Allstate Consultants, LLC.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby accept the attached recommendation for roadway maintenance within Settler Ridge Plat 5.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #550-2022**

Human Resources

8. First Reading: Reclassification of Second Assistant Prosecuting Attorney to Assistant Prosecuting Attorney II

Risk Management Specialist Angela Wehmeyer stated this request comes from the Prosecuting Attorney Elect, Roger Johnson. Ms. Wehmeyer stated there was a vacancy in September and the office has so far been unable to fill that position. Ms. Wehmeyer stated Prosecutor Johnson is asking that this position be reclassified as a Prosecuting Attorney II position so he can internally develop his staff. Ms. Wehmeyer stated it may be reclassified later as a Second Assistant Prosecuting Attorney. Ms. Wehmeyer stated there will small budget savings due to the range changing from 55 to 51.

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

Auditor

9. FY 2023 Proposed Budget Open Public Hearing

Auditor June Pitchford stated the budget is posted on the County's website and she encourages anyone interested, to look at it. Auditor Pitchford stated the first document is the budget message which provides an overview of the priorities that shape the budget.

Commissioner Atwill opened and closed the public hearing.

Commissioner Atwill stated this is the first of three public hearings for this item and requested the Deputy County Clerk schedule this item for a second public hearing at the next available commission meeting.

Road & Bridge

9. Second Reading: Budget Amendment – Department 2040 - Establish Budget for Motor Graders (First Read 11.10.22) Open Public Hearing

Commissioner Atwill opened and closed the public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the Budget Amendment for Department 2040 for the purchase of two motor graders originally budgeted in 2023.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #551-2022**

Facilities Maintenance

10. Second Reading: Budget Amendment – Department 2040 – Request to transfer Skidsteer to Facilities Maintenance (First Read 11.10.22) Open Public Hearing

Commissioner Atwill opened and closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Budget Amendment request for Grounds Maintenance to purchase a skid steer from the Road & Bridge Department.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #552-2022**

Purchasing

11. Second Reading: Amendment #2 to C000125, Co-Op Contract 200201 for Trades, Labor & Materials (JOC) for Exterior Masonry Repair & Waterproofing with Mid-Continental Restoration Company, Inc. (First Read 11.17.22)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve Amendment #2 to County Contract C000125, Co-operative Contract 200201 with Mid-Continental Restoration Company, Inc. for Trades, Labor and Materials (JOC) for Exterior Masonry Repair and Waterproofing.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #553-2022**

12. Second Reading: State of Missouri Cooperative Contract: 605CO22002057 – John Deere 672G Motor Graders – a cooperative contract that will be used to purchase motor graders for Boone County Road & Bridge from Martin Equipment, Inc. of Ashland, MO

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve an agreement with Martin Equipment of Illinois, Inc. dba Martin Equipment, Inc. for two (2) John Deere 672G Motor Graders. The terms of the agreement are set out in the attached contract and the Presiding Commissioner is authorized to sign the same.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #553-2022**

Commission

13. Public Comment

None

14. Commissioner Reports

Commissioner Thompson stated this afternoon she had a great conversation with individuals from NACo about the County’s participation in the Familiar Faces initiative. Commissioner Thompson stated participating was the Boone County Sheriff; Stephanie Browning and Rebecca Roesslet from the Health Department, Joanne Nelson from Community Services, Dan Hanneken from In2Action, and Boone County Counselor CJ Dykhouse. Commissioner Thompson stated Counselor Dykhouse was of extraordinary value on this conversation, and if this can get done and this Initiative can help this happen, Counselor Dykhouse’s contribution will have an extraordinary impact across the country. Counselor CJ Dykhouse stated he has worked locally trying to get Columbia’s local health providers to lean in to some of the language under HIPAA to allow for certain disclosures of law enforcement and certain cross collaborations disclosures, and as he has previously stated, all HIPAA requires is a can do attitude and a business associate agreement, and you can get it done if you have that. Counselor Dykhouse stated, the thought at the national level through NACo is, if they could get the Department of Health and Human Services, at the Federal Level, to propagate safe harbor forms and safe harbor scenarios, where if you follow these things you aren’t violating HIPAA, they might be able to take a turn on the culture of using HIPAA as a reason to stop a conversation. Commissioner Thompson stated everyone one the call was really excited about the possibilities, and the follow up to it was, Counselor Dykhouse sharing what they have been using over in the Court for seven years, without incident and great success. Commissioner Thompson stated she forwarded the information to NACo and it will become part of the conversation at the Legislative Conference in February.

Attest:



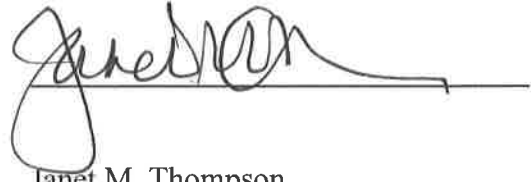
Brianna L. Lennon
 Clerk of the County Commission



Daniel K. Atwill
 Presiding Commissioner



Justin Aldred
 District I Commissioner

A handwritten signature in black ink, appearing to read "Janet M. Thompson", written over a horizontal line.

Janet M. Thompson

District II Commissioner