

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kip Kendrick  
District I Commissioner Justin Aldred  
District II Commissioner Janet Thompson  
Director of Resource Management Bill Florea  
Boone County Deputy County Clerk Jodi Vanskike

**Conference Call Information:**

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

The meeting was called to order at 7:00pm and roll call was taken.

**P & Z**

1. Consent Agenda

- A. Sun Valley Estates Plat 3. R-S. S14-T49N-R12W. Boone County Regional Sewer District and GHP Construction Services, owners. Kevin Schweikert, surveyor.
- B. Johnson's Lake Subdivision Plat 1. A-2. S7-T48N-R11W. Jesse & Sheryl Glydewell, owners. Steven Proctor, surveyor.
- C. Beaver Lake Subdivision Plat 1. A-2. S24-T50N-R14W. Gems Hilltop Acres, owner. Derek Forbis, surveyor.

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

The Planning and Zoning Commission reviewed the following plats at its July 20, 2023, meeting and approved them by consent. Director Florea asked that Commission waive the reading of the staff reports and authorize the clerk to insert them into the meeting minutes.

**Sun Valley Estates Plat 3.** R-S. S14-T49N-R12W. Boone County Regional Sewer District and GHP Construction Services, owners. Kevin Schweikert, surveyor.

The subject property is located at the south end of Backwoods Cove, south of Highway HH, approximately 2 miles east of Route B. The subject property is approximately 1.30 acres in size and zoned Residential Single-Family(R-S). The property is currently vacant. The surrounding zoning is as follows:

North – Residential Moderate-Density (R-M) & Agriculture (A-2)

South – Residential Moderate-Density (R-M) & Agriculture (A-2)

East – Residential Single-Family (R-S) & Agriculture (A-2)

West – Agriculture (A-2)

The R-S zoning to the east is original 1973 zoning. The A-2 zoning around the subject property is original 1973 zoning. The R-M zoning was rezoned in 1976 from R-S, and the zoning of the subject tract was rezoned in April of 2023 from R-M & A-2 to R-S.

The purpose of this plat is to consolidate a platted lot in the Sun Valley Estates development with a portion of the tract previously reserved for the wastewater treatment system for the development. The original system has since been improved and requires less space. A concurrent utility survey will be recorded with this plat to describe the tract containing the wastewater infrastructure for Sun Valley Estates.

The new platted lot has direct access onto Backwoods Cove, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Public Water Service District #4 for domestic water service.

The subject property has access to a central wastewater treatment system operated by the Boone County Regional Sewer District.

The property scored 63 points on the rating system.

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

**B. Johnson's Lake Subdivision Plat 1.** A-2. S7-T48N-R11W. Jesse & Sheryl Glydewell, owners. Steven Proctor, surveyor.

The subject property is located off of E Carter School Road. The proposed subdivision is a single lot five-acre minor plat that contains a single-family dwelling and an onsite wastewater lagoon. The parent parcel is fifty-five acres and zoned Agriculture 2 (A-2). The surrounding zoning is as follows:

- East – A-2
- South – Agriculture 1 (A-1) across E Carter School Road
- West – Light Industrial (M-L)
- North – M-L and A-2

Surrounding A-1 and A-2 zoning is original 1973 zoning. The M-L zoning was rezoned in 1974 and 2004.

The subject property has direct road frontage along E Carter School Road, a publicly-dedicated, publicly-maintained roadway. The subdivision plat will dedicate a 33-foot half-width right-of-way along E Carter School Road. The applicants have not submitted a request to waive the traffic study requirement. However, a single platted lot with an existing home is not likely to have any significant impact on transportation infrastructure. Granting a waiver to the traffic study requirement is appropriate in this case.

The property is located within the Public Water Supply District #9 service area. Boone Electric Cooperative provides power to the area. The Boone County Fire Protection District provides fire protection. The nearest station, Station 1, is 4.7 miles away.

The single-family home on the proposed lot utilizes an existing onsite wastewater lagoon. Future development of the property may require a connection to public sewer operated by the Boone County Regional Sewer District. The applicants have not submitted a waiver to the sewer cost benefit analysis. However, the proposed lot is already developed with a single-family home and onsite wastewater system. Future development of the lot, or another subdivision of the parent parcel, will require further study to see if central sewer can serve the area. Granting a waiver to the sewer cost benefit requirement is appropriate in this case.

The property scored 60 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

**C. Beaver Lake Subdivision Plat 1.** A-2. S24-T50N-R14W. Gems Hilltop Acres, owner. Derek Forbis, surveyor.

The subject property is located off Gray Road. The property is zoned A-2 Agriculture and surrounded by A-2 zoning. The zoning is original 1973 zoning. The proposed subdivision plat seeks to divide three lots, each with five acres or more, out of the 80-acre parent parcel.

All three lots will have direct road frontage onto Gray Road, a publicly-dedicated, publicly-maintained roadway. A 33-foot half-width right-of-way will be dedicated along Gray Road as part of the plat. The applicant did not submit a waiver to the traffic study requirement. However,

creation of three buildable lots is likely to have little impact on existing transportation infrastructure. Granting of a waiver to the traffic study requirement is appropriate in this case.

The subject property is located within Consolidated Water Supply District #1 service area. A 5-inch water line is present along Gray Road to serve the subdivision. Boone Electric Cooperative provides power service in the area. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #4, is 2.3 miles away.

The applicants have proposed the use of onsite wastewater sewage lagoons. The applicant has not submitted a waiver to the sewer cost benefit analysis requirement. However, for the creation of three platted lots, it would be unlikely to be cost effective to build a central sewer system. Granting a waiver to the sewer cost benefit analysis requirement is appropriate in this case.

The property scored 32 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby receive and accept the plats, items A, B, and C, as listed in the attached consent agenda (Attachment A) and authorize the Clerk to insert the associated staff reports into the minutes of this meeting.

Attachment A:

- A. Sun Valley Estates Plat 3. R-S. S14-T49N-R12W. Boone County Regional Sewer District and GHP Construction Services, owners. Kevin Schweikert, surveyor.
- B. Johnson's Lake Subdivision Plat 1. A-2. S7-T48N-R11W. Jesse & Sheryl Glydewell, owners. Steven Proctor, surveyor.
- C. Beaver Lake Subdivision Plat 1. A-2. S24-T50N-R14W. Gems Hilltop Acres, owner. Derek Forbis, surveyor.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #328-2023**

**2. Corporation for the Promotion of Rifle Practice & Firearm Safety – Conditional Use Permit for Shooting Range with Incidental Retail Sales and Restaurant (agenda items 2, 3, and 4.)**

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 July 20, 2023, meeting and voted to recommend approval of the request on a unanimous vote with one abstention. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

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

Adjacent zoning is as follows:

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

The proposal is to renew three Conditional Use Permits (CUP): one for an indoor shooting range, and one each for incidental retail sales and incidental restaurant. The original conditional use permits lapsed for lack of activity, as the property owner had not utilized the permits within one year of their issuance. The applicants have requested the permits be issued with a two-year expiration period instead of the typical one-year expiration period. All three permits will be addressed in this report, but separate motions will be required for each.

As discussed in the previous application, modification of the building will be required under a commercial building permit with plans developed by an Architect licensed to practice in Missouri. The building modifications will be required to address the change of use, prevent rounds from penetrating the exterior shell of the building, and sound dampening. The proposal indicates that the firearms used will be air rifles and guns using .22 long rifle cartridges or less powerful cartridges.

The restaurant will be limited to prepackaged and/or catered food items and limited to the patrons of the shooting facility. This use was included in the sewer capacity calculations that were presented to the Sewer District and included in the recent sewer agreement.

The retail sales area will be limited to 2500 square feet with 1000 square feet of storage. Sales will be limited to t-shirts, ammunition for use on-site, and other items complementary to the primary use.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is

based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance, or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

Limitations on the power of the firearms involved accompanied by the required modifications to the building should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer and water. The incidental uses were included in the sewer loading calculations presented to the sewer district.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

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

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

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

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

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

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

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

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

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

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

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

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

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

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

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

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

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

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

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

1. The facility is limited to using ammunition that, at maximum, is equivalent to .22 caliber long rifle cartridges or less in power. Any desire for more powerful ammunition will require an amended conditional use permit.
2. The retail sales use shall be limited to a maximum of 3000 square feet and up to 1500 square feet of storage.
3. The restaurant facility is limited to sales of prepackaged and catered food. Any increase in intensity will require modification of the conditional use permit.
4. All three permits shall be utilized within two years of the date of issuance; failure to do so will automatically invalidate the permit.

Commissioner Kendrick 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.

**3. Request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for incidental restaurant, cafeteria, and bar in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea stated this item was addressed with item #2.

Commissioner Kendrick 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.

**4. Request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for incidental retail sales and services in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea stated this item was addressed with item #2.

Commissioner Kendrick 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.

**5. Request by Wilson Trailer Company to rezone from General Commercial (C-G) and Agriculture-Residential (A-R) to C-G on 12.03 acres located at 9051 I-70 Drive NE, Columbia. (Open Public Hearing)**



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

The Planning and Zoning Commission reviewed these requests at its July 20, 2023, meeting and recommended approval on a unanimous vote.

The property is located at 9051 I-70 Drive NE. The property is 12.03 acres and split zoned General Commercial (C-G) and Agriculture-Residential (A-R). The zoning of the subject property is original 1973 zoning. Two structures are present: an office building and a shop. A subsurface wastewater system serves the property. The surrounding zoning is as follows:

- East – C-G and A-R
- North – Light Industrial (M-L)
- West – C-G
- South- Across Interstate 70, C-G and Agriculture 2 (A-2)

The rezoning application indicates that the applicants plan on demolishing both existing structures and constructing a new 20,410 square foot building that will serve as the new combined office and shop. The location of the new building will cross the east-west boundary between the current C-G and A-R zoning. Rezoning the property to all C-G is needed for the new building to be compliant with the zoning code.

The Boone County Master Plan designates this area as being suitable for commercial and residential land uses. The sufficiency of resources test was used to analyze this request.

Transportation: The property has two existing driveway entrances onto I-70 Dr NE, a publicly-dedicated, publicly-maintained roadway.

Utilities: The subject property is within the Public Water Supply District #9 service area. A 12-inch waterline is present along I-70 Drive NE and should be able to provide commercial fire flows if needed. Boone Electric provides power. Sanitary sewer capacity in the area provided by the Boone County Regional Sewer District is limited and is in excess of 3000 feet from the site. The use of an onsite subsurface wastewater system may be permitted by the Director of Resource Management.

Public Safety: The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 1, is 3.8 miles away.

Zoning Analysis: It is unclear if this property meets the sufficiency of resources test with limited access to sanitary sewer. While a property should meet all requirements of the resources test to receive a change in zoning, the existing split zoning of the property does allow the applicants to use a portion of the property for commercial activity but is otherwise inefficient. Approval of the request would create consistent zoning across the entire property and allow the applicants to utilize all their property for their existing business. Any future use of the property will be limited by central sewer capacity.

Rezoning from agricultural or residential districts to a more intensive use such as commercial is usually done via a planned development. In this case, the subject property is partially surrounded by open commercial and industrial zoning districts. Rezoning to an open commercial zoning across the entire property would have minimal impact on surrounding property owners and would match the existing land use pattern present in the area.

The property scored 46 points on the rating system. Staff notified 14 property owners.

Staff recommended approval of the request.

Commissioner Kendrick 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.

**6. Request by Perry Luetkemeyer to rezone from Single-Family Residential (R-S) to Planned Agriculture (A-2P) and to approve a Review Plan for Locust Grove Subdivision Plat 3, on 9.94 acres located at 2675 N Locust Grove Church Rd, Columbia. (Open Public Hearing)**

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

The Planning and Zoning Commission reviewed these requests at its July 20, 2023, meeting and recommended approval of the rezoning and review plan on a unanimous vote. The Commission approved the Preliminary Plat.

The property is located approximately 500 feet west of Locust Grove Church Road and is accessed by a private drive serving several lots. It is in the Midway area, approximately 500 feet northwest of the intersection of Locust Grove Church Road and Henderson Road. The overall property is 9.94 acres in size and zoned Single-Family Residential (R-S). All the surrounding property is zoned as follows:

- North, Agriculture 1 (A-1) and
- South, east, and west is R-S

These are all original 1973 zonings.

The proposal is to rezone the subject property from R-S to Planned Agriculture 2 (A-2P) and to obtain approval of the proposed lot configuration as a preliminary plat. Under the proposed review plan, the development is limited to two lots, each with a maximum of one single-family dwelling. The property contained within the request consists of Lot 1 of Locust Grove Subdivision and Tract 1 of a survey recorded in Book 747 page 582 of the records of the Boone County Recorder of Deeds.

There is currently a house, a small shed encroaching into the proposed perimeter setback, and an accessory structure that is currently built across an existing property line. These are all located

within the proposed development. The applicant's intent is to move the lot line between the two existing tracts so that the accessory structure will be located on the same lot as the existing house. The encroaching shed will be required to be removed from the current location in the perimeter setback. Additionally, there is a non-compliant on-site wastewater lagoon that serves the existing home which is being replaced, under permit, with a new compliant lagoon.

The proposed A-2P rezoning allows for the use of a density requirement rather than a minimum lot size requirement to control the intensity of development. Under the existing zoning, the maximum theoretical density that the site could have is 61 dwelling units. That density, however, would require significant infrastructure construction. The maximum theoretical density under the proposed A-2P could have been 3 units; the plan indicates only two dwelling units are proposed. The maximum density proposed under the rezoning to A-2P is 4.97-acres per dwelling unit.

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

Utilities: The property is in Consolidated Public Water Supply District #1. The site is currently served by a 2" water main; however, as a planned development in conjunction with a major plat, fire protection is required. A 6-inch waterline extension with hydrant is required and proposed to be installed as part of this request.

The property is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District. Wastewater service is proposed to be from onsite systems for each lot. The existing home is in the process of having a new compliant lagoon installed and the old lagoon properly closed; the location of the new system is shown on the plan. The new onsite wastewater construction is required to stay out of the stream buffer shown on the plan.

Transportation: The private drive that provides access to both lots already exists and is the same easement that provides access to the existing lots. Since all the lots served by this private easement are not currently platted nor 5 acres or larger, this request needed to be a planned development with corresponding major plat.

Public Safety: The property is in the Boone County Fire Protection District with the closest station being Station 9 at 0.6 miles away.

Zoning Analysis: This proposal does not propose any increase in the number of dwelling units beyond the two existing and is being sought to allow reconfiguration of the lots. No additional lots are being created and there will be upgraded public water service and fire protection as part of this project. The proposal is not out of character with the area.

The property scored **69** points on the rating system.

Staff recommends **approval** of the rezoning request and review plan and preliminary plat subject to the following conditions:

1. Prior to submission of the Final Plan, the shed that is located in the perimeter setback must be removed.
2. The existing lagoon must be properly closed when the new compliant lagoon is given final approval. The new lagoon must receive approval of its Final Inspection prior to the Final Plat being submitted for approval.
3. All construction is required to be outside of the type 2 stream buffer. The stream buffer is to remain undisturbed except for the work to properly close the existing lagoon, which encroaches into the stream buffer. This closure work must be conducted in compliance with a closure plan approved by the Director of Resource Management. The closure plan shall be designed to impact the stream buffer to the least extent possible.
4. The new lagoon is sized for five bedrooms. In this proposal, it only serves the home on Lot 1A. The 27'-by-40' shed/accessory structure is not proposed to have plumbing.

The installation of the upgraded waterlines and fire hydrant will be required prior to any Final Plat being presented to the County Commission.

Commissioner Kendrick 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.

**Health Department**

**7. Second Reading: Nuisance Abatement - Parcel #12-100-06-00-018.00 01 – First Read 07.27.23**

Commissioner Thompson moved now on this 1<sup>st</sup> day of August, 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: trash, junk, discarded tires, and mattress on the premises.
4. The location of the public nuisance is as follows: 2051 E Calvert Hill Rd, Columbia MO, a/k/a parcel# 12-100-06-00-018.00 01, PT S1/2 SE SUR 383-752, Section 6, Township 49, Range 12 as shown by deed book 4953 page 157, Boone County.

5. The specific violation of the Code is: trash, junk, discarded tires, and mattress in violation of section 6.5 of the Code.
6. 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 March 22, 2023, to the property owner and lien holder.
7. The above-described public nuisance was not abated. As required by section 6.10.2 of the Code, the property owner and lien holder 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.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #329-2023**

#### **8. Second Reading: Nuisance Abatement – Parcel #17-309-02-04-005.00 01 – First Read 07.27.23**

Commissioner Aldred moved now on this 27th day of July 2023, 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: trash, rubbish, junk.
4. The location of the public nuisance is as follows: 0000 N Golf Blvd Columbia, MO, a/k/a parcel# 17-309-02-04-005.00 01., Golf Subdivision Plat 3 Lot 28-1, Section 2, Township 48, Range 12 as shown by deed book 5483 page 0150, Boone County.
5. The specific violation of the Code is: tall grass and weeds in excess of 12 inches in violation of section 6.3 and 6.5 of the Code. The property does not have evidence of running water.
6. 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 May 8, 2023, to the property owner.
7. The above-described public nuisance was not abated. As required by section 6.10.2 of the Code, the property owner and lien holder 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.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #330-2023**

**Emergency Management**

**9. Second Reading: State of Missouri Public Assistance Grant Certification Forms – MO-4451-DR and MO-4612DR**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Grant Applications by Boone County Emergency Management Operations for the State of Missouri Amended Application for Federal/State Public Assistance.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Amended Grant Applications.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #331-2023**

**Purchasing**

**10. Second Reading: Approval of Sole Source 168-123123SS for the ARCAD DevOps Software Suite for the Boone County IT Department from ARCAD Software – First Read 07.27.23**

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve Sole Source 168-123123SS for the purchase of the ARCAD DevOps Software Suite for the Boone County IT Department from ARCAD Software of Chicago, Ill.

The terms of the Sole Source are set out in the attached Sole Source Form #168-123123SS and the Presiding Commissioner is authorized to sign the same.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #332-2023**

**Commission**

11. Public Comment  
None

12. Commissioner Reports

None

Attest:



Brianna L. Lennon  
Clerk of the County Commission



Kip Kendrick  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner