

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
County of Boone } ea.

May Session of the April Adjourned

Term. 20 14

In the County Commission of said county, on the 27th day of May 20 14

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

Now on this day the County Commission of the County of Boone does hereby approve the request by Heinz Leigh to rezone from C-G (General Commercial) to R-S (Single-Family Residential) on .87 acres, more or less, located at 11125 E Hwy CC, Centralia.

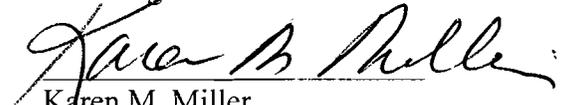
Done this 27th day of May, 2014.

ATTEST:

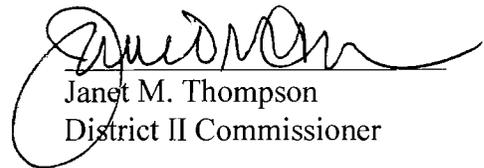
Wendy S. Noren
Wendy S. Noren *mg*
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
County of Boone } ea.

May Session of the April Adjourned

Term. 20 14

In the County Commission of said county, on the 27th day of May 20 14

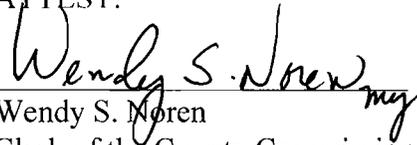
the following, among other proceedings, were had, viz:

Now 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:

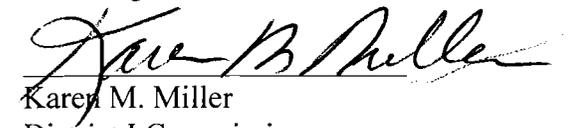
- Wild Bill Fenton. S12-T50N-R14W. A-R. William L. and Dorothy J. Fenton, owners. Donald E. Bormann, surveyor.
- Melanie. S34-T50N-R14W. A-2. Larry Welch Jr., Melanie Welch, Larry Welch Sr., owners. Kevin M. Schweikert, surveyor.

Done this 27th day of May, 2014.

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

257-2014

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
County of Boone } ea.

May Session of the April Adjourned

Term. 20 14

In the County Commission of said county, on the 27th day of May 20 14

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

Now on this day the County Commission of the County of Boone does hereby approve the attached Missouri Highways and Transportation Commission Cost Apportionment Agreement relating to Route 63 Outer Road.

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

Done this 27th day of May, 2014.

ATTEST:

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

Daniel K. Atwill

Daniel K. Atwill
Presiding Commissioner

Karen M. Miller

Karen M. Miller
District I Commissioner

Janet M. Thompson

Janet M. Thompson
District II Commissioner

CCO Form: DE07
Approved: 07/97 (DPP)
Revised: 09/11 (AR)
Modified:

Cost Apportionment Agreement
Route: 63 Outer Road
County: Boone
Job No.: J5S3089

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
COST APPORTIONMENT AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and Boone County (hereinafter, "County").

WITNESSETH:

WHEREAS, the Commission owns and maintains the 63 Outer Road, also known as Ponderosa St., in Boone County as part of the State Highway System; and

WHEREAS, the parties desire the improvement of Bridge G0739 over Gans Creek located on the 63 Outer Road, extending generally from 0.35 miles south of Discovery Parkway to 0.4 miles south of Discovery Parkway; and

WHEREAS, the County is willing to provide funding for a project to replace Bridge G0739 over Gans Creek (Job No. J5S3089); and

WHEREAS, the Commission will fully fund a project to replace Bridge G0740 over Bonne Femme Creek (Job No. J5S3090) located on the 63 Outer Road, extending generally from 2.0 miles south of Discovery Parkway to 2.05 miles south of Discovery Parkway; and

WHEREAS, the County shall fully fund a project to improve the Meyer Industrial/Tom Bass intersection located 1.5 miles south of Discovery Parkway; and

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this agreement is to coordinate participation by the County in the cost and construction of the Commission's public improvements for Bridge G0739 over Gans Creek, designated as Job No. J5S3089 located within Boone County.

(2) LOCATION: The transportation improvement that is the subject of this Agreement contemplated at the following location:

Beginning at Log mile 1.35, a point approximately 0.4 mile south of the intersection of Discovery Parkway, run in a generally southerly direction along existing Route 63 Outer Roadway to Log mile 1.4, a point approximately 0.45 miles south of Discovery Parkway. Length of improvement is 0.05 miles.

The general location of the public improvement is shown in "Exhibit A." The detailed

location of the improvement will be shown on the plans prepared by the Commission for the above-designated route and project.

(3) USE OF RIGHT-OF-WAY: The County grants the right to use the right-of-way of public roads, streets, and alleys as necessary for construction and maintenance of said public improvements.

(4) COMMISSION REPRESENTATIVE: The Commission's Central District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(5) PROJECT RESPONSIBILITIES: With regard to project responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The Commission will be responsible for the preparation of detailed right-of-way and construction plans and project specifications for the improvements of Bridge G0739 over Gans Creek (Job No. J5S3089). This includes design, letting of project, and inspection of project. The plans shall be prepared in accordance with and conform to Commission requirements.

(B) The Commission will acquire right-of-way as needed for the project noted in Section 5(A) in accordance with Commission requirements.

(C) The Commission will be responsible for letting the work for the herein improvements noted in Section 5(A), which includes advertising the project for bids and awarding the construction contract. The Commission will solicit bids for the herein improvements in accordance with plans developed by the Commission, or as the plans may from time to time be modified in order to carry out the work as contemplated.

(D) The Commission will be responsible for construction of the herein improvements noted in Section 5(A), which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to Commission requirements.

(6) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The currently estimated cost of Job No. J5S3089 is six hundred sixty thousand dollars (\$660,000). The details of the estimated cost breakdown may be seen in "Exhibit B," which is incorporated herein and attached hereto. The total project cost will include preliminary engineering, right of way acquisition, utility relocation, project construction, and work inspection.

(B) The Commission will be responsible for the costs associated with preliminary engineering, right of way acquisition, utility relocation, administration of the construction contract and inspection of the work performed by the construction contractor, at no cost or expense to the County. The estimated cost for this work is ninety-five thousand dollars (\$95,000). [See Exhibit B]

(C) The County shall be solely responsible for the costs associated with construction and construction contingencies. The estimated cost for this work is five-hundred sixty-five thousand dollars (\$565,000).

(D) The County has a soft match credit balance in excess of the 20% matching funds equal to the amount of one hundred thirteen thousand dollars (\$113,000). The County authorizes the Commission to allocate up to a maximum of five hundred sixty-five thousand dollars (\$565,000) of Bridge Replacement Off-System (BRO) funds to fund 100% of the estimated construction costs for Job No. J5S3089, of which 20% will come from the county's BRO soft match credit balance. [See Exhibit B]. If the County fails to authorize the funding allocations, the Commission is under no obligation to continue with this portion of the project. Upon completion of the project, any excess funds shall be returned to the BRO funds balance.

(E) In the event that the actual costs for Job No. J5S3089 noted in Section 6(C and D) exceed the currently estimated construction costs, the additional costs shall be the sole responsibility of the County.

(7) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the County for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the County with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the County's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the County's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the County and the Commission.

(8) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the County and the Commission.

(9) ASSIGNMENT: The County shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(10) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The County shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(11) APPROVAL OF FHWA AND AVAILABILITY OF FUNDS: This Agreement is entered into subject to the approval of the Federal Highway Administration and is further subject to the availability of federal and state funds for this construction.

(12) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the

County with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the County.

(13) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission, except as otherwise provided by this Agreement or a separate written agreement.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the County.

(16) NO INTEREST: By contributing to the cost of this project or improvement, the County gains no interest in the constructed roadway or improvements whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the County shall not be entitled to a refund of the funds contributed by the County pursuant to this Agreement.

(17) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(18) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(19) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(20) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(21) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the County this 27th day of May, 2014.

Executed by the Commission this _____ day of _____, 20____.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

By _____

Title _____

ATTEST: (Commission seal)

Secretary to the Commission

APPROVED AS TO FORM:

Commission Counsel

BOONE COUNTY

By *David L. Allen*

Title PRESIDING COMMISSIONER

By *Tom Janner*

Title Director, Resource Management

By _____

Title _____

ATTEST: (County seal, if existing)

By *Wendy S. Noren*

Title CLEARK OF THE COUNTY COMMISSION

APPROVED AS TO FORM:

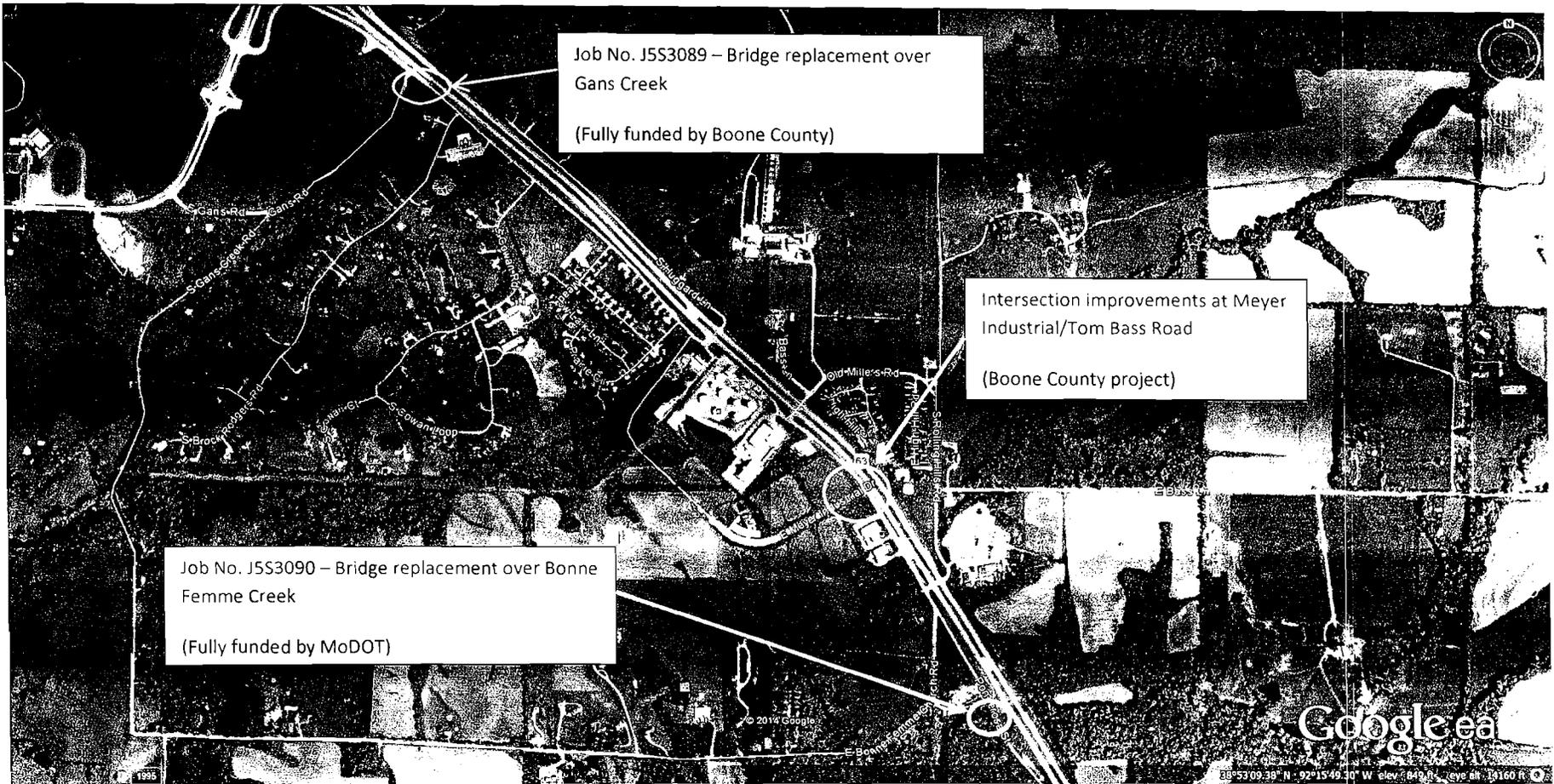
By *J. H. Moore*

Title County Counsel

CERTIFICATION:

I certify that this contract is within the purpose of the appropriation to which it is to be charged and there is an unencumbered balance of such appropriation sufficient to pay the costs arising from this contract.

Jane E. Pitchford 5/27/14
Auditor by aff Date



Job No. J5S3089 – Bridge replacement over
Gans Creek
(Fully funded by Boone County)

Intersection improvements at Meyer
Industrial/Tom Bass Road
(Boone County project)

Job No. J5S3090 – Bridge replacement over Bonne
Femme Creek
(Fully funded by MoDOT)

Exhibit A: Location Sketch
Job No. J5S3089 & J5S090, Boone County, Route 63 OR

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
County of Boone } ea.

May Session of the April Adjourned

Term. 20 14

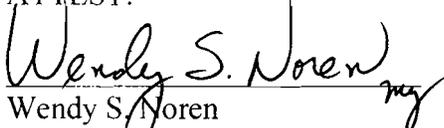
In the County Commission of said county, on the 27th day of May 20 14

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

Now on this day the County Commission of the County of Boone does hereby approve the attached Stormwater Security Agreement between the County of Boone and JES Investment Co. The terms of the agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Done this 27th day of May, 2014.

ATTEST:

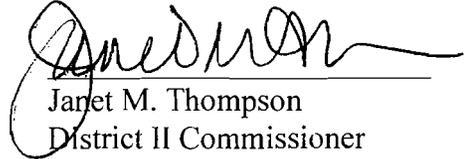

Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner

Stormwater Erosion and Sediment Control Security Agreement

Date: 5/16/14

Developer/Owner Name: JES Investment Co.
Address: 206 Peach Way, Columbia, MO 65203

Development: Baker Farm

This agreement is made by and between the above named developer (herein "Developer") and Boone County, Missouri, a political subdivision of the State of Missouri, through its Resource Management Department, (herein "County") and shall be effective on the above date when signed and approved by all persons listed below.

In consideration of the performance based by each party of their respective obligations described in this agreement, the parties agree to the following:

1. **Background and Purpose of Agreement** – The Developer is the owner or authorized agent of the owner for the real estate contained within the development described above which is subject to the Boone County Stormwater Regulations. This agreement is made pursuant to Section 8.4 Performance and Guarantee, in the Stormwater Regulations of Boone County, Missouri in order to permit the Developer to disturb land on the development described above, and to assure County of the required erosion and sediment control and stormwater management. By entering into this agreement the developer is agreeing to comply with the erosion and sediment plan described below in accordance with the County Stormwater Regulations and specifications and provide to County financial security in the event the developer fails to comply with the plan, or complete the improvements within the time and manner provided for by this agreement.
2. **Description of Improvements** – The Developer agrees to adhere to the Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control (ESC) Plans for Construction activities at Baker Farm. The SWPPP and ESC was prepared by Engineering Surveys and Services.
3. **Time for Completion** – The Developer agrees to complete the land disturbance activities and stabilize the site as described in the SWPPP no later than the 5/31/2015, and all such improvements shall pass County inspection as of this date.
4. **Security for Performance** – To secure the Developer's performance of its obligations under this agreement, Developer hereby agrees to provide the County with security in the amount of \$105,541.22, which County may use and apply for Completion of the above described improvements in the event the Developer fails to complete the above described improvements within the time or within manner required by County under its regulations.

The Security shall be provided to County as a condition precedent to the effectiveness of this agreement in the following form:

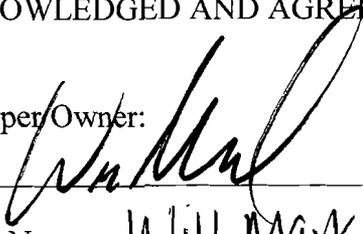
- U Irrevocable standby letter of credit, with form to be approved by County and issued to Treasurer of Boone County, Missouri
5. **Use of Security** – The Developer hereby authorizes County to use, redeem, or otherwise obtain payment as applicable, from the security described above for purposes of completing improvements required of the Developer under this agreement in the event that such improvements are not completed within the time provided for by this agreement, or any extension thereof granted by County in its discretion, or in the event such improvements are not completed in accordance with regulatory requirements or specifications imposed by County. Developer authorizes County to cash the letter of credit contemplated herein upon written instructions from the duly-elected and serving Treasurer of Boone County without further authorization or signature required by Developer. In the event Developer fulfills its obligations in the time and manner required by this agreement and obtains a satisfactory final inspection from the County prior to 5/31/2015, then County shall provide Developer with written proof that the requirements of this Security Agreement are satisfied and the letter of credit can be released to Developer. If no written proof has been provided to the financial institution issuing the letter of credit that Developer has complied with the requirements of this Agreement, however, then the financial institution shall, on 5/31/2015, or such extended period as mutually-agreed by the parties in writing, shall immediately transfer the balance of the letter of credit to the account then-designated by the Boone County Treasurer. If the total sum of the letter of credit is not used for completion of any necessary permit items, then the remaining balance shall be paid to Developer within thirty (30) days of completion and acceptance of any required work, along with an itemization of charges detailing the expenditures made by the County.
 6. **Additional Sums Due** – In the event that the security provided herein is insufficient to complete the required improvements as determined by the County, Developer will, upon demand by the County accompanied by a detailed itemization of the requested additional sum, deposit with County such additional monies which, in the opinion of the County, will be required to complete the necessary improvements. In the event that Developer does not deposit the additional monies with the County within ten (10) days, the Developer shall be deemed in default of this Agreement.
 7. **Remedies Cumulative** – Exercise or waiver by the County of any enforcement action under this Agreement does not waive or foreclose any other or subsequent enforcement action whatsoever. The County shall be entitled to its costs, including reasonable attorneys' fees, in enforcement of Developer's obligations under this Agreement.
 8. **Authority of Representative Signatories** – Signatories to this agreement who execute this agreement in a representative capacity for a corporation, limited liability company or partnership, or other business entity, hereby affirmatively represent that they have obtained all resolutions or orders needed to enter in this agreement and are duly authorized to enter into this agreement and bind the parties which they represent to all terms and conditions herein.

9. **Binding Effect** – This agreement shall be binding upon the parties hereto in their respective heirs, personal representative, administrators, successors and interest in successors in assigned offices. The County and Developer hereby accept this Agreement as a lawful and satisfactory Security Agreement.

In Witness Whereof the Developer and the County have executed this agreement to be effective on the day and year first above written.

ACKNOWLEDGED AND AGREED TO:

Developer/Owner:

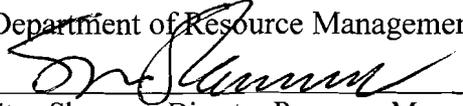
By: 

Printed Name: Will Markel

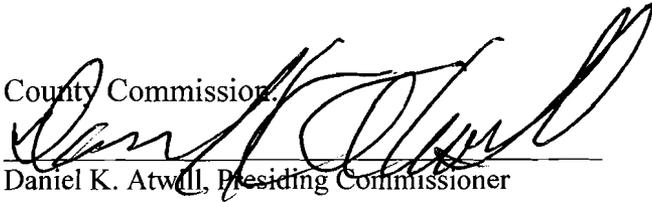
Title: Vice President

BOONE COUNTY, MISSOURI:

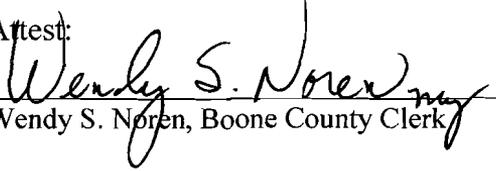
Department of Resource Management


Stan Shawver, Director Resource Management

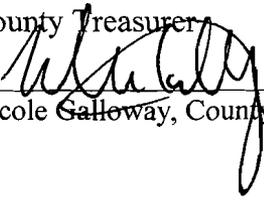
County Commissioner:


Daniel K. Atwill, Presiding Commissioner

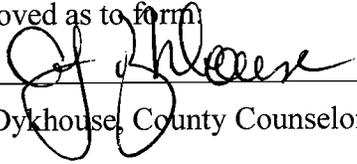
Attest:


Wendy S. Noren, Boone County Clerk

County Treasurer:


Nicole Galloway, County Treasurer

Approved as to form:



C.J. Dykhouse, County Counselor

Boone County National Bank



IRREVOCABLE LETTER OF CREDIT

NO. 0009387-0099

DATE: May 16, 2014

Amount: \$105,541.22

County of Boone

Attn: Director, Resource Management

801 E Walnut St, Rm. 315

Columbia, MO 65201

Ladies and Gentlemen:

We hereby authorize the County of Boone to draw on Boone County National Bank for the account of Jeffery E Smith Investment Company up to an aggregate amount of \$105,541.22 available by your drafts at sight. Your drafts must be accompanied by your invoice to Owner and accompanied by a Certificate for Drawing in substantially the form set out on Exhibit "A", which is attached hereto and incorporated by reference.

All drafts hereunder must be marked "Drawn under Boone County National Bank Letter of Credit #0009387-0099 dated May 16, 2014."

The amount of each draft drawn under this credit must be endorsed hereon, and the presentation of each draft, if negotiated, shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein requested. Partial drawings are permitted. All payments under this letter of credit will be made available to you at the counters of the loan issuer or immediately by wire transfer of immediately available funds to the account(s) designated by the Boone County Treasurer.

We hereby engage with the drawers, endorsers, and bona fide holders of drafts drawn under and in compliance with the terms of this credit that the same will be duly honored on due presentation and delivery of documents as specified if presented to this bank on or before May 16, 2014, provided further that upon such expiration, either at May 16, 2015, or such extended period as contemplated herein we shall immediately transfer the balance of the maximum available credit to you at the account then-designated by the Boone County Treasurer.

This letter of credit may be extended upon presentation of an agreement to extend, executed by the Jeffery E Smith Investment Company and the County of Boone, and presented to Boone County National Bank within the 60-day period prior to the then-effective date of expiration of this letter of credit. The final expiry of this letter of credit shall be May 16, 2016.

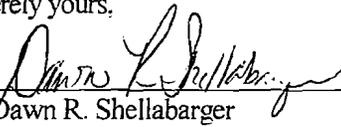
Upon our receipt, from time to time, from the County of Boone, of a written reduction certificate in substantially the same form as Exhibit "B", which is attached hereto and incorporated herein by reference, we are authorized to reduce the maximum available credit hereunder by the amount stated in such certificate, any such reduction to be effective only at our close of business on the date which we receive said written reduction certificate.

This letter of credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument or agreement referred to herein, except that Exhibit "A" and Exhibit "B" attached hereto are incorporated herein by reference as an integral part of this letter of credit.

Except as expressly provided herein, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), The International Chamber of Commerce Publication #500.

Sincerely yours,

By:



Dawn R. Shellabarger
Assistant Vice President

Exhibit "A"
To Letter of Credit
Form of Certificate for Drawing

Boone County, Missouri

Date

Boone County National Bank
P.O. Box 678
720 E. Broadway
Columbia, MO 65205
Attention: Dawn Shellabarger

Re: Bank Letter of Credit No.: **0009387-0099**
Dated: May 16, 2014
In Favor of Boone County, Missouri on behalf of **Jeffrey E Smith Investment Co**

Gentlemen:

The undersigned, a duly authorized official of County of Boone, Missouri (the "Beneficiary"), hereby certifies to Boone County National Bank (the "Bank"), with reference to Irrevocable Letter of Credit No. **0009387-0099** (the "Letter of Credit"; any capitalized terms used herein and not defined shall have their respective meanings as set forth in the said Letter of Credit) issued by the Bank in favor of the Beneficiary, that

1. The Account Party has failed to complete all improvements or fulfill all obligations required by the Subdivision Regulations, Stormwater regulations, or other applicable rules and regulations of the County of Boone.
2. A draft in the sum of \$_____ as requested by this Certificate is not in excess of the Maximum Available Credit under the Letter of Credit and shall result in a reduction of the Maximum Available Credit under the Letter of Credit.

Transfer the funds as stated above to the credit of the Boone County, Missouri to the following account, as instructed by the Boone County Treasurer: [INSERT BANK Account #_____], Attention: Boone County Treasurer.

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate this _____ day of _____.

BOONE COUNTY, MISSOURI

By: _____
Presiding Commissioner

APPROVED BY:

Attest:

Stan Shawver, Director, Resource Management

Wendy S. Noren, Boone County Clerk

Commission Order: _____

Exhibit "B"
To Letter of Credit
Form of Reduction Certificate

Date

Boone County National Bank
P.O. Box 678
720 E. Broadway
Columbia, MO 65205
Attention: Dawn Shellabarger

Re: Bank Letter of Credit No.: **0009387-0099**
Dated: May 16, 2014
In Favor of Boone County, Missouri on behalf of Jeffrey E Smith Investment Co

Gentlemen:

This certificate authorizes reduction in the amount of \$_____ of the above letter of credit. The remaining maximum available credit for this letter of credit is \$_____.

BOONE COUNTY, MISSOURI

By: _____
Presiding Commissioner

APPROVED BY:

Attest:

Stan Shawver, Director, Resource Management

Wendy S. Noren, Boone County Clerk

Commission Order: _

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
County of Boone } ea.

May Session of the April Adjourned

Term. 20 14

In the County Commission of said county, on the 27th day of May 20 14

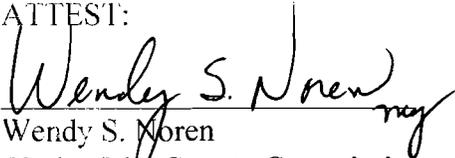
the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby amend the Boone County Subdivision Regulations, Appendix B. Section 1.8.2, a copy of which is attached along with the following attachments:

1. Notice of County Commission hearing scheduled for 5/13/14, affidavit of publication from Columbia Daily Tribune newspaper.
2. Affidavit of posting employee of posting in the Roger B. Wilson Government Center.
3. Affidavit of posting employee of posting in the Boone County Courthouse.
4. Minutes from the April 17, 2014 meeting of the Boone County Planning and Zoning Commission which reflect their endorsement of the amendment to the Boone County Subdivision Regulations.
5. Minutes from the May 13, 2014 meeting of the Boone County Commission showing the public hearing was opened for the amendment of the Boone County Subdivision Regulations, Appendix B. Section 1.8.2 as indicated above.

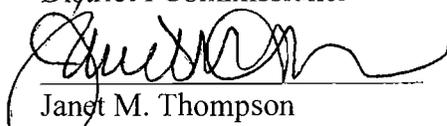
Done this 27th day of May, 2014.

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

1.8.2 ***Lot Specifications*** - Lots shall be arranged to comply with building permit requirements, the zoning regulations as to size, access, relationship to topography, provisions for utilities or other conditions specified below:

- corner lots shall have sufficient width for compliance with front yard building lines on all streets;
- side lot lines generally shall be at right angles to straight streets and radial to curved streets;
- Lots abutting a subdivision street shall maintain a front building line as required by the zoning regulations;
- lot depth shall comply with Table A.

Lots with double frontage may be provided where essential to provide separation of development from traffic arteries or otherwise required by topography or other similar conditions. Right of way shall not be included within the dimensions or areas of lots. Lots abutting any road or private drive at least 50 feet in width shall be required to maintain a front or back building line beginning at least fifty (50) feet from the center of such road or street.

\Not more than one hundred (100) RS zoned lots nor more than fifty (50) RD zoned lots nor more than six (6) acres of RM zoned land may be contained within a plat when the design of the plat is such that only one point of public road access is provided for those lots within the plat. A point of a public road access shall at a minimum consist of a connection to a through street. Streets which dead-end or “stub” into property which is adjacent to the property being subdivided shall not count as a second access until such time as the dead-end or “stub” street is connected to a through street and becomes a public road.

COLUMBIA DAILY TRIBUNE

P.O. Box 798 • Columbia, MO • 65205-0798

ADVERTISING INVOICE and STATEMENT

BILLING PERIOD		ADVERTISER/CLIENT NAME	
04/01/14 - 04/30/14		BC PLANNING/BUILDING	
TOTAL AMOUNT DUE	*UNAPPLIED AMOUNT	TERMS OF PAYMENT	
62.20		NET DUE 30 DAYS	
CURRENT NET AMOUNT DUE	30 DAYS	60 DAYS	OVER 90 DAYS
62.20	0.00	0.00	0.00

INVOICE NUMBER	PAGE #	BILLING DATE	BILLED ACCOUNT NUMBER	PARENT ACCOUNT NUMBER
1193540	1	04/30/2014	13397	13397

BILLED ACCOUNT NAME & ADDRESS

BC PLANNING/BUILDING
 ***ATTN PAULA EVANS
 801 E WALNUT ST RM 210
 COLUMBIA MO 65201-4890

CREDIT CARD PAYMENTS	
 Card Number: _____	
 Exp. Date: _____ Amt. to pay: _____	
 Signature: _____	
 Name on Card: _____	

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

DATE	REFERENCE	PUB	DESCRIPTION - OTHER COMMENTS / CHARGES	SIZE/PAGES	TIMES	RATE	BALANCE
			BALANCE FORWARD				0.00
04/24	13369	CDT	HEARING 5/13	2 X 2.50	1	12.44	62.20

CONTRACT NAME: Net Dollar Volume	EXPIRES 04/30/2014	COMMITMENT 24000.00	PERIOD 1821.74	TO DATE 33972.01	TO FULFILL -9972.01
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STATEMENT OF ACCOUNT AGING OF PAST DUE AMOUNTS

CURRENT NET AMOUNT DUE	30 DAYS	60 DAYS	OVER 90 DAYS	*UNAPPLIED AMOUNT	TOTAL AMOUNT DUE
62.20	0.00	0.00	0.00		62.20

COLUMBIA DAILY TRIBUNE

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*UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

INVOICE NUMBER	ADVERTISER INFORMATION			ADVERTISER / CLIENT NAME
	BILLING PERIOD	BILLED ACCOUNT NUMBER	PARENT ACCOUNT NUMBER	
1193540	04/01/14 - 04/30/14	13397	13397	BC PLANNING/BUILDING

AFFIDAVIT OF PUBLICATION

BC PLANNING/BUILDING

STATE OF MISSOURI)
County of Boone) ss.

I, AMY THOENEN, being duly sworn according to law, state that I am one of the publishers of the Columbia Daily Tribune, a daily newspaper of general circulation in the County of Boone, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Columbia, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such, who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper on the following consecutive issues:

- 1st Insertion, April 24, 2014
- 2nd Insertion, _____
- 3rd Insertion, _____
- 4th Insertion, _____
- 5th Insertion, _____
- 6th Insertion, _____
- 7th Insertion, _____
- 8th Insertion, _____
- 9th Insertion, _____
- 10th Insertion, _____
- 11th Insertion, _____
- 12th Insertion, _____
- 13th Insertion, _____
- 14th Insertion, _____
- 15th Insertion, _____
- 16th Insertion, _____
- 17th Insertion, _____
- 18th Insertion, _____
- 19th Insertion, _____
- 20th Insertion, _____
- 21st Insertion, _____
- 22nd Insertion, _____

PRINTERS FEE: 62.20

By Amy Thoenen

Subscribed and sworn to before me this 5 day of May, 2014

Notary Public

My Commission Expires July 18, 2014

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Boone County Commission will conduct a Public Hearing on a proposed revision to the Boone County Subdivision Regulations. The hearing will be held on:

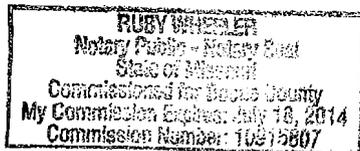
**Tuesday, May 13, 2014
9:30 a.m.**

This hearing will take place in the Commission Chambers, Boone County Government Center, 801 E. Walnut St., Columbia, MO.

The hearing will be for the purpose of gaining input on **Appendix B. 1.8.2, Lot Specifications.**

Copies of the proposed amendments may be obtained at the office of Boone County Resource Management, 801 E. Walnut St., Rm. 315, Columbia.

13369



AFFIDAVIT OF NOTICE OF PUBLIC HEARING

STATE OF MISSOURI) ss
County of Boone)

I, Paula Evans, being duly sworn according to law, state that I am the Custodian of Records of Resource Management for the County of Boone, State of Missouri. I hereby swear that the affixed notice of public hearing was posted in the Roger B. Wilson, Boone County Government Center, Boone County, Missouri on the 23rd day of April, 2014

Paula Evans date 4/23/14
Paula Evans

Subscribed & sworn to before me this 23rd
day of April, 2014

Christina L. Crane
Notary Public

CHRISTINA L. CRANE
Notary Public - Notary Seal
State of Missouri
County of Boone
My Commission Expires May 21, 2017
Commission # 13705616



DIRECTOR
STAN SHAWVER

Boone County Resource Management

ROGER B. WILSON GOVERNMENT CENTER
801 E. WALNUT ROOM 315 COLUMBIA, MO 65201-7730
(573) 886-4330 FAX (573) 886-4340

PLANNING - INSPECTIONS - ENGINEERING

CHIEF ENGINEER
DERIN CAMPBELL

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Paula Evans date 4/23/14
Paula Evans

Subscribed & sworn to before me this 23rd
day of April, 20 14

Christina L. Crane
Notary Public
CHRISTINA L. CRANE
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BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes	7:00 P.M.	Thursday, April 17, 2014
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I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Paul Prevo, Secretary	Rocky Fork Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Larry Oetting	Three Creeks Township
Loyd Wilson	Columbia Township

b. Members Absent:

Kevin Murphy	Perche Township
Derin Campbell	County Engineer
Vacant Seat	Bourbon Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Thad Yonke, Senior Planner	Bill Florea, Senior Planner
Paula Evans, Staff	

III. Approval of Minutes:

Minutes from the March 20, 2014 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit and two subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members

of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, April 29th. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, April 29th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Ralph and Rosalee Higgins on behalf of Capital Quarries and APAC Missouri, Inc., for a temporary asphalt plant on 100 acres located at 23300 S. Hwy 63, Hartsburg.

Planner, Uriah Mach gave the following staff report:

The site is located on the east side of U.S. 63, approximately one mile north of the Callaway County line. The current use of the property is for a rock quarry. The quarry was probably opened prior to 1973. In 1974, a conditional use permit was approved to allow construction of underground warehouses in the underground mine area of the quarry. In 2005, a conditional use permit for placement of a temporary Asphalt Plant was issued to APAC for this location. The property is zoned A-2(Agriculture) as is property to the west and south. Adjacent zoning to the north is A-R(Agriculture-Residential) and Callaway County adjoins to the east. This is all original 1973 zoning. The property scored 43 points on the rating system.

The request is to allow temporary placement of a portable asphalt plant. The asphalt will be used fulfill a contract with Missouri Department of Transportation for repaving U.S. 63 South between Jefferson City and Columbia. The contract is expected to be complete by 1 September 2014. The contract requires the hours where paving activities will occur to be between 7:00 P.M. and 6:00 A.M.

Operation of a portable asphalt plant used for a specific construction project is allowed in the A-2 district as a conditional use. The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

(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.

Several possible sets of impacts have been identified including: air emissions, groundwater contamination and noise.

APAC is required to hold an air quality permit issued by the Missouri Department of Natural Resources Air Pollution Control Program. APAC has been issued such a permit and has submitted a relocation request to have the permit applied to this site.

APAC has a general stormwater discharge permit issued by the Water Pollution Control Branch of DNR. DNR conducts periodic inspections at the sites in use. An annual report is submitted to DNR which includes the outfall number and a soil sample from the year (March, June, November, December) when rainfall occurred.

The United States Environmental Protection Agency(EPA) requires APAC to develop a Spill Prevention, Control and Countermeasures Plan. The plan must be prepared by a registered civil engineer. The plan establishes procedures for storage of large quantities of fuel or petroleum products and procedures for dealing with spills. APAC's plan is on file with the planning department.

State and federal agencies have regulations in place to ensure that impacts to air quality, groundwater or surface water quality will not endanger the public health, safety or welfare.

Similar conditional use permits raised concerns about noise. The proposed use will generate additional noise. Much of the additional noise will be generated during nighttime hours due to restrictions in the contract. It should be noted however, that the proposed plant will be located in a quarry where there are no restrictions on hours of operation.

(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.

Noise and odors will be noticeable and will temporarily diminish but not be injurious to the enjoyment of other property in the immediate vicinity. Regulations enforced by state and federal agencies should be adequate to ensure that there are no long term impacts to ground or surface water.

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

There is no indication that the proposed use will have a negative effect on property values.

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

The site has direct access to U.S. 63, which is also the project site. Other utilities already exist on site.

(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 proposed use will not impede the development of the surrounding area. It may have a long term positive effect on the area due to the resulting upgraded surface of U.S. 63.

(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 contract between MoDOT and APAC requires all heavy activity to be done during off peak traffic hours. In addition, the purpose of locating the asphalt plant at this location is to minimize the distance that asphalt has to be hauled, which reduces impact to the road system.

(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.

The proposal conforms to other applicable regulations of the A-2 zoning district.

Zoning Analysis: The improvement and repair of public rights of way is an obligation of government. The impact of making those repairs can range from minor inconvenience, such as a single lane being closed for repair, to intense intrusion into one's home life, such as the expansion of a road way from two-lane to four-lane that requires a complete shut-down. The placement of a temporary asphalt plant falls closer to the complete road shut-down than the single-lane closure. It generates noise, odor, and can cause traffic patterns to change during its hours of operation. However, the hours of operation mandated by the terms of APAC's contract with the Missouri Department of Transportation and the permits and practices required by the Missouri Department of Natural Resources and US Environmental Protection Agency

should mitigate those impacts. The project is irritating and intrusive, but also time-limited and specific in scope.

Staff recommends approval subject to the following conditions:

1. All equipment and materials used for the production of asphalt at this location shall be removed within 60-days of the date the paving project is complete.
2. Asphalt produced at this location may only be used on the Highway 63 resurfacing project.

Present representing the request:

Robert Hollis, Attorney for applicants, 1103 E Broadway, Columbia
Shawn Riley, Vice President, APAC, 1591 A E. Prathersville Rd., Columbia
Diane Tucker, Environmental Manager, APAC, 7415 W 130th, Overland Park, KS

The applicants presented a power point presentation along with a paper copy of the presentation.

The power point presentation showed an aerial of southern Boone County and the areas of Highway 63 to be resurfaced, also shown was the location of the proposed temporary asphalt plant.

Chairperson Harris asked the location of the temporary plant on the Capital Quarry property and asked if the plant would be in the pit or up on the ridge.

Mr. Hollis stated it is located in the former pit; it is not on the ridge.

Mr. Hollis went through the criteria for conditional use permits, further stating that the applicants are required to meet state and federal regulations. The applicants obtained all the required permits, filed a spill prevention plan and developed additional countermeasures such as white noise back-up alarms; replacing horns with lights; traffic pattern development; muffler use; updated generators; and new foaming technologies. The applicants spoke with neighbors and addressed their concerns.

Mr. Hollis presented a letter from Smith-Lewis LLP, Attorney's at Law, who represent neighbor Mark Rodhouse. The letter indicates that APAC has met Mr. Rodhouse's concerns and he doesn't oppose the location of the asphalt plant.

Mr. Hollis stated that the plant will only be operational for a few months and property values weren't diminished when the previous temporary plant was there in 2005. The necessary facilities are available at the site. Being of a temporary nature the conditional use permit will not impede development. Mr. Hollis believes it has the opposite affect; improvements to Highway 63 positively effects development of surrounding property. The resurfacing will be done overnight during off peak hours so traffic flow should not be hindered. The regulations list this as a conditional use. Permanent plants can only be located in quarries with a conditional use permit; this will be a temporary plant in a quarry that is adjacent to where the work is going to take place. There are only two quarries in Boone County that you could consider under these circumstances and this is one of them.

Chairperson Harris asked if they will quarry the rock on-site rather than bring it in.

Mr. Shawn Riley stated yes.

Chairperson Harris asked if the quarry is active day to day or is it seasonal?

Mr. Riley stated it is seasonal.

Commissioner Poehlman asked if the applicants would be doing anything different in the operation or process that they did in 2005.

Mr. Riley stated yes, it will be addressed in the remainder of the presentation.

Ms. Diane Tucker stated this is a temporary plant and will only be there for a few months. The substantial completion date will be September 1, 2014 but there could be some intermittent operations that go on through October. According to the contract, the entire project must be completed by November 1, 2014. This plant has achieved the National Asphalt Paving Association's Diamond Achievement Award last year. They judge it on many criteria; APAC has had five other asphalt plants gain this award. The applicants brought their Spill Prevention, Control, and Countermeasures Plan to the meeting tonight; it was written by a professional engineer and it details how APAC will handle and control petroleum products during the operation. We also have a Stormwater Pollution and Prevention Plan; this is required by the Clean Water Act. The plan details how we will keep rainwater or stormwater free from any excess sedimentation or petroleum products at the plant. We have obtained a relocation authorization from MoDNR's Air Program; this details how we will conduct our operations and it limits the emissions that can be produced based on standards set by the EPA.

Ms. Tucker stated the Clean Air Act defines "major sources" as those who emit 50 to 100 tons VOC's (volatile organic compounds) in to the air per year. You can compare that to a hot mix asphalt plant that produces 750,000 tons of asphalt per year and that plant would only emit a half ton of emissions from truckload out or one ton of emissions from the silos per year. A typical asphalt plant produces 140,000 tons of asphalt per year; the proposed temporary plant is slated for 75,000 tons. There is a huge difference between a major source and what the proposed plant will be producing. There have been a lot of studies by the National Institute of Occupational Safety and Health; there have been no ill health effects from the exposure to asphalt. This company has produced asphalt for many years and we have many paving crews that work with asphalt all summer; we are regulated by OSHA and have to report any occupational injury or illnesses and we don't have that in our company. Studies have demonstrated that there are no ill effects from exposure.

Commissioner Kurzejeski asked how on-site air quality concerns are monitored. Does this plant as it currently functions meets all the EPA and DNR regulations?

Ms. Tucker stated it meets all of the standard requirements. How we demonstrate that is through our permit with DNR; we have a form that we enter tonnage of asphalt produced everyday. That is multiplied by the ambient air impact factor. We are required to stay under 150 milligrams at the property. We have had testing done when the plant first began operations that meets those standards. DNR also shows that we meet those standards and we confirm it by filling out the regulatory documentation.

Mr. Riley gave an overview of the project stating that APAC will be performing work on Highway 63 from Highway 94 to the south all the way to the Broadway exit in Columbia; it includes all the northbound and southbound lanes with the exception of two sections of the southbound near Deer Park and at the Select Turf Farm. The estimated tonnage for the south section is 61,000 tons, the project in 2005 was 110,000 tons. The project involves milling the existing asphalt and overlay with one lift of superpave asphalt. The applicants chose this plant site primarily because of the rock formation; which has a very high quality of aggregate for asphalt than any other location. It gives the tax payers a better product. The close proximity to the quarry reduces trucking and makes for less traffic, it is safer, and burns less

fuel therefore reducing the carbon footprint; it also makes for a lower cost to tax payers. The closer proximity to the project contributes to better efficiency and lessens the duration of the construction; it also reduces traffic across county roads and through the city of Columbia.

Mr. Shawn Riley said that APAC met with land owners adjacent to the property and discussed their concerns; APAC has addressed those concerns. To combat some of the noise APAC will be using white noise back up alarms on the loaders and other equipment at the asphalt plant. Instead of hearing the beeping when a truck is backing up they will hear white noise, like TV static and the noise volume can be adjusted. This is newer technology that wasn't around in 2005. Another concern the neighbors had was that there is a horn that goes off several times throughout the night. We are required by OSHA to have some form of alarm to tell the crews working at the plant that we are getting ready to start the plant up. Several times through the night the plant is stopped and started and you have to sound the alarm whenever you start the plant back up. Whenever a truck finishes its load out a horn signals the truck that it is okay to pull forward. Instead of using a horn for the alarm the applicants will replace the horns with flashing lights. To let the crew know the plant is going to start up they will be brought in to a location where the plant operator can see them before the plant is started up; they will be using walkie-talkies. We will develop a traffic pattern to reduce the backing by the delivery trucks; we are going to make it more circular where they can pull through to reduce a lot of the back up. In the past the trucks would pull in and back up; we are going to create a path so they can pull around. The applicants will use air actuators on the silos, every time a silo would open and close it spits out the air; there are mufflers that you can put on those and it will reduce the noise created by the air escaping. The applicants will use new tier three generators that powers the plant; the new tier three has a lot more exhaust systems on it that muffles it considerably; it also burns fuel more efficiently. To mitigate some of the effects of the odor the applicants will use a new foaming technology; it mixes water with the oil and expands it and it coats the asphalt better and allows us to produce the asphalt at a lower temperature. When you produce it at a lower temperature it gives it less VOC's and therefore less odor.

Mr. Riley stated in conclusion that the applicants feel this is a very important project to the safety and economy of Boone County; it is the best overall location for the plant in terms of safety, truck traffic, and emissions. It is almost half the tons of 2005 and a shorter duration. In 2005 we were there from April until November. Now we will be there from June until September 1, 2014. It is shorter hours for the plant operation; in 2005 we started the plant at 4:00 and now with the restrictions that MoDot has we won't be starting the plant until 7:30 pm. With the improved plant technology it should help mitigate some of the sound.

Commissioner Oetting asked what sections the applicants will skip by Deer Park.

Mr. Riley stated that a few years ago there was new asphalt put down by Deer Park; we will be skipping those areas because they are relatively new. Down by the Turf Farm (Callaway County) there was some new pavement put down.

Commissioner Oetting asked if will be the north or southbound lanes that are being skipped.

Mr. Riley stated southbound.

Commissioner Poehlman asked if aggregate was used from this site in 2005.

Mr. Riley stated no; all the aggregate was brought in.

Commissioner Poehlman stated one of the big differences will be the mining of the aggregate and asked the applicants to explain that process.

Mr. Riley stated the mining is done by Capital Quarries out of Jefferson City. In 2005 they weren't mining there for that project. For this project Capital Quarries was the low bidder.

Open to public hearing.

Chairperson Harris stated that the Commission was presented with a letter from Phebe LaMar with Smith Lewis, Attorneys at Law on behalf of Mr. Rodhouse who lives on Hartman Road indicating that they have reconciled any differences and he is no longer opposed to the location of the plant.

Present speaking in favor:

Brian Treece, 6950 North Shore Drive, Hartsburg

Mr. Treece stated he is the President of the Lake Champetra Homeowners Association which is a private subdivision located off Westbrook Drive immediately north of the proposed site. The Homeowners Association and nine of the neighbors received notice of this hearing because they have property within 1000 feet; this is the impacted area. Mr. Treece has been in communication with those neighbors as well as all 50 homeowners in the subdivision. Mr. Treece doesn't know if anyone is ever in favor of an asphalt plant temporarily next to their property. Several of the neighbors that were present for the 2005 hearing contacted us, we also had several new homeowners that immediately had some buyer's remorse when they received the notice; the notice did not indicate that it was for a temporary plant. Mr. Treece stated he initiated a call to APAC and Mr. Pope and Mr. Riley have been very transparent in their representations of this project. The accommodations that they've made to address the neighbors concerns have satisfied the neighbors in terms of changing the traffic patterns to eliminate the need for dump trucks to back up, changing the back up alarm to white noise will minimize some of the noise. A muffler was installed on the hopper door which was one of the other concerns that people recalled from 10 years ago. Mr. Treece stated he asked that APAC provide the homeowner's association with a single point of contact and phone number for the manager at the site so if there are times that the neighbors have problems they can contact the manager on site; APAC has provided that. For the three month project July 4th was the only holiday three day weekend; the applicants have agreed to stop work on that Thursday night and resume on Monday night to protect the long holiday weekend for the neighbors. Based on conversations with APAC and their accommodations the neighbors are confident that APAC will be good neighbors for the time that they are there.

Chairperson Harris asked when Lake Champetra and the surrounding homes were developed?

Mr. Treece stated his house was built in 1973; it was probably in the late 60's to early 70's. Staff made a recommendation to limit the output from this plant to just Highway 63. Mr. Treece believes that to be too limiting; the neighborhood association maintains 2.3 miles of private road and while there is an asphalt plant sitting next door the neighbors may want to contract with them and enjoy some of the cost savings by having this plant located there because it may not happen for another 10 years. Mr. Treece would rather see the conditional use permit sunsetted at an appropriate time after the construction period rather than limiting the types of construction.

Chairperson Harris asked if there was a gap between the Lake Champetra property and the north end of the quarry property.

Mr. Mach stated they have a common boundary but it is fairly distant from the proposed plant site.

Chairperson Harris asked if the quarry was there before 1973.

Mr. Mach stated he believed so.

Mr. Treece stated he spoke with all those nine property owners that received notice and they have no objection; they were comfortable with the accommodations that were made by APAC.

Present speaking in opposition:

Alice Hartman, 23401 Old Highway 63 South, Hartsburg

Ms. Hartman stated she has dealt with Highway 63 north and Highway 63 south when they were built. She has had large boulders go through the camper while they were doing the rock blasting and had pictures knocked off the wall, dishes knocked out of the china cabinet. Someone has mis-informed the applicants; asphalt is bad for your health. Ms. Hartman said her husband died November 26, 2013 of COPD and he worked with asphalt for 30 years in as a roofer. When he came home his skin was yellow and smelled so bad a bath would hardly get rid of the smell. Ms. Hartman stated she doesn't care how you cut it and how much you cut it down, it smells. Earlier staff stated that there wasn't anything between Lake Champetra and the mine; what about Hartman Road? Ms. Hartman stated she wants to know where it is in relation to Hartman Road.

Mr. Mach showed Ms. Hartman on the aerial.

Ms. Hartman stated if you come down Westbrook and back Hartman Road there is another entrance to the quarry.

Mr. Mach stated he didn't believe the applicants intended to use that entrance. They intend to use the Highway 63 entrance. They will be running heavy equipment I don't see that they would want to deal with a number of turns to get on to Highway 63.

Ms. Hartman stated when they were building Highway 63 north and south they were only supposed to run so many hours. Ms. Hartman stated when her son was a baby 50 years ago she had to call the sheriff because they were running 24 hours a day. Ms. Hartman asked if they were going to do blasting at the site when they get the rock.

Mr. Mach stated that aspect of it is not part of this request; the quarry has been there and is allowed to operate.

Ms. Hartman stated when they blasted she had chips out of her sidewalk; that is how far the rocks go. Ms. Hartman stated her biggest concern is where the plant will be located.

Commissioner Freiling stated it will be located at the south end of the quarry site.

Chairperson Harris showed Ms. Hartman where the plant would be located.

Chairperson Harris asked Ms. Hartman if the rock quarry was there when she moved to her property.

Ms. Hartman stated that the rock quarry used to belong to her father in law. Ms. Hartman asked how long the plant would be there.

Mr. Riley stated three months.

Ms. Hartman stated it is better than it could be. The odor will still be bad, there will be noise and they will be working nights. Ms. Hartman stated her biggest concern was exactly where the plant was going to be located. Ms. Hartman stated she was not necessarily in opposition but just had questions.

Also present speaking in opposition:

Jeremy Bryson, 7551 E Hartman Rd., Hartsburg

Mr. Bryson stated his property is adjacent to Mr. Rodhouse (letter of support introduced earlier). It sounds like APAC has made improvements but one thing that hasn't been discussed is the vibrations. They are going to start at 7:30 pm and continue until 4:00 am and that is the time that people usually sleep. Mr. Bryson stated that is what he experienced in 2005. Due to the noise and smell Mr. Bryson was unable to open his windows. Mr. Bryson stated he understands you need to have improvements to the roadways but at the same time Mr. Bryson is also a property owner. Mr. Bryson stated he is just as close as Mr. Rodhouse and closer than Lake Champetra. Mr. Bryson's concerns are the vibrations and the noise, it is a low rumble all the time; they are going to quarry the rock out of there, it may not be APAC's responsibility but if the asphalt plant wasn't there then they wouldn't be quarrying rock. Mr. Bryson stated APAC has reached out to him and tried to address his concerns but at this point they have not.

Commissioner Martin asked if the quarry is a 24 hour operation.

Mr. Bryson stated no; they have used the area for storage.

Chairperson Harris asked Mr. Bryson how long he has lived on his property.

Mr. Bryson stated he moved there in 2003.

Chairperson Harris asked Mr. Bryson if he was aware when he bought the property that it was adjacent to a rock quarry.

Mr. Bryson stated yes.

Chairperson Harris asked if Mr. Bryson knew what would be involved in the operation of a rock quarry before he bought the property.

Mr. Bryson stated yes.

Chairperson Harris stated Mr. Bryson chose to go ahead and buy the property.

Mr. Bryson stated he wasn't aware there was going to be an asphalt plant there.

Closed to public hearing.

Mr. Hollis stated Mr. Treece suggested that one of the conditions may be too limiting; the current regulations states that a plant is permitted when used for a construction project.

Mr. Shawver read from the regulations under conditional uses in the Agricultural district “Portable asphalt, cement or concrete plant when used for a specific construction project.”

Mr. Hollis stated that the wording “asphalt produced at this location may only be used on the Highway 63 resurfacing project” might be too narrow. That was Mr. Treece’s concern; the applicants propose removing the condition proposed by staff and allowing the regulation to cover it.

Mr. Yonke stated staff wouldn’t have a problem with modifying the condition to state “for Highway 63 and Lake Champetra roads”. If the applicants and Lake Champetra residents work that out they can do that.

Mr. Shawver stated the other alternative would be a suggestion to limit distance for additional projects.

Mr. Yonke stated the intent was that if APAC did work on Highway 54 they would jump over to that project.

Chairperson Harris stated he was fearful of opening up a can of worms if you go down that road.

Mr. Shawver stated the conditions that the staff suggested in limiting it to Highway 63 was the condition that the County Commission placed on the 2005 conditional use permit. There is nothing that stops the applicants from asking the Commission for more leeway.

Commissioner Freiling asked if there was impropriety in mentioning a specific project.

Mr. Shawver stated it may appear to be a quid pro quo; Mr. Shawver stated he would be concerned about having a specific project mentioned; staff would be more comfortable with a distance limitation.

Chairperson Harris stated the applicants have done an excellent job in outreach to the neighbors which is the best way to do it; if Lake Champetra is mentioned specifically it may look as though the neighbors are only agreeable to get something out of it for themselves.

Commissioner Oetting asked the applicants how long it would take them to complete a project such as Lake Champetra.

Mr. Riley stated it would only take a few days.

Chairperson Harris asked the applicants what their alternative was to this site.

Mr. Riley stated they don’t have an alternate site.

Commissioner Poehlman stated you could limit it to a mile or two within the operation because those are the people that are inconvenienced by the noise and smell. They would have the opportunity to be compensated.

Chairperson Harris stated you get back to the quid pro quo. This is a similar situation to someone buying a house next to a livestock operation and then the homeowner complaining about the facility. The operation was already there.

Commissioner Poehlman suggested the applicants provide the other neighbors with a single point of contact so they also have the availability to contact someone.

Mr. Yonke stated there is an opportunity for subdivisions while the asphalt plant is there, to get a project done in a timely fashion; staff is not suggesting that APAC do it for nothing but the neighborhood may be able to realize savings with the asphalt plant in close proximity.

Commissioner Freiling asked if it could be limited to homeowners associations or property owners who were close enough to be notified.

Mr. Hollis stated if the regulation will not limit it to only Highway 63 then perhaps the condition can be removed and let the regulation handle it.

Mr. Shawver stated staff would not want to limit the work to the subdivision; staff is not uncomfortable with the Commission changing it saying "properties within two miles of the quarry".

Mr. Hollis stated the other alternative is to just let the regulation apply. If the regulation includes work in the vicinity then we don't need to make anything more specific.

Chairperson Harris stated the current condition states work only on Highway 63. The Commission would like to broaden that to say property owners in a two mile radius.

Mr. Hollis asked how the staff defined the project. If you define a specific construction project, not so narrow as to imply only work on Highway 63 but as long as it is in the vicinity then we don't have a problem.

Mr. Shawver stated the application says it is for Highway 63 to be resurfaced; it does not mention anything about other properties.

Commissioner Kurzejeski stated the request was specific.

Commissioner Kurzejeski made and Commissioner Wilson seconded a motion to **approve** the request by Ralph and Rosalee Higgins on behalf of Capital Quarries and APAC Missouri, Inc., for a temporary asphalt plant on 100 acres located at 23300 S. Hwy 63, Hartsburg **with the following conditions:**

1. All equipment and materials used for the production of asphalt at this location shall be removed within 60-days of the date the paving project is complete.
2. Asphalt produced at this location may only be used on the Highway 63 resurfacing project.

Boyd Harris – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Michael Poehlman – Yes

Carl Freiling – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Loyd Wilson - Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on April 29, 2014 and the applicant needs to be present at the hearing.

VI. Rezoning

None

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Greenwood Acres. S22-T51N-R12W. A-2. Melvin and Shirley Greenwood, owners. David T. Butcher, surveyor.
2. Melanie. S34-T50N-R14W. A-2. Larry Welch Jr., Melanie Welch, Larry Welch Sr., owners. Kevin M. Schweikert, surveyor.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

Staff reports

Greenwood Acres

The subject property is located on Barnes Road, approximately three miles to the southeast of Sturgeon. The property is 4.9 acres in size, and divided by Barnes Road. The property is currently undeveloped, and zoned A-2 (Agriculture). It is surrounded by A-2 zoning, all of which is 1973 zoning. This proposal is a first step in reconfiguring this property to transfer the portion of the property on the west side of Barnes Road to an adjacent property owner. The plat creates a new lot of 3.74 acres, and the remainder on the west side of Barnes Road, will be surveyed into an administrative survey lot of just over 10 acres in size. The end result will be a single lot on each side of the road, solving the problem of a small space on the west side of Barnes Road with a larger portion on the east side of Barnes.

The subject property has direct access on to Barnes Road, a publicly-dedicated, publicly maintained right of way. The applicant has requested a waiver to the traffic study requirement.

The property is in the Public Water District #10 (PWSD#10) service area. PWSD#10 can provide a single domestic service to this site. Further services will require investment in a study to determine the best route for infrastructure improvement for services. Boone Electric Cooperative will provide electrical service and the Boone County Fire Protection District will provide fire protection services.

Wastewater is proposed to be handled by on-site wastewater systems constructed under permit from the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The administrative survey dealing with the western remainder of this property is currently in process and will likely be finalized prior to final approval of this plat.

The property scored 20 points on the rating system.

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

Melanie

The subject property is located approximately 3 ½ miles to the south of Harrisburg, to the southwest of the intersection of State Route J & Sweringen Road. The property is approximately 9.25 acres in size and has a house, two sheds, and a dog pen present. One of the sheds will need to be removed from the front setback of the property. The proposal is to divide the property into two lots, one at 2.50 acres with frontage on Sweringen Road and State Route J, the other at 6.51 acres with frontage on State Route J and possessing the existing house. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Both lots have frontage on to publicly-dedicated & publicly-maintained rights of way, State Route J & Sweringen Road. Access for Lot 1 will come from the existing access on State Route J. Access for Lot 2, with frontage on both Sweringen Road and State Route J, is to come from Sweringen Road. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1 has existing service to the lots with a water meter present on each lot. Boone Electric provides domestic electrical service to the existing house and can serve the new lot as well. Boone County Fire Protection District will provide fire protection services to the property.

An existing on-site system provides wastewater service to the house on lot 1. On-site wastewater is proposed for lot 2. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 39 points on the rating system.

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

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit for the kennel for Brummet was approved as recommended.
The conditional use permit from February for the duplex for Card was approved as recommended.

X. New Business

1. Proposed amendment to Subdivision Regulations, **Appendix B. 1.8.2, Lot Specifications.**

Mr. Shawver stated there is a proposed change to the subdivision regulations. There is a stakeholders group that meets weekly and goes over comments received on the proposed changes to the subdivision regulations; this is a proposed change that should be taken care of prior to adoption of the entire revisions to the subdivision regulations. The proposed change relates to the lot specifications of the subdivision regulations that states any plat adjacent to a State highway is required to have a 50-foot setback, the majority of land in Boone County adjacent to a state highway are zoned for agricultural purposes so that is a 50-foot setback automatically. There are some places that have commercial or industrial zoning which have a 25-foot setback; people have built buildings in conformance with the zoning so are precluded from platting the land because it is essentially a self related hardship; they can go to the Board of Adjustment for a variance but the Board can determine that the problem was self created. Most industrial and commercial properties are planned developments at this point; when they did the planned development they show the required perimeter setback and built in conformance with that. The proposed change is an exception for planned developments. During the planned development process staff gets notice to the State Highway Department and they have the opportunity to require additional right of way; generally they do not. This change will allow someone to plat without having to be confronted with a self created hardship.

Underlined wording is proposed to change.

Lots shall be arranged to comply with building permit requirements, the zoning regulations as to size, access, relationship to topography provisions for utilities or other conditions specified below:

- Corner lots shall have sufficient width for compliance with front yard building lines on all streets;
- Side lot lines generally shall be at right angles to straight streets and radial to curved streets;
- When lots abut a state road, the building line shall be 50 feet from the right-of-way. Lots abutting a subdivision street shall maintain a front building line as required by the zoning regulations;
- Lot depth shall comply with Table A

Proposed language:

Lots shall be arranged to comply with building permit requirements, the zoning regulations as to size, access, relationship to topography provisions for utilities or other conditions specified below:

- Corner lots shall have sufficient width for compliance with front yard building lines on all streets;
- Side lot lines generally shall be at right angles to straight streets and radial to curved streets;
- When lots abut a state road, the setback shall be 50 feet from the right-of-way except where a setback has been established in a Planned Development. Lots abutting a subdivision street shall maintain a front building line as required by the zoning regulations;
- Lot depth shall comply with Table A

Commissioner Freiling made and Commissioner Harris seconded a motion to recommended adoption of the amendment to Subdivision Regulations, **Appendix B. 1.8.2, Lot Specifications.**

All members voted in favor, none opposed.

Mr. Shawver stated that the County Commission will hold a public hearing on the proposed change.

XI. Adjourn

Being no further business the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 15th day of May, 2014

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Senior Buyer Liz Sanders
Director Resource Management Stan Shawver
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 9:30 a.m.

Boone County Drug Court

1. Proclamation Recognizing Drug Court Day

Commissioner Thompson read the following proclamation:

Whereas, this year marks the 25th anniversary of the nation's first Drug Court; and

Whereas, this year marks the 16th anniversary of the Boone County Drug Court; and

Whereas, Drug Courts are now recognized as the most successful criminal justice intervention in our nation's history; and

Whereas, Drug Courts substantially reduce drug abuse and crime, and do so at less expense than any other justice strategy; and

Whereas, there are now 2,840 Drug Courts nationwide and 91 adult Drug Courts in Missouri; and

Whereas, as of this date there are 867 graduates of the Boone County Drug Court;
and

Whereas, Drug Courts demonstrate, when one person rises out of drugs and crime,
we ALL RISE.

Therefore, in recognition of the success of the Boone County Drug Court and its
graduates, the Boone County Commission does hereby declare May 13, 2014, as “Drug
Court Day”.

IN TESTIMONY WHEREOF, this 13th day of May, 2014.

Judge Christine Carpenter accepted the framed proclamation from the Commission.

Judge Carpenter said there is a graduation today at 2:00 p.m. There will be 20 graduates
today which are part of the total of 867. Her goal is 1,000.

Judge Carpenter said she is very proud of the program and the graduates and appreciates
everything received from the County and the County Commission in support of these
programs. The Alternative Sentencing Facility is invaluable and a real haven for hundreds of
people in the community. There is great appreciation for all of it and hopefully we will see
some of you at the graduation today.

Commissioner Atwill asked if the Drug Court here was the 1st in Missouri and even the
nation.

Judge Carpenter said the Jackson County Drug Court was one of the original 12 Drug
Courts in the country in 1989. Boone County was an early adopter, but not that early. The
Boone County Drug Court started in 1998.

The Commissioners thanked Judge Carpenter for all of the work she has done for the program.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby declare May 13, 2014 as Drug Court Day.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #226-2014**

Commissioner Atwill recognized a group of students that had just entered the Chambers. These students are from various 4-H clubs within Boone County. Commissioner Atwill asked if anyone would like to give a brief statement as to their visit.

Cole Scheetz said they have visited the Records Department, Assessors Office, Tax and Revenue Department, County Clerk's Office and have learned a lot of things about how our government in the County is set up. They will be going to the Courthouse, Public Works and the Sheriff's Department after this.

Commissioner Atwill welcomed the students and explained that the Commission meets every Tuesday and Thursday in the Chambers and gave a brief explanation on the tasks and duties of the elected officials on the Commission.

Commissioner Miller asked each member to stand and introduce themselves and their 4-H Club affiliation.

Madison Keffer

Olivia Moore

Emily Lloyd

Heather Snow

Hallsville Go-Getters

Fairview Friends

Woodlandville

Columbia - Rock Bridge

Joanie Fieser	Fairview Friends
Grace Bailey	Adventurers
Brooke Schnarre	Centralia
Kody Walters	Centralia
Alex Wimer	Hallsville Go-Getters
Cole Scheetz	Hallsville Go-Getters
Christopher Johnson	Columbia – Shaw Harg
Rachael Stuart	Columbia – Shaw Harg
Harrison Smith	Columbia – Rock Bridge
Devon Hartwick	Shaw Harg
Elizabeth Lloyd	Woodlandville
Reagan Wimer	Hallsville Go-Getters
Brianna Heath	Woodlandville
Beth Heimann	Hallsville Go-Getters

Commissioner Atwill asked if anyone had any questions they would like to ask.

The students asked and the Commission answered various questions on job enjoyment, specific duties, job importance, daily coffee consumption, job hours and term duration.

The Commissioners thanked the 4-H members for attending and said that there is a need to do this more often and to get the students more involved in civics.

Central Missouri Community Action

2. Proclamation Recognizing May 2014 as Community Action Month

Commissioner Miller said she serves on the Board of the Central Missouri Community Action Agency and is very impressed on the direction it has taken over the last few years. Darin Preiss, the Executive Director, is here today and we will all be part of a poverty

simulation this afternoon.

Commissioner Miller read the following proclamation:

Whereas, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

Whereas, Community Action Agencies have a 50 year history of promoting self-sufficiency for those with limited income; and

Whereas, Community Action Agencies have made an essential contribution to individuals and families in Missouri by providing them with innovative and cost-effective programs; and

Whereas, those with limited income continue to need opportunities to improve their lives and living conditions, thus ensuring that all citizens are able to live in dignity; and

Whereas, Missouri and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance; and

Whereas, the poverty estimates show 28,685 persons are living below the Federal Poverty Level in Boone County; and

Whereas, Central Missouri Community Action has been engaging Boone County and communities throughout Mid-Missouri for 50 years.

Therefore, in recognition of the hard work and dedication of Central Missouri Community Action Agency, the Boone County Commission does hereby declare May 2014, as Community Action Month in Boone County, Missouri.

IN TESTIMONY WHEREOF, this 13th day of May, 2014.

The Commission presented the framed proclamation to Mr. Darin Preiss.

Mr. Preiss said he appreciates the proclamation and that Boone County Commission is a great supporter of the Community Action Agency. This meeting is a good reflection on what community action is all about. Today, in attendance were our future leaders asking questions and experiencing what local government is all about. The Drug Court also received a proclamation earlier and they are a significantly important part of the complexities of poverty and what it takes to help people get out of poverty. The Central Missouri Community Action is another one of those pieces, but it really takes all of us working together, the schools, faith based community, local government, local businesses. We all have to be looking at ways to end poverty.

Mr. Preiss said that we are talking about 28,000 people in this community that are struggling with poverty and that is just based on the Federal poverty line. That is not a reflection of the number of people that are struggling economically. Central Missouri Community Agency is trying to connect some of those dots, bring people to the table, providing services, referring them to other programs or services. This community is full of great resources for people that are struggling. We want to be a resource and to do better for our community and help people out of poverty and end poverty all together.

The Commissioners thanked Mr. Preiss for all the good work done for the community.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby recognize May 2014 as Community Action Month.

Commissioner Atwill seconded the motion.

The motion carried 3 to 0. **Order #227-2014**

Purchasing

3. First reading; Contract Amendment #2 to 24-25APR12, Tires – Passenger & Patrol Vehicles & Light Duty Trucks

Liz Sanders read the following memo:

Contract 24-25APR12 – Tires-Passenger & Patrol Vehicles & Light Duty Trucks was approved in commission on June 12, 2012 on commission order 282-2012. The attached amendment adds an additional tire size and pricing to the list of available tires for the County.

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.

4. First reading; Disposal of Surplus Equipment

Liz Sanders read the following memo:

The Purchasing Departments requests permission to dispose of the following list of surplus equipment by auction on GovDeals or by destruction for whatever is not suitable for auction.

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.

5. First reading; Bid Award 08-04FEB14, North Facility Roof Repair

Liz Sanders read the following memo:

Purchasing requests rescission of Boone County Contract 08-04FEB14 with Cornerstone Building Services, Inc. d/b/a Meyer Roofing, Inc. of Mountain Home, AR approved March 25, 2014 by Commission Order 130-2014. Despite ample time provided, the contractor is unable to comply with RSMO Section 285.230 which defines “transient employers” and their corresponding requirements in order to do business in the State of MO.

Upon rescission of the aforementioned contract, Purchasing and Facilities Maintenance recommend award of contract to the next low bid which was submitted by G&R Construction, Inc. of Tipton, MO. As indicated by the last 2 pages of the contract, G&R Construction, Inc. is a registered business in good standing with the Secretary of the State of MO.

Cost of the contract is \$16,048.00 and will be paid from Department 1195 – Insurance Claim Activity, Account 60100 – Building Repairs/Maintenance.

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.

6. 1st & 2nd reading; Rescind Commission Order 130-2014

Commissioner Thompson moved on this day the County Commission of the County of

Boone does hereby rescind Commission Order 130-2014 awarding North Facility Roof Repair to Cornerstone Building Services of Mountain Home, AR. Said contractor is unable to comply with RSMo Section 285.230 which defines “transient employers” and their corresponding requirements in order to do business in the State of Missouri.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #228-2014**

7. First reading; Bid Award 13-27MAR14 – Onyx Surface Seal Pavement Preservation 2014

Liz Sanders read the following memo:

13-27MAR14 – Onyx Surface Seal Pavement Preservation 2014 opened on March 27, 2014. Two bids were received and Resource Management recommends award by low bid to Innovative Roadway Solutions, LLC of Thayer, MO.

Cost of the contract is \$69,830.48 and will be paid from department 2041 – Pavement Preservation, account 71202 – Infrastructure Preservation/Rehabilitation. \$78,305.00 was estimated for this 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.

8. First reading; NASPO Cooperative Bid – Hazardous Incident Response Equipment for Boone County Sheriff’s Department

Liz Sanders read the following memo:

Purchasing and the Sheriff's Department request permission to utilize the State of New York's Cooperative Contract, Award 19745, Vendor Quote 2014-3610 for hazardous incident response equipment with ELSAG North America, LLC., of Greensboro, North Carolina to purchase a license plate reader system, specifically:

MPH-900 MS3 (Item 140003), three-camera mini split mobile system, transportable truck mount install type; and truck box mount transportable 12 ft camera cable. Purchase includes shipping FOB Destination, training on equipment at Sheriff's Department, and 24 hour telephone support through the 1 year warranty period.

Total cost of purchase is \$18,050.00 and will be paid from department 2901 Sheriff's Law Enforcement Sales Tax, account 92300- License Plate Reader System, for which \$20,000 was budgeted.

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.

9. First reading; Cooperative Contract C311171001 with Access Interpreters for sign language interpreter services as needed

Liz Sanders read the following memo:

Purchasing requests permission to utilize the State of Missouri cooperative contract C311171001 with Access Interpreters, L.L.C., of Rocheport, Missouri. Services will be for sign language interpreter services for Boone County as needed, per the terms and

conditions, requirements and specifications of contract C311171001, including prices, as described for County of Boone. State Contract C311171001 is attached for reference.

Specifically:

Boone County- Intermediate Level - Non specialized Interpreter Services

Line Item #001: \$45.00 per hour between 8:00 am and 5:00 pm.

Line Item #002: \$55.00 per hour after 5:00 pm, Holidays and Weekends.

Line Item #003: \$0.00 each, One Time Emergency Charge

Boone County- Advanced Level - Specialized Interpreter Services

Line Item #004: \$45.00 per hour between 8:00 am and 5:00 pm.

Line Item #005: \$55.00 per hour after 5:00 pm, Holidays and Weekends.

Line Item #006: \$0.00 each, One Time Emergency Charge

Boone County- Comprehensive Level – Specialized Interpreter Services

Line Item #007: \$45.00 per hour between 8:00 am and 5:00 pm.

Line Item #008: \$55.00 per hour after 5:00 pm, Holidays and Weekends.

Line Item #009: \$0.00 each, One Time Emergency Charge

The term of this contract shall commence with date of commission order through December 31, 2014 with no remaining extensions available on the state contract.

Commissioner Miller asked who owns this company and what does Intermediate Level, Advance Level and Comprehensive Level mean.

Liz Sanders said she did not know but would find out for the Commission.

Commissioner Atwill asked what agency or department requested this.

Ms. Sanders said the first request was from the Sheriff's Department. Human Resources is drafting a County policy for language access and as such, Purchasing asked the Sheriff's

Department and the Courts if there is an interest in having these contracts in place. They indicated they were interested. HR is also interested in knowing what vendors are set up for the various types of interpreting services. There will be written, verbal, sign and remote video. There will be about 3 – 4 contracts in place and they will all be cooperative. This one is for sign language and others will be brought up in the future.

Commissioner Atwill asked where the money will be coming from to fund this.

Ms. Sanders said this is a Term & Supply and each using department will need to get funds approved from the Auditor's Office.

There were no further 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.

10. Second reading; Disposal of surplus PC & Peripheral Equipment (1st read 5-6-14)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by the Purchasing Department to dispose of the attached list of surplus Computer and Peripheral equipment through the MRC Recycling Center.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #229-2014**

Resource Management

11. Public Hearing on proposed revision to Subdivision Regulations, Appendix B. 1.8.2

Specifications

Stan Shawver said they have been working on the Subdivision Regulations revisions and an issue came up where the standard requires that anything that is platted adjacent to a state highway provide at least a 50 foot set-back as part of the lot specifications. This has caused a number of issues over the years. We went to the stakeholders group that has been working on reviewing the Subdivision Regulations and asked if they had an issue in taking that out of the regulations. Initially, what was proposed was to grant a variance when a plat is about to be part of a planned development because planned developments have more restrictive requirements. Doing some research, we found that since 2000 there have been 26 requests for variance on that specific requirement and all but four were granted by the Zoning Board of Adjustment. When there is a regulation that requires that many variances, maybe that requirement is not needed at all. So there is an option to take that requirement out all together.

Mr. Shawver said that the zoning set-back would still apply. An example of this issue is on Highway 763 where there was a request to re-plat. The building was too close to the road. It met the set-backs when it was originally put up. In order to re-plat, they had to ask for the variance or move it. That's an area that is zoned ML and the set-back requirement is 20 feet and the building was right at 20 feet from the road. In that instance, the Board of Adjustment denied the variance because the structure could be classified as a temporary structure at a value of \$4,000 and could be hooked up to a tractor and dragged back to meet the set-back requirement.

Another variance denied was in Settlers Ridge. When in the design phase, they wanted some structures closer to Route HH. Since it was in the design phase, the Board said there is no reason they couldn't design to meet the current regulations. The other two denied were on the same piece of property with multiple variances and the Board denied all of them.

Mr. Shawver said the other 22 variances involved existing structures. These were in either

A-1, A-2, commercial or industrial zoning districts. Under the Subdivision Regulations, before any change can be made, the County Commission is required to hold a Public Hearing. This was proposed to the Planning & Zoning Committee at the April 17th meeting and they supported the change. This matter has now been brought to the Commission for a Public Hearing.

Commissioner Miller said she once served on a state wide transportation committee and one of the most frustrating things is when a highway is widened and the local community does not have a Planning & Zoning Commission and a building is built too close to the road, then all the citizens pay to have that building removed. She is opposed to not having that protection of state dollars that everybody pays for to widen a road. There should be a caveat that if it is a significant road, we need to protect that right-of-way.

Mr. Shawver said the set-back requirement will still be in place. The majority of these instances in the county are in areas zoned A-1 or A-2 which has a 50 foot set-back requirement.

Commissioner Miller said this is for new things.

Mr. Shawver said it is for new things and if there is something already there, the state would be involved in acquisition.

Commissioner Miller said if it is for new things and the set-back is 50 feet, then she is OK with it.

Mr. Shawver said the smallest set-back is 20 feet in Light Industrial and MODOT has the opportunity to say they require a larger right-of-way.

There were no further comments or questions from the Commissioners.

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.

Mr. Shawver said the next step is for the Commission to decide on the wording for the regulation revision which will be presented to the Commission at a later meeting for formal approval.

Mr. Shawver was given direction by the Commission as to the desired wording for presentation to the Commission for formal approval.

12. Second reading; Consultant Services Agreement with Crockett Engineering Consultants (1st read 5-6-14)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Consultant Services Agreement with Crockett Engineering Consultants.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Consultant Services Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #230-2014**

13. Second reading; Consultant Services Agreement with Crockett Geotechnical – Testing Lab (1st read 5-6-14)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Consultant Services Agreement with Crockett Geotechnical – Testing Lab.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Consultant Services Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #231-2014**

County Counsel

14. First reading; Public Works Collective Bargaining Agreement for 2014-2016

C. J. Dykhouse said he is pleased to present the Collective Bargaining Agreement as agreed to through negotiations with the County negotiating team and the union negotiating team over the last several months starting in January. There have been a few closed meetings with Commission to discuss negotiations with bargaining units as authorized by the Missouri Sunshine Act. The Commission was briefed on the issues that were up for discussion.

Mr. Dykhouse said the following are a summary of the changes to the Collective Bargaining Agreement, formally known as a Memorandum of Understanding.

- Clothing Allowance
- Hiring process about union steward participation
- Updated holdover crew leader designation
- Compensation Agreement subject to the salary survey work that the Commission is currently doing
- Pay plan adjustment to mid-point
- Transition Pay to Shift Completion Pay
- Leave of Absence

Mr. Dykhouse said the CBA is for 2014-2016.

The Commission thanked Mr. Dykhouse and all those involved in the negotiating process for making this agreement happen.

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.

Commission

15. 1st & 2nd reading; Appointment of Tom Schauwecker, June Pitchford and Karen M. Miller to the Boone County Health Trust Committee

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby appoint the following:

Name	Board	Period
Tom Schauwecker	Health Trust Committee	January 1, 2013 through December 31, 2015
Karen M. Miller	Health Trust Committee	January 1, 2013 through December 31, 2015
June Pitchford	Health Trust Committee	January 1, 2013 through December 31, 2015
Gary German	Health Trust Committee	March 23, 2014 through March 22, 2017

Commissioner Atwill seconded the motion.

The motion carried 3 to 0. **Order #232-2014**

16. 1st & 2nd reading; Approval of invoice for PSJC Quarterly Billing

The Commissioners agreed to table this issue for further evaluation by the Auditor's Office.

17. 1st & 2nd reading; Organizational Use of the Government Center Courthouse Plaza for a Memorial Day Weekend Salute to Veterans Celebration on May 26, 2014

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Courthouse Plaza for a Memorial Day Weekend Salute to Veterans Celebration on May 26, 2014 from 7:00 a.m. to 1:30 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #233-2014**

18. Public Comment

None

19. Commissioner Reports

Commissioner Miller said she needs to add another item to the agenda. C. J. has just reviewed it. The city is asking for the right to enter into County property as well as a liability release as they line sewer pipe on 10th Street. The only thing the County owns on Tenth Street is the Clark lot.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the attached Right to Enter

Property and Liability Release agreement for the N Tenth Street property.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #234-2014**

The meeting adjourned at 10:32 a.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