STATE OF MISSOURI
County of Boone

September Session of the July Adjourned

Term. 20 14

In the County Commission of said county, on the

2nd

day of

September

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 Mathew Whitworth for a permit for a creek gravel recovery operation on 270 acres, located at 7401 E Gilpin Rd., Ashland, with the following conditions:

- The recovery operation will operate Monday through Friday only.
- Hours of operation are limited to daylight hours of operation as defined by the Boone County Zoning Regulations of April through October 6:00 AM to 9:00 PM Central Daylight Time and November through March 6:00 AM to 7:00 PM.
- Applicant is required to be in compliance with the permits issued by Missouri Department of Natural Resources for their activities on the property.
- Staff Review at the one year anniversary of the permit issuance by DNR to insure compliance with said permit.
- Report out to County Commission with the findings of the Staff Review.

Done this 2nd day of September, 2014

U 1 C M

ATTEST:

Clerk of the County Commission

Daniel K. Atwill

Presiding Commissioner

Karen M. Miller

District I Commissioner

Janet M.Thompson

#### WHITWORTH CUP

This request was considered by the Planning & Zoning Commission during their August 21, 2014 meeting.

The minutes for the Planning and Zoning Commission meeting of JAugust 21. 2014 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located off of the end of Gilpin Road, approximately 1 and ½ miles to the southeast of the City of Ashland. The property is approximately 270 acres in size, and is zoned A-2(Agriculture). This is original A-2 zoning, and the property is surrounded by A-2 zoning. There is a house and several outbuildings present on the property. The application indicates that the property is currently used for recreational uses. The property received a conditional use permit for a creek gravel recovery operation in 1992. That activity stopped in 1997, when the Missouri Department of Natural Resources (MoDNR) Land Recovery program closed their permit for inactivity. The applicant is now seeking to get a new permit from MoDNR Land Recovery for a creek gravel recovery operation.

The applicant is requesting a conditional use permit to operate a creek gravel recovery operation. Staff notified 19 property owners about this request. The property scored 25 points on the point rating system.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

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

If operated in conformance with existing county and state regulations, the use should comply with this criterion.

(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.

The comparatively isolated location of the recovery operation should serve to provide substantial physical separation from neighboring property owners, limiting negative off-site impacts. MoDNR regulations on the recovery operation should limit negative impacts created by the extraction process on the stream itself. Public testimony may provide more information to this criterion.

(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. The physical isolation of the site should serve to mitigate negative impacts on surrounding properties.

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

The subject property is located at the end of Gilpin Road, a publicly-dedicated, publicly-maintained right of way. All necessary facilities will be available.

(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 location of the subject property and the limits of existing infrastructure for increased residential development will have a greater impact on future development than the establishment of this conditional use permit.

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

The subject property is located at the end of Gilpin Road, a publicly-dedicated, publicly-maintained right of way. While there may be an increase in truck traffic from the subject property, it is not expected to exceed the typical traffic generated by an agricultural operation of equivalent size.

(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 applicant is requesting a conditional use permit similar to the previous creek gravel recovery operation conditional use permit granted in 1992. That permit lapsed in 1997, and the applicant is re-applying for that permit. The negative impacts of noise and the recovery activity should be mitigated by the location of the creek gravel recovery operation. The applicant has taken action to re-apply for the necessary MoDNR permits for this activity and being granted this conditional use permit is a step in that process.

Staff recommends approval of the conditional use permit with the following conditions:

- The recovery operation will operate Monday through Friday only.
- That hours of operation be limited to daylight hours of operation as defined by the Boone County Zoning Regulations of April through October 6:00 AM to 9:00 PM Central Daylight Time and November through March 6:00 AM to 7:00 PM.
- Applicant is required to be in compliance with the permits issued by MoDNR for their activities on the property.

These conditions are the same conditions placed upon the 1992 conditional use permit. The Planning & Zoning Commission conducted a public hearing on this request during their August 21. 2014 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the request with the suggested conditions. The motion passed with a unanimous vote in favor of the motion, so it comes forward with a recommendation for approval.

STATE OF MISSOURI
County of Boone

September Session of the July Adjourned

Term. 20 14

In the County Commission of said county, on the

2nd

day of

September

0 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 petition submitted by The Heartland Trust A and The Heartland Trust B to vacate Lots 4 and 5 of Leatherwood Hills Block 2 Subdivision as shown in Plat Book 11, Page 20 of Boone County Records.

Said vacation is not to take place until lots 4 and 5 are included in a survey or subdivision plat that complies with Boone County Subdivision Regulations.

Done this 2nd day of September, 2014

ATTEST:

Wendy S. Noren

Clerk of the County Commission

Daniel K. Atwill

Presiding Commissioner

Karen M. Miller

District I Commissioner

Jahet M.Thompson

# 416 -2014

## **CERTIFIED COPY OF ORDER**

STATE OF MISSOURI County of Boone

September Session of the July Adjourned

Term. 20 14

In the County Commission of said county, on the

2nd

day of September

**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:

- Akeman Bridge Plat 1. S11-T49N-R13W. A-R. Mary L. Roberts, owner. Kevin M. Schweikert, surveyor.
- Woodie Proctor. S22-T47N-R13W. A-2. Russell Schoen, owner. Kevin M. Schweikert, surveyor.
- Country Boys. S15-T50N-R13W. A-2. H-Town Properties LLC, owner. Steven R. Proctor, surveyor.
- Sunrise Lot 100. S12-T48N-R12W. R-S. Vida Schneider, owner. Steven R. Proctor, surveyor.
- Settlers Ridge Plat 2A. S9-T49N-R12W. R-D. T-Vine Development Corp., owner. James R. Jeffries, surveyor.

Done this 2nd day of September, 2014.

ATTEST:

Wendy S. Noren

Clerk of the County Commission

Daniel K. Atwill

Presiding Commissioner

Karen M. Miller

District I Commissioner

Janet M. Thompson

STATE OF MISSOURI
County of Boone

September Session of the July Adjourned

Term. 20 14

In the County Commission of said county, on the

2nd

day of September

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 following budget revision for the County Counselor regarding pending federal litigation.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1123	86800	Emergency &	Emergency	240,000	
		Contingency			
1126	71105	County Counselor	Legal Services		240,000

Done this 2nd day of September, 2014.

ATTEST:

Wendy S. Nørten

Clerk of the County Commission

Daniel K. Atwill

Presiding Commissioner

Karen M. Miller

District I Commissioner

Janet M. Thompson

## BOONE COUNTY, MISSOURI REQUEST FOR BUDGET REVISION

8/21/14 EFFECTIVE DATE

#### FOR AUDITORS USE

Dept	Account	Fund/Dept Name	Account Name	Transfer From Decrease	Transfer To Increase
1123	86800	Emergency & Contingency	Emergency	240,000	
1126	71105	County Counselor	Legal Services		240,000
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### CHARLES J. DYKHOUSE BOONE COUNTY COUNSELOR

801 E. Walnut, Suite 211 Columbia, Missouri 65201 Telephone (573) 886-4414 Fax (573) 886-4413

RECEIVED

TO:

/June Pitchford, County Auditor

Dan Atwill, Commissioner Karen Miller, Commissioner Janet Thompson, Commissioner

FROM:

CJ Dykhouse, County Counselor

DATE:

August 21, 2014

RE:

Budget Revision Request

Emergency appropriation

Ferguson Federal Court litigation

Good afternoon.

I am writing in support of what should be the third and final budget revision request in FY2014 for funds to pay outside counsel in connection with the federal litigation filed by Ryan Ferguson. I have attached a spreadsheet showing the spending on this case to-date. I would note that the Dan Simon bills reflect 50% of the total charges, as I was able to negotiate an arrangement with Chubb Insurance to pay 50% of those defense costs incurred in connection with the representation of Judge Crane.

I have prepared this budget revision based upon budgets submitted by outside counsel. The total budget revision request for FY2014 is \$240,000.00 For further background, I have attached a spreadsheet showing the payment requisitions I have submitted to-date.

I am happy to answer questions regarding this request, and I will stand by to do so. Thank you for your consideration.

	April	May	June	July	Aug	Sept	Oct Nov Dec	Year to Date	
Dan Simon	\$ 6,657.50	\$ 15,206.75	\$ 9,095.28	\$11,996.21				\$ 42,955.74	
Mike Berry	\$ 2,401.00	\$ 6,100.50	\$ 2,224.37	\$ 3,630.64	\$ 1,596.00			\$ 15,952.51	
Scott Pool	\$ 4,868.00	\$ 14,086.00	\$ 8,114.00					\$ 27,068.00	
Russ Watters	\$ 21,851.10	\$ 19,304.33	\$ 23,603.35	\$21 <u>,</u> 466.64	\$ 30,764.45			\$ 116,989.87	_
	\$ 35,777.60	\$ 54,697.58	\$ 43,037.00	\$ 37,093.49				\$ 202,966.12 \$ 100,000.00	Encumbered to Date
								\$ (102,966.12)	Balance available
								\$ 100,000.00	2nd Budget revision

\$ (2,966.12) Balance available after 2nd rev

Note: Simon's is our 50%

Date 8/11/2014

#### 2014 Emergency Fund 1123-86800

		DEPT.		ORIGINAL	AMOUNT	REMAINING	
DATE	DEPARTMENT	NO	ACCOUNT	BUDGET	USED	BUDGET	DESCRIPTION
1/1/2014	Original budget			750,000		750,000	Original budget
	Solid Waste	1360	71100		(5,000)	745,000	One-time collection event of household/waste items
4/10/2014	HR & Non-Departmental	1115, 119	90 91100		(26,700)	718,300	
4/15/2014	County Counselor	1126	71105 (Legal Services)		(100,000)	618,300	Pending federal litigation
5/19/2014	Information Technology	1170	92301		(48,600)	569,700	Replacement of storage area network devices
7/18/2014	Information Technology	1170	71100		(6,400)	563,300	Prosecuting Attorney cabling for WIFI access
7/29/2014	County Association Dues	1122	37200, 37220, 37230		(4,150)	559,150	Additional attendees to conferences exceeded 2014
8/21/2014	County Counselor	1126	71105		(240,000)	319,150	Pending federal litigation
						319,150	
						319,150	
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						<b>-/-</b>	
						319,150	
						,	
			Total	750,000	(430,850)	319,150	



STATE OF MISSOURI ea.

September Session of the July Adjourned

Term. 20 14

**County of Boone** 

In the County Commission of said county, on the

2nd

day of September

0 14

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

Now on this day the County Commission of the County of Boone does hereby recognize September 2014 as Childhood Cancer Awareness Month.

Done this 2<sup>nd</sup> day of September, 2014.

ATTEST:

Wendy S. Møren

Clerk of the County Commission

Daniel K. Atwill

Presiding Commissioner

Karen M. Miller

District I Commissioner

Janet/M. Thompson

# PROCLAMATION RECOGNIZING SEPTEMBER 2014 AS CHILDHOOD CANCER AWARENESS MONTH

Whereas, the Ar

the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year; and

Whereas,

one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

Whereas,

founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

Whereas,

the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Children's Mercy Hospital in Kansas City, St. Louis Children's Hospital, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

Whereas,

the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

Therefore,

in recognition and support of the courageous children battling cancer and their families, as well as the dedication of those individuals and organizations aiding them in their battles, the Boone County Commission does hereby declare September 1-30, 2014 as Childhood Cancer Awareness Month

IN TESTIMONY WHEREOF, this 2nd day of September, 2014.

Daniel K. Atwill, Presiding Commissioner

Karen M. Miller, District I Commissioner

Janet M. Thompson, District II Commissioner

ATTEST:

Wendy S. Norten, County Clerk

STATE OF MISSOURI

September Session of the July Adjourned

Term. 20 14

**County of Boone** 

In the County Commission of said county, on the

2nd

day of

September

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 Organizational Use of the Government Center Chambers and Courthouse Plaza by MU Voz Latina on September 27, 2014 from 2:00 p.m. to 7:00 p.m.

Done this 28th day of August, 2014.

ATTEST:

Wendy S. Norden

Clerk of the County Commission

Daniel K. Atwill

Presiding Commissioner

Karen M. Miller

District I Commissioner

Janet M. Thompson

Daniel K. Atwill, Presiding Commissioner Karen M. Miller, District I Commissioner Janet M. Thompson, District II Commissioner



Roger B. Wilson Boone County Government Center 801 East Walnut, Room 333 Columbia, MO 65201-7732 573-886-4305 • FAX 573-886-4311

# **Boone County Commission**

## APPLICATION FOR ORGANIZATIONAL USE OF BOONE COUNTY CONFERENCE ROOMS

The undersigned organization hereby applies for a us	se permit to use B	oone County Gover	nment conference rooms as f	ollows:
Organization: MU Voz Latina				
Address: S303 Memorial Union Columbia	a, MO 65211	United States		·
Columbia State:	MOZIP (	Code 65211		
573-882-5838 — Fax: 573-8 <sub>Websi</sub>	 http://vozla	tina.missouri.e	edu/about.php	
City: Columbia State:  Phone: 573-882-5838 — Fax: 573-8  Websit Individual Requesting Use: Elizabeth Hoyos		Position in Orga	Vicepresident Vication:	
Facility requested:  Chambers Room 301	Room 311	☐Room 332	Centralia Clinic	
Event: Celebrando el Mes de la Herencia	a Cultural His	pana/ Celebra	ting Hispanic Heritage	Month
Description of Use (ex. Speaker, meeting, reception):	Back up roor	n for the event	on the CourtHouse P	laza and acce
Date(s) of Use: September 27, 2014				
Start Time of Setup: 2 PM	AM/PM	Start Time of Ever	ant: 3 PM	AM/PM
End Time of Event: 6 PM	AM/PM	End Time of Clear	7 PM	AM/PM
<ol> <li>To remove all trash or other debris that</li> <li>To repair, replace, or pay for the repair</li> <li>To conduct its use in such a manner as</li> <li>To indemnify and hold the County of B damages, actions, causes of action or sustettlements on account of bodily injury organizational use of rooms as specified</li> </ol>	or replacement of to not unreasonal oone, its officers, its of any kind or or property dama in this application	damaged property and interfere with Bound agents and employed nature including costing incurred by anyonal.	including carpet and furnishing one County Government build ces, harmless from any and all sts, litigation expenses, attorne	gs in rooms.  Iding functions.  claims, demands,  ey fees, judgments,
Organization Representative/Title: Elizabeth Hoy	os/ Vicepres	ident		
Phone Number: <u>573-356-7373</u>	Date o	of Application: Aug	just-26-2014 	
Phone Number: 573-356-7373  Email Address: hoyosm@missouri.edu				
Applications may be submitted in person or by a MO 65201 or b	nail to the Boon	e County Commis	sion, 801 E. Walnut, Room	
PERMIT FOR ORGANIZATIONAL USE The County of Boone hereby grants the above applica bove permit is subject to termination for any reason l	tion for permit in	accordance with the	e terms and conditions above	
Wenly S. Noven		BOONE COUN	TY, MISSOURI	f -



Roger B. Wilson Boone County Government Center 801 East Walnut, Room 333 Columbia, MO 65201-7732 573-886-4305 • FAX 573-886-4311

# **Boone County Commission**

# APPLICATION FOR ORGANIZATIONAL USE OF BOONE COUNTY COURTHOUSE PLAZA

	applies for a use permit to use the Boone County Courthouse Plaza as follows
Organization: MU Voz Latin	a
	Jnion Columbia, MO 65211 United States
<sub>Citv:</sub> Columbia	State: MO ZIP Code 65211
Phone: 573-882-5838 — Fax: 573-884-410	<sup>3</sup> Website: http://vozlatina.missouri.edu/about.php
Individual Requesting Use: Elizab	eth Hoyos
Position in Organization: Vice Pr	
Address: 201 W Craig St.	
<sub>City:</sub> Columbia	State: MO ZIP Code 65202
Phone: 573-356-7373	Email: hoyosm@missouri.edu
Event: Celebrando el Mes de la	Herencia Cultural Hispana/ Celebrating Hispanic Heritage Month
Description of Use (ex. Concert, spea	ker, 5K): music, dancing and family activities like face painting
Date(s) of Use: September 2	7, 2014
Start Time of Setup: 2 PM	AM/PM
Start Time of Event: 3 PM	AM/PM (If start times vary for multiple day events, please specify)
End Time of Event: 6 PM	AM/PM (If end times vary for multiple day events, please specify)
End Time of Cleanup: 7 PM	AM/PM
Emergency Contact During Event: E	lizabeth Hoyos Phone: 573-356-7373
Will this event be open to the public?  If yes, please explain the public	
The event will be promoted	through flyers and we are the main organization promoting the event

City Liquor License Number:\_\_\_\_\_\_

Will you be selling	non-food items?   Yes  No		
If yes, pleas	se provide the following with copies	of licenses attached to applic	ation:
Missouri D	epartment of Revenue Sales Tax Nu	ımber:	
County Me	rchant's License Number:		
City Tempo	orary Business License Number:	·	_
Will outside vendor	rs be selling food, beverages or non-	food items at this event?	Yes 🖪 No
If yes, pleas	e provide the following information	(use separate sheet if necessar	ry):
Vendor	Type of Sales	Contact Information	License Number(s)
			- <del> </del>
Will you be requesting	ng a road and/or sidewalk closure?	🛘 Yes 🖪 No	
If yes, what	road(s) and/or sidewalk(s)?		
Pleas	se attach to application a copy of the		
Does your event incl	lude cooking or use of open flames?	Yes 🖪 No	
If yes, please	provide the Columbia Fire Departm	nent Special Events Permit N	lumber:
Pleas	e attach to application a copy of the	approved Columbia Fire De	partment Special Events Permi
a professional securit	e increased responsibilities to the loc ty company. This will be determined . If necessary, have you hired a secu	l by the Boone County Sherit	T's Department and Boone
If yes, please	provide the following:		
Security Com	ipany:		
Contact Perso	on Name and Position:		
Phone	Email:		

Will you be using portable toilets for your event? ☐ Yes ■ No  **Please note: portable toilets are not permitted on the Boone County Courthouse Plaza grounds. Please contact the City of Columbia for options.
If your event is such that requires insurance per the Boone County Courthouse Plaza Rules and Regulations, please provide a copy of acquired insurance plan.
The undersigned organization agrees to abide by the following terms and conditions in the event this application is approved:
<ol> <li>To notify the Columbia Police Department and Boone County Sheriff's Department of time and date of use and abide by all applicable laws, ordinances and county policies in using Courthouse Plaza grounds.</li> <li>To abide by all rules and regulations as set forth in the Boone County Courthouse Plaza Rules and Regulations document updated July 11, 2013 and attached to this document.</li> <li>To remove all trash or other debris that may be deposited (by participants) on the courthouse grounds and/or in rooms by the organizational use.</li> <li>To repair, replace, or pay for the repair or replacement of damaged property including shrubs, flowers or other landscape caused by participants in the organizational use of courthouse grounds and/or carpet and furnishings in rooms.</li> <li>To conduct its use of Courthouse Plaza grounds in such a manner as to not unreasonably interfere with normal courthouse and/or Boone County Government building functions.</li> <li>To indemnify and hold the County of Boone, its officers, agents and employees, harmless from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature including costs, litigation expenses, attorney fees, judgments, settlements on account of bodily injury or property damage incurred by anyone participating in or attending the organizational use on the courthouse grounds and/or use of rooms as specified in this application.</li> <li>Organization Representative/Title: Elizabeth Hoyos/ Vicepresident</li> </ol>
Address: 201 W Craig St., Columbia-MO, 65202  Phone Number: 573-356-7373  Date of Application: August 26, 2014
Email Address: hoyosm@missouri.edu
Email Address: 110 y 00111 @ 1111000 dt 110 dd
Signature:
Applications may be submitted in person or by mail to the Boone County Commission, 801 E. Walnut, Room 333, Columbia, MO 65201 or by email to commission@boonecountymo.org.
PERMIT FOR ORGANIZATIONAL USE OF BOONE COUNTY COURTHOUSE PLAZA The County of Boone hereby grants the above application for permit in accordance with the terms and conditions above written. The above permit is subject to termination for any reason by duly entered order of the Boone County Commission.
ATTEST: BOONE COUNTY, MISSOURI
Wender S. Noren my County Clerk County Commissioner
County Clerk County Commissioner

Updated 1/30/14