

TERM OF COMMISSION: November Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counselor John Patton
Deputy County Clerk Ashley Williams

The regular meeting of the County Commission was called to order at 7:00 p.m.

SUBJECT: Centre Pointe Request

Commissioner Stamper said that this evening's meeting concerned the Centre Pointe development in southern Boone County off of Highway 63 corridor. This issue, he said, has received more public debate and input than any request in the history of Boone County. He said the Commission has made the determination that public debate and public comment have been exhausted and in doing so, have decided there will not be another public hearing. This meeting, he said, is a reconvening to address a request by the developer to develop a research industrial park at this site. He explained there would be a report from staff on the nature of the request and history of the actions in Planning and Zoning and a summary of events. Then the applicant will express any additional testimony they believe supports their application. Commissioner Stamper said that there had been a number of written documents over the past few days and numerous meetings to discuss and debate the merit of certain conditions appropriate for land use of this type. This has all been done above board, posted, and with a great deal of work to come forward to this point, he said. The intent this evening, he said, is to render a decision.

Mr. Shawver reported that the tract in question is 224 acres located on State Route H, one mile east of Highway 63, approximately 4 miles northeast of Ashland and 6.5 miles southeast of Columbia. The tract is just north of Columbia Regional Airport. The entire tract is zoned A-1 (Agriculture) as is all of the surrounding area. The applicant is requesting that the tract be rezoned M-LP (Planned Industrial) and has submitted a review plan along with the rezoning request. Boone County regulations provide that the rezoning request and the review plan may be considered concurrently, however the land will not be rezoned until a final development plan is submitted and approved.

This property has primarily been used for row crops. The 1996 Master Plan designates this particular site as being suitable for agricultural land uses; however, the plan does show industrial use in the vicinity of the airport..

There is no existing infrastructure available on the site. Consolidated Public Water District No. 1 plans to drill a new well in the vicinity of the site as early as spring 1997. This well is part of a project to upgrade the service available at the airport. Electricity, natural gas and phone service would have to be extended to the site. A wastewater collection system is not available at the site. The nearest fire station is located in Ashland and is operated by the Southern Boone County Fire Protection District.

This site is located within the Southern Boone School District. The site itself should not have a negative impact on school facilities, and in fact will generate tax money for the district. However, development may result in additional residential growth in the south part of the County.

The south branch of Turkey Creek, a protected watershed, crosses the north end of this property. Staff notified 16 property owners concerning this request. Planning and Zoning held two public hearings. In December 1996 they tabled the request and reconvened on February 20, 1997 after a number of work sessions. At that time, Planning and Zoning made a recommendation to deny the review plan 6-1 and recommended 6-1 to deny the rezoning request. The applicant appealed. The County Commission held a public hearing April 7, 1997 and took public testimony at that time. Mid-June, the Commission appointed a land use study group to study the airport area and make recommendations. Those recommendations were adopted in mid-September. The request, said Mr. Shawver, has now come back to the County Commission for a final decision.

Developer Len Levy, P.O. Box 875, Columbia, attorney Craig Van Matre, 1103 E. Broadway, Columbia and Mark Farnen principal in the public relations firm of Woodruff & Company, 23 S. Fourth Street, Columbia. Mr. Van Matre said it would be impossible for someone of his intellect to think of anything that hasn't already been said, so he said he did not intend to offer additional evidence, nor to express any more thoughts that had not already been thought over this past year as the Commissioners had been forced to consider this issue. On behalf of his client, and himself, Mr. Van Matre said he appreciated the conscientiousness with which the Commissioners had approached the request. This is a referendum, he said, on County government and how the public perceives government in this area is conducted. Win, lose or draw, he said, they were fortunate in Boone County to know that decisions like this one can cause anguish. Decisions like this, he said, are not made as wisely as some would hope, or more wisely than is known at the time. It is nice to know that when a decision goes against you it's not because somebody was paid off or adversely influenced, but because the decision was carefully thought through and made in what is perceived to be in the best interest of the County. Mr. Van Matre said he was hopeful the Commission would perceive that Centre Pointe was here for the long term and not as a one night stand. Perhaps, he said, this is a poor analogy, but they were offering a sort of marriage. He said they would return on numerous occasions at each juncture of the project so the Commission would have continual oversight and was not compelled to feel that all the decisions needed to be made tonight. Mr. Van Matre said they would return as each tenant came to the floor to make sure the use was appropriate, if there needed to be another traffic study and if the environmental report would be adequate in regards to the safeguard of the citizens of Boone County.

Mr. Van Matre said they did not expect no further governmental interference and by setting the bar high, they had set the requirements higher for those who might follow. Mr. Van Matre said he hoped that they could reason together and come to a consensus that would allow them to move forward. He said that Mr. Levy has contacts and tenants for the proposed park and said it would be a shame to eliminate that opportunity for all of Boone County.

Mr. Van Matre then asked if they could go through the recommendations that Mr. Shawver had prepared and the additional recommendations or conditions that had been placed on the park to see if they could reach a meeting of the minds that could be incorporated in the resolution. He said they would be willing to stay as long as the Commission needed them to.

Commissioner Stamper said the Commission had discussed a set of conditions for approval and in doing so had no objection to the landscaping or setback requirements, although the area of sewer was a concern. He clarified that there were two sets of conditions the Commission was working with tonight.

Commissioner Stamper said that it was their feeling that a condition would have to include that ownership be transferred to the Boone County Regional Sewer District once the project was completed and approved.

Mr. Van Matre said they had no objection.

Commissioner Stamper said they were curious as to what strategy would be used to address easements and alternate plans to combine with other operations in the area.

Mr. Van Matre said they spent a good deal of engineering on this project and had three possible approaches. The best one, he said, involves long term plan and an intermediate plan. He said a regional sewer district, the one Bob Alderson works with, is the best solution, along with the cooperation of the City of Columbia. Frankly, he said, he didn't think the city would even sit down with them to discuss possibilities until after tonight, until they know there is a green light for this development. Privately, he said, he has been lead to believe that once through tonight, it will be in the city's best interest to sit down and work out something long term. He said that it is possible to have a sewer district without the city's cooperation, although that would not be optimal. The best place to locate the sewer would be on the east side of the airport, if, he said, the city would devote the land and his client would throw money in that direction.

Commissioner Stamper said there were those who would say that this area is probably as poorly equipped from an ecological standpoint as any in Boone County. He said he was curious as to their response to that statement.

Mr. Van Matre said they had hired the best environmental consultants, one of whom was a member of the Sierra Club. The park, he said, would be better for the land than what is presently there. He said he knew that it offended some people to say farming would produce more harm than what they proposed, but that is exactly what they had been told. He said they were willing to have the water tested weekly during construction and every three months thereafter to prove they were not lying about this.

Mr. Levy said the crop land is very poor, as attested to by experts. By experts, he said, and not with an emotional appeal. They were not, he argued, taking prime agricultural land and their project would eliminate erosion and potential contaminants, actually improving the quality of the water. This has been testified to, written about and never testified against by anyone with credentials, he said.

Commissioner Stamper said they had proposed a change in the condition regarding wastewater to read: "The sewer system shall be designed and built so as to be compatible with and function as a part of an overall area wastewater system."

Mr. Levy said that even if you're building a house you don't build until you have a proper sewer hookup. Before he could do anything, he said, it is only sensible that the issue of sewer needs to be solved.

Commissioner Miller said that the easement question had not been answered and asked how they proposed to get easements to handle the necessary sewer development.

Mr. Van Matre said if they could not get cooperation with the city for the necessary easements, it would be a possibility to acquire adjacent real estate from people who have expressed interest in permitting their land to be developed. They might, he said, build temporary facilities until the problem could be solved. The project might take three or four years to even begin, he said, so it was not necessary to solve the problem tonight. He said they would solve the problem however the Commission wanted it solved, but they could always come back to the table for a solution.

Mr. Levy said the County was at no risk because no one would work with him until he had the appropriate sewer facilities.

Commissioner Miller said she understood, but was concerned about neighbors who may have to grant an easement and who may not want to and wanted to know what the process would be when they had no authority to condemn.

Mr. Levy said that would be his problem and if he couldn't succeed then he wouldn't have a project.

Commissioner Miller said that would be true if everything else is done except the sewer, then there would be a partial development with no sewer and a ruined piece of property that cannot be developed.

Mr. Van Matre said that problem would need to be solved before they turned one spade of dirt.

Mr. Levy said he would be unable to get a reputable company into the park until he had the answers for them. The first question they would ask, he said, would be regarding infrastructure. There are many sites available throughout Europe that have existing facilities. He said he had no choice but to solve the sewer issue.

Commissioner Stamper asked that they move to the issue of transportation. He said they considered this project and potential for future growth to be explosive in nature. Based on what they have seen in interest in the area. When property is rezoned and an authorized development of 50,000 to 250,000 square feet could impact or devastate a traffic situation with one decision. The land use committee, he said, recommended that no major development be approved until such time as financing and plans for installation of an interchange at Route H and Highway 63 were approved and in place. County Counselor John Patton has advised the Commission that placing the burden on one developer for the entire cost of the interchange would be an undue burden. The

Commission adopted the report from the land use committee and now are faced with the dilemma as to how to proceed. Commissioner Stamper said they felt a little bit out of control as to how they could keep growth in check and make sure the transportation infrastructure did not become overloaded.

Mr. Van Matre said the development will be constructed in phases. It is possible, he said, to have a warehouse with three employees leaving a negligible impact or 2,000 people working in shifts. There could be, he said, a problem from day one. He suggested a traffic study knowing at the point and time state standards require looking at an overpass and requiring development to stop until the traffic problem is solved. At that juncture, they would know the infrastructure does not support the development and so they would stop. Mr. Van Matre said that his client had repeated said he would give his fair share. Mr. Van Matre stated that someone had recklessly suggested Mr. Levy would pay for an interchange only if he could get his interest back. He said if they allowed 25% development, then 50% development to see what happens, his client could live with that.

Mr. Levy said that when an overpass becomes necessary, the state will build it.

Commissioner Miller said she did not believe the development should go in until the interchange was in. She said from her perspective they were at an impasse. Earlier, she said, Mr. Levy said he would accelerate the infrastructure if the state would reimburse with interest. Commissioner Miller said the state's program allowed for a 5% match and the developer pays the interest and does not get that back. She said the state would reimburse Mr. Levy on their schedule, depending on when the interchange is planned. Commissioner Miller said that if the development goes in, the interchange will be required there and the project itself would accelerate the need. The state may say it's not necessary, but the sheriff's department and the fire department's say it is, she said. Commissioner Miler said that their opinions were valued and important.

Mr. Levy said that according to state records there were less than two accidents there in ten years.

Commissioner Stamper said they were measuring the impact of a beanfield and an airport. His concern was if a request is approved tomorrow for a supply distribution center with 200 to 250 employees coming and going, then there will be a whole other set of problems. He said he recognized that they were not in a position to put the full burden on the developer, but wanted to know their position on requiring that the financing and design plan be agreed and approved before the development is occupied.

Mr. Van Matre asked if before they built a 1,000 square foot building they would have to have the financing and design in place.

Commissioner Stamper said with the size of the proposed buildings, the bathrooms were 1,000 square feet.

Mr. Van Matre asked if the building was 50,000 square feet and involved 3-4 employees.

Commissioner Stamper said then that would not have an impact, but sometime someone else coming in to the development might have an impact.

Mr. Van Matre said at that point they would stop building.

Mr. Farnen said that the language in the draft of conditions for approval states that the traffic study submitted earlier shall be followed except for the portions that Missouri Department of Transportation deems unnecessary or incorrect. If, he said, they decide there's no justification for an interchange or if judgment cannot be made at that time, the department has it within their power to go ahead with a financing scheme and design to allow the developer to continue developing up to 900,000 square feet. He said in their discussions with MoDOT, it was considered unusual for those types of off-site requirements and that it would be in their best interest to go ahead and agree to have them installed at the time they are considered justifiable by a traffic expert.

Commissioner Stamper said the current wording in the area land use study document said that prior to occupancy of any building and commencement of any industrial or commercial use an interchange must be completed.

Mr. Van Matre said that was inconsistent with what Mr. Farnen had read.

Mr. Farnen addressed the issue, saying the wordage was included as a result of the recommendations that came from the land use study committee. In looking through his notes, he observed there had been a discussion on the words "should" or "shall". Looking at that specifically, he said, they learned that the words "should" or "could" were used instead of "must." Given their discussion on language, it explained that when presented with an option, the committee opted for the more generic and permissive language. They added, he said, a second paragraph that said people should put in improvements that match the traffic that will be generated. That permissiveness was agreed to, he said.

Commissioner Vogt said she tended to disagree with Commissioner Miller and did not believe it was necessary for an interchange to be in place at the beginning of the project. She said she thought they were looking at an opportunity for more development and that Mr. Patton had advised that it would be inappropriate for on developer to support the entire cost of something that will be used by the public. Again, she said, she disagreed that an interchange, in it's entirety should be in place before any development.

Mr. Levy said that the Commission had gotten to know his team and that all along they have said they were willing to pay their fair share. That has never been a dispute, he said. No one has challenged any of the science brought into play, he said, and everything they have submitted has stood the test of time. He said they would continue to work with the Commission to solve the problem of the interchange and that he did not want the problem of anyone getting hurt on his head.

Commissioner Stamper asked that they look at the environmental requirements. He pointed out that the staff had recommended wording to bring in concurrence to say that no development be allowed until Boone County has adopted a stormwater control ordinance. After that ordinance, he said, the developer will submit a plan conforming to the stormwater ordinance. Said ordinance, he explained, does not exist and would limit any development from proceeding if it were adopted as a condition. At minimum, he said, new development cannot increase the rate of runoff and stormwater quality shall be equivalent to that of rainwater.

Mr. Van Matre said they did not have a problem with the standard requiring water to be as good or better than what presently exists. He said that would be an easy standard to meet. He said they did not have a problem with complying with a stormwater ordinance and was confident that their plan would meet whatever ordinance Boone County could devise. This project, he said, has been engineered to the highest standard. They have hired the best engineers they could, designed sediment basins, percolation basins and retention basins to keep from doing anymore damage and to create will less damage than what is presently there. Mr. Van Matre said the Commission had the right to create a new ordinance and to require that all future building had to meet it. He said they had no problem with an ordinance.

Commissioner Stamper asked why Mr. Levy chose the beanfield where there is no infrastructure and questioned if it didn't seem reasonable that he would then have to develop that property at an extra premium.

Mr. Van Matre said they were paying the premiums, they were volunteering to pay the premiums. He said he was afraid he wasn't communicating...

Commissioner Stamper said he heard Mr. Van Matre. He said that they did not want to be held accountable to something that does not exist.

Mr. Levy said if the project was to be successful then there needed to be a sensible ordinance. Otrherwise, he said, he won't be able to attract the type of industry he envisioned. He said this is a long term project with a lot of notoriety and if he does not follow the conditions then the County can shut him down.

Commissioner Stamper said then the County would have to live with it and that was his concern.

Commissioner Stamper said that under the conditions of environment there seemed to be a dilemma. With Planning and Zoning they had previously discussed with the developer the types of developments that would be allowed. Commissioner Stamper said there was a list that had been presented to Planning and Zoning that had never come before the County Commission. He said they have been discussing a structure that would allow the developer to place anything in the development that fits under the county's regulations for light industrial zoning. There would be no limits, except what exist in the zoning laws, but that list has not been a part of the deliberation, he said. He said he has been sure they were talking about a development that would include research and light industrial, he said he never fathomed it could become a regional shipping facility.

Mr. Levy said it would not.

Commissioner Stamper clarified that unless it was listed in the conditions that it was not to become a shipping facility.

Mr. Van Matre said it would be appropriate and if they wanted to find the letter outlining the types of businesses that would be allowed and to adopt it as part of the conditions, they did not have a problem with that.

Commissioner Miller read the letter from Mr. Levy that was submitted to the Planning and Zoning Commission as part of their proceedings that outlined the types of permitted uses within the park and the conditions placed on them.

Commissioner Stamper said they had no documentation to adopt that wording or any like it. The present draft, he said, is a green light to do anything within the tolerance of the industrial and commercial classification and that until this afternoon, that had not been given consideration.

Mr. Van Matre said he had no objection to drafting on the resolution as part of the limitations. He also said that every tenant they bring in will require another hearing where the Commission will be presented with a site plan that includes sewer, drainage, infrastructure of roads. He said he would like to discuss those issues with Mr. Patton, but it was his understanding that it is perfectly legal to require hearings at that time. He said they could bring forward a tenant that has a chemical distribution warehouse where they store bottled water, a totally benign chemical. He said the Commission would not have the right to turn them down because the use complies with the regulations, but they could look at how many trips would be made and if an overpass is required, if the sewer, setback and landscaping requirements are met.

In response to a question from Commissioner Stamper, Mr. Patton replied that under the zoning regulations there are classifications for planned districts and uses permitted within those districts. Conditional uses for a planned district assume the restrictions on the land will be placed up front when the plan is approved as compared to down the road when a parcel is zoned commercially and someone wants to use the land for something that's only permitted conditionally. That does not mean, he said, that you could not put in place a procedure within a planned cite that has conditions that would allow review or restriction of uses within the district you have approved. You could probably duplicate the entire conditional use permit process for a planned district, he said. Mr. Patton said that possibility would be cumbersome, but feasible.

Mr. Van Matre said if they wanted to place a tenant that falls into a conditional use permit, then they would fall into the same plan.

Mr. Patton said a new process would not happen tonight because it has not been thought through. It could require a separate platting for every development or lot that is sold. The Commission could, he said, require a review process, as long as the conditions of approval have been put in place.

Commissioner Stamper asked where did that leave the Commission. He said they could incorporate as a condition, the letter that Mr. Van Matre addressed, but it would still allow for warehousing at this site.

Mr. Patton said his preference would be to decide whether or not to approve the rezoning request with as much conceptual detail as possible. He asked if they go through with the development, to give him an opportunity to dot all the i's and cross all the t's concerning the terms and conditions of the vote.

Commissioner Vogt said she wanted to be sure she understood. She said that they could condition the development with approval and with the opportunity for the separate platting for each building. The developer would come in and discuss the use of the building and the traffic analysis at that time.

Mr. Patton said as long as the criteria that has to be satisfied is placed in the wording of the conditions, they could handle it that way. He said they would want to convert the process to an administrative review function, rather than a legislative review procedure. He said they would need fairly defined criteria that satisfy approval and that would need to be in the conditions.

Commissioner Vogt clarified that the conditions would be common knowledge for the developer and the government. They would all agree up front and yet every separate building would be a separate plat.

Mr. Patton said that a review procedure for every lot was appropriate as long as the criteria for review was defined now.

Mr. Levy interjected that he would only accept warehousing as a bi-product. There would be no warehousing as a sustainable item. He included the wording only because there might be companies who manufacture products, but don't ship them out the same day. He was concerned that might be considered a violation. He said he had no vision or plan for a pure warehouse.

Commissioner Miller noted that sections had been added to the condition requiring disturbed soil to be covered.

Mr. Van Matre said that they objected to the 24-hour time requirement.

Commissioner Stamper asked if he was hoping for seven days.

Mr. Van Matre said that no one else in the County would be held to that requirement.

Commissioner Stamper said no one else was wanting to develop a project of this size in a protected watershed.

Mr. Van Matre said it was all right if everyone else had to live up to this requirement, but he did not want to be the only development limited by the 24-hour requirement.

Commissioner Stamper replied location, location, location.

Mr. Farnen asked that they discuss the affect of the 24-hour requirement from a practical point. He said if there was construction underway, and more than likely they will exceed the 5,000 square feet of uncovered ground on a Friday, he argued the workers will spend their day covering with straw. If there's a 24-hour requirement then they will miss the fifth day of work. They will spend Friday covering up work they just did. The normal course, he said, is to make those coverages in a reasonable period on a regular basis as part of the regular plan, otherwise, they will lose a whole day of work.

In response to a question from Commissioner Stamper, Mr. Shawver recommended a compromise of 72 or 96 hours and increasing the square footage from 5,000 to 15,000.

Commissioner Stamper explained the logic behind the requirement an environmental one designed to protect an area with clean water.

Mr. Van Matre said he was not asking to be relieved of the responsibility and said that no matter what, they will not be allowed to have silt or dirt enter the watershed. He argued that strawing an area may not even be necessary with all of the requirements in place for dams, silt fences and

retention areas. He agreed with Mr. Farnen and said the requirement could cost days of work and lots of money.

Commissioner Miller said the 96 hour time frame was reasonable and would allow them a whole weekend so they wouldn't be required to cover an area every Friday.

Commissioner Vogt agreed that when issues of runoff have been controlled by other conditions, and if runoff is the concern, 96 hours would suffice.

Commissioner Stamper said these measures were to prevent erosion and clarified they would have inspections documented and available to the DNR within five days.

Mr. Van Matre said he had no objection.

Commissioner Vogt asked about the requirement that stormwater be designed to ensure the post-development rate does not exceed pre-development.

Mr. Van Matre said that was fine.

Commissioner Stamper asked for comments regarding the conditions placed on water quality monitoring. He said there was a substantial insertion which came from the land use committee's study process and the intent was to establish a detailed monitoring process.

Mr. Van Matre said that monitoring on a weekly basis is fine during construction, but when there's no construction, monitoring is a giant waste of time and they would like to see it done every three months. He said they could pass that responsibility on to the tenant and constructor and if there's nothing going on on-site, he did not know why that would be a requirement.

Commissioner Miller asked if a bond could be required for mitigation purposes for stormwater and water quality. She wanted to know if water quality is tested and there is a significant problem that requires correction, if in order to guarantee that work will be done, could a bond be required.

Mr. Patton said he supposed one could, if it was built into the whole procedure. Right now, he said, bonds are only required for construction of public improvements in subdivisions. He said if there was a procedure as to when it was required and to define the criteria, it would be workable.

Commissioner Miller said there were so many problems around the area, like hog farms, that caused problems and are now requiring bonds to be able to mitigate those.

Mr. Patton said the state has more authority than the County, but regarding a particular development, the premise is any reasonable conditions that are imposed are enforceable and if the County establishes a procedure within the condition to allow it to be enforced, it would probably withstand a legal challenge.

Commissioner Stamper then asked about the location of a fire station, saying the Commission was concerned with the statement, "The Developer, at his option, may elect to pay for structural elements to bring any fire station into compliance with the architectural standards set forth in the recorded covenants; including design, materials and construction." Commissioner Stamper said they appreciated the indication of a donation and support, but requiring a station to meet the architectural covenants could price the department out of being able to construct a facility.

Mr. Van Matre said he agreed and he could see why the Commission would want them to pay for additional costs that may be made necessary because of unique architectural requirements. He said they would give the fire department \$100,000 and the donation of the land, which was not a small contribution.

Commissioner Stamper said that when you take debt service out of the department's budget, they don't have \$100,000.

Mr. Levy argued the fire department would serve other areas.

Commissioner Stamper clarified the fire department would only serve the southern Boone County area.

Mr. Levy said that \$100,000 plus the land is reasonable and because the department would serve other areas he did not need to share 100% of the burden.

Commissioner Stamper asked if the facility could be restricted from the covenants.

Mr. Van Matre said that in appearance, if they require earth tones, it would have to be that color, or it might not have to be, depending on its location. They might be able to put it some place not quite as visible where it might not impact the aesthetics. He said he had not had a chance to suggest that to his client and his recommendation to his client would be to try to accommodate the County.,

Commissioner Stamper said if the exposed exterior were required to be of high quality brick or stone as controlled by the architectural committee the \$100,000 might not go very far. He said there were not a lot of brick or rock front fire departments in Boone County.

Mr. Van Matre said if the department was not place din the most visible part of the park, he thought they could live with that.

Mr. Levy said they were prepared to do what was reasonable. There are veneers that give the impression of the real thing, he just didn't want to have a tin shed. His clients, he said, would not accept that.

Mr. Van Matre conferred with his client.

Mr. Van Matre said his client had agreed to change the donation of \$100,000 to \$75,000 plus whatever is above and beyond the covenants. He said they would pay the department \$75,000 plus whatever it would take for the facility to comply with the architectural committee's requirements.

Commissioner Miller said it would be a long time before the department was above to build with their tax structure and ability to finance the rest of the project. She said she had received a letter that stated the department could put the equipment in the station, but had no funding and would not go to their voters for funding of support to build that building.

Mr. Van Matre said it was his impression that they would build a two bay building with an equipment locker. He said it was his impression they could build that type of a structure for \$75,000 plus the architectural finish.

Commissioner Miller said their current building cost more than \$75,000 and it is a two bay building. She said it did have living quarters and other things that would add to its cost.

Commissioner Stamper called a five minute recess. They reconvened at 8:20 p.m.

Mr. Van Matre suggested that the tenants be included in the conditional use permit that particular use would be submitted and there could be a blue print for the future for any type of evaluation of the application.

Mr. Patton said assuming the development would occur in phases and not all at once.

Commissioner Stamper asked that the discussions become pointed and evolve into a conclusion of the issue. He said they had opinions as to whether or not this ought to be done. Some, he said, would say it's economic health and well being, others would say it's too early or shouldn't be there at all. He asked the Commissioners for their comments and response to those ideas. Right now, he said, the proposed park is adjacent to a regional airport and he did not doubt that the land would turn to some sort of use because of it's location, though he questioned the sequence of events.

Mr. Van Matre said he did not want to spend a lot of time, knowing the Commissioners had heard all of the arguments, but the city used to have an airport where Cosmo Park is now. There was housing there, he said, and when they needed to lengthen the runway they moved it to an area where it could grow and did not interfere with residences. He said that it could be argued that the decision was made 20 years in advance of when it was needed. By looking at other cities and the way they grow, they put their industry near the airport because people don't want to live out there. It creates, said Mr. Van Matre, a synergism between industry and an airport and is the way most towns are deliberately allowed to grow. He said you could look at the St. Louis Lambert airport situation and the arguments for moving the airport to Illinois where there was farm land. He said they were ahead of their time, instead of behind it and as much growth as there has been, nobody doubts there will be growth around the airport. He said there were issues like the rock quarry where the Commission had spent so much time. You have to have a rock quarry, he said, but nobody wants it in their back yard. The airport exists outside of a city, he said, there is nothing else there and if the Commission opts to allow growth in some other place, somebody is just going to say not in my back yard.

Mr. Van Matre said that was the reason for the Commission, to make these tough choices. He said the smartest thing to do is to plan for orderly growth and asked for the opportunity to create that growth.

Commissioner Stamper asked if it wouldn't be wiser to build where there is existing infrastructure rather than pay the premium to do this project. He said it was only logical that before they carved into a beanfield, if the developer wouldn't be happier adjacent to a city like Ashland.

Mr. Van Matre said that when Mr. Levy looked for a location, a lot of people suggested this area would be ideal because there had not been a lot of residential development around the airport. He said he felt the people of Boone County owed Mr. Levy a debt of gratitude for bringing these issues 20 years ahead of their time instead of behind the time. He cited the Nifong situation, an area where there has been development and where a lot of people will suffer from reactive instead of proactive. In 20 years, he said, everybody will wonder what all this fuss was about. He said the Commission could build enough safeguards and if they are not respected then there will be no growth.

Mr. Levy said the added costs or extra costs on a project with an existing site is not significant enough to justify looking at another site. He said he would have to deal with the issues of sewer, water, that they would have to be addressed, and he did not think the lack of infrastructure is a problem. The airport has been at its present site for 20 years and costs the citizens of Columbia \$500,000-\$600,000 a year. He said his project might have some positive impact or benefit to the taxpayers in Columbia. He said they might attract additional landings and freight carriers and the airport might thrive after 20 some odd years. The infrastructure has to go in, he said. The airport needs to increase its sewer, an overpass has to be built, and Mr. Levy said he's just acting as the catalyst.

Commissioner Stamper said the terms catalyst and dynamite were kind of close.

Mr. Farnen said the County stood to recognize a lot of positives as a result of the project. So far, he said, they have talked only of restrictions, rules and regulations as the criteria to do this project. That's where the focus is, he said, and they were lost in that. In Southern Boone County, he said, there would be a tax benefit to the school, which was no inconsequential. The ability to establish a business base in that part of the County has been lacking for several years and a lot of the tax revenue is generated by homeowners. The comment Mr. Farnen said he'd heard as often as he'd heard arguments for the environment, is that this project would be a way to enable that part of the county to go forward. He also said it was an opportunity for the airport to expand and follow their master plan as it was written in 1972. This is one area, he said, where tight city and county budgets can be augmented by private industry.

Mr. Farnen said that in his discussions with Mr. Alderson, he felt the consolidation of sewer systems would be reasonable and cost effective even though the cost falls on the private developer. This project, he said, fits with the County's master plan, although the configuration as to where development can occur, has changed. We anticipate, he said, the research park will be built in conjunction with the University of Missouri. The University, he said, has been wanting to

establish a research park of their own that will accommodate a few buildings. But, he said, in order to get some of the world class companies they have mentioned numerous times, it will take a bigger, better and more well designed place than the University has the capacity to create. This is a chance, he said, to partner with a private concern. That is a benefit, he said, to consider when the talk turns to how to take care of the sewers. How will we take care of our kids, he asked, and how are we going to pay for it and how will we fund this in the future.

Commissioner Stamper said that was the difficult question. he said he appreciated the benefits and understood the possibility of a tax windfall. Traditionally, he said, as he talked to folks with research parks, the successful structure is a partnership between a university, a state that has a vision towards economic development and the local community. he said he did not see that partnership here and that it looked like they were going at this project differently than most of the successful ones have.

Mr. Farnen said the state of Missouri has gone into the field of economic development with full gusto. Recent legislation targets, he said, those types of partnerships where funding is made available for research specific projects. Companies that may locate here, he said, could take advantage of that. One of the hallmarks of this project, he said, is the talent resident in this community and the people who have expressed an interest in a partnership of some type.

Commissioner Stamper said that those potential partners were not here. He said this is a private initiative, a kind of speculative development in search of people to occupy. He said it would make an easier vision of revenue if there was a corner stone company.

Mr. Farnen said they had been asked if the development would be owned by the County, city of University, because then there would be no tax revenues derived. If the park were to be owned by the University, no taxes would go to local schools. He said they assured them that was not the case. They have had conversations with the University, he said, but have been unable to write a contract until the property has been properly zoned.

Commissioner Stamper said that bottomline there is a tremendous amount of good faith building in Southern Boone County in anticipation of the project. At the same time, he said, he knew the University was in discussions for developing a research park for the farm at Highway 63 and AC. He said it was unlikely they would enter into another venture if that were to occur. He said he did not want to set any false hopes and the question comes back to putting energy into a beanfield by the airport or if something next to the city of Ashland that might have a better shot.

Mr. Farnen said that in the 1963 airport master plan, the University said there would be a research park there now. No matter where they go, he said, it does not mean they will be successful or that they wouldn't face the same types of problems with sewers.

Commissioner Stamper said they would not have the same type of trouble because they had the right of eminent domain and Mr. Levy does not.

Mr. Levy said there is no way the University is going to put a research park on any of their locations. He said the retiring dean of the agricultural school had been in favor of his proposal and he did not know where Commissioner Stamper was getting his information.

Commissioner Stamper said he was getting it straight form the horse. The research park has a proposal to be built and they are looking to expand. Wouldn't it be easier, he asked, to have a lot of faith in a project if it were a quality partnership.

Mr. Levy said he disagreed. He said this was his choice, his resources and his money at risk. Mr. Levy said if nothing happens with the project, they would still have what they have today. If it's successful, then there will be a development the County can be proud of, but the County was at no risk at all.

Commissioner Stamper clarified that the County was at risk and that five or six developers down the road there might be a whole lot of whining and pressure not to develop under the terms and conditions. He said the County had a lot of risk.

Commissioner Vogt said that what the Commission was here to decide was appropriate land use and how that will be accomplished.

Commissioner Stamper said his line of questioning was to determine whether or not it is time for that type of land use.

Commissioner Vogt asked how the developer planned to work with its government to solve the problems inherent with this piece of property. She said it was still unclear as to how they planned to accomplish the questions of sewer and transportation and wastewater.

Mr. Levy said he wanted to maintain maximum flexibility because the people he deals with are commercial business people and not bureaucrats. Obviously, he said, one has to cooperate in conjunction with local government.

Mr. Van Matre said he thought Commissioner Vogt's concern was how they would make the city sit with them and come to terms on the sewer or with the highway department. He said they would have to make financial contributions towards all these things. Maybe they will need a temporary sewage plant at the airport until a bigger system can be built. If that's acceptable with the city then they would build it. Even though, he said, they have no power to condemn, governmental entities do and they could work with the right kind of planning and financial participation. If that fails, he said, they might have to build a self-contained facility on the property that meets DNR requirements. Mr. Levy, he said, will spend "X" number of dollars that can either go towards the community or can be confined to his property. He said the city staff did not want to stick their necks out until there was zoning and approval from the city council.

Commissioner Stamper said they would now bring closure to this matter.

Commissioner Miller said that she was concerned about the transportation discussion that did not require an interchange, but left the issue to be decided as it became necessary. She said she believed it would be irresponsible to allow a development of this size to go in without a guarantee of an interchange. She said she believed it was unfair for one developer to put in all of that infrastructure, but understood Mr. Patton to say that if an accelerated plan was done, it was not unreasonable for him to pay a 5% match and interest until the state picked up the bond payments.

Commissioner Miller said the other major issue is that of sewer and said it would be irresponsible to allow development to occur knowing the need for a regional sewer system. She asked Mr. Patton if the current wording meant that no package plant could be placed on the development to handle this problem.

Mr. Patton said that as it's written, yes. He said there was a section to modify situations and they needed to build in flexibility to account for all possible problems they might run up against. He explained that the wording, "Revision of Conditions: Any of the approved conditions may be changed by the County Commission for cause shown resulting from difficulties arising from changed circumstances making compliance unreasonable, impractical or unnecessary. Conditions may be modified, added or removed following a public hearing conducted by the county Commission..." says a government body can revise provisions if there is proof that there is compliance.

Commissioner Stamper said then that the sword could cut both ways and provisions could be added or deleted.

Mr. Patton said, yes, as the treatment is written now. For instance, he said, if the developer could not get government cooperation off-site and could prove that fact to the Commission's satisfaction, they could come back and revise the condition, like the variance process in the zoning ordinances. You can, he said, modify an ordinance if it's unreasonable and creates a hardship.

Commissioner Vogt asked what the opportunity to dot the i's and cross the t's meant to this evening's process.

Mr. Patton said he didn't think the Commission needed to take things as far as they could tonight, they just needed to decide if they were going to do this or not and lay the basic ground rules. He said they were not prepared tonight to adopt a word-for-word legally binding document that will

have affect for "X" number of years. As long as the concepts are written to the extent they can be, then Mr. Shawver will go through the final document which the Commission could then act on. He said this evening they could get the decision making process done and the legally binding document done shortly thereafter. Mr. Patton said if they were totally satisfied with the documents they had, they could adopt them, however, he hadn't read the document over with the changes in order to know confidently that everything is in order.

Commissioner Miller said there were some permitted uses in Mr. Van Matre's document that had not been discussed.

Commissioner Stamper said they needed to decide the question of the issues of sewer and transportation to see if the Commission was concerned enough to consider them deal breakers.

Commissioner Miller said in her mind they were.

Commissioner Vogt asked even knowing they were unresolved tonight.

Commissioner Miller said that she wanted to see the interchange guaranteed and her questions on sewer had been answered knowing that if there is no on-site situation, they would have to come back with a change of conditions.

Commissioner Vogt commented that they had worked really hard on this issue and wanted those who had participated throughout the entire proceedings to understand that. She said her vote would be in the positive to approve the request. Her reasoning, she said, is because she agrees that the airport has been sitting there, supported publicly with public funds when it could become a viable business on its own. She says she serves as a liaison to the airport and knows that they support this request for those reasons.

Commissioner Vogt said she did not want to be a part of government that stands in the way of progress. Throughout there are folks in Boone County who are opposed to growth in any form, she said. They want Boone County to stay as it is today. She said she did not believe that could happen and the best they could do for the future of the people who live here is to control growth and support it in a way that will benefit the future. She said she felt the developer was open to working with the government's before him, the state, city and county, and that she believed the County had an opportunity to condition the development to benefit everybody.

Commissioner Stamper said the issue had been a struggle. He said when the Commissioners entered the Chambers this evening they had no idea what they would do. He said they agreed in reviewing the issue that there were terms and conditions that would have to be met on a development of this nature and they debated those issues, but there was no poll as to what they would do. This, he said, was one of the times when he didn't know who was going to vote what after so much debate and discussion. He said he has vacillated from the beginning and his heart was torn apart by his friends in Southern Boone County who are making the cry for balanced economic growth. He said they felt that portion of the County has not received the attention and advantages that other parts of the County have and that economic growth is lopsided. He said he was also torn by the fact that this property is a beanfield and he would be a whole lot more comfortable if it were a coordinated, compact, precise development adjacent to the city of Ashland. He said they might be successful in either parameter, but the fact that it is a speculative proposal in an area where infrastructure does not exist concerns him.

Commissioner Stamper said he was torn by the idea of putting energy into a development near the airport or adjacent to cities where infrastructure exists. He said he could not support this request unless the terms and conditions laid out in the Airport Land Use Review Committee were met, but said he also questioned if this is the time and place for this development and whether the County was ready to create a city next to an airport. He said he was concerned with spin off development and that this week has had three phone calls on additional development by the airport. No matter when we deal with development, he said, we will be very careful. Our jobs and responsibilities, entrusted to us by the citizens of Boone County, entrust that we grow in a reasonable and responsible way. He said it seemed more reasonable and responsible to put energy into growing with cities and not creating cities on agricultural land. The airport, he said, will develop and it will be time for it to do so.

Now, said Commissioner Stamper, you have a clear picture of the struggle at hand.

Commissioner Miller said that she shared Commissioner Stamper's feelings and that as late as yesterday she was supportive of the request. Last night, she said, she did a lot of praying and asked for a lot of guidance and began to wonder if she was supportive for the wrong reason and if she was looking at things clearly, in the best interest of the whole County and not just Southern Boone County. She said she spent this morning with the Highway Transportation Department and was at a point where they had so many opportunities. She said that she did believe that industrial development will some day be the right thing, but there are some things that need to happen first. There needs to be a plan and process for a regional sewer district and a transportation development district where every property owner could participate in the infrastructure needed to make that a reality.

Commissioner Miller said she knew there would be disappointed people no matter which way she votes. She said guidance came this morning when she read the quote of the day: "It is better to be controversial for the right reasons than popular for the right reasons." That was my answer, she said. Commissioner Miller said she does not believe that today is the time, but believes the County needs to continue to work on this issue and deal with the infrastructure problems in order to deal with the future.

Commissioner Miller moved that the County Commission of the County of Boone deny the appeal for the Centre Pointe Research Park review plan as submitted by International Ventures, Inc.

Commissioner Stamper seconded.

Commissioner Vogt said she had yet to know of placing infrastructure before there is a need. She said she in no way wants to support shoddy infrastructure in the County, but did not know what kind of a program the people would support in placing infrastructure without a need when there are so many needs. She said she was confused as to how or why they would do that.

Commissioner Stamper said that was not the issue. He said he did not know any place that builds an infrastructure and says they will come. He said he was not convinced that their energies wouldn't be better placed on a regional facility and cites cities like Hallsville and Centralia to create economic growth that the County is prepared to handle. He said ultimately development will come to the airport, but thought there's a better potential to work in concert with communities to pursue sustainability. He said his heart is torn, not that infrastructure has to be built, but that they may be on a critical edge and this project could cause the County to melt into explosive growth. You do that, he said, with a plan and a view focused on building in a sustainable way. The bottomline, he said, is that this is a proposal in search of clients, not a partnership between the state, city and county and university. It is ahead of its time and he thought they could be more successful investing energy in small towns.

Commissioners Miller and Stamper voted in favor; Commissioner Vogt was opposed. Motion passed. **Order 461-97.**

Commissioner Miller moved that the County Commission of the County of Boone deny the rezoning request for Centre Pointe Research Park as submitted by Industrial Ventures, Inc.

Commissioner Stamper seconded. Commissioners Miller and Stamper voted in favor; Commissioner Vogt was opposed. Motion passed. **Order 462-97.**

The meeting adjourned at 9:15 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner