

TERM OF COMMISSION: April Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Room 243

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen Miller
District II Commissioner Skip Elkin
Deputy County Clerk Kerry Patton

The meeting was called to order at 1:30 p.m.

1. Purchasing –

Second Reading of Bid 16-21MAR06 Road Construction Equipment Rental

Commissioner Elkin moved that now on this day the County Commission of the County of Boone does hereby award bid 16-21MAR06 Road Construction Equipment Rental to the following:

Hertz Equipment Rental Corporation

Primary (4.7.1, 4.7.2, 4.7.6, 4.7.7, 4.7.8)

Secondary (4.7.5)

Roland Machinery Co.

Primary (4.7.3)

Secondary (4.7.1, 4.7.2, 4.7.6)

Tertiary (4.7.4, 4.7.5, 4.7.5.1-4.7.5.4, 4.7.8)

Crown Power and Equipment

Primary (4.7.4, 4.7.5, 4.7.5.1-4.7.5.4)

Secondary (4.7.8)

Tertiary (4.7.6)

Tri-State Construction Equipment Company

Secondary (4.7.3, 4.7.4)

Quaternary (4.7.5, 4.7.5.1-4.7.5.4)

Fabick CAT

Tertiary (4.7.1, 4.7.2, 4.7.3)

Quaternary (4.7.4, 4.7.8)

Cooke Sales and Service

Quaternary (4.7.6)

Commissioner Miller seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 131-2006**

2. Public Hearing – Discovery Ridge Research Park

John Gardner, Vice President of Research & Economic Development for the University of Missouri. 5009 Royal Lytham Dr., Columbia MO

Mr. Gardner stated he was here to respond to the concerns of developing the South Farm.

The University of Missouri in cooperation with the Cause of Agriculture as part the University South Farms would like to declare 113 acres of South Farms to be used as a Research Park.

As part of the process the curators go before all of the local bodies to declare intent, what they plan to do, and ask for comment. They have already appeared before the Planning and Zoning Commission for the City of Columbia and wish to do the same with the County. They would like recompile comments from both the commission and the residents before the next curators meeting on May 4th and 5th.

Commissioner Miller stated she has been contacted by a resident who has three concerns.

1. Are the Boone County Commissioners or Assessor aware of the Mo. Supreme Court opinion on taxation of private leaseholds at the MU Weldon Spring Research Park, and would this opinion apply to Discovery Ridge. (Both parks are legally developed under R.S.Mo. Sec. 172.273.3). See excerpt from those findings, below:

On August 1, 2000, the Missouri Supreme Court issued its opinion in St. Charles County et al. v. Curators of the University of Missouri, et al., Case No. SC82038, holding that R.S.Mo. Sec. 172.273.3 violates Mo. Const., Art. X, Sec. 6.

The constitution voids any law that exempts property not enumerated in Article X. Leaseholds in state property are not enumerated in Article X, section 6 of the Constitution.

Section 172.273.3 does state that the leaseholds here are "deemed the property of the curators," and shall not be "separately assessed." In fact, the lessees have title to their improvements, and the right to occupy them on the curators' land for terms between 75 and 99 years.

Property which, in fact, does not belong to the state, cannot be made state property by legislative declaration. Neither can the Legislature exempt property from taxation by declaring that such property, for the purpose of taxation, shall be deemed state property, when in fact it is not state property.

Following the ruling by the Missouri Supreme Court, the St. Charles County Assessor requested the St. Charles Board of Equalization to add the assessed value of contested

leaseholds back onto the 2000 property tax record and to notify the owners and/or lessees. For example, the St. Charles Board of Equalization increased the assessed valuation of the Subject Property from \$0.00 to \$1,267,230. (in HARMON HOLDINGS II, INC., Complainant, v. EUGENE ZIMMERMAN, ASSESSOR, ST. CHARLES COUNTY, MISSOURI, Respondent Appeal Number 00-33025)

Mr. Gardner responded to the first question. When Missouri Research Park originally began the state did convey tax exempt status to their tenants-. This is pre-supreme court hearing. When St. Charles, Missouri questioned the tax exempt status and whether that was the appropriate thing to. It did go to the Missouri Supreme Court and they did reverse the policy. That policy stands for all of University of Missouri's Research Parks including Discovery Ridge. We would convey no tax exempt status to any tenants in that park. If a business came in and struck up a long term land lease with us, which is our intent. We do not intend to sell any land in the research park, but to lease it. There tax liability would be on their improvements, or buildings or facilities they would build, and would also extend to the land.

2. Thus, is there an intention by the University to plat the Discovery Ridge industrial park; and by the County to assess subsequent leaseholds?

Mr. Gardner stated they would tax the leaseholds and we plan on platting the park.

3. While the Weldon Spring Covenants address plats and leaseholds, the Discovery Ridge covenants do not. Further, Discovery Ridge covenants do not (a) include definitions of terms; (b) set forth conditions under which land may be conveyed; nor (c) define the obligations of subsequent owners to conform to covenants.

Commissioner Miller confirmed that Discovery Ridge does not plan on selling, that is why it is not in the conveyance.

Mr. Gardner responded to the definition of terms. He explained the lease will be negotiated, and they have a template lease. They feel at Discovery Ridge, the burden is on the University to prove it's value. Today it is farmland. In three years with the eventual construction of the interchange the improvements and extension of Gans' road and the extension and improvements of the frontage road and the development of the Park itself we would hope it would greatly increase in value. That is their intent.

4. "Permitted research activities" defined by Section 172.273 of the Revised Statutes of Missouri, were broadly interpreted at Weldon Spring and now include A.G. Edwards, Nexstar (outsourced mortgage services), manufacturing plants and distribution centers, a hotel and golf course. At least one suit was filed against the Curators by an adjacent landowner, who contested that uses by Zoltec Inc. and Nike were illegal. The suit was settled out of court.

Commissioner Miller asked if this was really a research park or is this an industrial commercial development?

Mr. Gardner responded when you look at the conveyances, which are available on line, they are very similar to the Missouri Research Park. It is our intent with Discovery Ridge to create a neighborhood where the residents would want to be there for one purpose and that is the existence of the research program at the University of Missouri. If there is not a connection then there is no reason to be connected with the park. He did not think there will be commercial or private interest to attend the park. If you read the conveyance there is no interest by us to encourage such a relationship. Unlike Missouri Research Park they have no intention to be speculative. Their intention is for it to grow as the market would suggest it grow.

There are three types of tenants. Someone that is attracted to the University of Missouri for obvious reasons. We will strike up a long term land lease, and they will build there own facilities. There maybe University structures built with University Funds and I think they will be few and far between. I think the majority will be multi-tenant buildings. Building we build and lease on a square footage basis for growing businesses. These are business that either would come from the University itself, the community or around the state of Missouri and want to locate in Discovery Ridge because of it's proximity to the University of Missouri and it's faculty and research programs.

They intend to do no speculative construction. The construction would be from the University building it or a tenant building it based on a real market need.

Commissioner Elkin thanked the University of Missouri for keeping Boone County informed on what is happening with this project.

Commissioner Miller stated her appreciation with the interest in developing a low impact development as they develop the research park. She said it was an ideal place to tout that kind of issue for a public view. The Commission is supportive of the research park and our biggest concern was that the tax payers get their share, and it doesn't turn it into speculation. It has been well addressed, very clearly that is not the intention of the University.

Commissioner Miller stated they have some comments that the staff has developed from a planning perspective that will be sent over to Mr. Gardner.

3. Re-appoint Airport Advisory Board

Commissioner Elkin moved that now on this day the County Commission of the County of Boone does hereby re-appoint Donald Miles to the Airport Advisory Board for a term expiring April 20, 2010.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 132-2006**

4. Authorize use of Boone County Facilities

A. Columbia Independent Schools

Commissioner Miller moved that now on this day the County Commission of the County of Boone does hereby authorize the use of the Chambers on April 7, 2006 for the Columbia Independent School. It is further ordered that the Presiding Commissioner be hereby authorized to sign said application.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 133-2006**

B. L.I.F.E. Ministries

Commissioner Elkin moved that now on this day the County Commission of the County of Boone does hereby authorize the use of the Chambers on May 3, 2006 for the L.I.F.E. It is further ordered that the Presiding Commissioner be hereby authorized to sign said application.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 134-2006**

5. Commissioner Reports

There were no commission reports.

6. Public Comment

Danny Staples, 15100 N. Old No 7, Harrisburg, MO 65256

Mr. Staples stated that he lives on a road that has been upgraded to within a certain distance from Hwy 124 past our houses. This past year it was surfaced over again with gravel instead of maintaining the hard surface.

The largest number of houses on Old No. 7 are close to the road. When cars and trucks go by it causes dust storms to engulf our homes. The old rock quarry has reopened and still used dump trucks which makes it 10 times worse.

He is asking that the gravel be removed and the hard surface be maintained as it was. When the hard surface was originally done it was poured just beyond the existing homes so the dust was taken care of.

Commissioner Miller asked at what time it was hard surfaced and for what purpose.

Commissioner Elkin responded it was around 2001. He stated that he has been to the road and confirmed that it was a gravel road.

Mr. Staples stated when they reopened the quarry, things got worse.

Commissioner Miller asked if they have contacted Public Works.

Mr. Staples said when he contacted Public Works the first time they poured gravel on the road. He was told a resident further down the road complained about potholes. Public Works stated they would not fix the potholes, although they had for several years. Instead they would start to pour gravel. At that time Mr. Staples asked them to stop pouring gravel and they would live with the potholes.

Commissioner Schnarre asked when the last time Mr. Staples spoke with Public Works.

Mr. Staples responded the last time he spoke with Public Works was three weeks ago. Over the course of them dumping gravel he stated it was closer to a dozen times. He began to feel his calls were being ignored.

Discussion continued and Mr. Staples was assured by the commission that they would investigate to find out what happened, what options are available and get back to Mr. Staples with a response.

Andy Anderson with the Sheriff's Department - To Bring Recognition of National Child Abuse Prevention Month.

Mr. Anderson wanted it known that April was National Child Abuse Preventative Month. They appreciate all of the support that the County has given in the past and look forward to continued support.

There were no additional comments.

The meeting adjourned at 2:00 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner