

TERM OF COMMISSION: June Session of the May 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
Deputy County Clerk Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 7:00pm.

Commissioner Stamper stated that the purpose of this meeting was to discuss primarily planning and zoning issues, however there was one land use item on the agenda-the purchase of the fairgrounds.

Subject: Discussion on the Boone County Fairgrounds

Commissioner Stamper stated that over the past month, the Commission was engaged in a discussion on a possible (County) purchase of the Boone County Fairgrounds.

Commissioner Stamper stated that the purpose of tonight's discussion was to find out if the Commission had reached consensus agreement on the subject. Commissioner Stamper stated that all three Commissioners would make comments.

Commissioner Vogt stated that since Commissioner Miller had a proposal to offer, she would prefer to make her comments first.

Commissioner Vogt began by stating that when the proposal to purchase the Boone County Fairgrounds first came to the Commission, her first reaction was: why would we want to do that? She stated that for many months the Commission had looked at the issue, processed information, and listened to the comments from the public on the issue. She stated that a lot of other people who had the same initial reaction to the proposal had decided, as she had, that this was a good idea for Boone County.

Commissioner Vogt stated she looked at the concerns that were brought to the Commission by the public. She stated that the public hearings were very well attended. She stated that she believed that a majority of the public is interested in the purchase of the Boone County Fairgrounds. She stated that there had been a request to slow down on the purchase. She stated that the Commission took a long time to look at the issue and to integrate into the process the requests of the people that asked the Commission to slow down.

Commissioner Vogt stated that the Commission still had a lot to do. She stated that they still needed to ask for an appraisal on the property and work on the expense of the Coliseum. She stated that the biggest issue (and the one that she was greeted with by signs at the front door of the Government Center) was the use of Healthcare Profitshare Funds. She stated that it was her perspective as the Hospital Board of Trustees liaison and as a County Commissioner that the County gets one million a year, these funds go into General Revenue to pay for services and programs (general County business). She stated, but then you also receive a profit from someone else making money off of your hospital. She stated that it could be \$0 for one year and then \$2.3 million for another year. She stated that the entire time that the County had leased the hospital they received a little over \$7 million.

Commissioner Vogt stated that the Commission decided that this money needed to be put back into the County to support the community. She stated that if you are running a business and have a profit, then its profit. She stated that ProfitShare money is profit. She stated that keeping in mind that it is profit created by healthcare, this Commission decided to put this requirement on the money: that it be used for things that serve good public health .

Commissioner Vogt stated that the County was using this money to build tracks in Harrisburg and Ashland, a clinic in Centralia, a community center in Sturgeon, a community area in Hallsville, and a Senior Center in Ashland. She stated that all of these things were very similar projects to

owning the fairgrounds. She stated that this was an opportunity for the people of Boone County to enjoy recreational endeavors and to continue to stay healthy (mentally and physically). She stated that it was important to not only look at the things that support good physical health, but that we support our children in the future so that they can become successful adults.

Commissioner Vogt stated that Boone County decided not to support a mental health tax, but this County has in the past and probably will again in the future, support spending money to build jails, juvenile justice centers, and things used to house criminals. She stated that in her perspective it was a much better opportunity to be able to create a place where our children can grow up strong and healthy and where we as parents can support that.

Commissioner Vogt stated that this afternoon she was trying to figure out the disadvantages of owning the fairgrounds. She stated that the disadvantages that she heard people discussing were the obligation of a large part of the Healthcare ProfitShare funds, the utility cost of the Coliseum, and purchasing the property and allowing it to sit idle.

Commissioner Vogt stated that one of the advantages of a purchase would be the opportunity to open the door to the future for possible recreational activities and secure a location for groups such as 4-H. She stated that the Boone County Fairgrounds has one of the best R-V hookups in the State, which would bring business to the local restaurants and shops, etc. She stated this property could also compliment the Show-Me State Games.

Commissioner Vogt stated that in addition to the Healthcare ProfitShare funds, Boone County collects a ½¢ sales tax for General Revenue dollars and a ½¢ tax on every dollar for the road tax. She stated that everyone could be helped by the opening of this property for recreational activities that generate tourism dollars. She stated that she believed that this situation was similar to the Brush Creek property that was purchased for the new Boone Retirement Center building.

Commissioner Vogt stated that her final vote on this decision to purchase the fairgrounds property was based on the fact that this property would only increase in value. She stated that it would also make more money for the County, than allowing that money (Healthcare ProfitShare) to sit in the bank—even if the property were purchased and then had to be sold at a later date without being used.

Commissioner Vogt stated that the Commission invested County money everyday. She stated that the fairgrounds purchase was a good investment for the people of Boone County. She stated that she believed that the Commission would find a way to use the property to everyone's benefit.

Commissioner Vogt stated that she supported the purchase of the Boone County Fairgrounds.

Commissioner Miller stated that she attempted some independent research on the history of the fairgrounds. She stated that in 1949, the mission statement of the Fair Board was: Town and Country have joined to make the institution that will continue to grow. She stated that it was her hope that the Boone County Commission would vote to forever preserve this institution. She stated that she believed it was in the best interests of the County to go forward.

Commissioner Miller stated however, that she had some thoughts and contingencies concerning the issue. She thanked the Fair Board and the Fairgrounds Task Force for their countless hours and the public scrutiny that they endured for having the initiative to propose that the County preserve the 214-acre parcel.

Commissioner Miller stated that she felt that this purchase should be made because land does not reproduce itself. She stated that the preservation of open space was an investment to be measured in the future not the present. She stated that the need for more recreational facilities to serve Boone County's youth was evident. She stated that this land (214-acres) lies contiguous to other County-owned land and is in an area that is second in development permits only to the section containing the City of Ashland (per the annual report of 1998).

Commissioner Miller stated that this purchase was consistent with the Commission's parameters of supporting one-time projects to support the health, welfare, and quality of life of the County's citizens. She stated that this purchase would allow for the preservation of the fairgrounds for the

expansion of 4-H and FFA. She stated that the location provided great access to all, County residents by way of a major highway intersection. She stated that the land was ideally located to continue the plan for a trail being developed to connect area parks through the BearCreek corridor.

Commissioner Miller stated that 55% of County residents wanted some type of County involvement in the fairgrounds. She stated that the opportunity is now. She stated that similar opportunities such as Lake of the Woods Golf Course were a stretch for the City of Columbia, but are now a great asset to the city.

Commissioner Miller stated that in reviewing the testimony given at public hearings, phone calls, and letters, the major area of concern was the Coliseum. She stated that this facility would be a huge undertaking for the County to operate and one that she believes the County is not equipped to handle. She stated that she heard the call from the business community for the government not to compete with private enterprise. She stated that she also heard the citizens that did not support shutting down the Coliseum to a minimal use facility. She stated that she heard the director of the Convention of Visitors Bureau speak about the facility being an order-taker and never being marketed. She stated that if you look at the Convention of Visitors Bureau long-range plans (if they receive future funding), their plan is to focus on the development of the exposition market in the community (Hearnes Center, Midway, Holiday Inn, and Boone County Fairgrounds).

Commissioner Miller stated that if the Coliseum were limited to minimal use, the County would lose between 4,000-5,000 room nights a year and tax dollars that are supported by visitors. She proposed to the Commission that the County go forward and enter into an agreement with the Fair Board for the purchase of the 214-acre parcel at the price of \$2.8 million. She stated that this would include the equipment (that has a book value of \$200,753 and a replacement value of \$350,000).

Commissioner Miller stated that there were three things to consider before going forward with a purchase. She stated that one of them was, as Commissioner Vogt stated, a new appraisal to confirm the price (of the land). She requested that (number two) the Commission put out a proposal to lease the Coliseum, horse barns/stalls, including the chairs, bleachers, PA system and outside arena to a private entity. She stated that the lease could be structured to cover all utilities, day-to-day maintenance, and liability insurance on the facility. She stated that the lease would be structured to allow the Fair Board to continue to use all facilities for (ten days) for the annual fair in July. She stated that the lease would allow Boone Electric Cooperative to use the facility for six days a year. She stated that the RFP could allow 4-H to continue to use both inside and outside arenas for training when not in use. She stated that the lease could also spell out an agreement on the parking lot for shared usage so that Boone County could support other land uses of the open space.

Commissioner Miller stated that the lease could be for up to a five-year period (per statute) without a re-bid. She recommended a two-year lease, with three one-year options. She stated that rent could be structured as a base plus percentage of gross or a flat, monthly fee. She stated that the two, current leases should be negotiated to be changed to year-to-year leases, with four additional one-year options. She stated that contracts already signed would be reassigned to the successful lessee. She stated that there was interest in the business community for this (leasing by a private entity).

Commissioner Miller stated that her final recommendation was closing on the property by 1-1-2000 which would allow the Commission the time to finish all the things that it would need to do. She stated however, that a contract should be entered into so that everyone would understand that the County intended to go forward with this. She stated that there were some other things that she felt should be evaluated within that time frame (until 1-1-2000). She stated that a rezoning of the property to planned commercial should be considered in order to allow for maximum recreational flexibility in the future. She stated that she believed that voluntary annexation contingent upon the City of Columbia supplying bus service to the facility would also be beneficial. She stated that these things needed to come after the decision to buy the property.

Commissioner Miller stated that she supported the purchase of the property and would like to see the Commission leave tonight with a mission to find a way to support the purchase.

Commissioner Stamper stated that this issue had pushed him harder than most issues that the Commission deals with. He stated that he had done more soul searching on this issue than any issue that he had ever encountered. He stated that he found himself in a position of having friends, acquaintances, and enemies on every side of this issue. He stated that when you get that kind of feedback from people that you trust, rely on, admire and respect--particularly when they are in opposition to your views--it leads you to think very, very carefully. He stated that he did not understand all of the feedback and had particularly not understood the (sometimes intentional) misinformation.

Commissioner Stamper stated that he wanted to say on the front end that he felt that the County should proceed with a purchase, and proceed with its eyes open. He stated that the Commission could encounter something in the future that would be a deal-stopper. He stated that the strategy should however be from the affirmative and should be looked at in the perspective of : what is best for the community, not as what is worst. He stated that it should be looked at with a dream and a vision about what could be created, not what could be torn apart. He stated that there were many critical issues as his colleagues had mentioned, such as a final appraisal, final financing, and the Coliseum. He stated that he is committed to answering all of those questions and proceeding in that regard.

Commissioner Stamper stated that he believes in his heart-of-hearts that the County has the capacity and the ability as a community to do this.

Commissioner Stamper stated that he believed that issues such as this and other controversies in the community ultimately lead to better decisions. He stated that they ultimately bring new things to the table. He stated that if the effort is not put forth, then nothing is accomplished. He stated that difficult times should be embraced with the goal of moving the community forward.

Commissioner Stamper stated that this purchase did not make sense to him until he viewed it in a historical perspective and heard some of the things that the former-mayor and member of the City Council endured when they made the push to convert the old airport into a park. He stated that the park is now known as Cosmos Park and is one of the star parks in the community, but it started out as a 35-acre tract. He stated that the park was a result of a very good partnership between a local, civic organization and a city. He stated that what actually built the park was a partnership between the people of the community and their leadership. He stated that similarities between the fairgrounds and the Cosmos Park site are too overwhelming to ignore.

Commissioner Stamper stated that he also looked at the history of the Boone County Fair and how over time it choked itself out by selling land off that it held (free of title in some cases) and allowed urban development to go around it. He stated that he knew that the Fair Board could resolve much of its financial problems if it sold some of the land around the fairgrounds for a higher use, but that ultimately it would choke itself out. He stated that a different opportunity existed in his mind.

Commissioner Stamper thanked the Boone County Task Force for its work. He stated that it had taken some undeserved hits and that its work had been thorough even though some in the community had not been involved in that work.

Commissioner Stamper stated that the idea that these funds (Healthcare ProfitShare) were taking healthcare away from people was miniscule in comparison to the \$4.5-5 million dollars that are going to the operator of the facility for administrative overhead and to support St. Louis hospitals. He stated that if this was anyone's concern, then they should work with the Commission to turn the flow of that money around.

Commissioner Stamper stated that the Commission's commitment to public healthcare is stronger than ever. He stated that they are investing more dollars (building half of a clinic in Centralia, thousands to social service agencies—Parkade Family Health Center—and a variety of other places where money was never spent before). He stated that they had deeply invested in the health, welfare, well-being, and quality-of-life in this community.

Commissioner Stamper stated that he had three grave disappointments with the process. He stated that one of the disappointments he would take responsibility for and the others were ones that he experienced.

Commissioner Stamper stated that the last disappointment happened yesterday, when someone referred to the money as blood money. He stated that this was tied to actions that are inflammatory and designed to hurt, pierce, and mislead.

Commissioner Stamper stated that nothing could be further from the truth and he does not have a lot of tolerance for that kind of behavior. He stated that he believed the public held the Commission to a higher standard than that, and he held those who worked in that manner to a different standard. He stated that this kind of behavior is very unfair and unjust. He stated people should look at how they want to be treated in this community, not how they randomly chose to treat people.

Commissioner Stamper stated that the second disappointment was the criticism of the process. He stated that he believed that the process was thorough. He stated that the Government Center demonstrated the Commission's abilities to process. He stated that he also believed that the Commission had the capacity to do this.

Commissioner Stamper stated that the possibilities are endless for this purchase. He stated that this could become the next Cosmos Park or better. He stated that he had complete optimism about the future. He stated however, that there were no possibilities if the purchase was not made.

Commissioner Stamper stated that he recognized that there are people in the community who strongly feel that this should not occur. However he strongly feels that it should occur. He stated that he felt strongly that the vote cast as the Commission moves through this, would be an investment in the future. He stated that this was the reason that he wanted this job, in order to be involved in those kinds of opportunities.

Commissioner Stamper stated that there was a comment made to him on the radio: how dare you play the kids' card! He stated that he was astounded that someone would call with that perspective. He stated that he responded to the call in this way: "You bet I am going to play the kids' card and if it makes you feel uncomfortable, then tough. Because if we don't play that card and stand for them, and if we don't set this land aside, in the future, there won't be anything for them." He stated that this is a terribly important part of the fabric of the community and of the family.

Commissioner Stamper stated that he was going to keep right on playing the kids' card because he believes in it. He stated that the day that this purchase would be a success, would come "when we've created a recreational complex and some kid who lives in a trailer court and only has one parent, and could not afford to participate in organized recreational activities gets a chance to participate."

Commissioner Stamper stated that he believed that there were a lot of issues to work through. He stated that one of the disappointing parts of this is that this is where the work begins instead of ends. He stated that this had been a very difficult issue for the Commission.

Commissioner Stamper moved to proceed with negotiating a contract for the acquisition of the property known as the Boone County Fairgrounds from the Boone County Agricultural and Mechanical Society for a cost of \$2.8 million and that the negotiation be contingent upon an additional appraisal, approval of final financing by the County, and a plan by which we (the County Commission) will deal with the Coliseum.

Commissioner Stamper stated that he sensed some discomfort from the Commissioner Vogt.

Commissioner Vogt asked if the word policy could be used instead of plan.

Commissioner Stamper stated that what he believed Commissioner Miller had in mind was to have a plan for the Coliseum before purchase is made and that could be leasing it to a private entity, etc. He stated that he believed that a policy and a plan were very close in nature.

Commissioner Vogt asked if it would be that big of a deal to change the word to policy.

Commissioner Miller stated that she wanted to leave the word as "plan."

Commissioner Stamper offered the motion (with the word "plan").

Commissioner Miller seconded the motion.

Discussion: Commissioner Vogt stated that she did not agree with all of Commissioner Miller's recommendations. She stated that she had some concerns about her plan. She stated that her concern was that once this land was purchased was that it would become public property. She stated that she would look at any kind of opportunity to lease a portion of it, however she still maintained that this would be public property and should be made available to the public. She stated that there would need to be discussions on how to compromise on that issue. She stated that she did not believe that this issue would be a deal-stopper, however she stated that she is a little uncomfortable with saying that the facility would be leased to someone.

Commissioner Stamper stated that this is not what the motion stated. He stated that the motion did not adopt Commissioner Miller's proposal, but simply says that as part of the final negotiations before closing, a plan for the Coliseum would be completed. He stated that the plan could be along the lines of what Commissioner Miller's recommended or to take the facility to minimal use. He stated that this (Commission) is a majority-rules body and those types of issues would have to be hashed out in detail.

Commissioner Miller stated that she would actually have liked the wording in the motion to be stronger, but compromised and went with the word "plan."

Commissioner Miller asked if the closing date of 1-1-2000 should be stated in the motion.

Commissioner Stamper stated that the closing date probably ought to be left to some of the financial aspects of the purchase. He stated that to suggest a closing date at this time might be a mistake.

Commissioner Vogt stated that she felt that Commissioner Miller was trying to make this too rigid and if the Commission wanted to get the best deal for the public of Boone County then they needed to have room to work. She stated that she would have a problem with stating a date for the closing.

The motion passed 3-0. **Order 235-99**

Commissioner Stamper thanked everyone who participated. He stated that this would be an ongoing process that the public would be invited to be a part of. He stated that if anyone had suggestions or comments on how to complete the process more effectively, the Commission would be open to those comments.

Subject: Request by Phillip and Cynthia March to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 5.0 acres, more or less, located at 23333 N Angell School Rd., Centralia

Stan Shawver gave the staff report as follows: this property is located 2 miles northwest of Centralia on Angell School Rd. The tract is part of an 80 acre tract that is zoned A-1 (Agriculture). All of the surrounding property is zoned A-1. The property is currently vacant, and has been used for row crops. If approved, the 5 acres included in this request will become a home site as part of a family transfer. Water is provided by Public Water District No. 10. Boone Electric Cooperative provides electric service. This site is within the Centralia School District.

The original zoning on this parcel is A-1. The master Plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the plan. Staff notified 10 property owners about this request. There were no comments made at the Planning and Zoning Commission hearing, nor did the staff hear any comments prior to the hearing on June 17th.

Planning and Zoning Commission made a motion to approve the request. The motion received seven yes votes. Staff recommends approval of the request.

Commissioner Stamper asked if there were any questions for staff.

There were no questions for staff.

Commissioner Stamper asked if the applicant or agent of the applicant would like to make comments.

Elton Fay (agent of the applicant) 1103 E Broadway stated that he agreed with Stan Shawver's comments. He stated that the site for the house would take less than an acre and because of family issues and transfers of land within the family, his clients only desired to transfer five acres of land. He stated that this tract was in the middle of 80 acres. He stated that if did not make sense to take ten acres out of 80 acres, so therefore his clients were requesting approval of the rezoning.

There were no questions of the applicant or agent of the applicant.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper called for comments three times.

There was no one that wished to make comments.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve a request by Phillip and Cynthia March to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 5.0 acres, more or less, located at 23333 N Angell School Rd., Centralia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235A-99**

Subject: Request by Shelter Enterprises, L. L. C. to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 22 acres, more or less, located at 6300 W. Sugar Creek Rd., Columbia

Stan Shawver gave staff report as follows: This property is located 2 miles west of Columbia on Sugar Creek Road. This request includes 22 acres of a larger 69-acre tract of land. 16.4 acres of this tract are zoned A-2 and 5.6 acres are zoned M-L. Property to the west is zoned M-L. To the south it is zoned A-2. To the east is zoned A-2 and A-R. Interstate 70 separates this site from properties to the north. There are three buildings on the site, one of which contains over 26000 sq. ft. The applicants are requesting that 22 acres be rezoned to M-LP. At a later date, a review plan and a final development plan will be required before the zoning will actually change to the requested classification. Prior to the adoption of county zoning, this property was the site of an auto salvage operation. An existing land use map prepared at the time the original master plan and zoning map were being prepared shows an auto salvage operation at this site. However, when the zoning map was approved, it included an apparent error in that M-L zoning was bestowed on the property located to the west of the actual salvage site. This request is to attach

the intended zoning to the appropriate piece of land. It will not change any of the surrounding zoning, thus leaving 14.3 acres of M-L designation attached to the land to the west. There will also be 2.6 acres of M-L land remaining on the Shelter property, which is south of the present request site. The Master Plan designates this site as being suitable for residential purposes. Staff notified 26 property owners about this request.

Staff recommends approval of this request as a method to correct the apparent mapping error made in 1973.

Planning and Zoning Commission conducted a hearing on June 17th. One gentleman spoke in opposition to the request, Mr. Murphy. His concern was that ten acres of land originally owned by Shelter in 1973 had been acquired as was being included in the request.

Planning and Zoning Commission made a motion to recommend approval of the rezoning request. It received 5 yes votes, one no vote, and there was one abstention.

Commissioner Stamper asked if there were questions of staff.

There were no questions of staff.

Commissioner Stamper called for comments from the applicant or agent of the applicant.

Tim Reed, (agent of the applicant) 1113 Fay Street stated that for many years Shelter Insurance assumed that the zoning district encompassed their building and operation. He stated that when Shelter Insurance was preparing to sell, they discovered the mapping problem. He stated that they were now trying to rectify that and in order to make it more palatable, Shelter requested a planned industrial district (so that any purchaser of the property would have to go through the planning process as opposed to an open industrial zone).

Commissioner Stamper asked the two gentlemen at the table to state their name, address and affiliation to the request for the record.

Response: Tim Reed, 1113 Fay Street with Engineering Surveys & Services. He stated that they had been working with Shelter Enterprises to survey the property and get it rezoned.

Second Response: Keith Kurd, Property Manager for Shelter Insurance.

Commissioner Stamper called for questions of the applicant or agent of the applicant.

There were no questions.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper called three times for comments.

There was no one that wished to make comments on the request.

Commissioner Stamper closed the public hearing.

Commissioner Miller asked the size of the total tract.

Keith Kurd stated that it is 65 acres.

Stan Shawver demonstrated on the map the size of the property.

Commissioner Miller moved to approve the request by Shelter Enterprises, L. L. C. to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 22 acres, more or less, located at 6300 W. Sugar Creek Rd., Columbia.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235B-99**

Subject: Request by Harold and Wanda Cunningham to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) of 4.55 acres, more or less, and to approve a Review Plan for Ponderosa Planned Industrial Development located at 5495 S Ponderosa St., Columbia

Stan Shawver gave staff report as follows: This property is located on Ponderosa Street, off of the west side of Hwy 63 south, immediately south of Prairie Meadows Estates and north of Williams Brother's tank farm. The land proposed to be rezoned is Lot 2 of Ponderosa Subdivision and contains 4.55 acres. The current zoning on this tract is split between R-S (Residential Single Family) and C-G (General Commercial). Property to the south southeast, the site of the tank farm, is zoned M-L (Light Industrial) backed up by a strip of C-G. To the south of the subject property the land is zoned R-S. Land to the west, which includes Prairie Meadow Estates, is zoned R-M (Residential Moderate Density). Adjacent land to the north is zoned C-G and R-S. The land to the north across Highway 63 is zoned A-1 (Agriculture). These are all original 1973 zonings. This property is currently the site of a roof truss manufacturing business, this use is currently a zoning violation, if the rezoning and review plan are approved it will bring the use closer to being in compliance with the use provisions of the zoning ordinance. This site is split between the Columbia Public South and the New Haven R-2 School Districts. Water is provided by Consolidated Public Water District No. 1. Electric service is provided by Boone Electric Cooperative. The Master Plan designates this area as being suitable for residential land uses. However, the Master Plan suggests that where appropriate, future commercial and industrial zoning districts can best be developed as planned developments. Staff notified 39 property owners about this request.

There was no one that appeared in opposition to the request nor were there any phone calls received in opposition to the request prior to the Planning and Zoning Commission hearing.

Planning and Zoning Commission made a motion to recommend approval of the request subject to the following conditions on the review plan:

- **That the review plan have the accurate surrounding zonings located and shown on it and the site location map be modified to more accurately describe the property.**
- That the proper number of parking spaces be shown on the review plan prior to signature.
- **That DNR approval of the wastewater plans and system is obtained prior to final plan approval or any issuance of any permit on the property.**
- That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that use or continued use of the property without this approval be considered a violation of this condition.

The Review plan received unanimous support from the Planning and Zoning Commission, consequently a motion was made to approve the rezoning request and that received unanimous support as well. A recommendation for the review plan (with those conditions) and a recommendation for the rezoning are coming forward to the County Commission.

Commissioner Stamper called for questions of staff.

There were no questions for staff.

Commissioner Stamper called for comments from the applicant or agent of the applicant.

Dan Brush of Brush & Associates (agent of the applicant) 506 Nichols Street and Harold Cunningham (applicant) were present but did not make any comments.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper called for comments three times.

There was no one that wished to make comments.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve a Review Plan for Ponderosa Planned Industrial Development located at 5495 S Ponderosa St., Columbia with the following conditions:

- **That the review plan have the accurate surrounding zonings located and shown on it and the site location map be modified to more accurately describe the property.**
- That the proper number of parking spaces be shown on the review plan prior to signature.
- **That DNR approval of the wastewater plans and system is obtained prior to final plan approval or any issuance of any permit on the property.**
- That the development meet fire district requirements for commercial/industrial uses as a condition of approval and that use or continued use of the property without this approval be considered a violation of this condition.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235C-99**

Commissioner Miller moved to approve the rezoning request by Harold and Wanda Cunningham to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) of 4.55 acres, more or less, located at 5495 S Ponderosa. St., Columbia, with zoning to take effect upon approval of final plan.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Stamper stated that Mr. Kirkpatrick had not signed the document yet and asked if that would cause any problems.

Stan Shawver stated that it would not.

The motion passed 3-0. **Order 235D-99**

Subject: Request by Betty Fountain and Jay and Mary Dix to approve a Final Development Plan for a portion of Copper Creek Planned Residential Development, located at 7901 E St Charles Rd., Columbia

Stan Shawver stated that this property is zoned A-R and is located on St. Charles Rd.

Commissioner Stamper asked if there was a need for a public hearing on this request.

Stan Shawver stated that there was not.

Commissioner Vogt moved to receive and accept the Final Development Plan (2) Copper Creek for a Planned Residential Development and approval of the plan approve the zoning change to A-R. The Presiding Commissioner is authorized to sign the document.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235E-99**

Subject: Marsh Commercial. C-G. S3-T48N-R14W. Joseph and Marian Marsh and Samuel and Donna Marsh, owners. James V. Patchett, surveyor.

Stan Shawver stated that there was a conference held with the potential buyers this afternoon about the plat. He stated that the plat was pulled out of this packet at that time, therefore he did not have the plat with him at this time.

Stan Shawver stated that Marsh Commercial is a one-lot subdivision located at the Rte J interchange and is zoned C-G. He stated that the property is owned by Samuel and Jo Marsh.

The Planning and Zoning Commission approved the final plat. He stated that if it was acceptable to the County Commission, approval could be given and then Commissioner Stamper's signature could be obtained later.

Commissioner Miller moved to receive and accept the Marsh Commercial final plat and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235F-99**

Subject: Replat of Lot 72 and Lot 73 of Valley Creek Plat 8 PRD. R-M. S3-T48N-R12W. Alan Lynch Construction Co., owner. James V. Patchett, surveyor.

Stan Shawver stated that Valley Creek was located off of St Charles Rd and Clark Lane. He stated that this is Planned Residential Development originally developed by George Godas. He stated that one of the conditions of approval of the PRD was that each lot, as it is being built on, come back with a final plat splitting it into the two parcels. He stated that these structures now have single-family attached dwellings on them.

Stan Shawver stated that the Planning and Zoning Commission approved both of the plat and they are ready to be received and accepted by the County Commission.

Commissioner Vogt asked how many zero-lot lines these plat have.

Stan Shawver stated that there were only about three or four left now. He stated that they were all sold. He stated that there were 18 zero-lot lines originally.

Commissioner Vogt moved to receive and accept a replat of Lot 72 and Lot 73 of Valley Creek Plat 8 PRD and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235G-99**

Subject: Missouri River View

Stan Shawver stated that this development was platted and surveyed off under the old regulations in five-acre lots. He stated that this property is zoned A-2. He stated that this falls under the current regulations as a regular subdivision plat.

Commissioner Miller moved to receive and accept the minor subdivision Missouri River View plat and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 235H-99**

Commissioner Reports

There were no reports given.

There was no public comment.

The meeting adjourned at 8:00pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner