

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
Buyer Phil Fichter
Interim Director Resource Management Bill Florea
Administrative Asst. Prosecuting Attorney Bonnie Adkins
Sheriff Captain Gary German
Resource Mgt. Code Enforcement Officer Ryland Rodes
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 1:32 p.m.

Purchasing

1. First reading; Cooperative Contract 031715-KII, KI Office Furniture

Phil Fichter read the following memo:

Purchasing requests permission for our offices to utilize the National Joint Powers Alliance (NJPA) cooperative contract for Krueger International (KI) office furniture with Inside the Lines of Columbia, Missouri as our representative.

The contract expiration date is April 9, 2019 and it has one (1) one-year renewal. This is a county-wide term and supply contract.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

2. First reading; Cooperative Contract 3-150930RW to purchase two (2) Henderson 10 Foot Snowplows and dispose of two (2) Snowplows

Phil Fichter read the following memo:

Public Works requests permission to utilize the Missouri Department of Transportation General Services (MODOT) Contract 3-150930RW to purchase two (2) Henderson 10 Foot Snowplows from Henderson Products, Inc. of Chicago Illinois. Cost of contract is \$15,640.00 and will be paid from department 2040 - PW Maintenance Operations, account 92300 - Replacement Equipment.

These are replacement purchases and the 2017 budgeted amount for both snow plows is \$15,200.00. Savings from the Motor Graders previously purchased in 2017 will cover the \$440.00 difference per Greg Edington, Public Works.

The Purchasing Department requests permission to dispose of the following surplus:

1988 Henke 36Rl O Snow Plow, with fixed asset tag 7892

1999 Henke 36Rl 1 IS Snow Plow, with fixed asset tag 11804

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

3. Second reading; Bid Award 07-02FEB17 – Davenport road Drainage Structure Improvement (1st read 2-2-17)

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby award bid 07-02FEB17 – Davenport Road Drainage Structure Improvement to Boone Construction Company of Columbia, MO.

Terms of the bid award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #99-2017**

Sheriff's Department

4. First reading; Missouri Highways and Transportation Commission Blueprint for Safer Roadways Program Agreement

Captain German said that in the Hwy. 124 N corridor, we had four fatalities in 2016 and the Coalition for Safer Roadways – Central District, approached us to perform some enforcement activities there. So, this is them offering us \$2,500 to do some enforcement in that area. MoDOT has put up some signs and the Highway Patrol has some overtime efforts as well as some radar activities.

Commissioner Thompson thanked Captain German for doing this. The County has lost too many lives.

There were no further comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

5. First reading; Budget Revision for garbage disposal replacement in Corrections

Captain German said this is a budget revision for \$1,130. At the end of 2016, Facilities Maintenance attempted to repair the garbage disposal and were not able to. Replacement is necessary so this will be coming out of the Corrections budget.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Prosecuting Attorney

6. First reading; Budget Amendment to establish budget for additional funds awarded for VOCA grant

Bonnie Adkins said this is to establish a budget for the additional funds received through VOCA. The funds will be used for furniture in the witness waiting room, furniture in the lobby, carpet, and travel and training for staff members of the Prosecutor's Office.

Commissioner Atwill asked if there are any county funds required.

Ms. Adkins said there is a 20% match but it is taken from an existing salary in the office.

There were no further comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

7. First reading; Budget Amendment to establish budget for funds awarded for Crime Victims' Rights Week 5K

Bonnie Adkins said this is also additional funds to hold a 5K race at Stephens Park on April 2nd at 2:00 p.m. to honor crime victims. There are no matching funds required.

There were no comments or questions.

Commissioner Atwill said there will be a public hearing and second reading after the mandatory 10-day waiting period on Budget Amendments.

Resource Management

8. Public Hearing on Re-adoption of the Building Code

Bill Florea said this is the second of three public hearings as required by statute.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak to this item. There were no speakers and Commissioner Atwill closed the public hearing and said the third and final public hearing will be March 7, 2017.

9. First reading; Revision and Re-adoption of the Boone County Zoning Regulations and Boone County Stormwater Ordinance, Sections 1 – 28

Ryland Rodes said that Boone County participates in the NFIP – National Flood Insurance Program which is underwritten by the Federal government. This participation makes it possible for property owners to obtain flood insurance.

Boone County has participated in this program since 1983. Back then, the maps we received were simple schematic descriptions of Boone County and the flood plain. In 2011, FEMA came in and digitized the flood plains on aerial photos which helped out a lot. Since then, we now have further improvements using the latest imagery that integrates new topography on to the maps. This did affect a few individuals and letters were sent out.

Flood Plain maps and regulations are actually part of the Zoning Regulations and as such, it is recommended that the County Commission adopt the entire package. The P & Z has already conducted three public hearings on this matter and they all recommend adoption.

C. J. Dykhouse said this is a re-adoption of the entire package and facilitates enforcement of our Zoning and Stormwater Regulations. There is only one change the Commission is asked to make and that is the Flood Plain Ordinance, but we are re-adopting the entire package

The Commissioners thanked Mr. Rodes and Mr. Dykhouse for the hard work in getting this completed.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Commission

10. Second reading; Application for Chapter 100 tax incentives to AOD-MO Holdings, LLC, d/b/a Aurora Organic Dairy (1st read 2-23-17)

Commissioner Atwill said we normally don't have additional comments on second readings, but because of the public interest in this particular matter, if anyone has new information, we will allow their comments.

Bill Watkins said he is with the REDI Board and has with him today Matt Williams, another member of the REDI board, as well as representatives of the REDI staff in addition to the VP of the Missouri Partnership. We are here today to answer any questions you may have of this application.

Commissioner Parry said for clarification to the public, after the vote today, there is a period where we are allowed to create an agreement.

C. J. Dykhouse said the official action is for the approval for the Chapter 100 application at the levels of 75% abatement for new real property investment for a period of 10 years and 75% abatement for new personal property investment for the class life or 10 years, whichever is shorter. The Commission Order will incorporate all the application material that has been presented as part of that approval.

Next, we begin the process to create the performance agreement, lease agreement and ultimately the bond issuing documentation in consultation with our bond counsel, GilmoreBell. That will then come before Commission for later approval. It will be consistent with the terms of the Commission Order that will be entered today.

Commissioner Atwill asked if there is anyone else that would like to speak on this issue.

Scott Dye said his comments today concern REDI, not the AOD proposal.

Today's planned vote has seemed preordained since January 14th, the date REDI announced the Aurora Organic Dairy proposal. After four years of secret negotiations that included no knowledge or participation of the public, REDI then chose to railroad this project past our city and county elected officials.

With all due respect to officials at REDI, to outsiders like me, also called ordinary citizens, that are not privy to their closed-door negotiations, REDI appears to be nothing more than a secret society of moneyed interest, who claim to be working for the interests of everyone.

Meanwhile, city officials continue to delay and stonewall repeated legal requests for public access to open records that could shed light on how private negotiations on this massive transaction of taxpayer funds were conducted for years without any public involvement. Mr. Midkiff and I have asked for all the open records. Mr. Midkiff was told it would be \$1,700 to receive these records and my organization would be charged \$1,088. We don't have that money, but feel that the public has a right to know about this. The entire process has been a shameful failure of open and transparent government.

AOD has faced repeated concerns about their compliance with federal laws, and yet, this is the best company that REDI can offer to city and county taxpayers. Ratepayers deserve better and should question whether REDI is simply valuing jobs over ethics.

Let's quit pretending that AOD will be hauling their milk to Columbia from their Colorado dairy factories – 770 miles away or from their Texas operations – 611 miles away. Again, that simply doesn't pass the straight face test.

The collateral damage of AOD's Columbia milk processing plant will likely be felt in surrounding counties, where rural families will face an unprecedented expansion of allegedly

organic industrial-scale factory dairies housing thousands of head of cattle per facility. Our neighboring counties' communities will pay the ultimate price with the loss of quality of life and diminished property values.

We do appreciate the Commission's comments in the article in the paper today. You have been listening to what we have been saying about our concerns with REDI and the process.

We strongly urge the Commission to table a vote on approving Chapter 100 incentives for AOD until such time that City officials release public documents on four years of secret negotiations, and taxpayers can determine how we went from never heard of this company, to throwing millions of dollars at a factory dairy enterprise that will create significant problems elsewhere, in addition to jobs locally. REDI, City and County officials should not be in the business of promoting factory farms.

The Commissioners thanked Mr. Dye for his comments and Commissioner Atwill asked if there is anyone else to speak.

Dennis Schnell said he has a Grade A dairy here in Boone County and would like to state again, paying \$3 Million for 100 acres and selling it for \$2 Million, we are tired of our tax dollars being misused. Now, a 10-year tax break and we are all asking why. I didn't get one, I didn't get any incentives when I built my dairy farm in Boone County.

A company this size, they don't need any handouts or deals. We are penalizing the local taxpayer. A dairy on this scale, all they do is make their cows a machine. There is no way they can graze 3,000 cows. If the dairies were to come to Boone County, which I personally don't think they will because the taxes are too high in Boone County already, and too many regulations, they will pick other counties to go to and you won't get the revenue anyway.

In the last meeting, MU Extension had a slide show with many numbers. There was one slide that showed \$192 Million that this company would generate for Boone County.

Commissioner Atwill said that was not accurate. The figure was not for Boone County, but for a geographic area larger than Boone County.

Mr. Schnell said okay, but they could not tell us the price of a ½ gallon milk between real milk and organic. Once again, organic is a joke. It is a marketing scam, nothing but a label. This needs to be tabled.

Commissioners thanked Mr. Schnell for his comments.

Commissioner Atwill asked if there is anyone else that would like to speak.

Subash Alias said he is with the Missouri Partnership. We are a non-profit economic development group working on attracting companies to the state on behalf of the Missouri Department of Economic Development. Mr. Dye made a comment about the secrecy and nature of these projects. This is very, very common in this industry to do things, sort of, behind the scenes.

There are three reasons for this as follows:

- Companies don't want to reveal to their competitors what their plans are. It affects their competitive position. AOD is a market leader and they don't want to jeopardize their standing
- There is an employee issue. Current employees get confused when companies are looking at other areas. They get concerned about their jobs. This is kept from current employees until they are ready to make announcements.
- Companies get bombarded from salespeople looking to sell them products.

We at Missouri Partnerships, on average, have 50-60 projects and 95% of them have code names and all are treated as confidential. We do this out of respect for the company and their

competitive position and Missouri is not the only economic development group that uses confidentiality and code names. It is very common and I do appreciate how it looks, but that is the reason why it is done. Then, we have this public process here, when things become more open.

The Commissioners thanked Mr. Alias for that explanation.

Commissioner Atwill asked if there are any additional speakers. There were no additional speakers and Commissioner Atwill closed the public comment section of this application.

Commissioner Parry said he does agree with some of the comments concerning the process, which is not ideal. There are some significant issues with the County's current Chapter 100 process and we plan to address those almost immediately. I respect the necessity to keep these things private, but there is most likely a need for more transparency in the process and we can all benefit from that.

There are a lot of things we would like to tweak about the policy. We as a Commission, I think, are somewhat unanimous on what is currently wrong with the policy. If a company gets a significant tax break at 75% abatement of taxes, we should expect more from them. The Commission will incorporate a corporate citizen clause in the Chapter 100 policy so we have an up-front understanding with companies and their expectations. We need to rationalize to our constituencies why we give 75% abatement to a company creating 100 jobs and a 50% abatement to a company creating 325 jobs.

There may be a logical reason for doing this, but we owe it to our constituencies to help them understand how these deals are made. There is great room for improving the process and you have a County Commission that is very committed to improving this process.

Commissioner Thompson said the other piece of that process, while I believe we are committed to improvement, is the consideration of the impact these projects have on the local community. It is not just job creation, but the impact on our infrastructure. It is the impact on our transportation and on our utility infrastructure. Those must be thoroughly vetted as those are pieces of our corporate life that impact all of us. We need to be very mindful of gathering the data in a neutral fashion to make decisions wisely. All the taxing entities that are involved in this can have this data and this is something we can improve going forward.

Commissioner Atwill said this county stands out and to some extent, stands alone in the state as having a high quality of life. I think our biggest purpose is to make sure we maintain this as the community and county grow. That is part of the difficulty of these kinds of issues that we face. While it is possible, and necessary, to have confidentiality with respect to these things, it is important that we be very careful and work hard, as we have, to be sure the citizens, overall, are best served keeping in mind the efforts to bring in new business to our county and the obligations of the government as well. We have been sensitive to those additional needs that will arise resulting from these new obligations that are created.

If there is one thing about this new project that is of concern to me, it is that we are going to be dealing with road issues. Nobody else builds roads other than the government. We have to take care of the roads and it is extremely important, in so many ways. If you look at the path that's involved and the traffic flow pattern that will result from this, you can't help but be a little concerned. That is part of my thinking on this.

Our county is fantastic. It is fantastic because people volunteer in this county on boards and commissions and other charitable organizations. As long as we maintain this quality of life and with the generosity of the community, I think it will continue. The county could not be successful without the volunteers we have out there helping us every day. It is extremely important we think of their interests as well.

Commissioner Parry said one of the things, as we look at improving the process for Chapter 100 Bonds, is that it is essential to check the financial viability of a company. I know the Missouri Partnership takes some responsibility, but we continue to get inconsistent messages. It may be a product of the lack of transparency and not having everyone in the same room at the same time. I understand most of the time that is not possible, but we do get conflicting messages.

Mr. Midkiff and Mr. Dye do have some legitimate concerns, one being about the environmental impact. Again, that is another area where we tend to get inconsistent messages about what the City of Columbia's infrastructure is truly capable of handling. I think we are going to ask for the City of Columbia to certify and take full responsibility that there is sufficient infrastructure for the project.

There has to be more of a discussion on the transportation infrastructure. We don't know the impact of adding 60 semi-trailers to the intersection of US 63 and I-70. We never talked about that. When we add that many 18 wheelers to that intersection, what does that do to the public safety and wear and tear on the roads that the public is responsible for repairing. There are a lot of things we want to talk about and I think you will see a dramatically improved process in the months to come.

Commissioner Thompson said she believes we have a letter from the City of Columbia Manager, Mike Mathes, attesting to the financial viability of Aurora Dairy and also attesting to the ability of the utility infrastructure to handle what we have been talking about.

C. J. Dykhouse said that is correct and that information will be incorporated as part of the Commission Order considered today.

Commissioner Thompson said that it has been mentioned before, but we need to vet these questions very thoroughly. This is not about us, but the people of Boone County.

There were no further comments or questions.

Commissioner Parry moved on this day the County Commission of the County of Boone, pursuant to its Chapter 100 Policy adopted in Commission Order 600-2010, does hereby receive and accept the recommendation from the Chapter 100 Review Panel to approve the Chapter 100 application from AOD-MO Holdings, LLC, an affiliate of Aurora Organic Dairy, for a 75% abatement for new real property investment for a term of 10 years and a 75% abatement for new personal property investment for a term of that personal property's class life or 10 years, whichever is shorter, with the property investment details set forth in the Application filed herein by AOD. The Commission will effectuate this Chapter 100 abatement approval in documents to be approved at a later time, to include leases, performance agreements, and such other documentation as recommended and approved by Gilmore & Bell, the County's bond counsel, and the County Counselor. Said documents will include the following:

- Employment targets which condition the full 75% abatement upon achieving agreed-upon targets of “qualifying jobs” (jobs which pay at or above the current county average wage), and a reduction to 50% abatement for falling beneath said targets, and a reduction to 0% abatement for not maintaining a minimum level of employment, approved by the County and agreed to by AOD on or before AOD’s acquisition of the real property in Columbia, Missouri for the new facility;
- Evidence of good corporate citizenship through commitments for charitable giving consistent with its historical practices set forth in AOD’s Application; and
- A company goal to hire appropriately qualified Boone County citizens who are disabled (to include the developmentally disabled and/or physically disabled).

The County Commission thanks the representatives from the impacted taxing entities (Boone County Family Resources, City of Columbia, Boone County, Columbia Public Schools, and the Boone County Library District) for their service on the Chapter 100 Review Panel in connection with this application.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #100-2017**

11. Second reading; Amendment #2 to Parking Lot Lease with First Christian Church of Columbia, MO (1st read 2-28-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number #2 to Parking Lot Lease between Boone County and First Christian Church of Columbia, Missouri.

The terms of the amendment are stipulated in the attached Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number #2 to Parking Lot Lease.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #101-2017**

12. 1st & 2nd reading; Organizational Use of the Government Center Chambers by Sierra Club – Osage Group for March 10, 2017

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Chambers by Sierra Club – Osage Group for March 10, 2017 from 6:00 p.m. to 9:05 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #102-2017**

13. 1st & 2nd reading; Organizational Use of the Centralia Clinic by the Boone County Schools Mental Health Coalition for various dates in 2017

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Centralia Clinic by the Boone County Schools Mental Health Coalition from 12:30 p.m. to 5:30 p.m. for the following dates in 2017:

- | | |
|----------|--------------|
| March 29 | August 30 |
| April 26 | September 27 |
| May 31 | October 25 |
| June 28 | November 29 |
| July 26 | December 27 |

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #103-2017**

14. 1st & 2nd reading; Organizational Use of the Centralia Clinic by PEO Chapter-LT for various dates in 2017

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Centralia Clinic by PEO Chapter – LT from 8:00 a.m. to 12:30 p.m. for the following dates:

2017

- | | |
|----------|--------------|
| March 7 | June 6 |
| March 21 | September 19 |
| April 4 | October 3 |
| April 18 | October 17 |
| May 2 | November 7 |
| May 16 | December 12 |

2018

January 16

February 20

February 6

March 6

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #104-2017**

15. 1st & 2nd reading: Organizational use of the Courthouse Plaza by Sheena Coffee for March 3, 2017

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Courthouse Plaza by Sheena Coffee for March 3, 2017 from 5:30 p.m. to 8:30 p.m.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #105-2017**

16. Public Comment


None

17. Commissioner Reports

Commissioner Thompson said she will be preparing a report on the NACo Legislative Conference she attended this past weekend. It was amazing. There was an opioid Town Hall Summit that was eye opening. The Justice and Public Safety Commission met all day Saturday. The real concern in the public safety arena is drones. That was a huge piece of this conference and I will prepare a report.

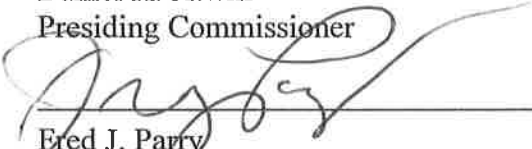
The meeting adjourned at 2:11 p.m.

Attest:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner