

TERM OF COMMISSION: May 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  
County Counselor John Patton  
Deputy County Clerk Ashley Williams

The regular meeting of the County Commission was called to order at 1:30 p.m.

**SUBJECT: Permit for use of Courthouse Grounds by the Twilight Festival**

Commissioner Stamper moved that the County Commission of the County of Boone approve the use of the courthouse grounds by the Downtown Columbia Associations for the Twilight Festival on June 5, 12, 19, 26, September 4, 11, 25, 1997 from 5 p.m. to 10 p.m.

Commissioner Vogt seconded. Motion passed unanimously. **Order 224-97.**

**SUBJECT: Open Depository Bids**

The Commissioners opened three 1997 depository proposals: 1st National, 801 E. Broadway, Columbia, MO 65201; Boone County National Bank, 720 E. Broadway, Columbia, MO 654201; United Missouri Bank, 1516 Chapel Hill Road, Columbia, MO . The proposals were made available for the public in the County Clerk's office.

**SUBJECT: Animal Control Services Agreement**

Commissioner Miller moved that the County Commission of the County of Boone approve the agreement between the County and the City of Columbia for \$75,616 for animal control services outside of the city limits and authorize the Presiding Commissioner to sign the agreement.

Commissioner Stamper seconded. Commissioners Miller and Stamper voted in favor, Commissioner Vogt was not present at the time of the vote. **Order 225-97.**

**SUBJECT: Public Health Services Agreement**

Commissioner Miller moved that the County Commission of the County of Boone approve the agreement between the County and the City of Columbia for cooperative health care services according to the following schedule: Corrections, \$154,906; On-Site Sewage Program, \$74,469; Community Health, \$292,247.

Commissioner Stamper seconded. Motion passed unanimously. **Order 226-97.**

**SUBJECT: Voluntary Annexation of Property Owned by Andrew J. Bass, Jr.**

Commissioner Stamper reported on a memo from the City of Columbia's department of planning and development regarding the voluntary annexation of property owned by Andrew J. Bass, Jr.

**SUBJECT: Public Nuisance Ordinance Public Hearing**

Commissioner Miller said that the Board of Health had worked in conjunction with the Boone County Farm Bureau to develop a public nuisance ordinance that would serve the common occurrences found in more populated areas of the County while still being suitable to rural and agricultural areas. Three public hearings were held regarding the ordinance.

Dr. Tom Rose, representing the Board of Health, presented the final draft of the ordinance to the Commission. He reported that the committee had looked at a past ordinance and had worked closely with the Farm Bureau to draft a viable and workable ordinance. The ordinance deals with

public health hazards of weeds and trash in areas limited to 25 dwellings or more. There were not a lot of concerns voiced at the three public hearings, except for the wording of weeds.

Commissioner Vogt said that the ordinance had also been drafted to allow areas with 25 homes or less to petition into the ordinance as subdivisions.

Commissioner Stamper convened a public hearing.

George Brakhage, 7852 S. Hill Creek Road, expressed his concerns over the wording and control of nuisance weeds. He said he failed to see the health hazard associated with weeds.

Dr. Rose replied that he had investigated a text book definition of weeds. Weeds were listed as health hazards that harbored rodents and created allergic concerns for some individuals.

Mr. Brakhage said there was no definition of a weed in the ordinance. He said that a weed was in the eye of the beholder and the ordinance needed to clearly define what is and isn't a weed. He said that many people in Boone County enjoy native plants on their property. Some of them, he said, can be quite tall and the definition and wording of the ordinance won't allow those plants to exceed 12 inches in height. He also questioned the ordinance's reference to plants that emitted a noxious odor. He said that not once had he sniffed through the woods and run into an obnoxious odor from vegetation.

Commissioner Stamper said he remembered some soybean oil the County had used on certain roadways that emitted a noxious odor and explained that the reference to odor applied to the decomposition of weeds.

Mr. Brakhage said that there are a lot of people who decompose vegetation in their backyards in compost piles. Mr. Brakhage said that even the pollen that Dr. Rose had referred to as being a health nuisance for certain individuals is a natural part of the environment and is necessary for the production of crops to be pollinated. He said he had been allergic to pollen, until, courtesy of the United States Navy he'd been placed in a pollen free area for three years. He said the way to control pollen producing plants is not by cutting them down.

Commissioner Vogt said that she understood that people are interested in native plants and the intention of the ordinance was not to relieve the County of those possibilities. What she believed the ordinance would do was to help neighborhoods where people don't keep their weeds down so people can live together in a healthy environment. She explained that the ordinance had a safety measure built into it, that if a complaint arose, the individual has the opportunity to approach the Commission with an appeal. She said that the ordinance was a means for allowing the government to have guidelines to keep communities healthy places. She said she lives in the county and enjoys native plants and has no desire to eradicate them. What she wants, she said, is healthy neighborhoods for children.

Mr. Brakhage said the ordinance was a blanket command requiring him to mow his grass and vegetation. He felt that the ordinance was reactive, not proactive and suggested the ordinance include a list of native plants that are exempt from the 12 inch height requirement.

Commissioner Stamper closed the public hearing.

Commissioner Stamper said it was interesting that the original ordinance had died on arrival and now, on it's second life and close to adoption, the only opposition was regarding the definition of weeds. He said the Commission was sensitive to Mr. Brakhage's concerns and that the Commission would consider his suggestions based on the number of appeals they get during the life of the ordinance.

Dr. Rose said that the City of Columbia had explored the possibility of a list of exempted plants and had found it impossible to create a workable list.

Commissioner Vogt said she understood the concerns, but felt that the ordinance had had more than its share of disclosure and public involvement. She said the Commission had tried to come to the best conclusion and that she supported the document.

Commissioner Miller moved that the County Commission of the County of Boone adopt the order amending the Boone County Health Regulations by adding chapter V, Public Health Hazards and Nuisances, effective July 1, 1997; and adopt the order for public notice.

Commissioner Vogt seconded. Motion passed unanimously. **Order 227-97.**

Commissioner Stamper thanked Commissioner Miller, Mr. Patton and the Board of Health for their work on the nuisance ordinance. He also thanked Mr. Brakhage for his concerns.

**SUBJECT: Public Hearing to Determine Ownership of Surplus Tax Sale Money**

County Collector Patricia Lensmeyer asked that the County Commission determine who has claim to surplus tax sale money from 1993 in the amount of \$542.67. The claim is to a one-acre tract of landlocked property whose ownership has changed three times since 1990.

Mr. Patton explained that there usually is not a problem determining ownership, but in this case the deed that went to the most recent owner of the property omitted one tract of land. An attachment to the deed and the deed of trust referred to two tracts.

Ms. Lensmeyer reported that she had heard from the previous owner, Mr. James P. Maxwell, earlier in the week and he had said he was not interested in the property.

Mr. Patton said that if the current owner, Georgia Olin, makes her claim then the proceeds of the surplus tax sale money would be paid to her.

Commissioner Stamper convened a public hearing.

Georgia Olin, 12250 E. St. Charles Road, Columbia, said she had received a call in July from Mr. Maxwell saying that the land would be sold if she didn't pay the taxes so she paid the \$167 owed on the property. She said Mr. Maxwell wanted her and her now ex-husband to have the land and was not sure where the mix-up had come from.

Mr. Patton said it was just an error in the deed.

Commissioner Stamper closed the public hearing.

Commissioner Stamper moved that the County Commission of the County of Boone return surplus tax sale money, in the amount of \$542.67, be returned to Georgia Olin, 12250 E. St. Charles Road, Columbia.

Commissioner Vogt seconded. Motion passed unanimously. **Order 228-97.**

**SUBJECT: Request to Hire Employee at Above the Base Range**

Ms. Lensmeyer said that she had an opening in her office that is a range 9 position, with a salary that begins at \$7.79/hour and peaks at \$11.32/hour, with a mid-range pay of \$9.56. She said that the individual she wanted to hire has worked part time in the collector's office during the busy tax season for the past six years. The individual is currently working nights, but wants to find a day time position. Ms. Lensmeyer said the applicant would be a tremendous benefit and brings with her talents and skills that she didn't find in the other applicants she'd interviewed.

Commissioner Miller said it was an asset to hire employees that were already knowledgeable of an office and are ready to come in and begin working.

Commissioner Stamper moved that the County Commission of the County of Boone approve the hiring of an applicant for the range 9 position of Clerk/Steno II in the Collector's office at \$9.00, above the base rate of pay .

Commissioner Vogt seconded. Motion passed unanimously. **Order 229-97.**

**SUBJECT: Community Partnership Request for Funding**

Kathy Neal approached the Commission with a request for \$3,000 on behalf of Community Partnership. She explained that the organization is eligible for federal funds and are applying for a federal grant for the prevention of child abuse and neglect. The request would help fund a grant writer to draft the 94 page draft. She said that Boone County was one of 16 counties eligible for the grant and that only three counties in the state will receive the grant. The \$3,000, she said, will pay for part of the grant writer's expenses and United Way had approved another \$3,000 in matching funds.

Commissioner Vogt moved that the County Commission of the County of Boone authorize the \$3,000 expenditure in support of the Community Partnership application for a grant; that the funds be taken from department 2090: Hospital Profit Share, and authorize the Presiding Commissioner to sign the budget revision.

Commissioner Miller seconded. Motion passed unanimously. **Order 230-97.**

**SUBJECT: Proposition One Plan**

Public Works Director Frank Abart reported on his memo dated May 22, 1997 regarding the paving in place of six County roads. He said that the department would still be required to establish legal descriptions so they could pursue easement acquisition and that it was not likely the roadways would be paved this year.

Commissioner Stamper moved that the County Commission of the County of Boone authorize the Public Works Department to pave in place:

<u>Project Name</u>	<u>Length (Approx. miles)</u>
Benedict/Red Rocks Road	2.8
Kircher Road	0.8
Dozier's Station Road	0.7
Roy Barnes Road	0.5
Friendship Church Road	0.5
Frink/Kemper Roads	1.0
Total	6.3 miles

Commissioner Vogt seconded. Motion passed unanimously. **Order 231-97.**

**SUBJECT: Geographic Information Systems Position in Information Services**

Human Resource Director Mark Stone said that a GIS position had been created in the Information Services Department and that Mr. Monnig, Director of Information Services had approached the Job Classification Committee for their help in creating an appropriate salary range. The Committee surveyed similar positions in other areas and recommends to assign the position of GIS Technical Manager a range 22 with a salary range of \$26,312-\$38,916.

Commissioner Stamper moved that the County Commission of the County of Boone approve the Job Classification Committee's recommendation of assigning the exempt position of Geographic Information Systems Technical Manager in the Information Services Department to a range 22 with a salary range of \$26,312 to \$38,916.

Commissioner Vogt seconded. Motion passed unanimously. **Order 232-97.**

**SUBJECT: Shift Differential Policy Revision**

Mr. Stone said the Job Classification Committee realized, as they were preparing to implement the shift differential policy, that they needed to qualify how they would calculate overtime.

Commissioner Vogt moved that the County Commission of the County of Boone adopt the shift differential policy revision as follows:

County non-exempt employees are eligible for shift differential for hours worked during the evening and night.

An employee must work the scheduled hours in order to receive the shift differential.

Employees will receive forty cents (\$.40) per hour for all regular hours worked (non overtime hours) on a scheduled shift which begins on or after 2:00 p.m. and before 6:00 a.m. Calculation of the overtime rate of pay will be 1.5 times the weighted average rate of pay for that pay period. An employee must work the scheduled hours in order to receive the shift differential.

\*If the employer re-arranges the work schedule to include evening and night hours in order to accommodate the employee, the County is not required to provide the shift differential.

Commissioner Miller seconded. Motion passed unanimously. **Order 233-97.**

**SUBJECT: Highway Safety Grant**

Beverly Braun, Sheriff's Department, explained that the department was in the process of applying for the Law Enforcement Traffic Services Grant. The grant, she said, would allow the department to continue with the DWI check points through September 30, 1998.

Commissioner Vogt moved that the County Commission of the County of Boone approve the Sheriff Department's pursuit of the Law Enforcement Traffic Services Grant for DWI Checkpoints.

Commissioner Miller seconded. Motion passed unanimously. **Order 234-97.**

**SUBJECT: Reports from Commissioners**

Commissioner Miller reported that she had received some questions from the Department of Natural Resources regarding the boundary dispute between Boone and Howard Counties. She showed a map that showed the proposed line and said she had received a letter from the prosecuting attorney in Howard County requesting a signature of approval from the Boone County Commissioners. Commissioner Miller recommended that the assessor and legal counsel be involved in the process.

She also reported that she will be meeting with the Fairground Board and asking them to help fund the sound study at the fairgrounds.

Commissioner Vogt reported she had visited the New Haven road project this morning because of calls she'd received from people in the neighborhood who had had their cars towed. She explained that everyone in the neighborhood had received letters regarding the road work and that signs were posted throughout the neighborhood. Commissioner Vogt told the people whose cars had been towed that the Neighborhood Improvement District project was their project, that the County was only the banker.

The Commissioners agreed that the County was not responsible for paying the towing fee for the vehicles in question.

Commissioner Stamper reported that he had met with a representative of IBM's legal counsel concerning the maintenance contract the County holds for their IBM machines.

The meeting adjourned at 3:00 p.m.

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Linda Vogt  
District II Commissioner