

TERM OF COMMISSION: September Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper  
Acting Presiding, District I Commissioner Karen M. Miller  
District II Commissioner Linda Vogt  
County Counselor John Patton  
Deputy County Clerk Melanie Stapleton

The regular meeting of the County Commission was called to order at 2:30pm by Commissioner Stamper.

Commissioner Stamper stated that the Boone County Commission had previously attended a Board of Equalization meeting.

**Subject: Public Hearing- Trobridge Neighborhood Improvement District**

Commissioner Stamper stated that Staff would give a brief description of this district. Then there would be a public hearing wherein the public would be given an opportunity to make statements or ask questions. He stated that once the public hearing was concluded, the public hearing would be closed. The County Commission would then debate the issue of a Trobridge Neighborhood Improvement District.

John Watkins stated that the application for the Petition was submitted to Public Works on March 16, 1995. He stated that the initial meeting for this group (approx. 19 of the 30 owners were present) was held on July 16, 1998. At this meeting the petitions were handed out and then given back. The total for the petition was 83% by ownership and 85% by area.

John Watkins stated that the petition cost was based on asphalt improvements. The improvements would be made on the existing right-of-way and the county would pay for the improvements.

John Watkins stated that the petition estimate was \$160,559.50 and not to exceed \$200,69937. He stated that Trobridge enters onto Wade School Rd and is at a cul-de-sac dead end.

Commissioner Stamper asked if the distribution of expense was per lot.

John Watkins stated that it was. And that the amounts would equal approximately \$5,531.98 each on the petition estimate.

Commissioner Stamper stated that he held a document that stated that the amount was 5,351.98.

John Watkins stated that Commissioner Stamper's figures were correct.

There were no questions for the Staff.

Commissioner Stamper convened the public hearing on the matter of whether the County Commission should form the Trobridge Neighborhood District for the purposes of improving the streets within this district on behalf of the petition. He asked anyone who wished to speak to come forward and state their name and address.

Jerry Clayton, 1004 W Trobridge Rd asked if there had been a bid on this project. He wanted to know where the estimates from this project were coming from.

Commissioner Stamper asked that the estimates were derived from an engineering study. He stated that most bids come in under the estimate, but that there was no guarantee of that.

Jerry Clayton then asked if this road would be raised by nine inches. He stated that if this was so, he did not understand it because most of the driveways were lower than the road anyway at present.

Commissioner Stamper invited a member of the staff to comment on that question.

Staff stated that specific elevation figures would not be known until final design work was finished.

Commissioner Stamper added that Staff does anticipate doing several inches of asphalt work

Jerry Clayton then asked if there would be any guarantee that the County would give the property owners a set amount of years before their property was reassessed.

Commissioner Stamper stated that it was his understanding that the assessment was driven by State statute and not by County policy. He stated that the Assessor followed State statute, therefore there could not be any guarantee of when an assessment would or would not be done.

Jerry Clayton asked how often assessment was done.

Commissioner Stamper stated that it was performed every other year.

John Patton stated that he did not think that the property owners' taxes would be raised substantially just because of the work done on the road.

John Watkins also stated that this matter had been discussed and Public Works also did not think that the property owners' taxes would be not be increased significantly just because of the work done on the road.

Commissioner Stamper stated that in some ways, paving the road in front of the home elevated the market capacity of the home.

Jerry Clayton asked if the County taxes would contribute any towards this project, since there would not be any maintenance or upkeep performed on the road for some time after that.

Jerry Clayton asked if his neighborhood would have to pay for the road improvements as well as the road tax. He wanted to know if the County would do anything to help out on the project.

Commissioner Stamper asked Jerry Clayton if he was referring to a tax break.

Jerry Clayton that he was not speaking of a tax break, but rather wanted to know if the County would pay any part of the project.

Commissioner Stamper explained that the nature of a NID project is that they are petitioned, meaning that they are community choice. He stated that a NID project assures that a road is improved to County standards, and then the County maintains it from that point on.

Jerry Clayton wanted to know if this would be assessed at the current rate and applied to the property taxes per year for ten years.

Commissioner Stamper stated that this was one of the options.

Jerry Clayton asked if they had the option of paying it themselves.

Commissioner Stamper stated that they did.

Commissioner Miller stated that they could pay it all at the very beginning or pay it over a ten year period.

Jerry Clayton wanted to know if this cost were added to the tax, would the neighborhood have to pay interest as well.

Commissioner Stamper stated that this was part of the petition process.

Commissioner Stamper asked if there was anyone else that wished to testify.

Joe Schuster, 1400 Trobridge Road, stated that he had a few questions for the Commission. He stated that had this road been properly maintained by the Road & Bridge department, there would be no need for this Neighborhood Improvement District. He stated that on several occasions, he had to call Commissioner Vogt to have the road checked out and worked on. He stated that the Road & Bridge department was a little lax in their responsibility (in caring for this road), hoping that the neighborhood would go for a NID.

Joe Schuster stated that he thought that there was a sales tax passed in Boone County to pay for this. He stated that he felt like they (his neighborhood) was being discriminated against. He stated that he felt like his little group of people had been passed over by the Commission and the Road district.

Commissioner Vogt stated that the NID program was open to neighborhoods that wanted to improve their roads beyond what the County could do in a specific amount of time. She stated that the way the County prioritizes improvement to roads (especially paving roads) was when the car count reached over 250 cars per day.

Commissioner Vogt stated that she believed that Mr. Schuster's neighborhood had determined that it would be a long time before the car count reached over 250 per day on a cul-de-sac road. She stated that they therefore had not wanted to wait (believing that it would be a long time before the car count would be that high on a cul-de-sac road), but rather wanted to go ahead with the NID and get the road paved. She stated that the County was trying to work with the neighborhood in order to accomplish that goal.

Commissioner Vogt stated that she hoped every time Mr. Schuster called, there had been arrangements made with the Road department to address the needs of his road. She stated that she hoped if residents of Boone County asked for gravel and grading, they received it.

Joe Schuster stated that the Road department did not come out to his neighborhood that often even when they received phone calls. He further stated that their (the Road department's) laxness had made the road very rough to drive on. He stated that part of this problem had been caused by the County's neglect of its job and he felt as though they were being discriminated against.

Commissioner Stamper asked if Mr. Schuster had examples of the inadequate maintenance that he had spoken of.

Joe Schuster stated that at present, the point where you turn off of Wade School Road, there was a water problem. He stated that there was a big washed out spot. He stated that there was not a big enough whistle put in to alleviate the water problem. He further noted that even after grading, there was a kind of washboard effect on the road.

Joe Schuster stated that when there was snow and ice on the road, the department tended to get to their road last. He stated that there used to be quite a few hospital personnel on the road and at one time they were not able to get out. He stated that it seemed like his little neighborhood was kind of forgotten even though they are bonified, tax-paying residents of Boone County. He stated that it seemed like other parts of the County were more important than that one.

Commissioner Vogt stated that from her perspective, that part of the County was just as important. She reiterated that one of the reasons that the NID program was in effect was to help neighborhoods like Mr. Schuster's accomplish common goals. She stated that it was the choice of the neighborhood to enter this program. She stated that if the neighborhood wanted a paved road, the Commission wanted to help them get one.

Joe Schuster stated that he felt like his neighborhood had been put on the back burner. He stated that he felt like the Road department did not take the time to come down his road because it was kind of out of the way.

Commissioner Stamper stated that he did not know how to reassure Mr. Schuster any other way than to state that Boone County is made up of literally hundreds of miles of road just like his. He stated that they tried to give fair and equal representation to all of them. He stated that the sales tax was designed to address car counts on roads when they got above 250 cars a day.

Commissioner Stamper stated that this was the most efficient way to raise their street to a new level of finish and to have in maintained in full. He stated that he would like to think that the Boone County Public Works department and the Road department were very responsive. He offered Mr. Schuster the opportunity to call him personally if he did not get the level of response that he should.

There was no one else that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller asked how long the cul-de-sac was.

Commissioner Stamper stated that it 2300'.

Commissioner Vogt stated that she did not hear anyone in the public hearing speak for the NID. She stated that someone had come in the other day in a public meeting speaking positively about it.

Commissioner Miller stated that she had not heard the two gentlemen that spoke in the public hearing state that they were against it. She stated that they had expressed concerns. She asked the gentlemen if they were for it or against it.

Joe Schuster stated that he did not care one way or another. He stated that it had been set up incorrectly and that exact figures were not available. He stated that he had asked whether the additional tax that the County paid was deductible. He stated that no one knew the answers to the questions.

John Patton stated that he did not think that the payments spread out over ten years would be deductible. He stated that if they wanted it to be tax deductible, they would have to take a second mortgage out on their house and deduct the interest that way. He stated that he did not know if this was an option.

Commissioner Stamper stated that this was between the tax-payer and the IRS as to what would be allowed to be tax deductible.

Joe Schuster stated that he agreed with that, but the only answer that they were able to give was maybe it was and maybe it was not.

Commissioner Vogt stated that this was the answer, depending on what you (Mr. Schuster) did to handle his taxation. She stated that there are a lot of choices for people.

Commissioner Stamper asked Jerry Clayton what his opinion was on the NID.

Jerry Clayton stated that he felt that the road needed to be done. He stated that like everyone else he wanted it to be as cost efficient as possible since it was to come out of his pocket.

Commissioner Stamper asked if both gentlemen were signatures on the petition.

Jerry Clayton stated that he was.

Joe Schuster stated that he was not.

Commissioner Stamper stated that his name was on the petition.

Joe Schuster stated that his name was not on the petition.

Commissioner Stamper stated that he stood corrected.

Commissioner Stamper asked for further comments on this matter.

Commissioner Stamper stated that the petition that had been submitted had an 83% participation level by the homeowners and 85% by landowners.

Commissioner Miller stated that it was only required to have 66%.

Commissioner Stamper moved an order ordering project number 9320, Trobridge Neighborhood Improvement District improvements to be made and authorizing the County Commission of Boone County, Missouri to obtain financing, reimburse itself and record with Recorder of Deeds all necessary documentation. And further moved that the draft order as presented by the County Clerk be adopted noting that the projected cost estimate for the project is \$160,559.50 and the maximum amount is \$200,699.37. It is further noted that it is the intent at the formation of this district to spread the cost of such improvements to the individual property owners at the projected amount of \$5,361.98 based upon the estimate of cost.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 465-98**

Commissioner Stamper stated that this order now establishes the Trobridge Neighborhood Improvement District. He also stated that the staff was hereby directed to proceed with the final design and bidding for the project.

He thanked the public for coming to the meeting and sharing their concerns.

Commissioner Vogt stated that the Commission would get the best bid that they could.

**Subject: Change Orders 3 and 4 for the St Charles Road Project**

Frank Abart introduced Tom Ratermann, Public Works project engineer who was assigned to the Boone County Regional Sewer District Project for technical support.

Frank Abart stated that change order No. 3 was for the base bedding needed to support a 54" concrete (storm sewer) pipe located in the creek bed. He stated that the amount requested for the change order was \$5,235.25.

Commissioner Stamper stated that the amount they had before them was \$5,618.33.

Frank Abart and Tom Ratermann stated that this amount had been revised and the lower figure was the correct one.

Commissioner Vogt moved to approve Change Order No. 3 of the St Charles Project for an additional \$5,235.25 per reasons outlined in the attached memorandum from the Public Works Director. And further ordered that the Presiding Commissioner be hereby authorized to sign said change order.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 463-98**

Frank Abart stated that change order No. 4 was for the same project, but was also related to the Pin Oak Sanitary Sewer NID project. He stated that there was a private sewer that ran under a road that needed to be cut. He stated that it was preferable to move the sewer out of the way prior to construction on the St Charles Road project.

Frank Abart stated that it would much cheaper to do this change order at present.

Commissioner Miller asked if this would be charged to the NID.

Frank Abart stated that this would be charged to the Public Works department and not the NID.

Commissioner Vogt moved to approve Change Order No. 4 of the St. Charles Project for an additional amount of \$8,271.24 per reasons outlined in the attached memorandum from the Public Works Director. And further ordered that the Presiding Commissioner be hereby authorized to sign said change order.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 464-98**

### **Commissioner Reports**

#### *Commissioner Miller*

Commissioner Miller reported that there was a satellite teleconference on September 23, 1998. She stated that all surrounding counties and any cities within the counties that had Public works department (as well as Boone County and its cities), and the State. She stated that the conference went really well.

Commissioner Miller also stated that she had returned a call from Roger Pilkinton, Flavors of the Heartland. She stated that on October 7<sup>th</sup> and 8<sup>th</sup>, the Core's discovery boats were going to be going through Rocheport. She stated that the boat show was a replica of the Lewis & Clark expedition. She stated that PBS was going to do a documentary in Rocheport with the boats.

Commissioner Miller also stated that she was informing the Commission of this in case Roger Pilkinton needed aid (in the form of information or manpower, etc.) for this event.

#### *Commissioner Vogt*

Commissioner Vogt reported that she attended the first meeting of the Missouri Inter-Professional Initiative Advisory Board. She stated that the University of MO was working toward a goal of collaborating with the Caring Communities/Community Partnership so that all resources at the University of MO are well known and well used.

Commissioner Vogt stated that they discussed several programs that the University of MO is involved in. She stated that one of the programs involved graduate student mentoring programs. Another program involved tutors in the public schools. She stated that another project involved Carolyn Tucker's initiative concerning high school drop-out rates.

Commissioner Vogt further noted that there was a training site grant from Coughlin Foundation that requires that there be an outreach to the Kansas City campus.

Commissioner Miller asked who started the initiative.

Commissioner Vogt stated that Gary Stangler had encouraged this, however it had been a collaborative effort.

*Commissioner Stamper*

Commissioner Stamper stated that the Vawter School Rd project was coming along. He stated that there was a major cut being made the intersection.

Commissioner Stamper stated that Beckie Jackson had a concern about a small disagreement between John Patton (legal Counsel) and GTE about the contract.

Commissioner Stamper asked the Commission if they wanted to bring the contract back to the table for analysis or just let it go.

Commissioner Miller stated that there were things on the table that the County would lose if the contract were not signed by the following day. She stated that these things needed to be weighed as well.

Commissioner Vogt asked what the disagreement was about.

John Patton stated that it involved tariffs. He stated that if GTE had a rate that was subject to a tariff, then no matter what the contract stated that the rate would be; if the tariff changes, then the rate changes.

John Patton stated that there had been disagreement about this issue in 1993 because the County was hit with several thousand dollars in phone expenses than GTE had represented that the County would be. He stated that there had not been much that the County could do about the extra money.

Commissioner Miller stated that if the County did not pay for the tariff change, then the company would have to pay for it.

The Commission agreed to proceed with the contract to GTE.

Commissioner Stamper instructed Jane Watson to call Beckie Jackson to inform her of the Commission's decision.

There was no public comment.

The meeting was adjourned at 3:05p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Don Stamper  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Linda Vogt  
District II Commissioner