

TERM OF COMMISSION: November Session of the November 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 Melanie Stapleton

This meeting of the Boone County Commission was called to order at 9:35a.m. by Commissioner Stamper.

Commissioner Stamper welcomed the group and apologized for the size of the room.

Subject: Management Recommendations Letter

Boone County Auditor June Pitchford discussed some of the problems that they had in trying to form the letter.

Steve Smith stated that they wanted to update some of the prior recommendations in the letter. He stated that they had also been delayed because they wanted to get the approval of the current Director of Information Technology Dan McFarland who had not been in the position at the time of the draft MRL.

He stated that one of the major changes included in the recommendations would be to limit the ability of the user to be able to perform program changes. Steve Smith indicated that the Information Technology department would be assuming more of these functions (and limiting those of the user's) with the exception of the Assessor's Office.

Steve Smith also indicated that the payroll functions in the County Clerk's Office would be taken over primarily by Information Technology.

Steve Smith also stated that the MRL develops Boone County's Information Technology Strategic Plan. He stated that IT is working with Karen Miller on some physical data securities changes that were made in 1997.

Steve Smith also mentioned that there were several recommendations for disaster recovery and hardware losses. The Y2K compliance factor was also examined.

He further stated that there were recommendations for an annual leave policy and a recommendation concerning the unlimited amount of vacation time that can be accumulated (but only paid out so much if terminated).

Steve Smith also stated that his group recommended that the County exercise a number of controls as far beneficiaries were concerned in the Self insurance fund. And further stated that the County had no current specific procedures for County bid procedures. It was recommended that this be changed, as well as enlisting a more detailed system for Public Works to track costs.

And finally Steve Smith noted that there was a need for change in the cutoff for tax records at the end of the month.

Commissioner Stamper asked for comment.

There was no public comment.

Commissioner Stamper thanked Steve Smith for his group's aid and for the Management Recommendations Letter. He stated that there were many things that required complex solutions and all of which were still in progress.

Subject: Petition for Vacation of Portion of Wilbert Lane

Frank Abart gave a brief Staff report on this road.

Frank Abart stated that the Department of Public Works did not have a recommendation either for or against this petition. He stated that it would be of no significant impact to the County either way.

Frank Abart further stated that if this road were opened, the owners and not the County would have to pay for it. He also mentioned that it would take a great deal of work to bring this road up to County standards.

Commissioner Stamper asked how much of the road was requested for vacation.

David Piest (of the Public Works department) presented a map that showed it only pertained to the southern half of the unmaintained portion.

Frank Abart also stated that there was a petition to vacate presented in 1992.

Commissioner Stamper opened the public hearing.

Dewayne Tidball stated that he had a video and an aerial photo of the problems with the road and why he wanted the vacation.

Dewayne Tidball stated that he had denied an easement to some of his neighbors.

Mr. Tidball further stated that this road was frequented by 4-wheelers (who were friends of the Watsons) which was why he wanted the easement. He further stated that this land was also used by poachers and trespassers who caused problems as well.

Dewayne Tidball stated that these people disturb the peace and asked the County Commissioners to put themselves in his position. He stated that he did not want to have a road opened that anyone could use, but that (only) he had to pay to maintain.

Dewayne Tidball showed a video of the road. He stated that it was useless and would be a burden to anyone that wanted to build on it.

Commissioner Stamper clarified on the map the section that Dewayne Tidball wanted to vacate.

Commissioner Stamper asked for additional comment.

Raymond Watson, Old Number 7, stated that he had lived and owned land near the road for 50 years. He stated that there were only 5 acres that was legal right-of-way to and from his land. He stated that he did not have trouble (getting in and out) until Nina Secrease put a locked gate up and a cable to block off her property.

Raymond Watson stated that now he has to go 5-6 mi out of the way to get access to certain portions of his property.

Raymond Watson asked Commissioner Stamper how many names were on the petition to vacate the road.

Commissioner Stamper stated that only 12 signatures were required and asked Raymond Watson what was being affected here for him.

Dale Watson (relative of Raymond Watson) stated that this road is the only way to get to 80 acres of their land. The other way is nothing but a flood plain.

Commissioner Stamper clarified (through Mr. Watson's explanation) that there were five acres of the Watson land that would be stranded.

Dale Watson stated that the five acres did belong to them and that Mr. Tidball would not grant an easement for this area.

Commissioner Stamper showed Dale Watson a map in order to clarify who owned the land in the field acre tract.

Jim Wade, 2595 Wilbert Lane, stated that he owned both sides of Wilbert road.

Commissioner Stamper asked if the land around the field acre tract was Tidball's

Dale Watson stated that they needed the road open in order to get to their 5 acres—this was the easiest way.

Commissioner Vogt answered a question asked by a Mr. Watson. She stated that if the road was vacated the Watsons would not be able to haul wood on it.

Commissioner Stamper asked for further comment.

Dean Canole, 1401 W. Dripping Springs Rd, stated that if the road were closed, the Watsons could not sell houses and property that would have outlet access. He also stated that the Watsons had granted Mr. Tidball an easement and he was not willing to return the favor.

Nina Secrease stated that she owned both sides of the maintained road and that she had a lot of trouble with trespassers. She further stated that the road was commonly used commonly by 4-wheelers who held mud marathons. She stated that when these people got stuck, they came to her house (late night and early morning) to use the telephone to call for help. She stated that this was very frightening to her. She also stated that hunters used this land and they frequently trespassed.

She stated that she had put the gate up because of some personal problems she was having. She further stated that she had given the Watsons access to the gate and her land, but they were not following along with their agreement to notify her when they were on her property or lock the gate back up when they were finished.

Nina Secrease stated that she would feel safer if the road were closed.

Kenneth Watson stated that Nina Secrease only owned one side of the road.

Betsy Ellison stated that she too felt that it was scary at night with this road open. She stated that people came out there that had been drinking and that it was impossible to know what they would do.

Dale Watson stated that he has never been on this road after 12:00 midnight.

Dewayne Tidball presented surveys of the land showing his proof of ownership of one whole quarter.

He also stated that if the County claimed the road, then the question of an easement was settled. Mr. Tidball further showed an aerial photo claiming that the Watsons were not landlocked and asked the Commission to grant the vacation.

Kenneth Watson stated that this road was the only right of way Mr. Tidball had to go across to get to his 30 acres and that he would be land-locking himself.

Commissioner Stamper stated that the documents did not show the road crossing those acres.

Kenneth Watson stated that he had moved it for the loggers, and it was never moved back.

Commissioner Stamper closed the public hearing.

Commissioner Stamper called David Piest (Public Works).

Commissioner Stamper asked if the road crossed the Tidball property.

Commissioner Miller asked if the property was on Old Number 7.

David Piest answered affirmatively to both questions.

Commissioner Stamper asked Mr. Tidball to come forward and asked if he had 30 acres that were connected to this.

Mr. Tidball stated that Nina Secrease had given him an easement when he bought the land and that he would not be landlocked.

Commissioner Vogt wanted to know where Mr. Tidball's house was located.

Dewayne Tidball showed her where it was located on a map.

Commissioner Vogt asked if this road was right next to his house.

Dewayne Tidball stated that it was.

Commissioner Stamper asked for comments from the Commissioners.

Commissioner Vogt stated that this road was really a driveway that served Mr. Tidball and Nina Secrease. She stated that she was not sure she was swayed by the testimony that the Watsons needed the road for access to their property.

Commissioner Vogt stated that she was however swayed by the testimony given by others who were concerned about their safety and right of privacy.

Commissioner Miller stated that (when they had gone in person to view the site) the road did appear to be a driveway and not a road.

Commissioner Miller stated that John Patton said that in order for a road to be vacated, it had to be deemed useless and have no utility access. She stated that this road met both of these criteria.

Commissioner Stamper stated that this decision needed to be in the best interests of the County and the people involved. He stated however that he did not like to vacate a road because it would affect someone else at a later point in time.

Commissioner Stamper stated that John Patton had said that the vacation had to be either approved, disapproved or tabled until a later date.

Commissioner Miller stated that a solution could be to gate the road off, however this would hurt Mr. Tidball's access to his own property.

Commissioner Vogt wanted to clarify where Mr. Tidball wanted the road closed.

Dewayne Tidball stated that he wanted the whole road up to his property closed.

Commissioner Miller moved to approve the vacation of Wilbert Lane with the findings that the road is useless, no public utilities require it to be open, and the road has been found unreasonable for the County to maintain.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt stated that the road did not stand in the way of developing if someone wanted to do that.

Jim Wade stated that the property could be vacated and was accessible from another end.

The motion passed 3-0. **Order 521A-98**

Subject: Reality House Project

Beckie Jackson stated that it was recommended that with funding provisions made available the County should award the base bid, and Add Alternates 1 and 2 for a total of \$707,000.

Commissioner Stamper asked Beckie Jackson to describe bid Add Alternates 1 and 2.

Beckie Jackson stated that it was a work-release wing at a total cost of \$134,00 for Add Alternate 1 and Add Alternate 2 is to replace the windows at a cost of \$9,000. Beckie Jackson stated that there was no award for Add Alternate 3 that was for the new shock wing. Add Alternate 3 came in at \$159,000.

June Pitchford commented that the County had set aside 1 million from the fund balance in General Revenue for this project and the jail project. She stated that this amount would be insufficient for doing both projects. She stated that they needed to discuss what approach they wanted to take for completing the funding for these projects.

June Pitchford recommended that the County transfer approximately \$800,000 from ProfitShare to these two projects to complete the capital improvement

Beckie Jackson and Karen Miller stated that they had received every indication from architects and construction managers that the project bid should have come back in the vicinity of the \$650,000 that had been budgeted for the project.

June Pitchford stated that it was her recommendation that the County not spend the Use Tax money because in a few years the third floor of the Boone County Government Center would need to be completed and this money might be a good source of funding for that project.

Commissioner Stamper asked what about the amount of the Healthcare ProfitShare reserves.

June Pitchford stated that there was about 3.2 million in the reserves after all the opening encumbrances were deducted.

June Pitchford stated that she knew that the Commission had stated that there were certain things that they had hoped to spend the money in the Healthcare ProfitShare on, however she noted that the needs of the County had changed in the last few years in terms of Law Enforcement and Corrections. She noted that the Commission had in recent times spent some of the Healthcare ProfitShare money on significant capital improvements for public safety.

Commissioner Vogt asked if there were any other options as far as a funding source.

June Pitchford stated that the Use tax funds were available in the amount of about \$700,000 which is what the County is allowed to keep. She stated that she had made every effort to preserve these funds in the 1999 budget as well. She stated that she had not appropriated that money for these projects because she wanted to make every effort to preserve it for the expansion of the Boone County Government Center or the Records Facility, etc.

Commissioner Vogt stated she would be more apt to want to use the Healthcare ProfitShare funds.

June Pitchford stated that reducing the General Fund reserves by \$1,000,000 could probably be justified. However, she stated that she could not recommend that the Commission reduce the General Fund reserves for the entire cost of both projects.

Commissioner Miller stated that she felt it would be responsible to take the funds from the Healthcare ProfitShare fund in an attempt to fix the problem in County government knowing that they would have to go to the voters (to share some of the costs) in the future.

Commissioner Stamper stated that they did not know if they would have to go to the voters.

June Pitchford stated that a major expansion would be a costly endeavor.

Commissioner Miller moved to award bid 55-22OCT98 pending Auditor approval as follows:

<u>FOR</u>	<u>TO</u>
ADDITIONS AND RENOVATION FOR REALITY HOUSE PROJECT	CRAWFORD CONSTRUCTION INC.

For a total cost of \$707,000. It is further ordered that \$800,000 be transferred from the Healthcare ProfitShare Fund to the Additions/Renovation for Reality House Project Fund.

Pursuant to this order, the Presiding Commissioner is hereby authorized to sign documents pertaining to said bid award.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Stamper asked June Pitchford what she forecasted the General Revenue Fund balance to be according to her initial figure in the 1999 budget.

June Pitchford stated that she anticipated a proposed budget that would leave an appropriated fund balance above 3 million.

Commissioner Stamper stated that the County's agreement with the Reality House was to make arrangements to repay some of the money spent on the project. He wanted to know if this money was accounted for in her answer to his question.

June Pitchford stated that the Reality House agreement called for them to pre-pay approximately 20 months of rent up front when the building is first occupied. She stated that according to the project construction timetable this would probably not be until the end of 1999 or the beginning of 2000. She stated that she had this \$100,000 was included in the revenues of the 1999 General Fund and she would need to know if there was any contemplation of doing anything different with that money.

She stated that there was not an agreement that specified the amount of the lease. She stated that it was estimated at about \$5,000 a month.

Commissioner Stamper wanted to know if the agreement with the Reality House made arrangements for the repayment of the additional money being spent on the project.

June Pitchford stated that this was something that needed to be reviewed.

Commissioner Miller asked Commissioner Stamper if he wanted to accept this order pending review of the agreement.

Commissioner Stamper stated that he felt it was a little late for that and that they would have to deal with the issue as it was. He stated however that he wanted everyone to be aware of these things and the way the Healthcare ProfitShare money was being spent.

Commissioner Stamper stated that he could however rationalize that this project and the funds were being spent for the welfare of the people of Boone County.

The motion passed 3-0. **Order 522-98**

Commissioner Stamper stated that he wanted the Auditor and the Liaison Commissioner to take a look at the Agreement.

June Pitchford stated that the capital cost of the project would be recovered over the seven years that the lease was written for as well as generating a modest income.

Subject: Change Order Number 7 for Vawter School Road Improvements Project

Commissioner Stamper moved to approved Change Order Number 7 with APAC of Missouri, Richardson and Bass Division for Vawter School Road Improvement Project. Said change is to Bid Number 04-24FEB98 for a subtract amount of \$5,264.00. It is further ordered that the Presiding Commissioner is hereby authorized to sign documents pertaining to said change order.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 523-98**

Commissioner Reports

Commissioner Stamper

Commissioner Stamper reported on two annexations into the City of Columbia. He stated that one was 16.3 acre tract owned by the Perkins on Glasgow Dr. just off of Old Plank Rd. The other was a 131 acre addition owned by City of Columbia located on the north side of Hinkson Rd east of Hinkson Creek.

Commissioner Vogt

Commissioner Vogt reported that some citizens in the Two-Mile Prairie School area would like an ordinance that required that adult entertainment businesses be located at least 1000' or more away.

Commissioner Stamper stated that it would not hurt to look at an old draft (of something similar to this) that Skip Walther had prepared because the City of Columbia might be taking some action concerning this and it could force the County to take action as well.

Commissioner Stamper stated that they would ask Stan Shawver to work some ideas concerning the ordinance.

Commissioner Miller asked if they would be having Commission on November 6th.

Commissioner Stamper asked the Deputy County Clerk if there was anything on the agenda.

Deputy County Clerk Melanie Stapleton stated that there had not been anything scheduled as of yet.

Commissioner Stamper stated that Commission would be cancelled for the following Thursday.

Commissioner Miller

Commissioner Miller gave no report.

There was no public comment.

The meeting adjourned at 11:50 am.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner