

TERM OF COMMISSION: November Session of the November Adjourned Term

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

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

The meeting was called to order at 9:32 a.m.

Subject: Prosecuting Attorney – First Reading of Budget Revision

Kevin Crane, Boone County Prosecuting Attorney, and Bonnie Adkins, P.A. Office Administrator, were present on behalf of this item.

Kevin Crane stated the reason for this budget revision request is to cover two trials that required expert witnesses this year. The department has a difficult time anticipating these expenditures. The Anton Hickam case required a hand writing analyst. There were also mental evaluations for the Earl Ringo case. This case had post-conviction relief motions filed that compelled the Boone County Prosecuting Attorney's Office to ask for additional expert witnesses. The balance of the request is \$4,000.00.

Commissioner Miller asked how much funding is set aside each year for expert witnesses. Bonnie Adkins stated \$20,000.00 was budgeted for 2002 for witness fees.

Mr. Crane noted it is difficult to anticipate the amount that will be needed for expert witnesses until the prosecutor knows what the defense will be presenting.

Commissioner Miller stated she wanted to know the amount so the public can see the amount that is actually spent on expert witnesses. Mr. Crane stated if someone testifies from Mid-Mo, the department does not have to pay for it. If an expert witness is used from the Highway Patrol or Columbia Police Department, the department does not have to pay for it either.

Commissioner Miller stated funds were used for the Hickam case because of the hand writing analysis. Mr. Crane stated the hand writing analysis was done by Don Lock, retired Highway Patrol.

Mrs. Adkins stated the \$20,000.00 is not all for expert witnesses but is also used for court costs and transcripts, for example.

There was no further discussion on this issue.

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

Subject: Sheriff's Department – Second Reading and Public Hearing to Approve Budget Amendment

Sheriff Ted Boehm was present on behalf of this item.

Sheriff Boehm stated this budget amendment is for the School Resource Officer Grant the department received and has an effective date of November 1, 2002. The funds will be from a grant and forfeiture funds to support the School Resource Officer Program.

There was no further discussion on this issue.

Commissioner Miller moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
2532-03411: Law Enforcement Block Grant – Federal Grant Reimbursement	\$35,373.00
2532-03917: Law Enforcement Block Grant – Operating Transfer In from Special Revenue Fund	\$3,930.00
2532-91300: Law Enforcement Block Grant – Machinery and Equipment	\$4,683.00
2532-91400: Law Enforcement Block Grant – Vehicles	\$34,620.00
2532-83922: Forfeiture Fund – Operating Transfer Out to Special Revenue Fund	\$3,930.00

Said budget amendment is to establish a budget for the 2002 Local Law Enforcement Block Grant.

Commissioner Elkin seconded the motion.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

There was no further discussion on this issue.

The motion passed 3-0. **Order 474-2002**

Subject: Purchasing Department

Marlene Ridgeway, Purchasing Department Buyer, was present on behalf of these items.

A. First Reading of Bid # C103008001 (Highway Patrol Vehicles)

Marlene Ridgeway stated she and the Sheriff's Department recommend award from the State of Missouri Cooperative Contract C103008001 to purchase one 2003 Ford Crown Victoria Police Interceptor for the Corrections department for a transport vehicle. The total contract price is \$20,514.00 to be paid from organization 2540 – Sheriff Civil Charges account 91400.

Commissioner Stamper asked if this was just for the purchase of one vehicle. Sheriff Boehm stated that was correct.

Commissioner Miller asked if this was budgeted at the beginning of the year and are just now ordering the vehicle. Sheriff Boehm stated the funds are from the Civil Process Funds, not required to be budgeted.

There was no further discussion on this issue.

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

B. First Reading of Bid 71-31OCT02 (Snow and Ice Control Services)

David Mink, Public Works Director, was present on behalf of this item.

Marlene Ridgeway stated this bid was opened in the October 31, 2002 Commission meeting and seven responses were received. She and the Public Works Department have reviewed and given consideration to these bids and recommend the following award:

- Group 1 – **No Award**. The Public Works Department has made arrangements to cover this area within their department.
- Group 2 – Recommend Award to **Diamond “C” Services** for a bid price of \$250.00 per hour.
- Groups 3, 7, 8, and Rover Trucks – Recommend Award to **Highpoint Enterprises** for a bid price of \$200.00 per hour.
- Groups 4 and 5 – Recommend Award to **JC Landscaping** for a bid price of \$285.00 per hour.

- Group 6 – Recommend Award to **Doug Boillot** for a bid price o \$280.00 per hour.

If any or all of these recommendations are not accepted, the Purchasing Department will need to prepare a request for bid to fill the shortage.

David Mink stated traditionally, the department has contracted this service and paid by the inch of snow. It was the department's observation that there were many times this was not working for the County on the amount that was being paid. In some cases, the cost would be approximately \$300 per hour.

The department decided to look at a different way of compensation. This was bid on an hourly rate. There were initially 17 groups and some of these groups had more than one truck, which would have been almost 20 trucks. These bids came back disappointingly high and also there were not enough trucks bid to cover the groups that were set up.

This bid was revised and re-bid with only 9 groups with two of the groups having two trucks, which totaled thirteen trucks. Also in the bid was the Rover Truck. This is a truck that is an unassigned truck that was not really bidding a group but would be placed where needed. These bids came back still at a higher price than the department had hoped. The department has a decision to make about providing a service. Mr. Mink is unsure of the outcome if this is bid for a third time and there may be a loss of interest from the vendors.

Mr. Mink is concerned that if these groups are not awarded then the groups cannot be filled and the department goes into a winter season with inadequate service. Other ideas may be entertained for next year. One idea is to bid this without groups but to bid all and then award the groups after a contract is given and giving the low bidder first choice in the groups.

Commissioner Miller stated she is concerned about this and asked Mrs. Ridgeway if she spoke with John Patton, County Counsel, about this. Mrs. Ridgeway stated she has spoken to Mr. Patton about this issue. If this is to be re-bid, then the scope of work would have to be revised.

Commissioner Miller stated she was not inquiring about re-bidding but about negotiating with a base rate. Mrs. Ridgeway stated the way this bid is set up is that it is asking for a fixed price. This is not a proposal where a price can be negotiated.

Commissioner Miller asked if the Commission could reject the bids that were higher than the first time submitted, because she believes this is raping the County, and if a negotiated cost with vendors could be done. Mrs. Ridgeway stated if this is done and we know that if within one event the cost exceeds the \$4,500 level then the department is required to do a sealed bid. This would be going outside that requirement.

Commissioner Stamper asked if Mr. Mink was concerned about this situation. Mr. Mink

stated he is concerned. He believes this could be changed and not go back out on the street to have bids submitted for each group but to have bids for a truck then assign the trucks where they were needed. This could take another month to be accomplished.

Commissioner Elkin stated he is also concerned with this situation. These bids are higher than they were before. He would like to see what the average snow fall has been over the past five year and see what the cost is to do this in house. He is unsure if this is feasible but if it is then make that average the base for the bids.

Mr. Mink stated this would be difficult to do this in house. This could be done by in house staff but it would reduce the level of service that has been provided to the subdivisions. If this was done by in house staff, the subdivisions would become a lower priority. Another problem is that the department is not equipped with the smaller vehicles to do cul-de-sacs in subdivisions, for example.

Commissioner Elkin stated he was not suggesting doing this in house but try to estimate what it would cost the department would incur and have that as the basis of the bid.

Mr. Mink noted these bids are close to what the vendors were making per hour in the old system of bidding per inch. He believed bidding like this would allow the vendors to bring in their actual costs.

Mrs. Ridgeway noted all the bids received were higher except for Highpoint Enterprises.

Mr. Mink stated there were also some vendors who did not bid for the second time.

Commissioner Stamper stated it has been the Commissions experience when something is re-bid that there is usually some inflation level.

Mr. Mink stated in regards to setting a price for the vendors, he is unsure how this would work with Purchasing Department policies.

Commissioner Miller stated a Request for Proposal for this bid can be done as it is done for other services, then it will be a negotiated cost. She agrees it is getting late in the season. She does like the idea of not grouping the bid for next year.

Mr. Mink stated he would like to research the fixed costs for the vendors. They are required to have a \$2 million insurance policy which is not required for all enterprise companies.

There was no further discussion on this item.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an

appropriate order for approval.

C. Rescind CO 464-2002 and Re-Award bid 41-13AUG02 (Food Products and Kitchen Supplies Term and Supply)

Marlene Ridgeway stated the department is requesting to rescind commission order 464-2002. After several weeks of contract negotiations, Sysco Food Services of Kansas City and our legal counsel could not agree to the terms. Furthermore, we recommend awarding this Request for Bid to the next lowest bidder, Allen Foods, Inc. Mrs. Ridgeway has contacted Allen Foods, Inc and they will hold their bid prices as submitted and have agreed to our terms and conditions in the contract.

Commissioner Miller asked why no agreement could be reached. Mrs. Ridgeway stated Sysco Food Services of Kansas City has a Master Distribution Agreement that they require all their primary customers to sign. The wording in that contract allows them to calculate their prices, which is in contradiction to the County's contract. Also, there are other items, such as arbitration, that County Counsel would not agree to.

Mrs. Ridgeway stated the experience she has had with Allen Foods, Inc in the past week has been good. They have gone beyond what the County has requested.

Commissioner Stamper asked how this should be handled. Commissioner Miller suggested moving forward with this bid since this has been a long process and so the County can use the prices that were bid by Allen Foods, Inc.

There was no objection to waiving the second reading and awarding this bid today.

Commissioner Stamper moved to rescind Commission Order 464-2002 for Bid 41-13AUG02 (Food Products and Kitchen Supplies Term and Supply) and re-award said bid to Allen Foods, Inc.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 475-2002**

Subject: Second Reading and Public Hearing to Approve Budget Amendment (Transfer Net Insurance Proceeds into Newly Established Fairgrounds Maintenance Fund).

Commissioner Elkin stated these are settlement proceeds from the storm damage at the Fairgrounds from the May 2002 storm. This is to establish an account for those funds. Any funds that are to be used from this account will have to go through the normal

budgetary procedures.

Commissioner Stamper stated this will secure these funds.

Commissioner Miller stated she believes this is the right thing to do and is happy to see that this is being established before the 2003 budget process.

Commissioner Elkin moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
1190-83922: Non-Departmental – Operating Transfer Out to the Fairgrounds Maintenance Fund	\$500,000.00
2120-03913: Fairgrounds Maintenance Fund – Operating Transfer In from the General Fund	\$500,000.00

Said budget amendment is to transfer insurance proceeds into newly established Fairgrounds Maintenance Fund.

Commissioner Miller seconded the motion.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

There was no further discussion on this issue.

The motion passed 3-0. **Order 476-2002**

Commissioner Reports

Commissioner Stamper

Notice of Two Voluntary Annexations

Commissioner Stamper stated the County has been notified of the following voluntary annexations:

- Approximately 1.02 acres of land owned by Phyllis D. Grant, located on the south side of Grant Lane, approximately 550 feet east of Trailside Drive.

- Approximately 1.21 acres of land owned by Orville Wiechert, located at the eastern terminus of Rice Road and at the southern terminus of Shamrock Drive.

Commissioner Miller

Smart Growth Coalition

Commissioner Miller stated she attended the Smart Growth Coalition meeting. During the meeting there was discussion about establishing awards for commercial and residential development having the best use of the land and being environmentally friendly. This would be for developments that are still in the development and planning stage and completed developments.

Commissioner Elkin

No reports at this time.

Commissioner Stamper welcomed Presiding Commission-Elect, Keith Schnarre, to the meeting. He noted meetings will be set up in the future to allow for discussions to update Mr. Schnarre on issues in the County.

Commissioner Stamper noted the County has received notification from the Governor's Office declaring Friday, November 29, 2002, the Friday following Thanksgiving, as a holiday.

There was no public comment.

The meeting was adjourned at 10:00 a.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner