

TERM OF COMMISSION: November Session of the October Adjourned Term

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

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

The meeting was called to order at 9:33 a.m.

Subject: Toys for Tots Proclamation

Commissioner Elkin requested to hold this item until the December 1, 2005 meeting.

Subject: Purchasing Department

Heather Turner, Purchasing Department Buyer, was present on behalf of these items.

A. Second Reading and Award of Bid 75-08NOV05 (Smith Hatchery Road Culvert Replacement Project)

Commissioner Elkin moved to award bid 75-08NOV05 for the Smith Hatchery Road Culvert Replacement Project to Muenks Brothers Construction Company, Inc.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 450-2005**

B. First Reading of Bid 58-15NOV05 (Records Shredding and Disposal Services Term and Supply)

Heather Turner stated the Bid for Records Shredding and Disposal Services for Boone County closed on November 15, 2005. Five (5) bids were received. Purchasing and the County Clerk's Office recommend award to Civic Recycling for submitting the low bid. Leslie Canole and Wendy Noren submitted a memo with this recommendation.

This Term & Supply contract will be paid out of department 1196 Records Management Services, Account Number 83160 – Recycling and Dump Fees.

Commissioner Miller stated Mrs. Canole spoke with the Commissioners yesterday about

waiving the second reading so they could proceed with shredding as soon as possible.

There was no objection to this request.

Commissioner Miller moved to award bid 58-15NOV05 for Records Shredding and Disposal Services Term and Supply to Civic Recycling.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 451-2005**

C. First Reading of Bid 66-03NOV05 (Fencing and Appurtenances Term and Supply)

Heather Turner stated the Bid for Fencing and Appurtenances for the Boone County Public Works Department closed on November 3, 2005. Two (2) bids were received. Purchasing and the Public Works Department recommend award to Custom Fence for submitting the low bid. Don Abell performed an analysis of cost based on a sample fencing scenario and his analysis is attached to this memo.

This Term & Supply contract will be paid out of department 2040 Maintenance Operations, Account Number 71100 – Outside Services.

Commissioner Schnarre 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 award.

Subject: Public Works

A. Second Reading and Approval of Adopt-A-Roadway Request

Commissioner Elkin moved to approve the request by Laura Flynn-Smith on behalf of Stonepoint Quarter Horses to adopt 1.5 miles of Sweringen Road from Route E west for 1.5 miles for litter control.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 452-2005**

B. First Reading of Grant of Easement for Water Utility Purposes (City of Columbia)

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

David Mink stated the City of Columbia has proposed an easement along the MKT Trail for placement of a large diameter waterline. Permanent and Temporary easement requests have been provided for execution. The County Counselor and County Surveyor both have reviewed these documents. The County Commission may wish to donate this property but if not, the City has provided a land value appraisal which can be made available. County staff has worked with City engineering staff to minimize conflicts with the trail and with possible future land uses. The City has provided plans and specifications and the County is satisfied that there is sufficient language for adequate site restoration and for specific protection of the large oak tree.

Commissioner Miller asked what the acreage of this is. Mr. Mink stated he does not remember the exact acreage but it is valued at \$1,100. The permanent easement is 0.49 acres and 1.23 acres of temporary easement.

Commissioner Schnarre 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 award.

Subject: First Reading of Contract with Tiger Hotel for Bonne Femme Watershed Debate Event

Terry Frueh, Planner, was present on behalf of this item.

Terry Frueh stated the debate will be Wednesday, November 30. He requests the second reading be waived since the timing is so short. The federal funds are available to pay for this event.

Commissioner Elkin asked why there will be a dinner. Mr. Frueh stated this will attract people to attend. There will be appetizers after the debate.

There was no objection to this request.

Commissioner Miller moved to approve the Sales/Catering Contract with Tiger Columns for the Bonne Femme Watershed Debate.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 453-2005**

Subject: Second Reading and Approval of Budget Revision (Non-Departmental)

Commissioner Elkin moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
1123-86800: Emergency	\$1,610.00	
1190-48100: Non- Departmental – Natural Gas		\$700.00
1190-48200: Non- Departmental – Electricity		\$750.00
1190-48400: Non- Departmental – Solid Waste		\$60.00
1190-48600: Non- Departmental – Sewer Use		\$100.00

Said budget revision is to cover utilities for the Guaranty Lane Title Building at 607 E Ash.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 454-2005**

Subject: Public Hearing and Approval of Building Code Amendment

Stan Shawver, Planning and Building Inspection Director, was present on behalf of this item.

Stan Shawver stated this is the third public hearing for the adoption of Appendix D “Swimming Pools, Spas and Hot Tubs” of the CABO (Council of American Building Officials). This requires in-ground pools be designed with the National Spa and Pool Institute requirements. The real interest in this section is the requirement of barriers around swimming pools, spas and hot tubs. The barrier must be a minimum of 48” in height and there are other requirements such as a sphere four inches wide cannot pass through the gaps in the barrier.

Mr. Shawver stated this is before the Commission on a recommendation for approval from the Building Code Commission.

Mr. Shawver submitted an e-mail from Debra A. Howenstine and Susan Asher requesting

the Commission adopt this appendix.

Commissioner Miller asked why there is no 90 day compliance requirement in the proposed motion. Mr. Shawver stated he does not believe that needs to be part of the order but it is a Commission directive as far as policy is concerned.

Commissioner Miller asked if there should be wording about this being complaint driven. Mr. Shawver stated the Commission has stated on the record that that is how they want this administered.

Commissioner Schnarre opened the floor for a public hearing.

Annie Pope, Executive Director of the Columbia Home Builders Association, stated Phil Clithro, HBA Incoming President, and Dan McCray, HBA Codes and Issues Chair were also present. HBA is concerned about the Commission setting a precedent of making a code retroactive.

HBA is also concerned that this is all come forth due to a conflict between neighbors. Conflicts between neighbors should not be the basis for setting public policy.

Ms. Pope also noted at the last meeting, a Commissioner mentioned that even though this was not originally adopted but there was intent to adopt, that building inspectors had been advising people to follow this code. HBA has been discussing this with the County for a few years, the notion of something to being on the books but an inspector enforcing it. HBA requested the Commission renew their efforts to make sure this does not happen because it is not legal.

Commissioner Miller stated she is not sure the inspectors knew this was not adopted until push came to shove.

Angela Anderson, 1251 S. Cedar Grove Boulevard, stated she is in agreement with the adoption of this appendix. There is opposition to this because of the suggestion of making this retroactive. Some think this is brought on due to a dispute between neighbors. This dispute was brought on because of a request for children to be protected and this was not happening.

There is nothing that requires people to put barriers around any type of construction site. If there is, it is not being enforced and she does not know about it. There are permit policies in place that allow the construction for six month with a possible continuation for six months or whatever the zoning department see necessary rather than have a protocol that they adhere to.

Mrs. Anderson stated this was also brought on because swimming pools are considered accessory structures. This means people can build a pool up to two feet off of someone

else's property line. She will not stray from what she believes a swimming pool is that is where the water is, the slide, ladders, pumping systems and barriers around the structure.

She made many requests for helping with the safety of her children. She was told many times, and given incorrect documentation, about what the requirements were in the County.

She believes it is necessary that the 90 day compliance rule be imposed otherwise this will be left open ended, open to interpretation and completely unenforceable.

Children have a right to be safe. Parents have the right to protect their children.

For anyone now or in the future that moves in next to someone with a swimming pool without a barrier should have a means to protect their children. She can think of relatively few other hardships than having to bury your own child.

Mrs. Anderson stated she hopes that she lives in a County that sees this as necessary for the safety of children now and in the future.

Jerrie Jacobs-Kenner, 9950 S. Route N, submitted Missouri Child Fatality Review Program 2004 to the Public Record.

Mrs. Jacobs-Kenner stated she is the Social Work Director at William Woods University and has served on the County and State Child Fatality Review panel. 56 children have died in the State of Missouri due to preventable drowning. Children between 1 and 4 are most likely to drown in residential swimming pools.

Of the 19 children that died in 2004, 37% occurred in swimming pools.

There are peak months for swimming pool drownings but they can happen at any time.

This also costs the County and State money in terms of emergency officials that have to be involved, the medical examiner and lawsuits that occur after a child has died.

The State and County Child Fatality Review Plans both recommend one of the best ways to prevent children from drowning is to enforce pool fencing ordinances.

Mrs. Jacobs-Kenner believes the Commission has shown a great deal of interest in protecting children. She is in agreement with any ordinance that will ensure there will be fencing around pools but also those ordinances be retroactive.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre stated he believes this is a safety issue. It is too bad the County

did not know about it because it should have been in the building code regulations.

Commissioner Miller stated since it was in the building codes before everyone assumed that it was still part of the code.

Commissioner Elkin stated he understands the concerns of HBA about this being retroactive. He knows the County does not want to get in the habit of enforcing codes retroactively. That leads the County down a slippery slope. However, this is a critical safety issue. He could not support this if it was not going to be retroactive enforcement. It is the best interest of the community that Appendix D be adopted.

It is to his understanding that the neighbor in the middle of the dispute has the fencing materials but has refused to build the fence.

He thought fences were required for pools.

Commissioner Miller stated she thought insurance companies required fences.

Commissioner Elkin stated some of the best policies are the result of a specific situation.

The issue of enforcing codes retroactively is for another discussion for another day.

Commissioner Elkin moved to adopt Appendix D "Swimming Pools, Spas and Hot Tubs" of the CABO (Council of American Building Officials).

Commissioner Miller seconded the motion.

Mrs. Anderson asked if the 90 day compliance will be part of this order. Commissioner Miller stated it is an internal policy.

Mrs. Anderson asked how this will be enforced. Commissioner Schnarre stated the staff will be directed to do so.

Mr. Shawver stated if there is non-compliance of a zoning violation then a letter will be sent saying the owner has 30 days to comply. If there is still no compliance, a certified letter will be sent saying the owner has 15 days to comply. If there is no compliance after that, the violation will be turned over to the Prosecuting Attorney's office.

For this issue, a letter will be sent regular and certified telling the owner they have 90 days to comply with the code. If there is no compliance, then it will be turned over to the Prosecuting Attorney's office.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 455-2005**

Subject: Adopt 2006 Boone County Holiday Schedule

Commissioner Miller moved to declare the Boone County Holiday Schedule for year 2006 will be in agreement with Public Holiday List from State Offices issued by the Office of the Governor, State of Missouri. Any holiday adopted by the Office of the Governor will automatically be adopted by Boone County.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-1 as follows: Commissioner Schnarre – Nay, Commissioner Miller – Aye, Commissioner Elkin - Aye. **Order 456-2005**

Commissioner Reports

There were no Commissioner Reports.

Public Comment

There was no public comment.

The meeting adjourned at 10:08 a.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner