

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  
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 9:31 a.m.

**SUBJECT: Decision on University Estates Neighborhood Improvement District**

Coordinator of the Neighborhood Improvement District program Andy Lister reported that a petition to form the University Estates NID was submitted to Public Works on August 1, 1996; signatures were verified and the NID was formed by the Commission on September 5, 1996. The petition contained the signatures of the owners of approximately 80% by area, representing more than 60% by number. On June 30, 1997, the Commission held a public hearing where they tabled a decision on proceeding with this project and advised the neighborhood to try to work out an equitable cost share plan.

On Tuesday, August 5, 1997, Mr. Lister said a neighborhood meeting was held at the Fire Station on Route K. A proposed compromise cost share plan was presented and discussed. New petitions representing this new cost share plan were offered for circulation and none were taken. Mr. Lister took a straw poll of those in attendance, asking for one vote per household. The result was a vote of 11 to 2 in favor of urging the Commission to proceed with the original petition (equal shares). Since that time, he said he had received 8 copies of a form letter that seems to favor the compromise proposed at the August 5 meeting, though no such petitions have been circulated.

Mr. Lister said that all owners have been notified by mail of every meeting, including today's.

Mr. Lister also said that he had just received a phone call from a resident of the neighborhood, Daryl White who wanted the Commission to know he had spoken with FmHA and was told that they would subsidize loans for NID programs such as this.

Mr. Lister reported that two issues needed to be resolved. The first was for three lots owned by Darryl and Karen Johns. Their home is on one lot, and the other two are vacant. Of the two vacant lots, one has a sewer main running across it diagonally, making it difficult, though not impossible to build on.

The other, he said, are two lots owned by Joe and Carla Nichols. The two lots are side by side and one of the lots has only a pinpoint of actual road frontage. It would be possible for them to grant themselves an access easement reflecting their current driveway, making that lot buildable. Mr. Lister had spoken with the Planning and Building Inspections Department who said they would be hard pressed not to grant a building permit for that lot.

Commissioner Stamper opened the floor for public comment.

Jim Joy, 3606 West Hilltop Dr., said that it was his understanding that no public comment would be allowed and that is how they had approached this meeting.

Darryl Johns, 7507 South Hillside Dr., said he felt the last firehouse meeting was regressive and he thought the compromise is the way to go.

County Counselor John Patton explained that state statutes say that a Neighborhood Improvement District cost share should be assessed by an equitable formula. He said that for the Pin Oak NID, some property was not assessed because those lots would not now, nor would they in the future, benefit from the improvements. The preferred way, he said, to handle the lots in question would be for the owners to submit a lot line adjustment, consolidating the lots into one.

Commissioner Stamper said that the original petition, the original format and formula was once again before the Commission. The issue, he said has been debated heavily and to death by most and had now come back with a neighborhood consensus for the original petition. He said the only question now was how to handle the Johns and Nichols tracts. Commissioner Stamper said he did not think it was fair to exempt lots that are potentially buildable and said the remedy was for the property owners to have their property lines adjusted.

Commissioner Vogt said she was comforted to know that FmHA would subsidize NID-type loans and was glad that the property owners had some alternatives. She also said she was always in favor of improving infrastructure, whether in neighborhoods or in a more public way, and that it would be hard to turn down a neighborhood that's interested in improving.

Commissioner Stamper moved that the County Commission of the County of Boone order that the petition submitted and verified for the University Estates Neighborhood Improvement District on September 5 for the proposed repair and paving of roads in the University Estates Neighborhood Improvement District be approved and orders the Project Coordinator to proceed with the project as outlined in paving plans and specifications on file in the office of the Boone County Clerk. Said plans and specifications may be amended as needed by the County Commission; and hereby authorize the Treasurer to finance the project through the issuance of temporary notes and general obligation bonds.

Commissioner Miller seconded. Motion passed unanimously. **Order 377-97.**

Commissioner Stamper moved that the County Commission of the County of Boone adopt the following resolution:

**RESOLUTION OF THE COUNTY COMMISSION OF THE COUNTY OF BOONE, MISSOURI, DETERMINING ITS INTENT TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES IN CONNECTION WITH UNIVERSITY ESTATES NEIGHBORHOOD IMPROVEMENT DISTRICT,**

Be it hereby resolved that Boone County, Missouri (the "County") expects to make capital expenditures (the "Expenditures") in connection with the University Estates Neighborhood Improvement District Project, (the "Project") on and after the date hereof, and intends to reimburse itself for the expenditures with the proceeds of Neighborhood Improvement District bonds or other obligations to be issued by the County (the "Obligations").

Be it further resolved, that the maximum principal amount of obligations expected to be issued for the project is \$224,375

Commissioner Vogt seconded. Motion passed unanimously. **Order 378-97.**

**SUBJECT: Award Bid 43-06AUG97, Culvert Pipe Term and Supply**

Commissioner Stamper moved that the County Commission of the County of Boone award bid 43-06AUG97 for culvert pipe term and supply section 4.11 to Metal Culverts, Inc. and section 4.12 to Missouri Rural Services Corp. as having the lowest and best bids.

Commissioner Vogt seconded. Motion passed unanimously. **Order 379-97.**

**SUBJECT: Surplus Items Disposal**

Commissioner Stamper reported he had received a letter from Purchasing Director Beckie Jackson that said a Hickman high school math teacher is interested in the County's surplus 386 or 486 computer equipment. The equipment could be used as server terminals for students currently using even older equipment.

In response to a question from Commissioner Stamper, Mr. Patton replied that a donation made to a public school system would not be a problem.

Commissioner Stamper moved that the County Commission of the County of Boone transfer to the Columbia Public School System, the attached surplus computer equipment in response to a request made by Mr. Kyd, a math teacher at Hickman High School and request that the Purchasing Department offer future similar disposal items to other school districts in Boone County.

Commissioner Vogt seconded. Motion passed unanimously. **Order 380-97.**

Commissioner Vogt moved that the County Commission of the County of Boone dispose the following two vehicles through the University Auction: 1985 Dodge Van in good condition with 70,039 miles; a 1983 Dodge Van in poor condition with 170,073 miles.

Commissioner Miller seconded. Motion passed unanimously. **Order 381-97.**

**SUBJECT: Out of County Housing for July**

Commissioner Stamper moved that the County Commission of the County of Boone authorize the following budget revision:

Dept.	Account	Account Title	Transfer From	Transfer To
1123	86800	Emergency Funds	\$8,200	
1255	71100	Outside Services		\$8,200

Explanation: To cover out of county housing for July 1997.

Commissioner Miller seconded. Motion passed unanimously. **Order 382-97.**

**SUBJECT: Suggested Changes to the Boone County Animal Ordinance**

Commissioner Stamper acknowledged the receipt of a letter submitted by Dr. Tom Rose, DVM on behalf of the Columbia/Boone County Board of Health that offered suggested changes to the Boone County Animal Ordinance.

Stuart Spradling, 1500 South Rustic Road, said that he had reviewed the information and appreciated being included in the discussion. He said that he and his wife, Melanie, who had addressed the Commission in May regarding this issue, would like to see a county-wide ban on pit bulls. They would also, he said, like to see Rottweillers banned, though pit bulls are a breed more capable of severe trauma. It is the dogs decision, said Mr. Spradling, to attack or not and dogs have no conscience and some breeds are more likely to attack than say a beagle.

Mr. Spradling also requested that owners of vicious dogs should carry \$100,000 in liability insurance instead of \$50,000 now required. He argued if it was more difficult for people to own vicious dogs, that it would force people to become more responsible. He asked that owners of vicious dogs also send notification of the dogs presence to neighbors within 1,000 feet.

Mr. Spradling suggested that dogs needed a more permanent type of identification mark, like a tattoo or microchip. He wanted to see the health department follow up routinely on dogs deemed vicious and to make quarterly site visits to kennels to see that the kennels were maintained to specific standards. Mr. Spradling was also concerned with the lack of a definition of "seriously injured" and said that a dog bite that isn't particularly physically damaging can cause serious emotional damage.

Mr. Spradling went on to say that the policy requiring dogs on leashes in Urban Service Areas was too restrictive and that many dogs behave well to voice commands. Mr. Spradling said that section of the Boone County Animal Ordinance went just a little too far.

Commissioner Stamper clarified that the purpose of submitting the proposed changes was to bring the issue back to the public record and asked that Deputy County Clerk Ashley Williams schedule another discussion regarding the Boone County Animal Ordinance a month from today (tentatively scheduled for October 7, 1997).

**SUBJECT: Treasurer's Report for July**

Treasurer Kay Murray reported on the 1997 reconciliation of bank statement for the month of July.

**SUBJECT: Flood Control Act Money**

Ms. Murray explained that \$150 was receipted in December 1996 into a due-to-others account. The money received from the state is in accordance with section 12.080 RSMo. for flood control leases. The Commission, she said, can move the money to the school district located next to the federal property or to the Public Works Department for roads.

Commissioner Miller moved that the County Commission of the County of Boone approve the transfer of \$150 from the State of Missouri, in accordance with RSMo. 12.080 for flood control leases, to the Boone County Public Works Department for roads.

Commissioner Vogt seconded. Motion passed unanimously. **Order 383-97.**

**SUBJECT: NACo Satellite Broadcast on Community Conflict**

Ms. Murray said that the National Association of Counties was offering a satellite broadcast on October 23 from 1 p.m. until 3 p.m. (eastern time). The broadcast is called "Community Conflicts: Don't You Just Hate Them". The fee for each site to downlink the broadcast is \$300, including materials for each site. Sites may, she said, charge attendees a fee to recoup their own costs or earn profits.

Commissioner Stamper suggested that the Commissioners study the issue.

**SUBJECT: Legal Fees for Termination of Old Pension Plan**

Ms. Murray requested funding for an initial review of the Boone County Employees Pension Plan and Trust Agreement. She had contacted Robert Grossman of Shook, Hardy and Bacon who had agreed to look at the following issues: determining what is involved to terminate the pension plan and the effects it would have on individual employees; what happens if the current plan is amended and can Boone County freeze the plan and stop adding new employees. Mr. Grossman had agreed that an initial review by Shook, Hardy and Bacon would cost \$2,000 and would give the County an idea if amending or terminating the plan would be a big or a small problem.

Ms. Murray said that she had contacted several firms in the city of Columbia and no one wanted to touch it. She also clarified that the \$2,000 would fund identifying problems, but it would require significantly more to change the plan. The problem, she said, is that the plan has not been updated since 1983 and any changes might trigger some laws that have been made since then. Ms. Murray said that the main concern in amending or terminating the plan was not how it might affect the County, but how those changes might affect employees enrolled in the plan.

Commissioner Stamper moved that the County Commission of the County of Boone authorize an expenditure of \$2,000 from the Emergency Fund for legal counsel regarding the potential conversion of the existing Boone County Employees Pension Plan and Trust Agreement.

Commissioner Miller seconded. Motion passed unanimously. **Order 384-97.**

Ms. Murray then requested authorization to make changes to the current plans asset allocation because some of the fixed income will be maturing soon. She said she was concerned that if they didn't start preparing the plan for termination and working with the bank, they could possibly take a big loss.

When asked by Commissioner Stamper if she was wanting time to study the current allocation, Ms. Murray responded that she didn't study, she just moved.

Commissioner Miller said she felt confident in Ms. Murray's decisions because she was most likely the county employee with the most invested in the plan.

Commissioner Miller moved that the County Commission of the County of Boone authorize Treasurer Kay Murray to make adjustments of asset allocations in the Boone County Employees Pension Plan and Trust Agreement; preparing the plan for possible amendment or termination.

Commissioner Miller seconded. Motion passed unanimously. **Order 385-97.**

**SUBJECT: Local Regulation of Fireworks**

Commissioner Stamper submitted the findings of County Counselor John Patton regarding the local regulation of fireworks.

**SUBJECT: 1997 U.S. Hot Air Balloon Championship Results**

Commissioner Stamper submitted the official results for the 1997 U.S. Hot Air Balloon Championships.

**SUBJECT: Vote to Hold a Closed Meeting Pursuant RSMo. 610.021 (1, 2)**

Commissioner Miller moved that the County Commission of the County of Boone conduct a closed meeting immediately following today's meeting as authorized by 610.021 (1) RSMo. to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys; and as authorized by 610.021 (2) RSMo. to discuss leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Commissioner Vogt seconded. Motion passed unanimously. **Order 386-97.**

**SUBJECT: Local Government Endorsement for the Diamond Council**

Commissioner Miller moved that the County Commission of the County of Boone authorize the Presiding Commissioner to sign a local government endorsement for the Diamond Council application for Neighborhood Improvement Assistance Program Credits.

Commissioner Vogt seconded. Motion passed unanimously. **Order 387-97.**

**SUBJECT: Human Development Corporation Requisitions**

Commissioner Stamper moved that the County Commission of the County of Boone authorize the Presiding Commissioner to sign the Human Development Corporation requisitions.

Commissioner Vogt seconded. Motion passed unanimously. **Order 388-97.**

**SUBJECT: Reports from Commissioners**

Commissioner Vogt reported that she had had an accident with her County phone.

The meeting adjourned at 10: 45 a.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