

TERM OF COMMISSION: December 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 Ashley Williams

The regular meeting of the County Commission was called to order at 7:00 p.m.

SUBJECT: Request by William and Shelly Dometrorch on behalf of Nextel Communications for a Transmission Facility with a 300' tower on 9.73 acres located at 12121 Old Rocheport Rd., Rocheport

Planning and Building Inspections Director Stan Shawver reported that the property is located two miles east of Rocheport and 7 1/2 miles west of Columbia on Old Rocheport Road. The site is zoned A-2 (Agriculture) as is all of the surrounding property. This 9.73 acre tract is a part of a larger 40-acre tract of land. This application is to place a transmission facility on the property that will include a 300 foot tower. The tower and site is designed to accommodate multiple users. The proposed use should not have any impact on utilities or other services. The A-2 zoning is the original zoning for this site. There have been no previous requests submitted on behalf of this site. The Department does not have any record of zoning violations on this tract of land. The comprehensive plan designates this area as being suitable for agriculture and rural residential land uses. The proposed use is a conditional use in the agricultural districts and so is consistent with the Master Plan. Staff notified 14 property owners concerning this request.

Tom Cummings, zoning/leasing manager, and James Price, radio frequency engineer, both of 1 City Place Dr. Suite 100, St. Louis, MO approached the Commission on behalf of the Dometrorch's.

In response to a line of questioning from Mr. Cummings, Mr. Price reported that Nextel offers a service of cellular communications as well as two-way radio, paging and short messaging services. He explains that as a wireless server drives away from a tower, the signal weakens, causing the need for multiple towers. He said that the services were important from the standard of safety. Mr. Price said that tower locations are determined by market areas and that high population areas are built in first and then the locations are expanded into the lower populated areas. He said that search rings are the optimal locations in which to build a tower. Towers outside of the search site would create gaps and holes. An average search ring has a diameter of a two-mile radius.

Mr. Price explained that tower sites are determined by topography, land, line of site and coverage in a town. They look at existing structures first and design the towers to have a minimal visual impact in the area. They try to design in remote areas, off of main roadways. He said they had looked at three possible existing towers in the area, but they were too far away. Nextel's options, he said, were limited because existing towers did not provide correct coverage. Their only option, he said, is to do a ground build site. Mr. Price explained computer models of search rings done on existing sites.

Commissioner Miller asked if the same information was available in studies done on existing towers in Boone County.

Mr. Cummings said they did not have those models, but that they had been submitted to the Planning and Zoning Commission.

Mr. Price said that if Nextel could not build on the Rocheport site there would be a loss of coverage that would cause the company to build multiple towers in order to provide the same coverage.

Mr. Cummings said that the proposed tower is designed to accommodate collocation. He submitted letters from Sprint PCS and Boone County Joint Communications Center stating that

they would both be interested in collocating at this particular site; eliminating the need for two towers in Boone County.

Commissioner Stamper said that JCC has no plans to construct a tower.

Mr. Cummings said that he spoke with Debbie Eldridge from JCC after the Planning and Zoning Commission chairmen said that JCC was planning on building a tower in the Rocheport area.

Commissioner Stamper said he had talked to Laura Estabrooks from JCC and that they have no such plans.

Mr. Price said the hardship for Nextel not building a tower in Rocheport would mean sunken costs, coverage gaps, a loss of revenue and a lack of growth in the customer base.

Mr. Shawver reported that Planning and Zoning Commission chairman Keith Kirkpatrick had indicated that JCC was going to build a tower in the same vicinity as Nextel's proposed tower and had asked if they could collocate.

Mr. Cummings indicated that JCC was not subject to zoning regulations and that by collocating could take care of those standards and eliminate the need for other tower construction in the County. He then listed the requirements attached to a Boone County Conditional Use Permit:

1) The establishment, maintenance, operation and use of the conditional use permit issued hereunder will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Mr. Cummings argued that the Telecommunications Act states that health reasons are not a permissible ground for denial of antennas and towers. He submitted a report on the safety and radiation effects of cell towers and antennas.

2) The conditional use permit issued hereunder will not be injurious to the use and enjoyment of other property in the immediate vicinity of the property which is the subject matter of this permit with respect to the purposes already permitted by these regulations.

Mr. Cummings argued that property in the immediate vicinity of the proposed tower is zoned A-2 and Nextel's assertion is that the guyed tower would not be a hindrance to the enjoyment of agricultural uses in the surrounding area.

3) The conditional use permit and authorized uses thereunder will not substantially diminish or impair property values of existing properties in the neighborhood surrounding the property which is the subject matter of this permit.

Mr. Cummings submitted two property valuation studies performed on property in Johnson County, Kansas to show the general effect of towers has no measurable effect on property values.

Commissioner Miller noted the studies were performed in urban areas and asked if they had any studies done in rural areas.

Mr. Cummings said these two studies were the only studies available.

4) All necessary public facilities for use of the land subject to this permit are or will be available if the conditions for issuance are satisfied.

Mr. Cummings said that these issues were addressed in the Planning and Zoning Commission and to his knowledge there were no significant issues of this type on this site.

5) The conditional use permit issued hereunder and the authorized uses under such permit will not impede the normal or orderly development or improvement of surrounding property for the uses permitted within the zoning district.

Mr. Cummings said that all the surrounding property is zoned A-2 and therefore the tower would not impede the development of the area. He also indicated that the studies for property values showed that orderly development is not impaired by towers.

6) The grant of this conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public roads and that adequate access points to the subject property from public streets are available.

Mr. Cummings said the subject property is fairly remote and located on a dirt road to the outside of Interstate -70.

7) The uses authorized by this conditional use permit are otherwise in conformity with the regulations pertaining to the zoning districts in which the uses are located and that there is a public necessity for the issuance of the conditional use permit hereunder.

Mr. Cummings stated that the staff report indicated that the request conforms with the regulations of the zoning district.

Mr. Cummings referenced the Telecommunications Act that reads universal service is to be provided to the country as a whole. He said that universal service is a level of telecommunications accessibility deemed appropriate by the telecommunications committee. He explained that the level deemed appropriate by the committee includes license sales. Nextel, he said, has a license. The Telecommunications Act, he said, addresses consumers in all regions including low income areas. Because Nextel has a license from the FCC, he said, universal service at this level is appropriate.

Commissioner Stamper asked Mr. Cummings to move on with the proposal.

Mr. Cummings said he was trying to show that under the Telecommunications Act, this service is deemed as a public necessity.

Commissioner Stamper asked if it was Mr. Cummings testimony that there is universal service in this area.

Mr. Cummings said the level of service deemed appropriate by the FCC can only be gauged by the number of licenses they have issued. He said that if everyone who has a license for this market has their system built out, then yes, there would be the level of universal service deemed appropriate by the FCC. Boone County, he said, is in a state below the level of service deemed appropriate.

Commissioner Stamper said he was not questioning Nextel's ability to build out, he said it was a question of how to do it.

Mr. Cummings argued this service was a public necessity.

In response questions from Commissioner Stamper, Mr. Price explained that the search rings are designed to show the best locations. He said the Columbia tower is located at I-70 and Providence Road and is 195 feet tall. The Booneville tower, he said is 250 feet tall. He said that the towers along I-70 are 12 miles apart. He explained that in the populated areas you build lower towers for traffic reasons because a site can only handle so much traffic.

Commissioner Stamper said that in the counties to the east and west there is no planning and zoning regulations and Nextel would be free to build a tower as high as they wanted without being contested, Yet, he said, they had chosen Boone County and proposed a higher tower than has been seen in this community.

Mr. Cummings said they would not intentionally choose the more difficult road. He explained again that a low tower is used in higher populations but as those areas are moved away from, the height of a tower is determined with topography, line of sight. He said each spot is designed separately because it's a different spot on the globe.

Commissioner Stamper said if Nextel's goal is to achieve this coverage, he asked why not place higher towers in Callaway and Cooper counties.

Mr. Cummings said that each site can only handle a certain amount of traffic and if Nextel were to build 500 foot towers on either side of Boone County and shoot into the county, they would not be able to accommodate the traffic.

In response to a question from Commissioner Stamper regarding the cost of the project, Mr. Cummings said he did not have those figures in front of him. He estimated the cost to be \$200,000. Mr. Cummings said that Nextel is a publicly traded company not owned by another telecommunications company. It is separately held, he said.

Commissioner Stamper asked the costs of using another tower in the area.

Mr. Cummings said they looked at other towers, but did not calculate construction costs for facilities they could not use.

Commissioner Stamper asked about the tower south of I-70 west of Midway that has been approved recently to go from 192 feet to 240 feet. There is another tower at Highway 63 and I-70 that did not appear in their calculations.

Mr. Cummings said that to his knowledge none of those towers would satisfy Nextel's technical needs in the area.

Mr. Price said he was not familiar with these towers. The one tower, is owned by Ameritech, who from their experience allows very little collocation. The U.S. Cellular site he said he was not familiar with and did not study.

Commissioner Stamper said the tower would be within the two mile search ring they had identified. He said the Commission has a predisposition to require companies to collocate and to not allow new towers. He said they had recently allowed a tower to go higher just to avoid issues they were faced with tonight.

Mr. Cummings said that in all fairness to Nextel, the Commission needed to realize the notice of intent promised by the applicant is not to be filed with the Recorder of deeds until the granting of approval. There could be ten other applications, he said, of which Nextel is not aware.

Mr. Shawver explained that the tower in question is actually owned by U.S. Cellular. He said he was confident that Nextel had evaluated the tower at 192 feet and not the proposed 240 feet. U.S. Cellular, he said, is still negotiating for fall easements and the earliest they could begin construction would be spring. Mr. Shawver explained that Nextel was not required to evaluate the site on Highway 63 and I-70 because Boone County regulations require that companies contact and evaluate any tower that would have a similar elevation within a specified range. The other tower mentioned by Commissioner Stamper was beyond the range for their site, he said.

Commissioner Miller asked if the Commission could require a study be done at the proposed 240 feet.

Mr. Cummings said that the regulations only require the study of towers in existence at the time of application. In response to a question from Commissioner Stamper, Mr. Cummings said the Sprint inquiry was not for long distance service but personal communications services.

Mr. Shawver said that Sprint was working on a number of different services, like long distance and PCS, and that each requires a different communication frequency. Those different frequencies can be operated from the same structure, provided it is built to the necessary tensile impact. Collocation, he said, is encouraged and the design submitted by Nextel would allow for collocation.

Commissioner Vogt asked about the service provided to the Boone county area and asked if towers will be located 1-3 miles apart from Kansas City to St. Louis.

Mr. Cummings said that Nextel is nationwide and the system is designed to emanate from high population areas and to build out. At this stage, he said, these two high population areas were being connected.

Commissioner Vogt asked how many towers they expected to build in Boone County over the next 20 years.

Mr. Cummings said he did not know and said that as technology changes the number of towers might increase or it might decrease.

Commissioner Miller asked how their system differed from U.S. Cellular's or Ameritech's.

Mr. Cummings said the systems were similar but different and that as different carriers were added, the picture becomes more complex. Each system has different technical aspects and is broadcast in different ranges.

Commissioner Miller asked why those systems would not work for Nextel's needs.

Mr. Cummings said those companies had already built out their systems. He said that Nextel will collocate wherever they can between Columbia and Kansas City and that it didn't make sense to build another tower if they didn't have to. The systems, he said, don't always line up.

Commissioner Stamper convened a public hearing.

Ed Petersheim, 7900 West Highway 40, said he owns property just east of the proposed location. He said he had several concerns. Nextel, he said, had discussed the property value problem, but he wondered how many people would want to build next to a 300 foot tower. He said the tower was definitely a negative as far as property values are concerned. If the tower does not directly affect the value, he said, it does limit the marketability of the property. Mr. Petersheim said there was property in Rocheport near the Cable Vision tower that has been for sale for quite awhile. He said he located two towers that had not been addressed by Nextel, all within a five mile radius of the proposed tower. He was also concerned that Nextel had agreed to send information to the neighbors on the health concerns, but that information had never been received.

Commissioner Stamper said the information was available now.

Mr. Petersheim said that the conditional use permit addresses public necessity. He said if JCC needed to build a tower, though he wouldn't like the looks of it, he wouldn't oppose it. That, he said is public necessity.

Commissioner Stamper closed the public hearing.

Mr. Cummings addressed Mr. Petersheim's concerns and said that the property value study had been prepared by experts in Kansas City. He argued their application was orderly development and that the tower would serve the same people developing the area. Alternate sites, he said, were not an option as they were well outside the search ring area and would not serve their function. The health information study, he said, he only received this afternoon.

Commissioner Stamper asked if the tower would be lighted.

Mr. Shawver said the FAA requires that any tower over 200 feet must be lighted. The FAA, he said, provides optional applications for lighting: it can be a white strobe light or a red beacon at night with the tower painted red and white. The application had been amended to a red and white tower with a red beacon. He explained the Sam Marsh development is a 90-acre tract of ground is divided into five acre lots. There are several building permits out there at this time. Fourteen adjacent landowners were notified.

Commissioner Stamper said the Commission had heard enough tower requests to create regulations. He argued the studies submitted by Nextel reflected Nextel's desires, but that there might be any level of achieving what they were wanting to do.

Mr. Price said they could build five 100 foot towers or ten 100 foot towers to cover the same area. Depending on the land, he said, one specific height might eliminate how many towers they would need. If they could get to 300 feet in one area, they could achieve the same coverage with fewer towers.

Mr. Cummings said as subscribers go up, there would be no need to build more sites to accommodate those subscribers.

Commissioner Stamper argued that there are towers everywhere, some that are less than 50 feet that accomplish what Nextel has described. He said he was disappointed that the Ameritech tower was not evaluated at 240 feet.

Mr. Cummings said it was not as simple as raising one tower and lowering another.

Commissioner Vogt questioned what would happen when the towers become obsolete.

Mr. Cummings explained that provisions are built into the lease that when a tower is no longer needed, the premises will be restored to their original condition. He said it would also be an option to lease the space on the tower if Nextel no longer needed it.

Commissioner Miller said she was unhappy with the summary of review of other towers. She asked County Counselor John Patton if it would be unreasonable to table the request and to ask Nextel to review sites, including the tower at Midway at its proposed 240 foot and to bring those findings back to the Commission.

Mr. Patton said the Commission could table the request or find that Nextel did not meet one of the criteria in the conditional use permit. He said the request could be tabled or denied.

Mr. Cummings said the ordinance reads that evaluations need to be made for existing structures. There was no guarantee, he said, that the tower will ever reach 240 feet.

Commissioner Miller said she did not feel they had enough information to be satisfied that there is no other option but to add another 300 foot tower to Boone County. She said she wanted them to have the opportunity to bring that information back to the Commission to prove there were no other options.

Commissioner Vogt asked if that wasn't the point of the diagrams they had already submitted.

Commissioner Miller said she wanted to see diagrams for the existing towers.

Commissioner Vogt said the recently approved 240 foot tower has not been built and even though it's been granted, no one can know when it will become a reality.

Commissioner Stamper argued that Nextel's information was also speculative.

Commissioner Vogt said Nextel was trying to control their destiny, but that they could not control it through another company.

Commissioner Stamper said that current regulations require companies to collocate and to demonstrate they have exhausted all possible considerations. That is the purpose of the regulations, he said. He suggested the Commission engage in another level of engineers and go to the University to get a second opinion. He said he was disappointed they were looking at another tower along I-70 after just having one double in size. He asked where this would end and said they could set a precedent tonight for approving any A-2 land in the I-70 corridor.

Commissioner Vogt said if Nextel had met the regulations requirements, they had a right to have a tower in Boone County.

Commissioner Stamper said they need to be efficient. The intent was to achieve more collocations and he said he did not think they had accomplished that tonight.

Mr. Shawver said that the federal government enables, but does not mandate a county's ability to approve or deny a specific tower. Boone County regulations were constructed to create a level of threshold for consideration. The County Commission, he said, still has the ability under the conditional use permit to turn down any request that does not satisfy all of the requirements.

Mr. Cummings said that if the Commission required more information, they would not oppose that request.

Mr. Patton explained that a consequence for denying would be a minimum one-year re-application for this site.

Mr. Cummings said that Nextel's loss of revenue is \$1,000 per day, per site and asked that the issue not be rescheduled for the March Planning and Zoning meeting, but that it be heard during a special session.

The Commissioners agreed to table the request by William and Shelly Dometorch on behalf of Nextel Communications for a Transmission Facility with a 300' tower on 9.73 acres located at 12121 Old Rocheport Rd., Rocheport until the next regularly scheduled County Commission Planning and Zoning session on March 3, 1998.

Commissioner Vogt said that Mr. Cummings had just requested the Commission not table this issue until March.

Commissioner Stamper said he understood that.

SUBJECT: Request by Ron and Teri McBee to approve a Final Development Plan for Northern Exposure Planned Commercial Development on 8.17 acres, more or less, located at 15160 N. Old Hwy. 63 North, Sturgeon.

Mr. Shawver reported that this was more of an administrative issue that was approved by the Planning & Zoning Commission.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign the final development plan for Northern Exposure Planned Commercial Development on 8.17 acres, more or less, located at 15160 N. Old Hwy. 63 North, Sturgeon; and to approve the zoning from A-2 to CGP.

Commissioner Miller seconded. Motion passed unanimously. **Order 530-97.**

SUBJECT: Petition to vacate and replat lot 12 of County Downes Subdivision Block V, submitted by Geraldine Sanderson and John Sanderson

Mr. Shawver reported on the request for the property zoned R-S. The proposal, he said, is consistent with zoning and staff notified property owners and received no letters or calls regarding the request.

Commissioner Stamper convened a public hearing. No one spoke in favor or opposition to the request and the public hearing was closed.

Commissioner Vogt moved that the County Commission of the County of Boone approve the petition to vacate and replat lot 12 of County Downes Subdivision Block V, submitted by Geraldine Sanderson and John Sanderson and that the vacation not take affect until the replat is submitted and approved.

Commissioner Miller seconded. Motion passed unanimously. **Order 531-97.**

SUBJECT: Revision of Major Thoroughfare Plan for Columbia Metro Area

Mr. Shawver explained that in 1988 the city of Columbia and County jointly adopted a plan that encompassed the metro area around Columbia. That plan is periodically amended and Mr. Shawver read the latest amendments:

Amendment 1 - Removal of the following roadways from the MTP:

- a. Locust Street - 6th to 10th
- b. 6th Street - Ash to Locust
- c. Limerick Lane
- d. East Walnut Street - east of Old 63
- e. Smith Drive - west of Louisville Drive extension
- f. Scott Boulevard extension - Broadway to Sorrels Overpass
- g. Stewart Road - east of Providence
- h. 10th Street - Locust to Broadway

Amendment 2 - Major Thoroughfare Plan Revision: Downgrading the following arterials to collectors in the MTP:

- a. Rangeline Street - south of Business Loop 70
- b. Ash Street - 6th Street to 10th Street
- c. 10th Street - Broadway to Ash Street

Amendment 3 - Addition of the following roadways as collectors to the MTP:

- a. Audubon Drive - Stadium Boulevard to Shepard Boulevard
- b. 10th Street - Ash Street to Rogers Street

Addition of the following roadway as an arterial in the MTP:

- a. Broadway - 6th Street to 10th Street

Amendment 4 - Addition of the following County collector streets within and at the Metro Area boundary that are not currently included in the MTP:

- a. Mauller Road: State Highway VV to Creasy Springs Road
- b. Hatton Chapel Road: State Highway E to Locust Grove Church Road
- c. Yeager Road: Driskel Road to Hatton Chapel Road
- d. Driskel Road: Route E to terminus
- e. O'Neal Road: Wilcox to Metro boundary
- f. Locust Grove Church Road: Westlake Road to Metro boundary
- g. Westlake Road: Locust Grove Church Road to Boothe Lane
- h. Boothe Lane: US Highway 40 to Westlake Road
- i. Hickory Grove School Road: Wehmeyer Road to State Highway O
- j. Nebo Cemetery road: State Highway O to State Highway UU
- k. Sarr Street: Railroad Street to State Highway O
- l. Railroad Street: Grocery Branch Road to Sarr Street
- m. Grocery Branch Road: Coats Lane to Railroad Street
- n. Star School Road: Grocery Branch Road to Burr Oak Road
- o. Burr Oak Road: Star School Road to Perche Avenue
- p. Perche Avenue: Burr Oak Road to State Highway K
- q. Coats Lane: Grocery Branch Road to Gillespie Bridge Road
- r. Brushwood Lake Road: Howard Orchard Road to previous terminus
- s. Howard Orchard Road: Brushwood Lake Road to State Highway KK
- t. High Point Lane: State Highway N to State Highway K
- u. Hill Creek Road: State Highway K to High Point Lane
- v. Rock Quarry Road: Gans Road to State Highway 163
- w. Bearfield Road: Gans Road to terminus
- x. Bonne Femme Church Road: State Highway 163 to Gans Creek Road
- y. Sugar Grove Road: City limit to Metro boundary
- z. New Haven Road: Rolling Hills Road to Rangeline Road
- aa. Turner Farm Road: Olivet Road to Rangeline Road
- ab. Rangeline Road: State Highway WW to New Haven Road
- ac. Liddell Lane: State Highway Z to Mount Hope Road
- ad. Mount Hope Road: Liddell Lane to Kircher Road
- ae. Alfalfa Drive: Oakland Gravel Road to Oakland Gravel Road

Amendment 5 - Major Thoroughfare Plan Revision: Including the following roadway as a freeway:

- a. US 63 - Rolling Holls Road to State Highway 163

Amendment 6 - Arterial realignment and the addition of new collector streets

- a. Route AC realignment - from east of Buttonwood to US 63
- b. Woodhaven Drive
- c. Phillips Farm Road
- d. Downgrade Nifong Boulevard from an arterial to collector - from Route AC realignment to Old 63

Amendment 7 - Arterial Street Extension

- a. Scott Boulevard extension - State Hwy KK to State Hwy K

Amendment 8 - Extension of Existing Collector Street

- a. Vandiver Drive extension

Amendment 9 - Collector Street Upgrade and Arterial Street downgrade for the following streets

- a. Downgrade Smiley Lane from an arterial to collector from Creasy Springs Road to MO 763
- b. Upgrade Brown School Road to an arterial from a collector from Creasy Springs Road to MO 763
- c. Upgrade Creasy Springs Road to an arterial from a collector from Obermiller Road to Brown School Road

Amendment 10 - Upgrading Local Street to Collector Street

- a. Route ZZ (Strawn Road) from Broadway to I-70 Drive SW

The Commissioners agreed to take public comment and then have an extended time frame for additional comment and a Commission worksession.

Commissioner Stamper convened a public hearing and submitted a letter addressed to the Commission from Nancy Brakhage.

Nancy Brakhage, 7852 S. Hill Creek Road said she was aware of how her road was changing. She said that progress was something that should enhance the quality of life and that using her neighborhood for increased traffic was not acceptable.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked that this issue be scheduled for the next Commissioners worksession to discuss its implications.

SUBJECT: Valley Creek PRD- replat of lot 89. S3-T48N-R12W. R-M. James V. Patchett, surveyor.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Valley Creek PRD replat of lot 89. S3-T48N-R12W. R-M. James V. Patchett, surveyor.

Commissioner Miller seconded. Motion passed unanimously. **Order 532-97.**

SUBJECT: Agreement with Local 45

Human Resources Director Mark Stone briefed the Commission on the few changes that had been made to the Boone County, Missouri Public Service Employees Local 45 Memorandum of Understanding for 1998-2000.

Commissioner Stamper moved that the County Commission of the County of Boone accept the Boone County, Missouri Public Service Employees Local 45 Memorandum of Understanding for 1998-2000 and authorize the Presiding Commissioner to sign the agreement.

Commissioner Miller seconded. Motion passed unanimously. **Order 533-97.**

SUBJECT: Resolution Regarding Boone County Employees Trust and Pension Agreement (Old Plan)

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

WHEREAS, the County of Boone has previously adopted a profit sharing plan; and

WHEREAS, due to the expense and complexities of maintaining a qualified profit sharing plan, the County Commission of the County of Boone desires to terminate the plan.

BE IT RESOLVED, that the BOONE COUNTY EMPLOYEES' PENSION PLAN AND TRUST AGREEMENT (the "Plan") be terminated effective December 31, 1997.

BE IT FURTHER RESOLVED, that future accruals of benefits under the Plan shall cease for all participants effective December 31, 1997.

BE IT FURTHER RESOLVED, that the plan administrator should insure that, despite the termination of the Plan, that the Plan's trust, while it remains in existence, be amended, to the extent necessary to comply with the Internal Revenue Code, ERISA and all regulations thereunder, until distributions of all vested accrued benefits of participants have been made.

BE IT FURTHER RESOLVED, that the Treasurer of Boone County be, and hereby is, authorized and directed to oversee the preparation, execution, and filing with the Internal Revenue Service of Form 5310, requesting a favorable ruling as to the termination of said plan and to oversee the preparation, execution and filing of such notices with the Department of Labor and all interested parties as shall be required.

RESOLVED, FURTHER, that any amendments requested by the Internal Revenue Service in connection with its review of the Plan are hereby approved and may be made by separate amendment.

BE IT FURTHER RESOLVED, that upon receipt of a favorable letter from the IRS on the termination of the Plan, all assets shall be distributed to the Plan participants as soon as administratively feasible, unless otherwise directed.

Commissioner Miller seconded. Motion passed unanimously. **Order 534-97.**

SUBJECT: Adopt County Payday Schedule

Commissioner Stamper moved that the County Commission of the County of Boone set the following payroll requisition due dates and pay dates:

<u>PAYROLL REQUISITION DUE</u>	<u>PAYDAY</u>
January 5, 1998	January 9, 1998
January 16, 1998	January 23, 1998
February 2, 1998	February 6, 1998
February 13, 1998	February 20, 1998
March 2, 1998	March 6, 1998
March 16, 1998	March 20, 1998
March 30, 1998	April 3, 1998
April 13, 1998	April 17, 1998
April 27, 1998	May 1, 1998
May 11, 1998	May 15, 1998
May 22, 1998	May 29, 1998
June 8, 1998	June 12, 1998
June 22, 1998	June 26, 1998
July 6, 1998	July 10, 1998
July 20, 1998	July 24, 1998

August 3, 19978
 August 17, 1998
 August 31, 1998
 September 14, 1998
 September 28, 1998
 October 9, 19978
 October 26, 1998
 November 9, 1998
 November 20, 1998
 December 7, 1998
 December 21, 1998

August 7, 1998
 August 21, 1998
 September 4, 1998
 September 18, 1998
 October 2, 1998
 October 16, 1998
 October 30, 1998
 November 13, 1998
 November 27, 1998
 December 11, 1998
 December 25, 1998

Commissioner Vogt seconded. Motion passed unanimously. **Order 535-97.**

SUBJECT: Cooperation Agreement by and Between the Eagle Foundation, Inc. and Boone County

Commissioner Vogt asked if the issues of bidding and prevailing wage for the project was clear.

County Counselor John Patton said that in his opinion those issues did not apply because there were no public funds involved.

Commissioner Vogt explained that their criteria said it did.

Mr. Patton said that when the law requires it, then the County would require it.

Commissioner Stamper said it was their intent that the projects receiving Hospital Profit Share Dollars follow the County bidding and prevailing wage policies.

Mr. Patton said those issues were not addressed in the contract he had drafted.

Commissioner Miller was directed to take the contract back to the Eagle Foundation for amendment and to bring it back to the Commission.

SUBJECT: Resolution Establishing Department of Health and Welfare

Commissioner Stamper moved that the County Commission of the County of Boone resolves as follows:

WHEREAS, the County of Boone provides various health and social welfare services to citizens of Boone County and for that purpose provides annual appropriations for such services pursuant to contracts with health and social welfare service providers, and

WHEREAS, the County desires to formalize a budgetary process for the provision of such services under the statutes of the State of Missouri;

NOW THEREFORE BE IT RESOLVED, that the County of Boone, State of Missouri, a first class non-charter county, through its County Commission as Commissioners of Health and Welfare in accordance with Section 205.766 RSMo.

Commissioner Miller seconded. Motion passed unanimously. **Order 536-97.**

SUBJECT: Contract with Rainbow House

County Counselor John Patton said that children who are victims of crimes or witnesses to crimes will have a place to be interviewed through a contract with Rainbow House for their services. This resolution, he explained, will enable the County to be the contracting agency making Rainbow House the recipient to carry out the term of the contract.

Commissioner Stamper moved that the County Commission of the County of Boone authorize the Agreement for Child Advocacy Center Services and the Child Advocacy Center Services Provider Agreement and authorize the Presiding Commissioner to the agreement.

Commissioner Vogt seconded. Motion passed unanimously. **Order 537-97.**

SUBJECT: Reality House Lease for the Old Juvenile Justice Center

Commissioner Miller identified that the Reality House administrative offices will occupy the building on Wednesday, December 31, 1997, even though the lease formally begins on January 1, 1998.

Commissioner Miller moved that the County Commission of the County of Boone approve the lease of the Old Juvenile Justice Center to Reality House, Inc. for a term of up to 25 years for an amount of \$5,000 a month after renovations and \$100 a month prior to the renovations for their temporary administrative office use; and authorize the Presiding Commissioner to sign the lease.

Commissioner Vogt seconded. Motion passed unanimously. **Order 538-97.**

SUBJECT: Reports from Commissioners

Commissioner Stamper reported that the Reserves Division had requested a gator-type vehicle for 1998. He said that the funding for that request needed to be identified.

Commissioner Miller said she was not opposed to finding the funding, but did not think it was fair to the system to encumber funds on the last day of the year.

Commissioner Stamper said the money was unbudgeted in both 1997 and 1998 and would have to come from the emergency fund in either case. The question, he said, is whether to get one or not.

Commissioner Miller asked if the decision had to be made tonight.

Commissioner Stamper said no.

Commissioner Vogt moved that the County Commission of the County of Boone approve a \$6,500 expenditure for a support vehicle for the Reserve Division and authorize the Presiding Commissioner to meet with the County Budget Officer to determine how to handle the expenditure.

Commissioner Stamper seconded. Motion passed unanimously. **Order 539-97.**

Commissioner Stamper noted there was no public comment.

The meeting adjourned at 9:33 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner