

TERM OF COMMISSION: February Session of the February 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 Skip Elkin
Deputy County Clerk Shawna Victor
County Counsel John Patton

The meeting was called to order at 1:34 p.m.

Subject: Public Works

A. Second Reading and Approval of Roadway Regulations Chapter 2

David Mink, Public Works Director, and David Nichols, Design and Construction Manager, were present on behalf of this item.

David Mink stated there were a few items that were brought up during the first meeting that he would like to address.

- Page 15 Section 2.12 (Bonds): The department will be removing the last paragraph referring to 67.1830, which refers to bonds or insurance. This section is not required to be stated although it is correct. This was added at the request of the utilities. John Patton, County Counsel, believes this should be removed so it will be.

- Pages 19 to 20 Appendix A Section 1.5 (Mailboxes): Apparently the final version was left out of the copy that Mr. Patton reviewed.

- Response to comments made by Dan Simon, legal counsel for the Water Districts, at the first reading on February 14, 2002. In regard to the fees, a meeting is planned for the week of March 25. All Utility Companies who do business in Boone County will be invited. The department hopes to have all issues resolved and ready for adoption by mid-May 2002. In regards to permit requirements, Mr. Simon agreed with the wording due to the cooperative agreement being mentioned which excludes the Water Districts from the 30-day review requirement.

Commissioner Stamper opened a public hearing on the Roadway Regulations Chapter 2.

Charlie Scheidt, Verizon Telephone Representative, stated their first issue with the bond has been settled. The second issue is with the vacation of roads, section 2.7.2. If no utility easement is granted, Verizon believes that section 2.6.3.2.1 (utility relocation expense) should be applied. If a road is vacated and there is no assistance provided by the County to establish an easement for utilities, then Verizon believes that 2.6.3.2.1 should apply.

Commissioner Miller stated the reason for vacating a road is that there is no need for the road.

Commissioner Elkin stated if a road is vacated then it is no longer a road.

John Patton, County Counsel, stated roads can be vacated by two means under State law. One is by abandonment due to non-use for a period of five years or more. The other is through a statutory vacation procedure where there is a petitioning process and hearing to determine whether the road is useless and an unreasonable burden for the County to maintain. If a road is vacated by either one of these processes, it means the County loses the right-of-way. Utilities that use the right-of-way, absent of their own private easement within the right-of-way, do not have any greater rates than the County does. If the County vacates the right-of-way, the utility would have to get an easement from the private property owner or claim one by description. He believes the County has no obligation to compensate the utilities for relocation expense because the County does not charge the utilities to use the right-of-way.

Commissioner Stamper stated that Mr. Scheidt's request is that if the County does vacate a road that the County would agree to pay for the relocation of any utilities that exist within that right-of-way. Mr. Scheidt stated that was correct unless the County would assist in providing an easement because they may not know about a vacation until after it has been vacated.

Mr. Patton stated this is more of a theoretical problem than a practical problem. Historically, the kind of roads the County has vacated do not have any utilities. The criteria and procedure for the County is not like the City of Columbia's road vacation process.

Commissioner Stamper asked Mr. Scheidt if there was placement of wording in section 2.7.2 that would identify a requirement on the County's behalf of notification to the utilities of the intended vacation with enough lead-time for utility relocation. He noted that road vacations only take place during adjourned term meetings which are once every three months; first reading at one adjourned term meeting and the approval of the vacation at the next adjourned term meeting three months later.

Mr. Scheidt stated Verizon is more concerned with the monetary issue of relocating the utilities.

Commissioner Miller stated of the roads that have been vacated since she has been in office have been cow paths with nothing around them and no utilities.

Mr. Scheidt stated there was a situation on St. Charles Road where a portion was vacated and a quitclaim deed was granted to the City of Columbia for the golf course and there were Verizon utilities there. Commissioner Stamper noted the County did not

procedurally vacate that road, it was relocated and the County maintained ownership of the right-of-way.

Commissioner Stamper stated he sees Mr. Scheidt's point of view of the need during a vacation process for the County to assure that if a road is vacated then an easement would remain and part of the vacation could be that easements would remain for existing utilities. Mr. Scheidt stated Verizon usually does not have an easement. Commissioner Stamper stated it could be part of the process to require the petitioners to agree to an easement for existing utilities before a vacation is approved.

Commissioner Stamper stated the Commission would take this suggestion under advisement and have Mr. Patton give some insight on this suggestion. The two sections Mr. Scheidt has spoken about are not of a significant conflict if one looks at what the County has done historically.

Mr. Scheidt stated regarding Appendix C Section 1.4 (depth specifications), Verizon would ask the County to obtain proper locates and expose, if necessary, utility. Grades have a tendency to change over time and request the County to do no more or no less than anyone else to protect below ground facilities at any depth.

Commissioner Miller asked Mr. Scheidt if he was talking about utilities in the road. Mr. Scheidt stated this was correct.

Mr. Mink stated he believes what that section is requiring is a specific depth of the utilities. As far as protection of the utilities, part of the procedure for any digging is to have all utilities located.

Mr. Scheidt stated the way this section is read is that if the utilities are not at a specific depth then the County is not liable. Commissioner Miller stated if the road is being graded and she understands that grades change all the time, the department cannot call for utility locations each time if the utilities are in the middle of the road.

Mr. Scheidt noted that the Public Works Department staff has been great to work with and when Verizon asks for assistance from the department, they will assist if they are able to.

Commissioner Stamper closed the public hearing on this issue and asked if there was any comments or questions from staff, legal counsel, or Commission.

Commissioner Elkin asked Public Works staff if the County was running a grader and ditching and a utility line was cut, who is responsible for that line now. Greg Edington stated usually the utility company would take care of the cut line.

Commissioner Elkin stated if the County is replacing a culvert and a utility line is cut then the County fixes the problem. Mr. Edington stated the utility company is notified and they

come fix the line that has been cut.

Mr. Scheidt stated Verizon has chosen to not hold the County liable if the County cuts a utility line. Mr. Scheidt said if a County contractor cuts a line then the contractor has to fix it.

Mr. Mink stated it is department policy to have all utilities located before any digging takes place.

Commissioner Miller asked if the County does cut a telephone line during routine road grading, who is responsible for fixing the line. Mr. Edington stated he was unsure.

Commissioner Stamper asked what was the pleasure of the Commission with Verizon's request concerning road vacation. Commissioner Miller stated she has no problem notifying the utility of a request to vacate a road and request the utility to look for any utilities along the road.

Commissioner Stamper asked if this should be a policy to notify utilities of road vacations. Commissioner Miller stated she believed it could just become part of the vacation process.

Mr. Patton stated most of the roads that are vacated are done by non-use over the years and very few roads are vacated by petition. He is not aware of any situations where utilities have been a problem. He does not believe the County has any obligation to any user of the right-of-way, who uses the right-of-way free of charge, to be compensated for relocation of the right-of-way.

There was discussion about the current Judy School Road project and the need to relocate utilities.

Mr. Patton stated the relocation policy states utilities that are in the right-of-way, without a private easement creating the existence of a right-of-way, are obligated to relocate their utilities at their own expense in conjunction with a road project that is necessary. If they are in a private easement, which pre-dates the right-of-way, then it is the County's obligation to compensate them for the relocation expense. If the County wants the utility out of the new right-of-way to a new addition, the County has to obtain or pay them to obtain a new easement. This policy is in the book and is consistent with the Cooperative Agreements with the Water Districts. What Mr. Scheidt is speaking of is utility relocation due to a road realignment project not road vacation.

Commissioner Stamper stated that Verizon has made a request and believes that the recommendation from Legal Counsel is that the request stands. The Commission will agree to a procedure as part of the petition to vacate a road that the County would require any utility be provided with an easement as part of the vacation process.

Commissioner Stamper requested Mr. Mink to insert wording into the Roadway Regulations Chapter 2 that would identify a petition for road vacation process and that the County will attempt to seek easement for any utilities that exist in the petition for vacation as part of the vacation.

Commissioner Stamper asked what was the pleasure of the Commission with this document. Commissioner Miller stated she is ready to adopt with the wording that Mr. Patton has recommended.

Mr. Patton noted that there is no formal process that is statutory mandated for the Commission to amend this document. He believes this document can be adopted as is today and come back in the future with an order for any revisions, which would be better so the language can be compared.

Commissioner Miller moved to adopt the Boone County Roadway Regulations Chapter II, Road, Bridge, and Right-of-Way Regulations as revised by through Boone County Counsel recommendations.

Commissioner Elkin seconded the motion.

Commissioner Stamper asked Mr. Mink if he had an idea of implementation of this document. Mr. Patton stated as written, the document will be effective upon entry of order. Commissioner Stamper noted the document will be effective on this date.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 83-2002**

B. Road and Bridge – First Reading of Variance for Prairie View Subdivision

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

Mr. Mink stated this is a variance request that has gone through the Road and Bridge Advisory Committee. The section of Prairie View Drive that requires a variance in Prairie Hills Subdivision, Plat One, Book 10, Page 24, recorded June 30, 1969. A portion of Prairie View Drive from Prairie Lane to approximately 750 feet west has been maintained by the County since 1980. The remaining section, from the end of the maintained section to Creasy Springs Road, approximately 600 feet was never completely built and therefore never maintained. A portion of this road, approximately 225 feet, lies within the limits of the City of Columbia. A maintenance agreement with the City will be created following the newly created shared road agreement for this portion.

The developer, Mr. Bill Foley, has recently completed construction of the partially built section and is asking for this road to be accepted by the County for maintenance. In order

for this to occur, the Road and Bridge Advisory Committee must approve variances to the acceptance process including the following:

1. This section was built without engineered plans.
2. Some of the road was built without County inspection
3. The road varies from twenty-five (25) to thirty (30) feet
4. Portions of the road have roll-back curb and gutter.

Mr. Foley contacted the department after he was approximately half way finished with this and was cooperative with the department to finish the project. The department does not want to make a habit of agreeing with these type of exceptions and is asking the Commission to accept a road that was built without engineered plans. There are compelling reasons for supporting this case. The reasons are as follows:

1. County Staff has inspected the portion of the roadway built without prior inspection and the pavement is in good condition with virtually no cracks.
2. The acceptance of this roadway will provide a second access into the neighborhood. This benefits the residents as well as allowing County Staff better egress during snow removal operations of the already maintained portions of the subdivision. Also, the other only entrance into the subdivision has a very poor sight distance deficiency onto Creasy Springs Road.
3. Roll back curb and gutter is being proposed in the updated regulation manual as an acceptable design.
4. The varying road width does not have a negative impact on the drivability of the road.

Commissioner Elkin stated he recalled last spring, there was an emergency situation in this neighborhood and people could not get to their house because of the one entrance. He believes it is a good idea to have an additional entrance.

Commissioner Miller stated whenever there is a chance to create a second entrance into a subdivision, it is the Commission's responsibility to take the effort and work on the situation.

Commissioner Elkin asked how long the section of roadway is. Mr. Mink stated a portion of the road is coming off of Creasy Springs. When the department got involved, there was only a short section that was left and the department did inspect that portion. The road was platted long before there was any Planning and Zoning in the County.

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: GIS Department – First Reading of Authorization of Signature for License

Agreement

Ross Short, GIS Technical Manager, was present on behalf of this item.

Commissioner Miller stated this was discussed in the Information Technology staff meeting. The County is receiving more requests for GIS License Agreements from the public.

Ross Short stated to get a license agreement passed through Commission takes approximately two to three weeks. This request would cut this process by one week.

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: Appointments to Boards or Commissions

A. Judicial Law Enforcement Task Force

Commissioner Stamper stated this now rounds out the committee of six for the task force. There were a number of good and qualified applicants and the Commission got into the position where they could not appoint all those who would have been great on the committee.

Commissioner Miller moved to appoint Stephen P. Ferris to the Judicial Law Enforcement Task Force for a term that will run from February 21, 2002 to February 21, 2003.

Commissioner Elkin seconded the motion.

Commissioner Stamper stated Mr. Ferris is a professor at the University of Missouri in the education department with a focus on finance. He has a Bachelors of Arts, Master of Business Administration, and a Ph.D. Mr. Ferris is a Lieutenant Commander in the Naval Reserves, and has graduated from the Citizens Police Academy.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 84-2002**

Commissioner Elkin moved to appoint William G. Abrams to the Judicial Law Enforcement Task Force for a term that will run from February 21, 2002 to February 21, 2003.

Commissioner Miller seconded the motion.

Commissioner Stamper stated Mr. Abrams has a Masters of Arts in Political Science and Public Administration from the University of Missouri, worked for 28 years in the State Court Administrators Office, worked 22 years as the Budget Director, and is a volunteer with the Southern Boone County Fire Protection District.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 85-2002**

Commissioner Stamper moved to appoint Edward R. Robinson to the Judicial Law Enforcement Task Force for a term that will run from February 21, 2002 to February 21, 2004.

Commissioner Miller seconded the motion.

Commissioner Stamper Mr. Robinson is currently the chief of the Department of Corrections Investigative Arm and brings 20 years of law enforcement experience and 1,900 hours of training to the job. Mr. Robinson is also a former member of the Columbia Police Department and Hannibal Police Department.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 86-2002**

Commissioner Stamper stated they will be picking a date for this committee to meet and try to work out a schedule so the elected officials that are involved can attend. The Commission appreciates all that have applied and appreciates the committee they have for the task force.

B. Boone County Group Homes

Commissioner Miller stated there were many good applicants for these positions. There were 29 interviews for this round of appointments.

Commissioner Miller moved to appoint Wanda F. Marvel to the Boone County Group Homes and Family Support Board of Directors for a term that will run from February 21, 2002 to February 21, 2005.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 87-2002**

Commissioner Miller moved to reappoint Craig Brumfield to the Boone County Group Homes and Family Support Board of Directors for a term that will from December 31, 2002 to December 31, 2005.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 88-2002**

Commissioner Miller moved to appoint Robert G. Bailey to the Boone County Group Homes and Family Support Board of Directors for a term that will from December 31, 2002 to December 31, 2005.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 89-2002**

Commissioner Stamper requested the Commissioner Reports be held until the next meeting.

Commissioner Stamper presented an additional agenda item. This is regarding the formation of a development tax increment financing plan on behalf of the City of Ashland. He acknowledged for the record that the Commission has received a request by the City of Ashland for the appointment of two representatives on behalf of the County. The County Commission is currently working to identify two name to be brought forward for discussion. It may be necessary, because of the timing, to schedule a special session to make the appointments.

Commissioner Miller noted the appointments have to be made by February 22, 2002.

The Commission reserves the right to hold an emergency session to appoint the two County representatives.

Subject: Employee Recognition for 4th Quarter

Marlene Ridgeway of the Employee Recognition Committee, stated this is an opportunity to give the employees to recognize their co-workers. Each quarter, fellow employees file nomination forms and the committee choose the employee of the quarter. There are two employees of the quarter and one nominated employee of the quarter.

Employees of the Quarter are Cassandra Rogers and Ardy Battershell, both of the

Prosecuting Attorney's Office.

Commissioner Stamper stated Cassandra Rogers is an outstanding candidate for Boone County's Employee of the Quarter because of her consistent exemplary work on behalf of victims of crime in our community. Cassandra is extremely genuine and straightforward in her interactions with the public as well as her co-workers. As a Victim Assistant and member of the Victim Response Team, high emotional demands are placed on her but she maintains well-balanced relationships with the public and peers. She is friendly, courteous and always willing to assist her co-workers.

Ardy Battershell has been with Boone County since January 1979. She has an excellent rapport with her co-workers and is willing to assist with any task. She is cooperative, reliable and with her constant smile and positive attitude, she is a pleasure to work with. With her wealth of knowledge of the Prosecutor's Office and the legal system, she has been able to mentor many in the office including attorneys and support staff. She makes an excellent contribution to the efficiency and outstanding reputation of the Prosecutor's office. She is an shining example of an outstanding employee for all of us.

Robert Short was nominated on behalf of Public Works and has been with the department for a number of years. He has been an outstanding employee to the department.

Kevin Crane, Boone County Prosecuting Attorney, stated Cassandra is great to work with, very innovative, and highly intelligent. Ardy's biggest accomplishment has been her hard work over the years.

Greg Edington stated that Bob Short has been with the department for almost 32 years. He has received only good complements from past supervisors and other employees. Bob thanked the staff at Public Works for all their hard work.

Commissioner Stamper called the meeting to recess until such a time and place is given to discuss the appointments to the Ashland Tax Increment Financing Commission.

Commissioner Stamper reconvened the meeting at 4:02 p.m. in Room 245 of the Boone County Government Center.

Commissioner Miller moved to appoint Wendy S. Noren and Ernie Wren to the Ashland Crossing Tax Increment Financing Commission.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 90-2002**

There was no public comment.

The meeting was adjourned at 4:03 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner