

TERM OF COMMISSION: October Session of the October Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Room 243

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Josh Norberg

The meeting was called to order at 9:30 a.m.

### **Purchasing**

#### **1. 43-26AUG08 – Ice Melt for Sidewalks (first read on 10/9/08)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award bid 43-26AUG08 – Ice Melt for Sidewalks to G.M. Supply Co. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 482-2008**

### **Sheriff's Department**

#### **2. Request to Purchase Class 9 Item (first read on 10/9/08)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the purchase of a replacement evidence refrigerator for the Sheriff's Department in the amount of \$4,947.27.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 483-2008**

### **Miscellaneous**

#### **3. Land Transaction Agreements with Cottonwood RV Park**

CJ Dykhouse, County Counselor, was present on behalf of these items.

**a. Real Estate Contract and Agreement**

Mr. Dykhouse stated these agreements are essentially an offer that the Commission is considering. It is not an agreement until the Commission agrees to the terms and is happy with the contracts. He stated he is comfortable with the terms.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the real estate contract and agreement with Caudle Properties, LLC for a strip of land at the Boone County Fairgrounds. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Miller seconded the motion.

Commissioner Miller asked Commissioner Elkin if he would like to explain why we are doing this.

Commissioner Elkin stated there is a fence at the fairgrounds located 25 feet from the RV park. The County owns the fence. Mr. Caudle has a propane tank and some minor roads built on what is technically County property. It would cost about \$8,000 to move the fence to the correct property line. In lieu of moving the fence, the County has agreed to sell this 25 feet of land to Mr. Caudle. The sale price is derived from the difference between the cost of moving the fence and the appraised value of the land. The difference is a little over \$1,000. The fence will become the new property line.

The motion passed 3-0 **Order 484-2008**

**b. Easement**

Commissioner Elkin stated the County owns a 50 foot strip of land on the north side of the RV park. Mr. Caudle's RV park sign encroaches on that land by about 2 or 3 feet. This easement will carve out that piece. If the sign is ever removed, the easement will lapse.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the easement for a strip of land located at the Boone County Fairgrounds. It is further ordered the Presiding Commissioner is hereby authorized to sign said easement.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 485-2008**

**c. Lease Agreement**

Commissioner Elkin stated this is about a 5 acre tract just south of the RV park. Mr. Caudle has a need for primitive camping areas. Some people request just to put up a tent to camp instead of using RVs. He has been mowing this tract of land and people have been camping there, and this agreement formalizes this practice. There will be no permanent infrastructure built, he is just going to mow it and allow people to have primitive camping sites.

Commissioner Pearson stated it also meets a public need because there is no primitive camping nearby.

Commissioner Elkin stated there is some at the Finger Lakes area, but it is extremely limited.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the lease agreement with Caudle Properties, LLC for a piece of land located at the Boone County Fairgrounds. It is further ordered the Presiding Commissioner is hereby authorized to sign said lease agreement.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 486-2008**

**4. Appointment to Road & Bridge Advisory Committee**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby appoint Mike Zweifel to the Road & Bridge Advisory Committee for an interim term beginning October 14, 2008, and ending May 25, 2010.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 487-2008**

**5. Authorize Use of County Facilities**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the use of the Courthouse Grounds and Courtyard Square on October 25, 2008, from 10:00 a.m. through 3:00 p.m.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 488-2008**

## **6. Commissioner Reports**

Commissioner Miller reported on the following:

**Courthouse Expansion Project Monthly Report:** Commissioner Miller stated this is the twelfth month report. At this point, the Prosecutor is completely in on the fourth floor. The third floor east is occupied by Court Services, the Marshals, and the Probate division. The elevator company is coming back this week to bucket the sand out of the second elevator and see if we will have to drill that space. If we do, it will be drilled next week while the judges are away and the courts are down. The finishing date has been moved to the end of January instead of the end of December.

Commissioner Miller stated there are several issues she has been working with Mr. Dykhouse on, including the water intrusion damage and collection for the cost of those repairs. Mr. Dykhouse is working with S.M. Wilson and one of the vendors, and he is also working on the elevator negotiation and who should pay for that. There have been meetings and Mr. Dykhouse will be working with Butler Rosenbury on the facts as they know them. The County will agree on whether or not those are the facts, and once the facts are established, we will determine where the liability lies.

Commissioner Elkin asked Mr. Dykhouse if he is in a mediator position.

Mr. Dykhouse stated he is definitely in an advocate position right now. In his conversations with the architect, he put them on a path where we can advance the discussions in a productive way before everyone goes to their respective corners with a misunderstanding of some basic facts. We were on a path where everyone was going to stop talking to each other.

Commissioner Miller stated we are down to \$270,402.65 in contingency. There are some pending items, but they are included in the report.

Commissioner Elkin asked if they ever decided on the glass.

Commissioner Miller stated it is being replaced right now. It is a \$4,600 to replace the glass that didn't match.

Commissioner Elkin asked how we were doing on the sales tax end.

Commissioner Miller stated we are down about \$226,000 in the collections of sales tax. Some of that will be offset by the interest that wasn't included in the budget.

**7. Public Comment**

There was no public comment.

The meeting adjourned at 10:01 a.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Kenneth M. Pearson  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner