

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counsel John Patton
Deputy County Clerk Melanie Stapleton

The regular meeting of the County Commission was called to order at 9:30a.m. by Commissioner Stamper.

Subject: Budget Amendment for Change Order No. 6 for Pin Oak Sanitary Sewer NID and waive the ten-day waiting period

Commissioner Stamper moved to authorize a Budget Amendment as follows:

AMOUNT	ACCOUNT TO
\$60,000	5100-03525 Reimbursement Special Project
\$60,000	5100-71100 Outside Services

Pursuant to this order, the ten-day waiting period for the budget amendment is hereby waived.

Commissioner Miller seconded the motion.

Discussion: Commissioner Miller stated that this was for the Pin Oak Sanitary Sewer NID, not the Vawter School Road NID as had been mentioned previously.

The motion passed 3-0. **Order 564-98**

Subject: Oberlin Valley Plat 4

Thad Yonke stated that this was the fourth phase of a major subdivision plat. He stated that all the improvements were in and there were no bonding documents for this plat. He stated that this was a 2-lot plat; a replat of an original lot that was vacated and approved for replat by the Commission at an earlier date.

Commissioner Vogt asked if this was on the north or south side.

Thad Yonke stated that it was on the south side of Oberlin Valley Rd.

Commissioner Vogt moved to authorize the Acceptance of Oberlin Valley Plat 4 and authorize the Presiding Commissioner to sign said plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 564A-98**

Subject: Public Hearing on the Closure of Eutsy Lane

Commissioner Stamper stated that they had received a request from the landowner for the closure of Eutsy Lane. He asked Frank Abart to give a report on the matter.

Frank Abart stated that this was a dead-end section of a road. He stated that it ran north from Rte WW approximately 32 hundredths of a mile. He noted that the adjacent landowner that owned property on all sides of the roadway had requested that the road be closed rather than vacated.

Frank Abart also stated that Public Works had received a copy of a letter from a constituent that was in favor of vacating the roadway known as Eutsy Lane.

Commissioner Stamper asked if this was the letter from the Ballews.

Frank Abart stated that it was.

Commissioner Vogt stated that she had spoken with a residence of this area that was concerned about this lane being opened up because this resident now lives on a street that aligns with Eutsy Lane. She stated that this resident was very pleased that Eutsy Lane might be closed.

Commissioner Stamper stated that he had spoken to some people that remembered when this road was open all of the way through. He stated that he had suggested to them that the road was only being closed not vacated.

Frank Abart stated that if the Commission elected to close the road, he suggested that a statement be included that allowed access only to the adjacent property owners.

Commissioner Vogt stated that she knew of a property owner who had an interest in opening up all of Eutsy Lane.

Commissioner Stamper stated that he thought the person who had wanted Eutsy Lane closed owned all of the property surrounding it.

Commissioner Vogt stated that the person who wanted Eutsy Lane closed owned only this portion of it.

Commissioner Stamper convened a public hearing on the matter.

Commissioner Stamper asked if there was anyone who wished to testify on the matter.

There was no one that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller stated that she had not heard anything against the closure. She stated that she supported it.

Commissioner Vogt moved to close Eutsy Lane to public traffic allowing only the adjoining property owners to have access to the road. This closure is to be effective December 8, 1998.

Commissioner Miller seconded the motion.

Discussion: Commissioner Vogt asked why are we allowing the adjacent property owners access to the road.

John Patton stated that in order to close a road, the adjoining property owners have to be allowed usable access.

The motion passed 3-0. **Order 564B-98**

Subject: Zumwalt Bridge Report

Frank Abart stated that the Missouri Department of Transportation had authorized the Public Works Department to proceed with a bridge replacement project on Zumwalt Road. He stated that this is a bridge that crosses Cedar Creek between Boone County and Callaway County.

Frank Abart stated that the project was expected to cost between \$500,000-600,000. He stated that 80% of the funding would come from the Federal Highway Administration through bridge replacement funds to be transferred to the Missouri Department of Transportation for management. He stated that 10% of the funding would come from Callaway County and 10% would come from Boone County.

Frank Abart stated that this bridge was very old and in need of replacement. He stated that due to the nature of the project and the use of federal funds, it would be about a year before any work would be started on the project. He stated that there was a possibility that bids could be put in for this project in 1999 at this time of year. He further stated that the project might reach completion during the first quarter of 2000.

Commissioner Miller stated that this was a good use of road and tax dollars. She stated that the County was limited on its crossing options for Cedar Creek. She stated that she thought this was a good use and choice of a bridge.

Commissioner Stamper stated that this was good news.

Subject: Award Bid for Sidewalk Project and Computer Servers

Beckie Jackson presented a report of the bids. She stated that the actual project cost was considerably higher than the original estimates provided by the department. She stated that all documents were in the process of being prepared and should be ready by the end of the week.

Beckie Jackson stated that a Cooperative Agreement with the City of Columbia for this project also needed to be approved.

Commissioner Stamper stated that Chuck Nichols, Facilities Maintenance, believed that there were enough funds to be transferred from Class 9 to cover the project. Commissioner Stamper stated that he had directed Chuck Nichols to prepare documents to cover this revision.

Commissioner Miller stated that the reason that this was being brought forward without the necessary attachments was that they wanted to move the project along as quickly as possible and begin working on it while the weather allowed.

Commissioner Miller also recommended that Addendum Alternate 1 be awarded. She stated that this would deal with the drainage problem and the water on the sidewalks.

Commissioner Stamper asked Commissioner Vogt if she had any problems with it.

Commissioner Vogt stated that she had discussed this with Chuck Nichols and did not have a problem with it.

Commissioner Miller also stated that it was the lowest bid.

Commissioner Miller moved to award Bid Number 67-02DEC98 to Columbia Curb & Gutter Company in the amount of \$39,919.00, Alternate 1 in the amount of \$3120, and Alternate 2 in the amount of \$3860. And further ordered that the Presiding Commissioner be hereby authorized to sign all related documents including a Cooperative Agreement with the City of Columbia.

Commissioner Vogt seconded the motion.

Discussion: June Pitchford asked if the budget adjustments had been authorized.

Commissioner Stamper stated that the motion allowed him to sign all related documents.

The motion passed 3-0. **Order 565A-98**

Beckie Jackson stated that they had reviewed the bids received for Computer Servers and recommended an award.

Commissioner Miller moved to award Bid Number 63-25NOV98-Computer Servers as follows:

FOR	TO
COMPAQ PROSIGNIA 200 SERVER SCSI CONTROLLER ARCSERVEIT ADDITIONAL ON SITE SERVICE	COMPUTERLAND

Said bid is awarded per attached recommendation of the Purchasing Director. Pursuant to this order the Presiding Commissioner is hereby authorized to sign all contract documents.

Commissioner Vogt seconded the motion.

Discussion: Beckie Jackson stated that she forgot to include in her report that this bid recommendation did include Addendum Alternates 1,2, and 3.

The motion passed 3-0. **Order 565-98**

Subject: Contract for Sale

John Patton stated that the current agreement for the sale of Boone Retirement Centers' assets was about the same (in wording) as the draft. He stated that the known liabilities were about \$639,000.

John Patton stated that the corporation would dissolve once the Center had been closed and the assets had been sold. He stated that the contract provided for employees' pension, accounts receivable, accounts payable, service contracts, etc. to be transferred. He stated that it would be the same as if you were buying someone's business.

John Patton stated that at the time of closing or the start of the new corporation the County would transfer the assets to the new corporation. He stated that the County would either purchase or finance the investment to the new corporation to have it paid back over a period of time with interest in order to recoup what the County would have otherwise earned.

Commissioner Vogt asked if it was spelled out in the contract how the County would be paid back.

John Patton stated that this subject would be under a different section. He stated that the new corporation had not received licensure yet, and until then there was no reason to transfer any assets to it.

Commissioner Stamper asked if this document was only a contract for sale.

John Patton stated that this document was only a sale of Boone Retirement Center's assets.

Commissioner Vogt stated that she had attended a meeting with Cindy Forbis, June Pitchford, and Kay Murray. Commissioner Vogt stated that they discussed whether or not she, June Pitchford, and Kay Murray should serve as the interim board. She stated that June Pitchford had some concerns as to how this should be handled.

June Pitchford stated that they had discussed expanding Boone Retirement Center's outside audit firms' activities. She stated that the question arose of whether she would be able to rely on the information presented or whether she had to be the one to conduct the actual audit. She stated that it made sense to her to use an independent accounting firm in order to be more accountable.

Commissioner Stamper stated that John Patton had created an avenue in the document in order to allow June Pitchford to use her professional judgement. He stated that the Commission hoped to help in anyway possible. He stated that if outside contracts were necessary June Pitchford only needed to express that.

Commissioner Vogt asked if there was a budgetary category to pay for the use of an outside service such as this.

Commissioner Miller stated that the scope (as far as closing was concerned) could be expanded, and then part of the expansion could be the work that the outside audit firm performed.

Commissioner Stamper stated that if the existing auditing company could be used, it would make for a fairly clean closing because it could be a liability that was incurred as part of the closing. He stated that if an independent firm were to be used it would require a contract between Boone County and that firm and would be much more cumbersome.

Commissioner Stamper stated however that this was up to June Pitchford.

Commissioner Stamper asked if there was any public comment on the matter.

There was no one that wished to speak.

Commissioner Stamper stated that by adopting the Contract for Sale and authorizing the Presiding Commissioner to sign it, the County would be prepared to forward it to the Boone Retirement Center Board of Directors. Commissioner Stamper asked Commissioner Miller if she had a report on the matter.

Commissioner Miller stated that the Boone Retirement Center Board of Directors approved the contract knowing that there were minor changes to be made. She stated that they authorized the contract knowing that there would be a debt at closing and that the trade accounts were flexible.

Commissioner Stamper moved to authorize the approval of a Contract for Sale dated December 8, 1998 between the County of Boone and Boone Retirement Center, Inc. and authorize the Presiding Commissioner to sign such document as presented by Legal Counsel. And further ordered that the document be forwarded to the Boone Retirement Center Board of Directors for their approval.

Commissioner Miller seconded the motion.

Discussion: Commissioner Miller asked John Patton if they were still trying to reach closing date at January 1, 1999. She stated that if this could be done, it would make everything very clean to start a new year with a new corporation.

June Pitchford stated that she felt it would be very important to have year-end balances closing on December 31, 1998. She stated that realistically she did not think that the amounts would be known on January 1, 1999. She stated that the actual close would probably occur at a point in January using the year-end balances.

June Pitchford stated that it might be helpful to give approval to the Auditor to make all the necessary budget adjustments.

Commissioner Stamper amended his motion to allow the Auditor to make a budgetary modification of \$639,000 from the Healthcare Profitshare.

The motion passed 3-0. **Order 566-98**

Commissioner Vogt asked if the property that was purchased on Bluff Creek stood alone from this. She asked if it belonged to the County and had never been turned.

Commissioner Miller stated that the lease of the Bluff Creek property was a part of this purchase.

Commissioner Stamper stated that the County had bought back a lease that had previously been signed.

Commissioner Reports

Commissioner Stamper

Commissioner Stamper stated that the Boone County Fire Protection District had held their annual Christmas banquet and had recognized the Boone County Commission for their continued support, cooperation, and their assistance in the development of a BCFPD Training facility.

Commissioner Stamper stated that he attended a meeting of the Ashland business community. He stated that they had a ballot issue pending for school and water issues. He stated that they were going to proceed with their conceal and carry issue.

Commissioner Stamper further noted that they presented a thorough-fare plan that looked at access roads along the major highways. Commissioner Stamper stated that he would ask their engineer to bring this forward in a Commission meeting for everyone to see.

Commissioner Stamper stated that he was attending the SMART Growth Conference and would be away from the 12th – 17th.

Commissioner Stamper stated that he had received a visit from Mr. Noah about his roadway project and the proposal.

Commissioner Miller

Commissioner Miller stated that she had a presentation of the First-Class Counties Health Care Survey that the Commission Intern had been working on. She stated that it was very interesting and made it available for the public record.

Commissioner Miller stated that she had met with the Health Department to discuss the findings. She stated that the Health Department was very excited to receive that and they thought it would be very helpful.

Commissioner Miller stated that she was sent the application for the Business Expo. She wanted to know if the Commission wanted to participate. Commissioner Stamper stated that Tom Ratermann had always been involved in the electronic aspect. He stated that he did not know if it should be done without a person knowledgeable of the electronic aspect. He stated that he thought it would involve Information Technology and the Assessor's office a great deal.

Commissioner Miller also reported that she would be out of town from the 10-13th in order to attend the national board meeting of the National Association of Counties in Asheville, North Carolina.

Commissioner Miller also reported that NACO sent a fax out to report that they were releasing the Y2K survey to show how counties were doing across the country.

Commissioner Vogt

Commissioner Vogt reported on the decorations for the Government Center. She stated that the tree would be decorated with lights and poinsettias. She stated that they would be doing a food bank collection for anyone in the public or the building who wanted to donate food. She asked

the media to let the public know so that they could contribute. She stated that dried food and paper products were also in need.

Commissioner Stamper stated that a closed session needed to be authorized for Wednesday, December 9th.

Commissioner Miller moved to authorize a closed meeting at 3:00p.m. on December 9, 1998 to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys pursuant to Section 610.021 (1) RSMo.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 566A-98**

There was no public comment.

The meeting was adjourned at 10:20a.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