

TERM OF COMMISSION: January 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 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: Accept bonding documents and plat for Fall Creek Plat 1

Thad Yonke stated that there was a \$40,000 bond for the sewer on this project.

Commissioner Miller asked if the sewer was going to be on-site.

Thad Yonke stated that it would be built on lot 4A. He stated that they would be using a sand filter system. He further noted that this was the first plat that would have a central sewer with a sand filter system.

Thad Yonke stated that it took a lot longer to figure everything out for this new system.

Commissioner Miller also stated that the County did not go through the sewer district for this project and that was another reason that it took a lot longer.

Thad Yonke stated that this would be a sewer district facility.

Commissioner Vogt moved to accept the Check documents in the total amount of \$40,000 and the bonding documents and plat for Fall Creek plat 1. And further ordered that the Presiding Commissioner be hereby authorized to sign all documents pertaining to said plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 8-99**

Subject: Roadway Maintenance Acceptance for Fall Creek Dr

Commissioner Vogt moved to accept the Roadway Maintenance Acceptance for Fall Creek Dr as presented by the Public Works Department and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 9-99**

Subject: Consolidated Water District Easement

Commissioner Stamper asked Frank Abart about the memorandum that he had sent to the Commission concerning the wording of a water line easement.

Frank Abart stated that the Water District had some concern about the wording of the documents that had been approved earlier. He stated that in order to appease those concerns, he wanted to request that the Commission authorize the deletion of the words in question.

Commissioner Vogt moved to authorize the deletion of one sentence in the Agreement with Water Supply District Number 1 of Boone County on a water line easement. The sentence that will be deleted reads as follows:

“The water line easement hereby granted shall be:”

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 10A-99**

Commissioner Stamper told Frank Abart that County Counsel John Patton needed the assistance of David Piest for an emergency issue.

Frank Abart stated that the issue had been taken care of.

Subject: Authorize the Presiding Commissioner to sign closing documents for Boone Retirement Center Inc.

John Patton stated that he wanted to bring the Commission up to date on the progress of the transition of Boone Retirement Inc. to Boone County Senior Citizens Services Corporation. He stated that the goal closing date of BRC Inc. was January 29, 1999. He stated that it appeared that they would be able to reach this goal.

John Patton stated that the Presiding Commissioner would need authorization to sign closing documents. He stated that it would consist of transfer of title to the personal property, assignment of rights, the transfer back of the ground lease, a closing statement or memorandum.

John Patton stated that the plan was to transfer all the assets and the operational liabilities to the new Corporation on the same date as closing. He stated that the transfer would be by means of the real estate and personal property and a contractual arrangement to transfer the remainder of the assets such employee benefits, etc.

John Patton stated that the new Corporation would be applying for a license this week. He stated that once the debt was paid to the County; the ownership would become unconditionally vested in the new Corporation.

John Patton stated that there had been some compromise worked out on the “material participation” language. He stated that the concept would remain, however it had been broadened. He stated that there was a minor change in the language to the effect that if there was not material participation, that the committee members and board of directors would have an opportunity to remove the non-participating member.

John Patton stated that he was going to recommend to the Interim Board that the amended Articles be adopted, and all the entities appoint board members to be in place on closing (and at the time of closing).

John Patton stated that he needed a motion to authorize the Presiding Commissioner to sign all legal documents necessary to purchase the Boone Retirement Center, Inc. assets and to transfer those assets under lease contractual arrangement to the Boone County Senior Citizens Services Corporation.

Commissioner Vogt stated that the Interim Board had been working with the State and that they had been very helpful in giving information and working with them through the transition period.

Commissioner Vogt stated that the Interim Board had worked lots of hours to assess all the assets and make sure that the County knew what was being turned over.

Commissioner Vogt stated that her interaction with the other two entities (that would be appointing board members) had been good. She stated that she believed that everyone was ready and willing to make sure that the nursing home would be able to provide service uninterrupted.

Commissioner Stamper thanked Commissioner Vogt, John Patton, Kay Murray, and June Pitchford for all the time and hard work they had spent on this matter.

Commissioner Miller stated that the motion that had been prepared read as follows:

Now on this day the County of Boone does hereby authorize the Presiding Commissioner to sign the closing documents for Boone Retirement Center, Inc.

She stated that she thought it should be changed.

John Patton stated that the Commission could adopt the resolution as he had stated beforehand and give the Presiding Commissioner authorization to sign. He stated that he wanted to have authorization to do all these things necessary on the part of the County to transfer the assets and to do all things necessary to close the transaction.

Commissioner Vogt stated that the Interim Board had timelines to adhere to in order to work with the State.

John Patton stated that the motion needed to stated that following:

Authorize the Presiding Commissioner to execute all documents necessary to acquire the assets of Boone Retirement Center Inc. at closing and beforehand as necessary and to execute all documents necessary to transfer the assets of operation of Boone Retirement Center Inc. to Boone County Senior Citizens Services Corporation.

Commissioner Vogt: "So moved."

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 10-99**

Commissioner Reports

Commissioner Miller

Commissioner Miller stated that they had discussed the New Year's Day holiday (observation) for the year 2000. She stated that the Governor had set the holiday to fall on December 31, 1999. She stated that this would cause a conflict with the Collector and Assessor in getting the tax bills on the last day. She stated that the Collector (Pat Lensmeyer) recommended that the holiday be observed on the following Monday rather than the Friday before so that it did not interfere with business.

Commissioner Miller stated that she checked with John Patton. She stated that the County was not statutorily required to follow State holidays.

Commissioner Miller moved to observe the New Year's Day holiday (of 2000) on January 3, 2000 rather than December 31, 1999.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt stated that she could see where this would benefit some of the offices in Boone County.

The motion passed 3-0. **Order 11-99**

Commissioner Vogt

Commissioner Vogt stated that she needed Commissioner Stamper to remind her of why the art was hung in the Courthouse. She stated that local artists had called her with concerns about not being included in the selection process

Commissioner Stamper stated that one of the local trusts had the artwork done. He stated that it was an arrangement made between Judge Conley and local representative of the member of the legal community to complete the third landing.

Commissioner Vogt stated that she had told the artists that she would report to the Commission the concerns about it not being a public process. She also told them that Judge Conley had been in charge of the whole process and that the Commission was only asked to support it (financially) to get the art hung in the Courthouse.

Commissioner Stamper stated that he did not recall it being a public process the first time something like this happened.

Commissioner Vogt stated that the Commission should be cognizant of this since it was a discussion item in the art community. She stated that it would be difficult for the Commission to hang everything that was given to the County.

Commissioner Stamper stated that he did not think that the Commission could be accused of not being sympathetic to local artists because of the all of the art displayed in the building. He stated that he was very proud of that fact. Commissioner Stamper stated that this was not competitive because it was not the County's money, but rather a gift.

Commissioner Vogt also stated that she had received a call from a juror who complained vehemently wherein they had to park on top of the parking garage. She stated that several people had gotten stuck and a media person had been injured. She stated that the person would not make a formal complaint, however she stated that it would be reported on the public record. She also stated that they would see what they could do about getting the ice cleaned up next time.

Commissioner Miller wanted to know if the people still had to park on the roof since the County was not paying for that parking.

Commissioner Vogt stated that the County employees still had to park there.

Commissioner Stamper stated that this was the only place that they would agree to put them.

Commissioner Miller wanted to know why the County still had to park on the roof since the actual rates were now being paid for parking.

Commissioner Stamper stated that parking had always been handled by the court.

Commissioner Vogt stated that maybe she should pass this on to them. She stated that she would write Judge Conley about these comments.

Commissioner Stamper

Commissioner Stamper stated that he attended the Inaugural of the State Auditor. He stated that Claire McCaskill (a former Boone County resident) was sworn in as the State Auditor. He stated that there was also a reception honoring former-Governor Warren E. Hearnes.

Commissioner Stamper stated that Senator Jacob filed Senate bill 239 (Noren Draft) of the Hospital Lease issue. He stated that there was now a House and a Senate version. He stated that there were some limited discussions on this issue.

Commissioner Stamper stated that the County Commission work session with the Fair Board was tentatively set for Wednesday, January 27th. He stated that it appeared that the board would have a new president. He stated that this would not happen until January 19th. He stated that a letter would be sent out stating that people should submit the list of issues (that they would like to have discussed) at least five days before the meeting.

Commissioner Stamper stated that Lieutenant Governor Roger Wilson (in his role as chairperson of the Fairgrounds Task Force) and Chief Paulsell had been doing some speculation on locations for the new training facility. He stated that in the past, the County Farm had been leased for that purpose. He stated that during committee discussions, someone suggested that this area (County Farm) was a highly sought after commercial corner.

Commissioner Stamper stated that there had also been discussions to the effect that a better location for the Boone County Fire District would be adjacent to the National Guard facility. He stated that a discussion needed to be brought forward about whether or not portions of the Diamond Council lease could be modified to accommodate a training facility on that site rather than on the County Farm site; so that the County Farm area could be available for future development.

Commissioner Vogt stated that this idea made a lot of sense. She stated that this was a better idea than using the highly visible, County Farm corner, which would not be a good site for a (not very attractive) training facility.

Commissioner Stamper stated that he held an initial conversation with the Diamond Council president about that idea and they agreed to discuss this subject further at a later date.

John Patton stated that the Diamond Council agreed (at the time a lease was established) to construct facilities. He stated that they had not done this.

Commissioner Stamper stated that the Diamond Council was struggling with finances. He stated that money was spent on engineering studies, etc. However, he stated that [the idea that facilities would be built by the Diamond Council] needed to be evaluated.

John Patton stated that the assumption of all parties (involved in the lease) was that facilities would be built relatively soon [after the signing of the lease].

Commissioner Miller

Commissioner Miller gave Commissioner Stamper a copy of the Workforce Investment Act of 1998. She stated that this would be Commissioner Stamper's duty in his work with the PIC Council.

There was no public comment.

The meeting was adjourned at 2:15p.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