

TERM OF COMMISSION: May Session of the May 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 Brian Wright

The Presiding Commissioner called the meeting to order at 9:30am.

**Subject: Second Reading and Public Hearing for a Budget Amendment for a Ricoh Copier Replacement**

Commissioner Elkin moved to approve a budget amendment as follows:

<b>ACTION</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Increase	2800-9200 (Equipment Replacement)	\$12,000.00

Said budget amendment is for the purchase of a replacement Ricoh copier for the Recorder of Deeds' Office.

Commissioner Stamper seconded the motion.

There was no public comment. In discussion, Commissioner Stamper stated that this is a budget amendment and had received the appropriate ten-day waiting period.

The motion passed 2-0. **Order 214-2001**

**Subject: Second Reading and Public Hearing for a Budget Amendment for the Local Emergency Planning Committee**

Commissioner Stamper stated that the item noted an increase and decrease to revenue from the state, relative to planning activities. He noted that the County proposes to move a total of \$2,525 into several different accounts.

Commissioner Stamper moved to approve a budget amendment and revision as follows:

<b>ACTION</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
Increase	2100-23050 (Local Emergency Planning Committee: Other Supplies)	\$1,300

Decrease	2100-84300 (Local Emergency Planning Committee: Advertising)	\$1,000
Increase	2100-23050 (Local Emergency Planning Committee: Other Supplies)	\$1,000
Decrease	2100-37230 (Local Emergency Planning Committee: Meals & Lodging- Training)	\$225
Increase	2100-37230 (Local Emergency Planning Committee: Other Supplies)	\$225

Said budget amendment/revision is to revise the budget to cover current invoice to be paid from account 23050- Other Supplies

Commissioner Elkin seconded the motion.

There was no discussion and no public comment on the budget amendment.

The motion passed 3-0. **Order 215-2001**

**Subject: Authorization for Courthouse Grounds Use**

Commissioner Elkin moved to authorize the use of the Courthouse Grounds for a Memorial Day Courthouse Ceremony, sponsored by the Salute to Veterans Memorial Day Corporation on May 28, 2001 from 7am to 1pm.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 216-2001**

**Subject: Public Works Department**

David Mink, Director of Public Works and David Nichols, Public Works Department were present on behalf of this matter.

***A. Second Reading and Approval of Agreement with Water District #9 for Construction Services Inspection***

David Nichols stated that the Water District will be having a board meeting to approve this agreement. He noted that the project bid opening will be open next Tuesday (May 15).

Commissioner Miller asked if this item was for the Richland Road Project.

David Nichols responded affirmatively, noting that the item concerns design upgrades to two service lines that need to be lowered through some driveways. He noted that the agreement allows the Water District to have oversight of the work the County shall be performing.

Commissioner Miller moved to approve the Water Line Relocation Cost Allocation Agreement, not to exceed the amount of \$500, and authorized the Presiding Commissioner to sign the agreements.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 217-2001**

***B. Second Reading and Approval of General Consultant Services Agreement with The Larkin Group***

David Nichols stated that the Larkin Group is a firm, approved by MODoT, to do TEAP (Technical Engineering Assistance Program) studies. He stated that the County has a need to take advantage this program, noting that the state will reimburse the County 80% of its funds.

David Nichols stated that the Agreement will allow the Larkin Group to analyze four locations in Boone County, for traffic signage issues. He noted that the General Consulting Services Agreement allows the County to enter into this type of an agreement, and to utilize the TEAP program for as long as MODoT has the available funding.

Commissioner Miller moved to approve the General Consultant Services Agreement between Boone County and The Larkin Group, and authorizes the Presiding Commissioner to sign the agreements.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 218-2001**

***C. First Reading of Change Order #5 for the Bank Stabilization Project (Clay's Fork Road Bridge and Soft Pit Hill Road)***

David Mink stated that the two areas noted in the Change Order were identified as “Urgent”, having immediate needs. He noted that Public Works had the opportunity to have this item as a Change Order.

David Nichols stated that the Stabilization project would utilize the existing contract with C.L. Richardson to continue with an on-going project. He noted that work being proposed seemed both reasonable and within range of the work Public Works had anticipated.

David Nichols stated that the Clay’s Fork Road Bridge has some exposed areas, and noted that rip-rap will allow for coverage of those areas. He stated that the exposed areas are not an immediate danger to the bridge, but that action needs to be taken.

David Nichols stated that Soft Pit Hill Road is experiencing a substantial amount of bank failure. He stated that the rip-rap walls will help re-stabilize the road. He noted that the wall is hazard-marked currently. He stated that while C.L. Richardson is repairing the wall, they will also replace a culvert. He noted that it was his belief that the main contributor to the wall damage is the constant saturation of the bank.

Commissioner Miller asked David Nichols if all the permits were ready for the work to begin.

David Nichols responded affirmatively.

Commissioner Miller asked what was the estimated time-line for the project.

David Nichols stated that it should be ready to begin within the next few weeks.

David Mink stated that the project is being brought forward as a Change Order and not a stand-alone project, which will allow Public Works to take advantage of significant savings.

Commissioner Stamper stated the item had been first read into the public record, and requested that it be returned at the next Commission Meeting for further discussion and final approval.

***D. First Reading of Right-of-Way Vacation for Bellview Drive (North of Bethany Drive)***

David Piest, Public Works Department was present on behalf of this item.

David Piest stated that the item concerned a junk-pile clean-up. He stated that Public Works is requesting a vacation of the Northern 120-feet, more or less, of Bellview Drive. He noted that the road has never been developed, and most likely will never be developed.

David Piest noted that there will be an exchange/granting of a Quit-Claim to Mark Stevenson, the owner on the West side of the drive. He noted the Mr. Stevenson intends to use the road as a roadway for access to his units. He noted the Mr. Stevenson will most likely place a dumpster in the area, but that the dumpster will be fenced-in. He further noted that Mr. Stevenson was intent

on keeping the area clean, which will take the responsibility away from the County.

Commissioner Miller asked Commissioner Elkin if a camera was ever placed in that location, noting a grant had been applied for by Solid Waste team, in order to identify the people that were dumping in that spot. She noted that she had written a letter to fifteen people, concerning their illegal dumping.

Commissioner Elkin stated that Thad Yonke, Planning and Building Department, was working on getting a camera set-up at that location, as well as in several other locations.

Commissioner Stamper asked if there was a land-lock issue with this item.

David Piest stated that there could have been an issue, noting that the property straddles two lots, owned by Mr. Stevenson. He stated that there shouldn't be a problem in the foreseeable future with the issue of land-locking with these properties.

Commissioner Miller asked if any other people had to petition for the Right of Way Vacation.

David Piest stated that only the adjacent property owners had to petition.

Commissioner Elkin stated that he had spoken with Stan Shawver, Planning and Building Director, about the lay-out of the lots, and noted that if anything could have been built at that location, it would have been already.

Commissioner Stamper stated that this is a "Solution-For-Today", noting that there are conditions that could change in the future.

David Mink stated that the petition was posted for fifteen days as required by statute.

Commissioner Stamper stated the item had been first read into the public record, and requested that it be returned at the next Commission Meeting for further discussion and final approval.

**Subject: Purchasing Department**

Melinda Bobbitt, Director of Purchasing and Marlene Ridgway, Purchasing Department were present on behalf of these items.

***A. First Reading to Award a Bid for Public Works Furniture***

Melinda Bobbitt stated that it was determined that the bid submitted by Missouri Vocational Enterprises (MVE) was non-responsive. She stated that the low bid offered by MVE for \$28,342.52 was very difficult to evaluate. She noted that on page five, paragraph 3.1 of the County's bid, it stated, "In order to enable direct comparison of competing Responses, you must submit your Response in strict conformity to the requirements stated here. All Responses must

be submitted using the provided Response Sheet". She stated that MVE did not complete the response page, but instead provided an attachment detailing their prices. She noted that it proved to be difficult to evaluate line item by line item between the different bidders to determine equivalency.

Melinda Bobbitt stated that there were two items that MVE did not bid. She stated that Dennis Boeckman, a Missouri Vocational Enterprises Representative, stopped by the Purchasing office on April 23, 2001, and clarified that line item 4.7.3.1 is not a standard size in stock for their agency. She noted that MVE could special order this size for an additional price and an additional lead-time.

Melinda Bobbitt stated that MVE is unable to supply line item 4.7.3.4. She noted that MVE does not carry the cabinet. She further noted that since this bid was for the furnishing, delivery and installation of furniture for Public Works, it is the County's preference that this bid is awarded on an all-or-none basis, rather than trying to coordinate multiple vendor installation dates.

Melinda Bobbitt stated that the Purchasing Department recommends awarding bid 16-18APR01 to Inside the Lines for having the best bid suited to meet the County's needs. She noted that Inside the Lines submitted the second lowest bid meeting the minimum specifications. She further noted that the Public Works budget for this item is \$33,100, and the grand total of the contract to Inside the Lines is \$31,838.25, \$1,261.76 below budget.

Commissioner Elkin stated that the item was straightforward. He noted that Inside the Lines met the bid requirements, and the bid was still within the budget.

Commissioner Stamper stated the item had been first read into the public record, and requested that it be returned at the next Commission Meeting for further discussion and final approval.

***B. First Reading to Award a Bid for Lien Search Services***

Marlene Ridgway stated that the item is for the Collector's office. She stated that the Collector's Department has presently identified 295 parcels that may require the lien search services. She noted that generally this number decreases considerably prior to services being provided.

Marlene Ridgway stated that the Purchasing Department recommends awarding bid 23-02MAY01 to Guaranty Land Title Inc., noting that it had the lowest and best bid. She stated that that the present contract value is \$13,266.15 to be paid from organization 1150 account 84500.

Commissioner Stamper stated the item had been first read into the public record, and requested that it be returned at the next Commission Meeting for further discussion and final approval.

**Subject: First Reading of Mid-Missouri Coalition/Advent Transfer Agreement**

Commissioner Stamper stated the item had been first read into the public record, and

requested that the Deputy County Clerk contact a representative in regards to this issue, and ask that they appear before the Commission to speak on behalf of this matter.

**Subject: CERF Issue Discussion**

Commissioner Stamper stated that he received a call from State Senator Ken Jacobs' office, in regards to a letter he wanted the County to write- addressed to Sara Maxwell, Executive Director of CERF (County Employee Retirement Fund). Senator Jacobs requested that in the letter, it state that "Effective June 1, 2001, the County was going to transfer the 30+ Court employees, not covered under this plan, under the direct control of the County".

Commissioner Stamper stated that Senator Jacobs had sent the letter to him, with the intention of Commissioner Stamper delivering it to Judge Conely. He noted that Senator Jacobs has legislation pending, concerning the movement of these employees under County power. He stated that these employees are paid using County funds, and work principally for the Court Services.

Commissioner Stamper stated that Senator Jacobs had successfully had a CERF bill amended, to include his language, in the state House of Representatives. He noted that when the bill came back to the State Senate, CERF threatened to kill the entire bill, if the language was approved.

Commissioner Stamper stated that Senator Jacobs received a suggestion from the sponsors, that if he had a letter from the County Commission outlining the shift in procedure, that that would be satisfactory for the sponsor to bring the entire bill forward.

Commissioner Stamper stated that he had sent a copy of the draft letter to each of the Commissioners, as well as Judge Conely last Friday. He stated that he received a phone call Friday afternoon from Robert Perry, stating that Judge Conely would not agree to the letter. He stated that the Commission is now in a budgeting predicament, noting that since the money has already been budgeted to the Circuit Court, the County has no authority to amend it. He further noted that in order to accomplish this task, the County would have to amend the budget, and put the budget under the control of the County.

Commissioner Stamper stated that he spoke to June Pitchford, Boone County Auditor, and noted that she did not want to be involved in the issue, unless there was unanimous agreement between the Court and the Commission. He stated that if this was being proposed during the budget process, that it would be a different matter. He acknowledged that the County is currently in a mid-year budget cycle, which creates difficulty for the Commission and questionable authority.

Commissioner Stamper stated that Senator Jacobs wants the letter today, but Commissioner Stamper noted his reluctance authoring anything on behalf of the Commission without Circuit Court concurrence.

Commissioner Elkin asked if Judge Conely's reluctance to a consensus agreement was due to the

item being a mid-year amendment.

Commissioner Stamper stated that Judge Conely would also probably disagree with the letter's intent.

Commissioner Miller stated that Judge Conely would not want the County to have control over the Court's employees.

Commissioner Elkin asked what type of retirement plan the Court personnel has currently.

Commissioner Stamper stated that the Court personnel has the County-Nationwide Program, which the County has not been "feeding".

Commissioner Elkin asked if the Court employee wanted to be included in the CERF program.

Commissioner Stamper stated that the Court Employees were once included in the program. He noted that currently they are excluded from the program. He further noted that the County has been to court over this matter, where the County was told that a statutory revision will be required in the matter. He stated that Senator Jacobs has been working on the Statutory Revision, and this is where the issue stands currently.

Commissioner Stamper stated that County's role in this issue, is to support the employees, noting that these employees already receive a paycheck from the County. He stated that CERF currently declines to recognize this fact. He noted that CERF's concern may stem from the Court choosing to including a large portion of its peripheral employees (Emergency 911, Juvenile, and Health Department Employees) in the CERF plan.

Commissioner Stamper stated that a member of the CERF board came to the Commission office, late Friday afternoon, asking if the County would be interested in paying to get the Court personnel into the CERF plan. He stated that although he could not speak for the entire Commission, he was unsure why the County would want to choose this action. He noted that the CERF board member was talking about a substantial amount of money.

Commissioner Elkin stated that it was his opinion that the County should be involved in this issue for the County employees, noting that they should not be discriminated in this manner. He stated that the Court employees obtain all the other benefits other County employees receive.

Commissioner Miller stated that she thought Judge Conely should recognize this need, by the employees.

Commissioner Stamper stated that it was his intention that if this issue was not resolved by the next budget year, that it would be brought forward in discussion to remedy the matter.

Commissioner Miller asked if Commissioner Stamper had spoken to Senator Jacobs in regards to



Judge Conely's position on the matter.

Commissioner Stamper stated that he would speak to Senator Jacobs sometime this morning.

Commissioner Miller stated that it makes sense that if there is not a consensus between the Commission and the Court, that drafting a letter would not be logical. She noted that perhaps a letter should be drafted to the Judge, informing him of the Commission's intention to bring the Court's personnel under County control if the item is left unresolved by the next budget-year cycle.

**Subject: First Reading of the ESRI Agreement**

Commissioner Miller stated that the County had received the Master License Agreement for the ESRI software that the County uses within GIS. She stated that the agreement had been through the legal department.

Commissioner Stamper stated the item had been first read into the public record, and requested that it be returned at the next Commission Meeting for further discussion and final approval.

**Subject: Commissioner Reports**

*Commissioner Stamper*

*City Annexation Request*

Commissioner Stamper stated that the County has been notified by the City of Columbia for a request by a city land owner to annex approximately 220 feet north of Old Plank Road, owned by Carlton and Marilyn McCarty.

*Jail Visitors Report of April 11, 2001*

Commissioner Stamper stated that the Report was received by the Commission Office, May 20, 2001, and has been entered into the public record.

Commissioner Miller asked if there was any mention of Facility Maintenance issues in the report.

Commissioner Stamper responded that there was no mention of any Facility Maintenance issues in the document.

*Boone County Health Department Installer Training Class report*

Commissioner Stamper stated that the class will occur on May 9, 2001. He noted that the class will concern the installation of the on-site sewage systems.

*13<sup>th</sup> Judicial Circuit/ Family Court Services- Juvenile Division Annual Report 2000*

Commissioner Stamper stated that the Report had been received by the Commission office, and has been entered into the public record.

*Commissioner Miller*

*Stream Buffer Ordinance Task Force report*

Commissioner Miller stated that last Monday the Task Force had a meeting with a group of people that agreed to work on Stream Buffer Ordinances, following the Stormwater Workshop that was held at the Lenoir Retirement Center. She noted that there had been a significant turnout at the meeting, with various members of the Community in attendance.

Commissioner Miller noted that six different versions of Stormwater ordinances, from around the country were available. She stated this was for the purpose of showing that Boone County's ordinance could be flexible. She noted that the Task Force will be meeting again Friday, to discuss like and dislikes in the various ordinances. She noted that hopefully the Task Force can come to a consensus on what should be in Boone County's stormwater ordinance. She further noted that there is a meeting set-up with the Commission on Tuesday to discuss the progress of the Task Force.

*NACo Pilot Project with the 9<sup>th</sup> Congressional District report*

Commissioner Miller stated that there was a meeting in Audrain county with the Congressman for the Ninth Congressional District. She stated the purpose of that meeting was to bring together rural elected officials from the Counties in the Ninth District, to discuss issues currently being debated, and the 9<sup>th</sup> Congressional District's concerns with those issues. She noted that most of the discussion concerned employee health care, economic development, and the Farm Bill.

*ENO-Rural Transportation Consultation Workshop report*

Commissioner Miller stated that in TEA-21, passed in June 1998, there was a provision that stated for non-metropolitan areas in general, "With respect to each non-metropolitan area in the state, the program shall be developed in consultation with effected local officials, with responsibilities for transportation".

Commissioner Miller stated that two years have passed since the bill was passed, noting that the rules were not finalized before President Bush took office in January of 2001. She noted that the Bush Administration has put all rule-making on hold, pending a review.

She stated that at the workshop, the officials in attendance were split into groups to study several fictional studies. She noted that each group was to create a process that would be desirable for local elected officials, by having meaningful participation in the process. She noted that the various members of the Department of Transportation, in attendance at the workshop, were concerned about relinquishing more involvement to the rural elected officials.

She noted that Missouri Department of Transportation was the only state at the workshop that gave full support to the conclusions drawn by the groups, noting the effectiveness of the Regional Planning Commission.

*West Central Commissioner Association report*

Commissioner Miller stated that she attended the meeting in April. She stated that the new President is Bob Rankin (Callaway County), the new Vice President is Roy Fetterling (Johnson County), the Secretary is Rick Nichols (Henry County), and Treasurer is Mike "Pee Wee" Forck (Cole County).

Commissioner Miller stated that the Association toured the Missouri-Pacific lumber yard, and noted that sixty percent of its business is global. She noted how encouraging it was to see global business in one of Missouri's smaller communities, noting business expansion as one of its positive outcomes.

Commissioner Stamper stated that there are several examples of global business in smaller Missouri communities.

Commissioner Miller stated that Metal Culverts requested that it be allowed to host one of the West Central Commissioner Association meetings next year. She noted that all the Counties use Metal Culverts.

*Community Services Advisory report*

Commissioner Miller stated that the Community Services Advisory committee is moving through its hearings, on where funding will be allocated. She stated the CMAAA is requesting funds from the County again. She noted that one of the big concerns with CMAAA funding, is it is difficult to see how local money is being spent.

Commissioner Stamper stated that he was concerned with pre-disposing the Community Services Advisory Committee process. He noted that the Committee is a recommending body, and should not have the Commission interceding in its process.

*Commissioner Elkin*

*Employee Suggestion Report*

Commissioner Elkin stated that the Personnel Advisory Committee met about two months ago with different individuals of various County Employee Groups, to address some Employee suggestions. He stated that several of the suggestions are moving through Facilities Maintenance (such as a bike rack and picnic table). He noted that some of the other suggestions were not feasible.

Commissioner Stamper stated that he had received a letter from Betty Dickneite, Human Resource Director, inquiring as to any progress made to the Employee suggestions.

There was no public comment.

The meeting adjourned at 10:17am.

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

\_\_\_\_\_  
Karen M. Miller  
District I Commissioner

\_\_\_\_\_  
Skip Elkin  
District II Commissioner