

TERM OF COMMISSION: December Session of the October Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson  
District I Commissioner Karen M. Miller  
District II Commission Skip Elkin  
Deputy County Clerk Kristina Johnson

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

### **Health Department**

Stephanie Browning and Gerry Worley from the Health Department were present on behalf of this item.

#### **1. Public Hearing on Proposed Fee Schedule for Food Permits**

Stephanie Browning stated under state law and Boone County ordinance food facilities are inspected by the Department of Public Health and Human Services with the Environmental Health division on a scheduled basis. In the past, fees for this services have never been charged for retail food facilities inspection although it is very common elsewhere and certainly they have been charged for as long as she has been in the City. This is a matter that has been discussed on numerous occasions and this year with the declining state revenues, declining County revenues and budget challenges, this is an issue that was visited again during the budget process. Ms. Browning stated there are a number of ways to look at how to charge fees. Fees can be charged based on low, medium, high, risk facilities is one way, gross receipts is another. There is a variety of ways these are calculated across the country and Missouri as well. In the city gross receipts are the factor that determines fees. This ultimately does not account for instances where there are low risk facilities that have a low volume and might be paying a similar kind of fee as one that might be high risk. So there has been an attempt to put together sort of a grid that would take all of these different factors into account, elevating fees based on the highest gross receipts and high risk. The fees then would range on this table anywhere from \$100 to \$300 dollars. Ms. Browning stated the Health Department is sensitive to the hard economic times for County government as well as businesses and so this decision is not taken lightly. The cost for food services is \$56,000.00 per year in the County and at this point there are no revenues to offset that. There is a fair amount of cost for doing business, not only for the business owner but also for the County government as well and then of course there is the public good element. The Health Department has attempted to factor all of these things in and Ms. Browning stated she is sure there are people who would like to come forward and comment.

Commissioner Miller asked what percentage these fees offset? Commissioner Miller stated she

was aware that it is no % 100.

Ms. Browning stated this is somewhat of an estimate just based on the number of facilities and knowing who is high, medium, and low, risk. This will not be known until the applications come into the department. Just making some preliminary estimates the Health Department believes it will be about %50.

Commissioner Elkin asked if this was going to be an annual fee?

Ms. Browning stated this would. The Environmental Health staff will evaluate the food operations every other year to determine the low, medium, and high risk. So if a business would change their menu, this could also impact the risk.

Commissioner Miller inquired if they did, the business could come in and be reevaluated on the level.

Ms. Browning stated absolutely.

Commissioner Pearson stated there were a couple of things that he would like to address. First, on the City side of this there is a charge for this, correct?

Ms. Browning stated correct.

Commissioner Pearson stated the County has not been charging previously for this. Can you explain briefly for the public how the level of risk is determined?

Ms. Browning stated Gerry is probably better for this.

Gerry Worley stated the formulas that are used are modeled after FDA recommendations for evaluating facilities but this is based on the risk to the public as well as the degree of difficulty of the inspection. Essentially a convenience store that does not prepare food but just sells potentially hazardous food like milk or packaged meats, those are low risk establishments. Establishments that would not hold foods hot or do extensive preparation, such as take a burger out of the freezer fry it and serve it directly to the client; this would be a medium risk establishment. In places that offer salad bars and do hot holding and then they bring food back to the refrigerator and store them over night, these would be examples of high risk establishments.

Commissioner Elkin asked are the gross receipts being taken on everything, say in a Casey's, except for gasoline?

Ms. Browning stated correct.

Commissioner Elkin inquired if all the sodas and candy bars would be included.  
Ms. Browning stated yes, everything but gasoline.

Commissioner Elkin asked if places like the Copper Kettle which sells merchandise in addition to the restaurant, how would something like that be included?

Gerry Worley stated right now this is not addressed clearly and would probably count as part of the gross revenue.

Commissioner Elkin stated he is not entirely comfortable with that.

Commissioner Pearson stated there are also art gallery's that also sell food.

Ms. Browning stated to address these issues the department can work with the County Counselor to make sure that language is tight. Ms. Browning stated to her this is about food safety, it is not about selling antiques, it is not about gasoline, this is about food safety and how people handle food.

Commissioner Miller stated people turn the number in themselves so they could back out their non-food items. What date would this first fee be due?

Ms. Browning stated June 30<sup>th</sup>. The notices will be mailed out in advance of the deadline.

Commissioner Elkin asked a high risk facility with gross receipts of over \$750,000.00 would pay \$25.00 a month basically. This would be the worst case, correct?

Ms. Browning stated yes.

Commissioner Pearson inquired if typically on the high risk there would be more time spent inspecting that facility, correct?

Mr. Worley stated yes, because there is more involved in it.

Commissioner Pearson opened the hearing asking for first supporters of this to come forward.

Mike Friedemann stated that he is one of the owners and operators of the School House Bed and Breakfast in Rocheport. Mr. Friedemann stated they are extremely supportive of the fee schedule as it is presented. Mr. Friedemann stated he and his co-owners think the grid that was purposed is very reasonable. He stated they came from a much larger metro area and were surprised to find that there was not a fee associated with this. Mr. Friedemann stated it is appropriate to get this in line and he feels that this is for the public good. Mr. Friedemann stated the only concerns that they had were the very first two that were addressed were gross receipts and the determiners in risk. In the School House Bed and Breakfast case the gross receipts distinction between food and product would be encouraged because food is such a small part of the business. The School House likes this and believes it is a good thing.

Commissioner Elkin asked Gerry Worley if the inspection process would change?

Mr. Worley stated besides the fee nothing would change.

Commissioner Pearson asked for any individuals in opposition to this to come forward and testify.

Jim Coleman stated he is with C&R Markets in Centralia, MO. Mr. Coleman stated in talking to some of the local business owners concerning this there was little bit of misinformation running around that caused some panic. Some individuals had called the Health Department and were told the fee would be quarterly. Mr. Coleman stated this might want to be cleared up because with small businesses struggling in these hard economic times a quarterly fee would put at least two that Mr. Coleman knows of out of business. Mr. Coleman stated with this said the only other thing he would like to comment on is that in tough economic times, everyone, especially business must look at their bottom line budgets. Just like these businesses have found out where to cut their expenses in order to accommodate the changing climate of the economy the same also has to be looked at for government. Mr. Coleman stated the government cannot just fee out of problems. He stated if this begins, when will it end? Where is the next fee? Is the next fee a water fee? Mr. Coleman stated that if all the fees were added up in his store, they would come to a staggering amount per year. The fees alone would probably add up to two part time jobs. Mr. Coleman stated he just wanted to caution that small business can not always be relied on in fee structure and the County should maybe look at alternatives to fee increases.

Commissioner Miller stated she would like to go on the record for Joe Bechtold, who is unable to be at Commission, is opposed to any fee increase. Joe Bechtold is from MidWay Truck Stop.

Commissioner Pearson closed the hearing on the proposed fee schedule for food permits.

### **County Counselor**

#### **2. First and second reading of Agreement for Architectural Services -- Boone County Government Center (first and second reading)**

Commissioner Pearson stated this is for Phase II. The County has split these services for the Government Center and the Johnston Paint Building. June Pitchford the Auditor will be working on the budget for this and will be accounting for these separately.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Agreement for Architectural Services with Simon Oswald Architecture for the Boone County Government Center. Award of contract is subject to Boone County Auditor approval and certification. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Miller seconded the motion.

Commissioner Pearson stated CJ Dykhouse the County Counselor worked with Shelly Simon

SOA on both of these contracts.

There was no further discussion or public comment.

The motion carried 3 to 0. **Order 579-2009**

**3. First and second reading of Agreement for Architectural Services -- Boone County Johnston Paint Building Remodel (first and second reading)**

Commissioner Pearson stated this is similar in all respects to the last item with the exception of the building, Johnston Paint Building.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Agreement for Architectural Services with Simon Oswald Architecture for the Boone County Johnston Paint Building Remodel. Award of contract is subject to Boone County Auditor approval and certification. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order 580-2009**

**Purchasing**

Tyson Boldan from the Purchasing Department was present on behalf of these items.

**4. Contract Amendment #1 21-13Apr09 Patrol Rifles (first reading)**

Tyson Boldan stated this is an amendment to the Patrol Rifles contract 21-13Apr09. This contract was originally used in the format of an acquisition contract for patrol rifles and accoutrement. Due to an increase in anticipated need for items offered by this contract, Purchasing and the Boone County Sheriff's Department request Commission Signature on an amendment that will add duration language to the current contract. The contract if amended will have an active term and supply life of June 30, 2009 through June 30, 2010. Purchases will be paid from department 2901 Sheriff's Operations LE Sales Tax, account 91300 Machinery and Equipment. \$5,290.00 was budgeted for this replacement.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with an appropriate order for approval.

**5. Bid Award 62-23Nov09 Office Supplies (second reading, first read on 12/10/2009)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award bid 62-23Nov09 Office Supplies Term and Supply to Smart Business Products. It is further ordered the Presiding Commissioner is hereby authorized to sign said Term and Supply contract.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order 581-2009**

### **Auditor's Office**

Caryn Ginter from the Auditor's Office was present on behalf of this item.

#### **6. Budget Amendment for Architect/Engineering Fees and Reimbursables on the Johnston Paint Building (first reading)**

Caryn Ginter stated this is the budget amendment that the County new was needed to transfer money for this project. All of the funds are currently in the Government Center Remodel fund. This budget amendment establishes the transfer of that funding for the Johnston Paint Building Remodel fund. This is also establishing a budget for the architect and engineering fees that the contract which was just approved, would provide.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the required 10-day hold for budget amendments with an appropriate order for approval.

#### **7. Budget Amendment for Architect/ Engineering Fees and Reimbursables on Government Center Remodel project (first reading)**

Caryn Ginter stated item 7 is essentially the same thing. This establishes a budget for the architect and engineering over at the Government Center Remodel project. This authorizes the transfer out.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the required 10-day hold for budget amendments with an appropriate order for approval.

#### **8. Budget Amendment to reimburse General Fund from the One-Fifth Cent Sales Tax Capital Improvement Fund in accordance with the 2006 ballot proposal (second reading, first read on 12/1/2009)**

Commissioner Miller moved on this day the County Commission of the County of Boone does

hereby approve the following budget amendment to establish appropriation to reimburse the General Fund for the acquisition of 607 E Ash (Guarantee Land Title Building) as specified in the 2006 Capital Improvement Sales Tax ballot proposal:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
4062	83917	One-Fifth Cent Sales Tax Cap Project Fund 607 E Ash/Guarantee Land Title	Operating Transfer Out to General Fund		670,000.00
1190	3915	Non-Departmental	Operating Transfer In from Capital Project Fund		670,000.00

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order 582-2009**

**9. Budget Amendment to authorize transfer of funds from the General Fund to capital project funds (second reading, first read on 12/1/2009)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to authorize the transfer of the \$670,000.00 to two capital projects currently underway: Sheriff/Election Warehouse (Fund 408) and the Government Center (Fund 401):

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1190	83919	Non-Departmental	Operating Transfer Out to Capital Project Fund (Warehouse)		591,400.00
1190	83919	Non-Departmental	Operating Transfer Out to Capital Project Fund (Government Center)		78,600.00

4080	3913	Sheriff/Election Warehouse Capital Project Fund	Operating Transfer In from General Fund		591,400.00
4010	3913	Government Center Capital Project Fund	Operating Transfer In from General Fund		78,600.00

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order 583-2009**

**10. Budget Revision for Engineering Services for Jail Parking Lot (second reading, first read on 12/10/2009)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to transfer from savings in major building repairs to cover engineering consulting services for the jail parking lot and inspection costs performed by Public Works staff:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
6200	60110	Capital Repr & Replc	Major Building Repairs	8,760.00	
6200	71101	Capital Repr & Replc	Professional Services		8,760.00

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order 584-2009**

**11. Contract for Engineering Services (second reading, first read on 12/10/2009)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Agreement for Engineering Services with Crockett Engineering for the Boone County Sheriff Annex and Warehouse, Boone County Jail Parking Lot. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order 585-2009**

**Miscellaneous**

**12. Public Comment**

**13. Commissioner Reports**

Commissioner Pearson stated the Mental Health Board met yesterday afternoon. This was a short meeting Sgt Krohn is going to be the co-chair and Michele Kennett is the other co-chair. This board is very close to having a full compliment of members. Sgt Krohn said he is going to get to go out to Las Vegas and go through some training out there for when individuals are apprehended and have delirium.

Commissioner Miller stated that he has been a real asset to the Mental Health Committee.

The meeting adjourned at 10:05 p.m.

Attest:

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Kenneth M. Pearson  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner