

TERM OF COMMISSION: April Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Room 338

PRESENT WERE: District I Commissioner and  
Acting Presiding Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Kristina Johnson

Presiding Commissioner Edward H. Robb was absent.

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

**Commission will be held in Rm 338 \*\*\***

**Resource Management**

Carl Edwards, the requesting party, was present on behalf of this item.

**1. Hearing on petition to vacate a section of Turner Farm Road**

Mr. Shawver stated the last Adjourned Term was January at which time the Commission received a petition to vacate Turner Farm Road under chapter 2.8 section 110 of the statute. The petition was signed by twelve property owners of that township. Mr. Shawver stated statute requires the second reading to be held at the next Adjourned Term which is today.

Mr. Edwards stated he did not have a whole lot to add except that he had personally written to Mr. Purdy and Mr. Geoffries and did not hear anything back. Mr. Edwards stated he understands that the County wants some access out there for emergency vehicles but the road is inaccessible at this time. Mr. Edwards stated he is not opposed to allowing access but the road is covered in brush and what not.

Commissioner Elkin asked if the turn-around was going to be on Mr. Edward's property.

Mr. Edwards stated the turn-around would be on the west side of the property.

Commissioner Elkin stated if there is enough room then there should not be a problem.

Gale Bloomenkamp was present on behalf of the Boone County Fire Protection District. Mr. Bloomenkamp stated the Fire Protection District cannot force any type of turn-around to exist out there but in the spirit of cooperation and you guys giving us the opportunity to look at this we just provided an example of what we would require for something like this. Mr. Bloomenkamp stated the Fire Protection District would require an eight foot wide road and

seventy feet from this area to the back. Mr. Bloomenkamp stated the Fire District is just looking for something a little bit wider so that if the situation arose where a fire truck came around he could back in and turn around. Mr. Bloomenkamp stated this is a potential area to be used to fight fires at this time.

Mr. Edwards stated as the road is right now there is no turn- around.

Roger Ballen was present on behalf of the Water District # 9. Mr. Ballen stated the Water District is not opposed to what is being proposed at all but there is concern for a water line easement that we have on the side of the road. This is a 10 inch water line that lies along this area through Turner Farm and Frosty Lane and so on. Mr. Ballen stated the Water District needs access to this in the event that they need to shut off that water line or there is some sort of an accident. Mr. Ballen stated the Water District does not have a problem with the road being closed as long as we can have access if we need to. If there is a chain closure that could be snipped that would be fine.

Mr. Edwards stated he would rather put a gate there.

Mr. Ballen stated well, the easement is adjacent and abutting to the lane. Mr. Ballen stated again we are not opposed to this but in the case of an emergency we will need access.

Commissioner Miller asked if there was anyone else that was present that wanted to comment on this issue. Commissioner Miller asked Commissioner Elkin if he wanted an order or if he wanted to amend the order to deal with this easement issue.

Commissioner Elkin stated he would add a portion to the order addressing the Water District easement and access.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby acknowledge their intention to vacate a section of Turner Farm Road located along the east west section line dividing Section 17 and Section 20 of Township 48 North, Range 11 West in accordance with the attached legal description.

It is the intent of the Boone County Commission to vacate the section of road upon verification that a turn-a-round has been built in accordance with plans reviewed and approved by Boone County Resource Management and an easement granting public use of the constructed turn-a-round has been recorded in the office of the Boone County Recorder of Deeds.

It is the intent of the Boone County Commission to vacate the section of road upon satisfactory arrangement with the Water District for access to their waterline easement.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 136-2011**

**Treasurer's Office**

Lisa Rolland from the Treasurer's Office and CJ Dykhouse the County Counselor were present on behalf of this item.

**2. 2009 Tax Sale Surplus Disposition Relating to Leroy C. Bennett and Alice Jackson (parcel # 16-319-00-06-010.00 (first and second reading))**

Ms. Rolland stated the owners were two unmarried individuals. One of the owners is deceased and the other owner is trying to recoup some of the money from the property. Ms. Rolland stated County Counselor Dykhouse and herself have been working on this and have come to the conclusion that since the individuals were not married the living entitled can only be entitled to their apportionment which is half.

County Counselor Dykhouse stated the key to this is that these two individuals were not married and the deceased has living relatives that are the entitled by the deceased. County Counselor stated this follows the way in which property is understood that half the funds need to be held in case the deceased's family wanted to pursue their entitled half of the property sale. There is no dispute that the living owner is entitled to half.

Commissioner Elkin stated so the family of the decedent would have to file through probate for this asset or any other asset that may be out there.

County Counselor Dykhouse stated the problem with that Commissioner is that most of the probate can only be pursued up to one year. So, the family at this point is running out of time. County Counselor Dykhouse stated he does not know if \$823.36 is a goal that is worth the mobilization costs of the proceedings. That would be determined by how many heirs there were and how much the lawyers fees would be.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby take up the matter of the disposition of the 2009 tax sale surplus relating to parcel 16-319-00-06-010.00:

Pursuant to the provisions of RSMo §140.230, as revised, the Commission has the authority to approve claims for any tax sale surplus that is being held by the County Treasurer associated with the County Collector's annual tax sale. The owner or owners of the subject real property have a period of three (3) years to make a claim for said surplus. In this instance, the owners of record at the time the subject property went to tax sale were Leroy C. Bennett and Alice Jackson, as tenants in common. Alice Jackson died on January 30, 2009. Leroy C. Bennett has filed a verified surplus claim with the Boone County Treasurer, claiming one-half of the tax surplus proceeds. The Death Certificate of Alice Jackson and the verified surplus claim (and other supporting documentation) filed by Leroy C. Bennett are made a part of this record. The application to the County Treasurer for the surplus funds is timely.

The County Treasurer, based upon the documents presented to her office and made a part of the record before the Commission, is satisfied that Leroy C. Bennett is the owner of a one-half, undivided interest as a tenant in common in the subject property and as such is entitled to the one-half of the total surplus of \$1,652.71, or a total amount payable to Leroy C. Bennett of \$826.36, and recommends the Commission approve the same.

NOW, THEREFORE, upon the recommendation of the County Treasurer and the evidence made a part of this record, the County Commission hereby approves the disposition of surplus to Leroy C. Bennett of \$826.36 via check payable to Leroy C. Bennett in that amount.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 137-2011**

### **Purchasing Department**

#### **3. Amendment # 1 C501940001 Livescan Mugshot System (first reading)**

Commissioner Elkin stated contract 42-09DEC08 – Photocopier Maintenance was approved by commission for award to Data Comm Inc. on December 18, 2008, commission order 572-2008. The attached amendment revises copier maintenance from 200,000 copies per year for \$675 to 100,000 copies per year for \$500 plus overage billed at \$0.005/copy on the following two copiers:

Canon Image Runner 5050  
Serial # CHE11110  
Location: Jury Services / Court Marshal

Canon Image Runner 5050  
Serial # CHE09792  
Location: Court Reporter

Invoices will be paid from departments 1210 – Circuit Court Services, account 60050 – Equipment Service Contract.

Commissioner Miller 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.

#### **4. Bid Award 07-14Mar11 Road Spikes Police Equipment (first reading)**

Commissioner Elkin stated the Bid for Road Spikes Police Equipment closed on March 14, 2011. Three bids were received. Purchasing and the Sheriffs Departments recommend award to

Ed Roehr Products, for offering the lowest and best bid for Boone County.

Eleven Stinger Spike Systems Model 90200s will be purchased for the Boone County Sheriffs Department on this contract. The total cost for these items is \$4,399.45 and will be paid from department 2901 – Sheriffs Operations LE Sales Tax, account 91300 – Machinery and Equipment. \$5,335.00 was budgeted this purchase.

Commissioner Miller 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. Cooperative Contract 3-080916LD Light Duty Trucks – Chevrolet Silverado (first reading)**

Commissioner Elkin stated the Purchasing and Resource Management request permission to utilize the Missouri Department of Transportation contract 3-080916LD to purchase one (1) 2011 Chevrolet Silverado ½ ton 4x4 extended cab pickup truck from Putnam Chevrolet of California, Missouri.

Total cost of contract is \$22,248.00 and will be paid from department 1720 – Building Codes, account 92400 – Replacement Auto/Trucks. \$24,000.00 was budgeted for 2011.

The Purchasing Department requests permission to dispose of the following surplus: 2003 GMC ½ ton, 4x4, extended cab pickup truck, asset tag 14030.

Commissioner Miller 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.

**Sheriff’s Department**

**6. Budget Amendment for the remaining expenses of the new Sheriff/Clerk Annex building (second reading, first read on 3/22/2011)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to establish expenditure budget in 2011 for remaining expenses of the new Sheriff/Clerk Annex building:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2550	91200	Sheriff’s Revolving Fnd	Building/Improvement		7,487.00
2550	91300	Sheriff’s Revolving Fnd	Mach/Equipment		8,362.00

2550	23850	Sheriff's Revolving Fnd	Minor Equipment		2,340.00
2550	91301	Sheriff's Revolving Fnd	Computer Hardware		624.00

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 138-2011**

**Commission**

**7. Budget Revision for Assessor's Office for new light fixtures (first reading)**

Commissioner Elkin stated there were certain offices that were not included to get new lighting fixtures from the remodel. The Assessor's Office and the Recorder's Office both have requested new fixtures and they have both agreed to pay for them out of their Special Revenue Funds. These budget revisions will take care of that. Both Offices have requested that if there are funds remaining at the end of the project they would like the Commission consider reimbursing their Special Funds. Commissioner Elkin stated he told them both that he would not be able to make or commit to that decision.

Commissioner Miller 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.

**8. Budget Revision for Recorder's Office for new light fixtures**

Commissioner Miller 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.

**9. Budget Amendment for electrical services in the Assessor's Office and Recorder's Office (first reading)**

Commissioner Elkin stated this amendment reflects the change in the budget for the remodel project that will take place as a result of the new light fixtures.

Commissioner Miller stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the ten days required for budget amendments with an appropriate order for approval.

**10. Authorize Commissioner Elkin to sign Change Order for the Government Center Construction Project (first and second reading)**

Commissioner Miller asked how the Change Order could go into effect prior to the budget amendment.

Commissioner Elkin stated this is to sign the change order.

Deputy County Clerk asked if this item should be held.

Lisa Roland from the Treasurer's Office stated there is enough money in the contingency to cover this regardless of the budget amendment.

Commissioner Miller stated she is okay with it as long as there are sufficient funds.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize Commissioner Skip Elkin to sign Change Order #014-BCGC in the amount of \$16,870.50 for the Boone County Government Center & Old Johnston Paint Remodel project.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 139-2011**

**11. Mutual Termination of Lease with Caudle Properties, L.L.C. (first and second reading)**

Commissioner Elkin stated this was a mutual termination of this lease agreement for primitive camping out at the Fairgrounds.

Commissioner Miller stated leave the Presiding Commissioner as the authorized signer on this agreement so this order does not have to be changed and Commissioner Robb can sign this agreement when he returns.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Mutual Termination of Lease Agreement between Boone County, Missouri, and Caudle Properties, L.L.C. regarding the rental of Boone County's property for the purpose of primitive camping. It is further ordered the Presiding Commissioner is hereby authorized to sign said termination of lease agreement.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 140-2011**

**12. Approve 2011 I Quarter Minutes (first and second reading)**

Commissioner Elkin on this day the County Commission of the County of Boone does hereby approve the Boone County Commission Minutes during the I Quarter beginning on 1/03/2011 through 4/1/2011.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 141-2011**

**13. Public Comment**

**14. Commissioner Reports**

The meeting adjourned at 10:11 a.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Edward H. Robb  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner