

TERM OF COMMISSION: February 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 meeting was called to order by the Presiding Commissioner at 9:30am.

Subject: Union Cemetery Discussion

Beckie Jackson stated that her involvement in this issue was limited to the bidding process. She stated that the Purchasing Department was requested to obtain bids for the maintenance of the Union Cemetery property. She stated that during that process, issues arose regarding the funding for the maintenance. She stated that County Counsel John Patton was involved in those discussions regarding funding.

Commissioner Miller commented that last year, an appeal was made for funding for the maintenance of this property. She stated that donations were received, however the donations were forced into the corpus (body) of funds rather than being used specifically for the maintenance.

John Patton stated that the main problem in this situation is that the Union Cemetery Trust has principal and investment income. He stated that the investment income is not sufficient to pay for the annual maintenance due to the restrictive nature of what the money can be invested in. He stated that both the statutes and the trust document prohibit invasion of the trust beyond the principal purpose. He stated that the investments are limited to government-backed securities. He stated that either the maintenance will have to be reduced or the amount of money needed to generate \$1500 a year (cost of maintenance) should be calculated. He stated that then, that amount could be solicited from those people who have an interest in maintaining the property. He stated that another option is to convert the land to County property or turn it into a public cemetery in order fund the maintenance expenses. He stated that provisions do exist for delegating the administration of funds to someone else.

Commissioner Vogt stated that she spoke with Ed Bettenhausen, “the only person in the Northern district who has ever displayed any interest in the cemetery.” She stated that she reviewed the document prepared by John Patton concerning Union Cemetery (the document is a part of the public record). She stated that if the County could find someone that has an interest and who would be willing help financially with the maintenance, then that would be the best option. She stated that she has some concerns with the County taking over a cemetery. She stated that this would mean that an indigent person could utilize the space if a situation arose. She stated that she thought by bringing this matter forward publicly, those interested in the maintenance of the property would come forward.

Commissioner Stamper invited County Auditor June Pitchford to come forward for this discussion.

Commissioner Stamper asked John Patton about his earlier statement to the effect that there are other restrictive ways that the funds could be invested. Commissioner Stamper asked if the County could ask for modifications in the original assignment to adjust how the money could be reinvested.

County Counsel stated that he did not think this was an option. He stated that the statute is clear. He stated that the trust that the County administers has to be limited to government securities.

Commissioner Miller stated that the County could seek legislative changes to allow the same investment opportunities for this trust that the County treasurer is allowed to utilize. County Counsel John Patton stated that this could be a possibility if legislative changes were made. He stated however that as the statute now stands, this is not a possible.

Commissioner Stamper asked June Pitchford if the County had ever received money that was left to their discretion as to how it would be spent.

June Pitchford stated that she needed more information about the specific question that Commissioner Stamper was asking. She stated however that the County does receive money that is to be spent on certain programs such as Neighborhood Watch, DARE, etc. She stated that for a period of time that money was in the General Revenue Fund. She stated that as a matter of policy those funds are now placed in a separate fund so that the balances do not lapse. She stated that those funds are used for the specific purpose for which they are donated. She stated that outside of those funds, she does recall any money donated in the manner that Commissioner Stamper described. She stated that typically money donated to the County would be General Revenue money.

June Pitchford stated that Union Cemetery had to go unmaintained for years in order for resources to accumulate to the level that they have.

Commissioner Vogt stated that there was spot maintenance performed on the property periodically.

Commissioner Miller stated that last year a significant amount of work was performed in order to get the cemetery in a state that it could be maintained.

Ed Bettenhausen stated that he has worked on the maintenance of this property for over 35 years. He stated that the recent media exposure (and continued exposure) could help in raising funds for the maintenance of this cemetery. He stated that he would try very hard to raise money for the maintenance of the cemetery. He stated that he has worked hard over the years to keep the cemetery looking nice and he would like to see resources put in place to help that effort.

Commissioner Vogt stated that the County's dilemma is that it only has \$400 to allot to the maintenance of the cemetery. She stated that the mowing bid came in at \$75 per mowing. She stated that the best solution would be to have a volunteer program/organization to manage the maintenance of that cemetery.

Ed Bettenhausen stated that his only concern is if someone were to get hurt, who would be responsible.

Commissioner Vogt stated that County has the same concern.

Commissioner Stamper suggested that the County and Ed Bettenhausen continue to work to find a way to continue the maintenance of this property. He stated that according to his figures this would require about \$10,000. He stated that this entire issue deserves further research. He stated the County Commission would hear proposals on this matter once other options were found.

Commissioner Vogt and Ed Bettenhausen agreed to continue to work on this issue.

Subject: Surplus Disposals

Beckie Jackson presented the information on the items that the Purchasing Department was recommending for disposal.

Commissioner Vogt moved to authorize the disposal of surplus property through the Kemper Auction as listed on the January 24, 2000 memorandum from the Purchasing Department.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. Order 29-2000

Subject: MCI Long Distance Access Fees

Commissioner Stamper stated that he wanted to submit the memorandum regarding this entitled “MCI Long Distance Access Fees,” for the public record. He stated that the County is having some challenges with its long distance provider that it is trying to work through. He stated that the County might have to re-bid or evaluate these services.

Subject: Request by the Boone County Senior Citizen Services Center Board

Commissioner Vogt stated that she has been working with the Senior Board to find funding for the new facility. She stated that the board representatives are here today to present the design for the new facility. She stated that the Senior Board has also been working with HUD to secure a loan. She stated however that they are concerned about the cost of the loan. She stated that the idea of working with Boone Hospital on revenue bonds to accomplish these improvements was introduced. She stated that they believe that this will work.

Commissioner Stamper introduced Barton Boyle, chair of the Senior Board, Tim Rooney-finance chair, and Cindy Forbis-Director of the Boone County Senior Citizen Services Center.

Commissioner Stamper asked Barton Boyle to give a description of the project.

Barton Boyle stated that the Senior Board would like to do everything that it can to produce the best facility at the lowest cost. He stated that the proposed size of the facility is 60,000 sq ft with a cost of \$100 per sq ft. He stated that this works out to about \$6-7 million. He stated that this design is approximately four years old and will not be final until it has been evaluated by a construction company.

Barton Boyle stated that the facility would contain the same number of beds as the current facility—122. He stated that the facility would be much improved. He stated that the current drawback to the facility is that it is a two-story building, which severely restricts the placement of residents. He stated that there is no access to the outside from the second floor. He stated that elevators and stairway must now be used for the movement of people, which is not the most desirable construction for a long-term care facility.

Barton Boyle stated that about half of the beds in the proposed facility will be single rooms. He stated that there would also be total access to the outside. He stated that the facility would have enclosed courtyard. He stated that the setting is 17 acres of beautiful environment.

Barton Boyle stated that the HUD funding could be utilized, however it would be better to find funding with a more advantageous interest rate. He stated that the citizens of the County would then have the same facility for a lower cost.

Barton Boyle stated that the Senior Board was present to formally request any assistance that the County Commission could provide and to present information that would support bond funding for the renovation of the skilled nursing facility.

Commissioner Stamper asked Barton Boyle to describe the interest rate for the HUD loan.

Barton Boyle stated that the loan would be for 480 months or 40 years with an interest rate of 6%. He stated however that this rate is not fixed at this point.

Commissioner Vogt stated that the combined cost of insured financing was \$1.3 million.

Commissioner Vogt stated that County Treasurer Kay Murray stated that she is not certain that the bond financing will be a less expensive alternative. She also noted that Kay Murray has other concerns about bond financing.

Commissioner Vogt asked Cindy Forbis to give a small presentation on the layout of the new facility.

Cindy Forbis presented a visual design of the proposed facility. She stated that the different areas included administrative offices, courtyard, dining room, and ancillary services. She stated that in reviewing the plans for the new facility, they determined that the new facility should have shortened corridors. She stated that there would be small dining, kitchen and laundry areas in each pod. She stated that this design would eliminate the need for visitors to go through the entire building in order to get to certain areas.

Cindy Forbis pointed out where the total patient areas, skilled Medicaid areas, and Special Care unit would be located. She also noted that the basement space would be increased in order to increase the storage area for patients' personal belongings. She stated the rooms in the pods would have separate showers. She stated that the kitchen would be designed for expansion if necessary.

Commissioner Miller asked Cindy Forbis to elaborate on the Alzheimer's unit.

Cindy Forbis stated that patients with Alzheimer's would be placed in the Special Care unit.

Commissioner Stamper asked if the bid for the project had been awarded.

Cindy Forbis stated that the bid was awarded to Little Dixie.

Commissioner Stamper invited County Auditor June Pitchford and County Clerk Wendy S. Noren to give comments on this matter.

County Clerk Wendy S. Noren stated that she personally has had a longstanding philosophical question about using the County's bonding capacity for not-for-profit organizations or "picking out one not-for-profit organization over another, and using that bonding capacity to provide services that are not provided for other not-for-profit organizations." She stated that there should be some separation in what the County uses the bonding capacity for. She stated that there was a lot of trouble the last time the County used its bonding capacity for a not-for-profit organization. She stated that "suddenly the County owned a building and sometimes the not-for-profit organization made payments and sometimes it did not."

Wendy S. Noren stated that she thought the purpose of setting up the new board was to separate and "cut that cord that had been set up over 25 years ago and let them go on their own." She stated that the County purchased the land "as a contribution to them and now suddenly we are back in looking at the potential of another very long term relationship with a not-for-profit corporation of which we are dependent on them to generate revenues to protect our bonding capacity." She stated that she felt that she had to express her concern on this matter. She stated that the County should establish a philosophy on which not-for-profit organizations get the County's bonding capacity.

County Auditor June Pitchford stated that she concurred with a lot of Wendy S. Noren's comments. She stated that she felt their (she and Wendy S. Noren's) purpose in being present at the meeting was to raise questions that needed to be addressed before the County moved forward in this matter. She stated that there is a need to clearly articulate the County policy in this matter and to consider the precedent that could be set. She stated that the risk to taxpayers also should be identified in this process. She further noted that it would be helpful if the County identified what its role in the delivery of residential services is going to be. She posed the question, "to what extent do we want to commit resources and assume risks in delivering these services, but yet not have any control over the management?"

County Auditor June Pitchford stated that she felt that the goal in setting up a committee for the old Boone Retirement Center was to “restructure the retirement center and put them on solid footing as a not-for-profit organization and distance the County from that service.” She stated she wondered if this (providing funding through bonds for the new building) would reverse that. She stated that there is a need for the governing body to have a greater role in the management.

County Auditor June Pitchford stated that she is thrilled at what she sees as evidence of good leadership and strong administration at the facility Boone County Senior Citizen Services Center (formerly Boone Retirement Center). She also noted that her comments should not be misconstrued to suggest that she is concerned about the leadership or administration of the facility. She stated that her concern has to do with matters of public policy.

Commissioner Stamper stated that the Wendy S. Noren and June Pitchford’s comments were noted. He stated that he appreciated their questions. He stated that all the issues that were raised were valid. He stated that this is one of those issues wherein “you often have to embrace the difficult decisions.”

Commissioner Stamper stated that the County has a vested interest in the success of the Boone County Senior Citizen Services Center. He stated that there are some structural flaws related to the issuance of revenue bonds for a building that would not be owned by the County. He stated that he also realized that these issues would have to be addressed. He noted that he is not convinced that this type of financing would be a better solution than the financing that could be secured the Department of Housing and Urban Development.

Commissioner Vogt stated that when she first entered public office, she felt very strongly that County government should not have business dealings in nursing care. She stated that she felt that Boone Retirement Center was a private vendor and government should not be involved in its affairs. She stated that after working in County government for the last nine years with the citizens of Boone County, she has moved her position to recognize that the people of Boone County expect their County government to uphold a nursing care facility for the indigent elderly.

Commissioner Vogt stated that the new BCSCSC board was set up with three slots for Boone County appointments. She stated that this is subject to change if a future, financial arrangement so stipulate. She stated however that the fact that there are three Boone County appointees gave her a certain amount of assurance that the County would have some input on the board.

Commissioner Vogt stated that she feels it is appropriate for the County to look for ways to support the indigent elderly. She stated that she appreciated the comments of the County Clerk and the County Auditor. She also noted that this is a tough issue.

Wendy S. Noren stated that if Commissioner Vogt’s comments reflected the goal, then the facility should be a public entity. She stated that General Obligation bonds would be the best financing option. She stated that this issue should be put on the ballot and the voters of Boone County given the opportunity to decide that they want the facility to be a public entity.

Wendy S. Noren stated that she agreed that there should be a form of indigent care, however if the goal was cheap financing for indigent care, then the voters should have the opportunity to agree that they want to fund it.

Commissioner Miller stated that “hindsight is 20/20.” She stated that if the original BRC board placed this issue on the ballot, then a building would have been built and this issue would not be coming forward at this time. She stated however that with the Certificate of Need, this issue has to move forward. She stated that she feels the County owes it to the new board to look at all of the options.

Commissioner Vogt stated that the State of MO is in control of this issue right now. She stated that there are specific guidelines that have to be met everyday. She stated that to-date, the facility is making the payments on the ongoing construction. She stated that every month the facility is

making between \$25,000-\$30,000 in order to proceed with the construction. She stated that this shows that they can be in control of their destiny.

Commissioner Stamper stated that he would like everyone to continue to think about ways to help fund this project.

The County Commission thanked everyone for coming.

Subject: Approve (2) Consultant Services Agreements for implementation of EPA Clean Water Act, Phase II Stormwater Regulations

Commissioner Miller stated that these agreements and services should put the County in position to have a plan to apply for certain grants.

Commissioner Miller moved to approve the Consultant Services Agreements for implementation of the EPA Clean Water Act, Phase II Stormwater Regulations between Boone County and the University of Missouri in the contract amount of \$20,994 and between Boone County and James R. Davis in the contract amount of \$4,000. It is further ordered that the Presiding Commissioner be hereby authorized to sign the agreements.

Commissioner Stamper seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 30-2000**

Subject: Approve Budget Revision for November 1999 out of County Housing costs

Commissioner Stamper moved to authorize a budget revision as follows:

AMOUNT	(increasing) ACCOUNT	(decreasing) ACCOUNT
\$46,110	1255-71100 Corrections: Outside Services	1255-10100 Corrections: Salaries & Wages

Said revision is to cover the cost of out of County housing November 1999.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 31-2000**

Subject: Approve Budget Revision for automobile repairs

Commissioner Stamper moved to authorize a budget revision as follows:

AMOUNT	(increasing) ACCOUNT	(decreasing) ACCOUNT
\$9,600	1191-71016 Auto Claims Deductible	1192-10500 Employee Benefits 401A Match

Said revision is to cover expenses in the auto deductible account due to repairs of automobiles.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 32-2000**

Subject: Courthouse Grounds use for the Northern Cherokee Nation of the Old Louisiana Territory

Commissioner Stamper moved to authorize the Northern Cherokee Nation of the Old Louisiana Territory to use the Courthouse grounds from 1:00pm until 5:00pm on June 23, 2000 to hold a rally on the anniversary of the organization's recognition by the County of Boone, State of Missouri.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 33-2000**

Subject: Report on Health Department Strategic Planning Work Groups

Commissioner Stamper submitted the report for the public record.

Subject: Animal Control Reports for October, November, and December

Commissioner Stamper submitted those reports for the public record.

Subject: City of Columbia Annexations

Commissioner Stamper reported that the County received notice of a voluntary annexation by Troy & Shirley Miller of property located south of St Charles Rd, at the southern terminus of Charlie Goff Dr and contains approximately 20.26 acres.

Commissioner Stamper stated that the County also received notice of a voluntary annexation of approximately 4.13 acres of land owned by Open Heart Fellowship, Inc., located on the west side of Lake of the Woods Road, approximately 110 feet north of Rice Road.

Commissioner Reports

Commissioner Stamper

Commissioner Stamper reported that he had a brief conversation with Stan Shawver about the Windy Point matter. He stated that Stan Shawver would give the County Commission an outline of the changes that the Burnams have on their request.

Commissioner Vogt

Commissioner Vogt reported that she attended the Hospital Board of Trustees meeting. She stated that Randy Morrow presented the board with a complete report on Boone Hospital Center's finances as they pertain to the County. She stated that Mike Vangel gave a report on the community research that the Hospital Board of Trustees performed (phone survey). She stated that 400 people were called: 300-Boone County, 50-Randolph County, 50-Callaway County. She stated that the results of the survey showed that most of the people called feel that Boone Hospital is a very experienced hospital and in most categories preferred Boone Hospital Center over other hospitals.

Commissioner Miller

Commissioner Miller reported that the RFP for Mental Health Services at the Boone County Jail is in the works.

Commissioner Miller reported that she met with the Economic Development group yesterday in Ashland. She stated that they are regrouping after not receiving the Sustainable Communities EPA grant. She stated that the consultant engineer will meet with the regional EPA representatives and ask that representatives from each group (University of Missouri, Boone County, etc.) involved get together to review the application for next year.

Public Comment

Dan Hargis, 7701 Chesley was present to give comments and information on the Windy Point request for Conditional Use Permit dated September 21, 1999. He stated that he performed his own research in response to a report given by Officer Stone on the number of calls received for certain mobile home areas. He stated that his research was a comparison of Roemer Lake Subdivision and County Downes. He stated that the Roemer Lake Subdivision were often not concerning situations as serious as those calls received for the County Downes area. He also noted that the law enforcement agency lists all calls received within a mile radius of a subdivision as calls received for that subdivision, while the law enforcement agency only lists those calls received concerning the immediate bounds of a trailer park as calls received on that trailer park.

Dan Hargis also stated that while conducting his research, he counted 162 open mobile home slots in Boone County. He stated that the slots were as follows: Colonial Village-13, Vandiver village-19, Holly Park-1, Pine Grove-15, Stonegate-4, Richland Heights-58, Woodstock-2, Columbia Regency-7, Crestdale-5, Creen’s Trailer Park-3, Blue Acres-10, Sunset-3, Blackfoot-17. He stated that B&B Mobiles Homes is currently advertising 50 homes set-for-sale. He stated that those homes are currently on lots. He stated that the Housing Authority currently has 50 units available for occupancy.

Dan Hargis submitted the B&B Sales/Service Report dated 1-29-00 and a list of numbers of slots available in Boone County as previously stated.

Scott Searles, 7709 N Chesley stated that there have been some changes in the rental housing units in Bon Gor Subdivision. He stated that there have been a lot of improvements made in the recent months. He submitted a sheet entitled “Does Windy Point Plan fit Boone County Regulations?” for the public record. He stated that he believes that the County Commission is committed to following the Boone County Regulations, however it appeared to him that the Windy Point Plan did not meet any of those regulations. {His sheet outlines each point}.

Dan Hargis and Scott Searles were both opposed to the Conditional Use Permit request by Windy Point, L.L.C. as presented on 9/21/99.

The meeting adjourned at 11am.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner