

TERM OF COMMISSION: July Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Edward H. Robb
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Buyer Tyson Boldan
Civil Engineer John Sullivan
Right-of-Way Agent Natalie Meighan
Deputy County Clerk Cameron Clarke

Commissioner Robb was present at 9:45 a.m.

The meeting was called to order at 9:31 a.m.

*****Adjourned Term**

Resource Management

1. Petition for Vacation of a Public Road Northern End of Persimmon Road (first reading)

Right-of-Way Agent Natalie Meighan was present on behalf of this item. Ms. Meighan stated this petition was from the landowners adjacent to Persimmon Road. Ms. Meighan stated the petitioners had followed all of the requirements necessary for the item to be read.

Commissioner Miller stated she thought this would clean up an unknown in the area. Commissioner Miller stated the residents in the area are concerned.

Ms. Meighan stated the residents plan to do some re-platting and other things, but this is the first step in the process.

Commissioner Miller stated the residents wanted to split a lot but the road must be removed first.

No members of the public were present to comment on this item.

Commissioner Elkin stated this item would be held until the next adjourned term session to be second read.

2. Post Bond Assessment for Lakewood NID (second reading, first read on 6/28/2011)

Civil Engineer John Sullivan was present on behalf of this item. Mr. Sullivan stated there was nothing else to add. Mr. Sullivan stated after the item passes, the next step is to have the treasurer calculate a ten year payoff schedule, and send notices to the property owners. Mr. Sullivan stated the County could begin collecting this year.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby compute the final Post Bond Assessment for the road improvement project for the Lakewood Estates, Lakewood Villas and Valley Creek Neighborhood Improvement District to be \$548,357.19.

The County Commission does hereby apportion the remaining costs of said project within said district according to the provisions of 67.463.2 RSMo and petition approved by said Commission. The bond interest cost, totaling \$90,803.35, is divided proportionally among the remaining properties.

The County Commission further orders the following:

1. Special assessments against the property described on the attached Post Bond Assessment Roll and in the attached amounts.
2. The Clerk to proceed with the notification and collection of said Post Bond Assessments pursuant to the statutory provisions of 67.463 RSMo.

Commissioner Elkin seconded the motion.

No members of the public were present to comment on this item.

The motion carried 2 to 0. **Order # 244-2011**

Purchasing

3. **Surplus Disposal of A/C Refrigerant Station, fixed asset tag 13201 (second reading, first read on 6/28/2011)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Public Works to dispose of an A/C Refrigerant Station, asset tag 13201. Public Works will be obtaining three informal quotes for a replacement.

Commissioner Elkin seconded the motion.

The motion carried 2 to 0. **Order # 245-2011**

4. **Bid Award to the following companies for bid 25-31MAY11 – Emergency Electrical Services Term and Supply: (second reading, first read on 6/28/2011)**

- **Primary Supplier: K-Tech d/b/a Schneider Electric Company, Inc.**
- **Secondary Supplier: Meyer Electric Company, Inc.**
- **Tertiary Supplier: Coastal Electric Construction Services, LLC**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 25-31MAY11 Emergency Electrical Services Term and Supply to the companies listed below. It is further ordered the Presiding Commissioner is hereby authorized to sign said contracts.

- Primary Supplier: K-Tech d/b/a Schneider Electric Company, Inc.
- Secondary Supplier: Meyer Electric Company, Inc.
- Tertiary Supplier: Coastal Electric Construction Services, LLC

Commissioner Elkin seconded the motion.

The motion carried 2 to 0. **Order # 246-2011**

5. **Bid Award for bid 12-09JUN11 – Calvert Hill, Boatman Hill, & McGee Road Asphalt Overlay to APAC Missouri (second reading, first read on 6/9/2011)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 12-09JUN11 – Calvert Hill, Boatman Hill, & McGee Road Asphalt Overlay to APAC Missouri. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

The motion carried 2 to 0. **Order # 247-2011**

County Clerk

6. **Budget Amendment for Voter List Management Grant (second reading, first read on 6/21/11)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to establish a budget for Voter List Management Grant revenue and software purchase:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$

1132	03451	Elections	State Grant Reimbursement		43,269.00
1132	91302	Elections	Software		4,300.00

Commissioner Elkin seconded the motion.

The motion carried 2 to 0. **Order # 248-2011**

Public Works

7. Request to trade Bobcat bucket grapple and KwikWay snow plow blade for new Sweepster (first reading)

Commissioner Elkin stated this was a request from Greg to trade in a grapple and snow blade for a sweeper for the front end of the Bobcat. Commissioner Elkin stated the grapple and snow blade were never used. Commissioner Elkin stated with the emphasis on chip seal, this is something the County will need. Commissioner Elkin stated this trade is an even swap.

Commissioner Miller stated the County will need more sweeping with storm water, so this is a positive thing.

Commissioner Elkin 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.

Commission

8. Adopt new road sales tax and road property tax distribution policies (second reading, first read 6/28/2011)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby enter this Commission Order establishing revised policies on the distribution of property and sales tax revenues to the special road district and the municipalities that are organized and existing in Boone County, Missouri:

WHEREAS, Boone County (hereinafter “the County” or “County”) collects certain property and sales taxes that are dedicated to the improvement and maintenance of roads and bridges; and

WHEREAS, the County collects road sales taxes pursuant to a 2007 voter-approved sales tax levy (10-year authorization of levy) of one half of one percent as authorized under RSMo §67.547; and

WHEREAS, the County collects road property taxes pursuant to a voluntarily-reduced levy under the provisions of RSMo §137.555; and

WHEREAS, the County had previously adopted policies and procedures for the distribution of road taxes (property and sales taxes) to the Centralia Special Road District and the municipalities that are organized and existing within the corporate limits of the County (hereinafter collectively referred to as “the Stakeholder Entities” or “Stakeholder Entities”) that based distributions from sales tax revenue on assessed valuation; and

WHEREAS, the County’s prior policies and procedures provided for a distribution of funds to the Stakeholder Entities that did not consider, among other things, the actual sales tax revenue collections; and

WHEREAS, these prior policies and procedures lead to distributions that were unsustainable; and

WHEREAS, the County Commission has studied the issues and convened several meetings to discuss the situation with the Stakeholder Entities, and

WHEREAS, the County desires to promulgate a new set of policies and procedures that takes into consideration the primary funding source for such distributions – actual collections from the road and bridge sales tax levy – which will replace any and all existing road tax distribution polices and procedures; and

WHEREAS, it is anticipated that these policies and procedures will be implemented with the Individual Stakeholder Entities through one or more Intergovernmental Cooperative Agreements between the County and the Stakeholder Entities;

NOW, THEREFORE, the County Commission of the County of Boone hereby enacts this Order revising and restating its policies relating to the distribution of sales and property taxes dedicated to the maintenance and improvement of roads and bridges:

1. Stakeholder Entities: The Stakeholder Entities shall consist of all of the municipalities organized and existing in Boone County (as further set out herein) and the Centralia Special Road District. For purposes of these policies, the Stakeholder Entities shall be divided into three groups: Formula Entities, Application Entities and the Centralia Special Road District.
 - a. The following Stakeholder Entities shall be Formula Entities: Ashland, Centralia, Columbia, and Hallsville.
 - i. The Formula Entities shall be further subdivided into the following Groups:
 1. Formula Entities Group A: Ashland, Centralia, Columbia, Hallsville.
 2. Formula Entities Group B: Ashland, Centralia and

Hallsville.

- b. The following Stakeholder Entities shall be Application Entities: Harrisburg, Hartsburg, Huntsdale, McBaine, Pierpont, Rocheport, and Sturgeon.
 - c. The Centralia Special Road District shall be addressed separately in these policies.
2. Variables and Calculations: Certain variables to be used in the implementation of these policies will be determined as follows:
- a. The **Road & Bridge Property Tax Levy Ceiling Rate** shall be that rate certified by the Missouri State Auditor as being the maximum permissible levy for Boone County's Road & Bridge tax levy under RSMo §137.555 for the relevant fiscal year.
 - b. The **Actual Road & Bridge Tax Levy Rate** shall be the rate actually levied by the Boone County Commission for its Road & Bridge Property Tax Levy under RSMo §137.555.
 - c. The **Road & Bridge Sales Tax Revenue** shall be the prior fiscal year's actual sales tax revenue collections from the voter-approved Road & Bridge Sales Tax Levy authorized under RSMo §67.547 as determined by the County Auditor.
 - d. The **Assessed Valuation as of December 31** shall be the actual assessed valuation for the relevant political subdivision as of December 31st of the relevant year as certified by the Boone County Clerk.
 - e. The **Total Property Tax Reduction Due to Voluntary Rollback** shall be determined as follows:
 - i. The Actual Road & Bridge Property Taxes Collected & Distributed shall be divided by the Actual Road & Bridge Tax Levy Rate. That result shall then be multiplied by the applicable Road & Bridge Property Tax Levy Ceiling Rate to determine the **Road & Bridge Taxes That Would Have Been Collected If There Was No Rollback.**
 - ii. The total of the Road & Bridge Taxes That Would Have Been Collected If There Was No Rollback *less the* Actual Road & Bridge Property Taxes Collected & Distributed is the Total Property Tax Reduction Due to Voluntary Rollback.
 1. The **Actual Road & Bridge Property Taxes Collected & Distributed** figure shall be determined by the Boone County Collector and shall consist of the net road & bridge property taxes collected from the 1st day of March of the relevant year through the last day of February of the succeeding year (the Collector's Year), allocated as appropriate to the particular Stakeholder Entity whenever necessary to effectuate these policies. The net property taxes collected and distributed shall be determined by the Boone County Collector in accordance with then-applicable state and local law.

2. The **Total Property Tax Reduction Due to Voluntary Rollback** figure shall be determined by the Boone County Auditor in coordination with the data provided by the Boone County Collector under the above-described formula.
 - f. The **Net Additional Sales Tax Revenue** shall be the Road & Bridge Sales Tax Revenue figure *less* the Total Property Tax Reduction Due to Voluntary Rollback figure.
3. Distributions – Actual Road & Bridge Property Taxes Collected: The County will, in compliance with state law, distribute the Actual Road & Bridge Property Taxes Collected to the Stakeholder Entities consistent with its obligations under RSMo §137.556 (1/4 of property taxes collected based on property assessed with the boundaries of cities, towns and villages) and RSMo §137.555 (4/5 of property taxes collected based on property assessed within the boundaries of the Centralia Special Road District). Each Stakeholder Entity shall use such funds only for the purpose of improving and maintaining roads and bridges within that Stakeholder Entity's corporate boundaries.
4. Distributions – Sales Taxes Needed to Cover Property Tax Reduction Due to Voluntary Rollback: The County will exceed its obligations under the ballot language authorizing the Road & Bridge Sales Tax Levy under RSMo §67.547, which provides for the reduction of county property taxes levied for road purposes and an increase in the amounts paid from the county road and bridge fund to the cities and the special road district above that amount required by state law, by distributing to the Stakeholder Entities the theoretical loss of property tax revenues due to the voluntary rollback from the Road & Bridge Tax Levy Ceiling Rate to the Actual Road & Bridge Tax Levy Rate. These Distributions shall be referred to as the Sales Taxes Needed to Cover Property Tax Reduction Due to Voluntary Rollback. Each Stakeholder Entity shall use such funds only for the purpose of improving and maintaining roads, bridges and right-of-ways within that Stakeholder Entity's corporate boundaries.
5. Distributions – Net Additional Sales Tax Revenue: The distributions of the Net Additional Sales Tax Revenue shall be along the following percentages:
 - a. Retained by County Road & Bridge Fund for County use: 82.25%
 - b. Allocated to Application Entities: 1%
 - c. Allocated to Group A Formula Entities based on Assessed Valuation Percentages: 13%
 - d. Allocated to Group B Formula Entities based on Assessed Valuation Percentages: 2.25%
 - e. Allocated to the Centralia Special Road District: 1.5%
 - f. All of the above distributions shall be used by each Stakeholder Entity only for the purpose of improving and maintaining roads, bridges and right-of-ways within that Stakeholder Entity's corporate boundaries.
6. Timing of Distributions:
 - a. Distributions of the Actual Road & Bridge Property Taxes Collected and the Sales Taxes Needed to Cover Property Tax Reduction Due to

- Voluntary Rollback to all Stakeholder Entities except the Centralia Special Road District shall occur one time per year, typically near the beginning of the fourth quarter. Distributions of these funds to the Centralia Special Road District shall be on a schedule determined by the County Commission.
- b. Distributions from Net Additional Sales Tax Revenue to the Formula Entities, Groups A and B, and to the Centralia Special Road District, shall occur one time per year, typically near the beginning of the fourth quarter.
 - c. Distributions to Application Entities for application-based funding shall be as determined by the terms of the Cooperative Agreement between the County and the Application Entity which relates to an approved application-based project.
7. Consultation on Projects: The County Commission reserves the right to consult with the Stakeholder Entities as to the priority of projects to be funded in whole or in part with Distributions under these policies.
 8. Annual Reports: It is contemplated that the Stakeholder Entities will provide report(s) to the County Commission, at least annually, as to the status of projects funded, or contemplated to be funded, in whole or in part, with Distributions under these policies.
 9. Economic Development Adjustment:
 - a. The County Commission reserves the ability to determine, on a case by case basis, any adjustments that should be made to Distributions as a result of any economic development activities of the County or any of the Stakeholder Entities. This may be implemented by revising the Road & Bridge Sales Tax Revenue figure, the Assessed Valuation as of December 31 figure, or such other adjustments as may be equitable in the sole judgment and discretion of the County Commission. This reservation is necessary due to any number of unforeseen circumstances, including but not limited to the following, possible scenarios:
 - i. Sales tax revenue, including Road & Bridge Sales Tax Revenue, that the County receives could be significantly reduced as a result of an economic development effort, such as the creation of a Tax Increment Financing District (TIF).
 - ii. The Assessed Valuation of a Stakeholder Entity may be drastically changed beyond normal growth patterns by the implementation of a Chapter 100 incentive package.
 - iii. The Actual Road & Bridge Property Taxes Collected & Distributed may be significantly reduced by other economic development efforts or by the acquisition of property by a Stakeholder Entity which had a significant assessed value assigned to it.
 10. Nonappropriation: Although this policy reflects the intention of the County Commission, the Distributions contemplated herein are conditioned upon there being a sufficient, unencumbered fund balance budgeted for that purpose. The County's obligations hereunder shall not in any way be construed to be a debt of

the County in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by the County, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the County beyond that which is specifically required by state law. Notwithstanding any provision of these policies, the decision whether or not to budget or appropriate funds, or to extend any agreement based on said policies for any subsequent fiscal year, is solely within the discretion of the then-current governing body of Boone County.

11. Example Spreadsheet: A spreadsheet example showing pro-forma distributions to the Stakeholder Entities, (including a contemplated County Aid Road Trust Funds distribution to the Centralia Special Road District not contemplated in the foregoing policy) and the calculations upon which said distributions are made, is attached hereto as an Exhibit and incorporated herein by reference.

Commissioner Robb seconded the motion.

The motion carried 3 to 0. **Order # 249-2011**

Commissioner Elkin stated he would like to thank Commissioner Robb, and everyone's hard work on getting this resolved. Commissioner Elkin stated former Commissioner Pearson and the Boone County Auditor put a lot of work into this.

9. **Approve application by Youth Community Coalition to use the Courtyard Square for Youth Service Day October 1, 2011 (first and second reading)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Courtyard Square by Youth Community Coalition on October 1, 2011 from 9 am until 1 pm for Youth Service day.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 250-2011**

10. **Approve application by First Night Columbia to use the Courtyard Square for the First Night New Year's Eve Celebration on December 31, 2011 (first and second reading)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Courtyard Square by First Night Columbia from 9:00 am December 31st, 2011 to 1:00 am January 1st, 2012 for First Night Columbia.

Commissioner Miller seconded the motion

The motion carried 3 to 0. **Order # 251-2011**

11. Approve the E-911 tax rate (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby set the E911 tax levy at 2% of the tariff rate, the level at which it is currently maintained.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 252-2011**

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

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the Boone County Commission Minutes during the II Quarter beginning on 4/04/2011 through 6/30/2011.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 253-2011**

13. Approve Closed Session authorized per RSMo 610.021(2) at 3:30 pm on 7/12/2011 (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Tuesday, July 12, 2011, at 3:30 p.m. The meeting will be held in Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by 610.021 (2) RSMo. to discuss the leasing, purchase or sale of real estate by a public government body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order # 254-2011**

14. Public Comment

15. Commissioner Reports

The meeting adjourned at 9:57 a.m.

Attest:

Edward H. Robb
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner