

TERM OF COMMISSION: May Session of the April 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 Commissioner Skip Elkin
Deputy County Clerk Joshua Norberg

The meeting was called to order at 1:30 p.m.

Public Works

Natalie Meighan, Public Works, was present on behalf of this item.

1. Adopt-A-Roadway Application – Mauller Road

Ms. Meighan stated this is a renewal of an Adopt-A-Road application for a one-mile stretch of Mauller Road. The contact information has changed, and this application will be good for another three-year period.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request by Friends of Mauller Road to adopt 1.1 miles of Mauller Road from Route VV to Creasy Springs Road.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 235-2009**

Prosecuting Attorney

Bonnie Adkins and Dan Knight, Prosecuting Attorney, were present on behalf of this item.

2. VOCA Grant Application

Mr. Knight stated he is requesting approval to apply for the VOCA Grant in the amount of \$42,089.71. He stated this has a 20% County match.

Commissioner Miller stated this is just a continuation.

Commissioner Pearson stated we have had this grant since 1993.

Commissioner Miller stated the existing salary for this position is the match.

Commissioner Elkin asked if they are reducing these funds.

Ms. Adkins stated last year they made cuts pretty much across the board, but this is the amount that they gave us last year. She stated it only covers 94% of the salary, but the difference will come out of the bad check fund.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the VOCA Grant Application.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 236-2009**

Sheriff's Department

Chad Martin and Tom Reddin, Sheriff's Department, were present on behalf of this item.

3. COPS Technology Grant Application

Mr. Reddin stated this application is an ongoing process. It is for \$200,000 that has been earmarked through the COPS Technology Grant that we have participated in for the past 3 years. This would actually be part of the fiscal year 2 funding. This started off as six counties getting together to discuss grant applications to obtain technology for better data and information sharing. It has merged into 20 agencies because the Lake area has 12 agencies that had begun this process a year prior. Mr. Reddin stated with year 1 funding, there have been about 113 vehicles among the agencies that have been equipped with data terminals and software upgrades so they could share data. Columbia and Boone County were ahead of the technical curve, so they sat back and let some of the other agencies catch up so they could data share. He stated this \$200,000 is an earmark out of year 2 funding specifically being awarded to Boone County for technology and data sharing.

Mr. Martin stated the application process is a little screwed up. He stated they sent him the application form to establish Commissioner Pearson as the government official, Sheriff Carey as the law enforcement executive, and himself as the financial point of contact. They never had anymore communication with us after that. He stated someone told him that they had already sent it out. They said they sent it to us, but several agencies didn't get it, and now we are trying to get it done. The grant writer is out of Joplin, and he is putting our portion together with the regional grant to submit it. Mr. Martin stated he submitted the budget to the grant writer, and it is also outlined in the document that he sent to the Commission, which outlines the three projects that this money will fund. There is no match on this grant. Any ongoing costs would not be out of the County's pocket until after year 3. After that, some manufacturers drop maintenance off of

the equipment, or it starts tiering off.

Commissioner Miller stated the costs after the third year would have to come out of the law enforcement portion of the Law Enforcement Tax because it is a new program and it wouldn't be supported by general revenue. She stated that needs to be really clear that it comes out of the law enforcement piece.

Mr. Martin stated they have discussed that. He stated the maintenance is minimal.

Commissioner Miller stated it is the replacement of all the equipment that she worries about.

Mr. Martin stated he can't predict what those costs would be, but they have already discussed that.

Commissioner Miller stated Information Technology has been involved with this, so they are comfortable with it.

Mr. Martin stated they are comfortable with all 3 of these projects.

Commissioner Elkin asked what the license plate technology consists of. He asked what the 4 camera setup is.

Mr. Martin stated it is for the patrol cars. He stated they are doing a demo of a product right now. Basically, it will scan the plate in infrared and color and turns it into the characters of the plate. It then runs it through a database and tells you whether the plate is stolen, if the person is wanted, if it's a stolen car, if there is a warrant on it, etc.

Commissioner Pearson stated instead of the officer keying it into the system, it automatically does it.

Mr. Martin stated that is correct.

Commissioner Miller asked if this is just for one car.

Mr. Martin stated it will do four cars.

Commissioner Miller asked if that means we will be expecting the Sheriff's Department to come back for more since we have 40 cars.

Mr. Martin stated he doesn't think so because it is about \$20,000 per car. Once you get this on a car and utilize the car appropriately it will start to produce results.

Commissioner Miller asked how they are going to decide which four cars are going to get these cameras.

Mr. Martin stated two of them are going to the Columbia Police Department. Part of the requirement of the grant is that you share the technology. We already have a database that we share with the City and half of all this equipment is going to the City. He stated regarding which two cars we will put it on, we will just have to have a meeting with the administration and find out where they would be used most appropriately.

Commissioner Elkin asked about the mobile data terminal for airport police unit.

Mr. Martin stated that it is the only law enforcement division within Boone County joint communications that does not have mobile data terminals (MDT). This will complete everyone that is on our system connected with an MDT.

Commissioner Elkin asked about the iris recognition.

Mr. Reddin stated we will ultimately be a hub with the 8,000-10,000 people that we have processed. We will also connect with other agencies that already have a system in place, so we will have a pretty substantial database.

Mr. Martin stated once a database is established, a deputy can take a portable camera out in the field if someone is lying about who they are and take their picture and it will tell us who they are if they are in our database.

Commissioner Elkin stated it is like another kind of fingerprint.

Mr. Reddin stated it is better than that.

Mr. Martin stated the iris recognition is an instant response. With a fingerprint you have to search and analyze.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the COPS Technology Grant Application.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 237-2009**

Facilities Maintenance

4. Budget Revision to Cover Costs of Flood Damage to MKT Trail (first reading)

Commissioner Elkin stated this is to cover the flood damage from the last rain.

Commissioner Pearson asked what the area looked like by the creek where it started to slough

off.

Commissioner Elkin stated it is still slowly moving down. He stated it would be easier to shift the trail over a few feet depending on where exactly the crevice is. It is still intact for now so we will just watch it as we go along.

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.

Purchasing

Tyson Boldan, Purchasing, was present on behalf of these items.

5. 16-26MAR09 – Burr Oak Road Bridge Replacement (first read on 3/26/09)

Mr. Boldan stated the bid for Burr Oak Road Bridge Replacement closed on March 26, 2009. Seven bids were received. Purchasing and the Public Works Department recommend award to Phillips Grading and Construction for offering the lowest and best bid for Boone County.

The bid total is \$1,186,913.95 with a 10% contingency amount of \$118,691.41 for a Purchase Order total of \$1,305,605.35. Contract will be paid from Department 2045 – PW – Design and Construction, Account 71100 – Outside Services. The budgeted amount was \$1,500,000.00.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 16-26MAR09 – Burr Oak Road Bridge Replacement to Phillips Grading and Construction. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 238-2009**

6. 19-09APR09 – Duplicating Services Term and Supply (first read on 5/26/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award bid 19-09APR09 – Duplicating Services Term and Supply to Brake Printing. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 239-2009**

7. Commissioner Reports

Commissioner Miller reported on the following:

Regional Planning Commission: Commissioner Miller stated she attended the Regional Planning Commission and they were discussing the stimulus funds for state highway funds. They will be starting an overlay on Route Z and overlaying from the Highway 63 interchange to Route Z on the outer road. She stated that is in Phase I. She stated Phase II is the interchange at Route H and Highway 63. If we are lucky enough to get some funds that other states can't spend, our interchange at Route H will be a possibility.

8. Public Comment

John Payne, 10951 I-70 Dr. NE, Columbia

Mr. Payne stated he is the developer who has been developing The Woodlands since 1991. He stated the seventh phase is Plat 5A. He stated he doesn't quite understand what is going on. He has been having such a delay in getting the County to accept these roads. He stated he has done everything that has been asked of him. He stated his contractor and project manager are both here to answer any questions. He stated he has an agreement dated 2/17/09 prepared by County Counselor CJ Dykhouse, and signed by Mr. Dykhouse, Wendy Noren, Ken Pearson, C.L. Richardson and Derin Campbell. This agreement says that the County would accept the roads for maintenance if we put up a \$5,000 seeding bond to cover some ditch areas, which Mr. Richardson did. He stated we still haven't gotten our roads accepted. He stated Commissioner Pearson told him the grass has got to grow in the ditches. He thinks that this is two issues and that the seeding bond doesn't cover the grass and everything else. He feels like he is getting delayed and jerked around and he is here today to figure out what we can do to get this done and what the County is requiring from him.

Commissioner Pearson stated his understanding of this bond was that it would cover if we had to do work after October 15, 2009. The understanding was that there was two planting seasons to get the grass to grow, so that is where we are. If the grass grows on it, we don't have a problem. He stated he thinks Mr. Payne's issue is trying to get the roads accepted before that.

Mr. Payne stated that is correct and that is what the agreement says. That is the way it has been handled in the past. He stated in County contracts when you get a road rebuilt, you allow that contractor to place a seeding bond and pay the bills on that project. He stated this is a similar deal. He stated the agreement was signed by Commissioner Pearson and now you are changing the story.

Commissioner Pearson stated originally this was going to be a \$20,000 bond, and we modified that to be more amenable to Mr. Payne, but the understanding was that he would plant the grass and get it to grow, and this bond would cover it if it didn't grow and you have until October 15.

Mr. Payne stated he doesn't feel that is right. There is no reason to have a seeding bond if we have to have the grass grown. He stated we have been out there a couple of times trying to get the seed on there. He stated he is here and he is not trying to back out on any obligation. He stated he is going to take care of whatever the problems are, but he thinks he is getting jacked around on the acceptance of the roads. The seeding bond and the roads are two different issues. The agreement says that the County was going to accept the roads on February 17, 2009.

Commissioner Miller asked to see the agreement. She asked if it went through Commission.

Commissioner Pearson stated it did.

Mr. Payne asked why Commissioner Pearson would sign it if he felt differently.

Commissioner Elkin asked what the status is on the seeding.

Mr. Payne stated there are two or three areas about 100-200 feet each. He stated every time we get it seeded the rain comes and washes the straw away. He stated he is not trying to avoid responsibility or get away with something for nothing. He stated they have done everything they have been asked to do, and John Watkins and Keith Austin and Public Works have both said everything is okay with them.

Commissioner Elkin asked if they said everything in the subdivision is okay.

Mr. Payne stated they did as long as the grass grows where it is supposed to and that is what the seeding bond covers and it goes until October 15. He stated we are going to get grass to grow no matter what we have to do.

Commissioner Pearson stated the agreement states that the developer/contractor agrees to complete the improvements described in section 2, which is planting grass and getting substantial growth no later than October 15, 2009. If you don't do it by that date, then we can apply the bond. He stated that is his point of view on this agreement. He stated traditionally you post the bond to cover it and the County might do it, but this is a little bit different approach.

Mr. Payne stated he doesn't see it that way.

Commissioner Pearson stated he is not trying to be a pain, but that was his point of view when we did this thing.

Mr. Payne asked why put the seeding bond up at all.

Commissioner Pearson stated we wanted to be sure that we were going to get something in place by October 15. If we don't, then it is ours and we have to do it.

Mr. Payne stated this is our seventh phase; we have 110 houses that vary from \$300,000 to

\$1,000,000. He stated he would guess that because of that development out there, there is \$1,000,000 coming into Boone County. This is not the way it has ever been done before. It has been dragged out since December of 2006, when he asked the Commission to accept the roads.

Commissioner Pearson stated Mr. Payne received a punch list back then with the things he needed to do and it still isn't done. He stated that has been going on since he got into office.

Mr. Payne stated the agreement says that if we put a seeding bond up then the County would take over the roads.

Commissioner Pearson stated he doesn't agree with that.

Mr. Payne asked where we are supposed to go from here. He asked if he is supposed to get a lawyer and sue the County.

Commissioner Pearson stated that is up to you. He stated he can't provide legal advice, but he stated if we can just get grass to grow we will be fine.

Mr. Payne stated there is no reason to ask for a seeding bond if you are not going to accept the roads, and that is what our agreement was.

Commissioner Miller stated she would like some time to look at the contract again and discuss it with the other Commissioners. She stated she needs to think about it.

Mr. Payne stated this has been dragged out already.

Commissioner Miller stated he would get an answer next week.

Mr. Payne stated that would be okay.

Commissioner Miller stated we have a staff meeting on Tuesday, and she would like to talk about it then and then give a response. She stated she doesn't want to make a quick decision right now without having a chance to look at it more closely.

John Dometrorch, 2670 Hwy 240, Fayette, stated he is with C.L. Richardson Construction. Mr. Dometrorch stated he has been involved in this process from start to finish, and he won't deny that they have created a few bumps in the road, and the County probably has as well. He stated when they met with Commissioner Elkin earlier this year, they thought that this agreement that was drafted was really the device to allow the County to accept the public infrastructure that is out there and serving the residents that are there. The intent of the seeding bond was to cover the 2 or 3 spots that we have tried to seed multiple times. He stated the roads have been in service since November 2006, so they have withstood the test of time. The seeding bond covers above and beyond what these spots have cost them up to now even though they have seeded them 2 or 3 times. He asked the Commission to consider how they would be taking any chance with the County's funds by going ahead and accepting the infrastructure for maintenance right now.

There is \$5,000 above Mr. Richardson's and Mr. Payne's word that it will get done.

Commissioner Miller stated she thinks we will come to a solution on Tuesday.

Commissioner Elkin stated that is why he wants to reread the agreement. We have had lots of discussions on this because that is his understanding of a bond is to allow acceptance with it not being completed, and the bond guarantees that whatever piece is not completed will be covered.

Commissioner Miller stated we will give you a call Tuesday.

There was no further comment.

The meeting adjourned at 2:14 p.m.

Attest:

Kenneth M. Pearson
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner