

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commission Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Planner Uriah Mach
Director Resource Management Stan Shawver
Treasurer Nicole Galloway
Director Purchasing Melinda Bobbitt
Chief Deputy Juvenile Officer Cindy Garrett
Deputy County Clerk Mike Yaquinto

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

Proclamation

1. Proclamation Honoring Eugene Harold Gruender, Sr.

Commissioner Miller read the following proclamation:

Whereas, Eugene (Gene) Harold Gruender, Sr. served his country, beginning in the Army Air Corps at Jefferson Barracks before becoming part of the Air Force 15th Battalion serving in Africa and Bary, Italy from 1943-1945;

Whereas, Gene has continuously lived in Boone County for over 65 years since moving here from St. Louis, MO with his wife, Dorothy, in 1948;

Whereas, Gene worked in construction his entire life, working for Hathman Construction, Simon Construction and Little Dixie Construction;

Whereas, through his construction career, Gene played a large part in the growth of Boone County, including work on and oversight of the construction of the University of Missouri's Johnson Hall and Animal Science Center, work on Boone County National Bank and the Boone County Fairgrounds, contributions to set the original footings on University Hospital, supervision of the building of the Columbia Senior Activity Center and building of D&G Mobile Home Park;

Whereas, Gene continued his construction career for several decades until supervising his final construction site in 2006 at the age of 82;

Whereas, Gene has been a member of Local Carpenters Union 1925, holding the title of second longest member with 75 years of membership;

Whereas, Gene is also a member of the local VFW, American Legion, the Elks, the Eagles and the Antique Ford Club;

Whereas, Gene has four sons, Eugene Gruender, Jr., John Gruender (deceased), Joe Gruender and Jimmy Gruender and one daughter, Dottie (deceased), six grandsons, eight granddaughters, 20 great-grandchildren and six great-great-grandchildren, most of whom live in Missouri;

Therefore, we do hereby recognize the contributions of Eugene Harold Gruender, Sr. to Boone County and honor him as he celebrates his 90th birthday.

Commissioner Miller presented a framed proclamation declaration to Mr. Gruender stating that the County is honored to do this for him and his life will be memorialized with this proclamation.

Commissioner Atwill moved on this day the County Commission of the County of Boone

does hereby recognize the contributions of Eugene Harold Gruender, Sr. to Boone County and honor him as he celebrates his 90th birthday.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #511-2014**

Purchasing

2. First reading; Amendment Number Two –26-05JUL11 – Electronic Payment Processing for the Boone County Recorder

Melinda Bobbitt read the following memo:

Contract 26-05JUL11 – Electronic Payment Processing was approved by commission for award to ACH Direct, Inc., dba Federal Payments (now known as Forte Payment Systems, Inc) on September 27, 2011, commission order 394-2011. This amendment allows the Boone County Recorder to use this contract that was created for the Boone County Collector.

Invoices will be paid from department 1160 – Recorder, account 71100 – Outside Services.

There were no comments or questions.

Commissioner Atwill 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 appropriate order for approval.

3. First reading; Sole Source Approval – 116-123116SS – (2) Standard Evidence.com Licenses: 3 years for the Prosecuting Attorney

Melinda Bobbitt read the following memo:

Attached for signature is a Sole Source Request Form and contract from the Boone County Prosecuting Attorney and Information Technology to purchase two Standard Evidence.com licenses from Taser International of Scottsdale, Arizona.

Invoices will be paid from 1170 – Information Technology, account 23050 – Other Supplies. Cost for two licenses are: 2014: \$400; 2015: \$600; 2016: \$600.

On July 24, 2014, the Columbia Police Department (CPD) announced the acquisition of 102 body cameras for use by uniformed officers on duty. CPD is the first police agency in the State of Missouri to institute a policy of outfitting all uniformed officers with body cameras. Patrol and traffic unit officers, school resource officers and the Street Crimes Unit all are utilizing body cameras and detectives and other officers are furnished with body cameras when requested. This video evidence will be obtained by three Investigators in the Prosecuting Attorney's Office. The CPD will provide one license and the County must purchase two licenses in order to view this video evidence.

The intent to purchase as sole source was advertised in the *Missourian* and *Tribune* on October 26, 2014.

There were no comments or questions.

Commissioner Atwill 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 appropriate order for approval.

4. 1st & 2nd reading; Rescind Commission Order 508-2014 and approve the attached list for Surplus Vehicle Disposal

Melinda Bobbitt read the following memo:

Please rescind Commission Order 508. The Assessor's office is going to take two Sheriff vehicles, asset tags 16632 and 16981. They are going to dispose of asset tags 12176 and 12172. Replace the Commission Memo with this one with those changes reflected below.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby rescind Commission Order 508-2014 and approve the attached list for Vehicle Surplus Disposal through auction with Missouri Auto Auction. It is further ordered the Presiding Commission is hereby authorized to sign said Request for Disposal forms.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #512-2014**

Resource Management

5. Public Hearing on proposed closure of a section of Myers Lane in Southern Boone County

Stan Shawver said that an inquiry was received about closing a section of what had been a County road, Myers Lane, off of Hwy. DD, northwest of Ashland. Myers Lane was a road that connected to another road that was used as a route from Ashland to Columbia in the 1920's. When Old Hwy. 63 was built, this route was abandoned.

While researching this, there was a gate placed on the east end in 1971. That gate has been removed about a year ago. Documents show that the gate, first placed in 1971, was the subject of an inquiry by the County Court about having it removed. Also found were two different petitions, one to re-open the road and the other that opposed that re-opening. The County Commission advertised a Public Hearing for December 20, 1971. The Public Hearing was conducted and no decision was made at that time. Further research of County Court records for the next 1 ½ years after the Public Hearing revealed no further reference to this matter. The gate remained in place and the issue seemed to be resolved by just leaving it in place.

A property owner has contacted the County Commission about officially closing the road. Legal Counsel, C.J. Dykhouse suggested that the County Road Regulations be used as a reference in deciding this issue. Section 1.8.1 of the County Road Regulations is as follows:

Highway Closure by Order of County Commission – When necessary to preserve, protect, or promote public safety or convenience, the County Commission may order the temporary or permanent closure of any county maintained highway if the Commission finds after public hearing that no person owning property or residing upon any highway to be closed will be denied access from his or her property to a public highway by such closure.

We have followed the procedures used last year on the Bayte Lane closure by placing ads in the newspapers and notifying property owners within 500 feet concerning the Public Hearing today. The Commission also has the recommendation from the County Highway Administrator, Chief Engineer Derin Campbell. The report states the County records indicate no maintenance or expenditures have occurred on the section of Myers Lane that is proposed to be closed. The road is also a dead end road and provides no access to public lands. Given these facts, it is the professional recommendation of the County Highway Engineer to close and vacate that portion of Myers Lane and right-of-way as shown on the attached map and description.

Mr. Shawver said he also contacted a former county employee, Jimmy Sapp, who was the Southern Boone District Highway Supervisor and worked for the County in 1971. He said the gate was there in 1971 and was aware that there was a Public Hearing but could not recall if there was an outcome from that hearing. He also said that the County had not been doing any maintenance on that section of the road.

Commissioner Miller said she needed some clarification. If this is done, the road can be closed but it can't be vacated without going through the vacation process.

Mr. Shawver said that is correct and for the record, there is some interesting information concerning the statutes with regard to this issue. Statute 228.110.1 reads as follows:

Any twelve residents of the township or townships through which a road runs may make application for the vacation of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts. The petition shall be publicly read on the first day of the term at which it is presented, and the matter continued without further proceedings until the next term.

If one then looks at Statute 228.190.1 it says:

All roads in this state that have been established by any order of the county commission, and have been used as public highways for a period of ten years or more, shall be deemed legally established public roads; and all roads that have been used as such by the public for ten years continuously, and upon which there shall have been expended public money or labor for such period, shall be deemed legally established roads; and nonuse by the public for five years continuously of any public road shall be deemed an abandonment and vacation of the same.

There were no further comments or questions at this time by the Commissioners.

Commissioner Atwill opened the Public Hearing and asked if there is anyone present that would like to speak on this issue.

Daniel Helmka said he is the owner of the property on the south side of Myers Lane. As long as he can remember, that gate has been there dating back to 1971. The concern is if there is a vacation, what effect does that have on future development of the land. If the road is vacated, does it mean, without public frontage, there is no development of the property.

Commissioner Miller said that if it is just closed, it does not take away the right-of-way.

Mr. Helmka said he does not care if there is a gate there as long as he has access to his property. It does cut off half of the frontage of the property. As long as there is an entrance to the property, the gate is acceptable. Without the gate, those going down the road have no turnaround.

Commissioner Miller said that people don't know that and will have to back out of there.

Mr. Helmka said his biggest concern is future development. Will he be able to build a house on the property in the future.

Mr. Shawver asked Mr. Helmka if he had a key to the gate, would that be alright.

Mr. Helmka said that would be okay.

Mr. Shawver said that development of the property would fall under the zoning guidelines.

Commissioner Miller said if it is not vacated, then Mr. Helmka would need to bring it up to standard for his type of development if smaller than five acres.

The Commissioners thanked Mr. Helmka for speaking on this issue.

Commissioner Atwill asked if there is anyone else that would like to speak concerning this

closure.

John John said he owns property off the end of Myers Lane. He has history of the road going back to the 1890's but will not focus on that. The gate was put up in 1971. Mr. John gave the Commissioners pictures of the gate in various stages going back to 1971 to present day. He has been maintaining the road for the last 10 years and if he needs to continue the maintenance, he would be happy to work out an arrangement with Mr. Helmka on access to the road. Mr. John said he would be happy to answer any questions from the Commission.

Commissioner Miller said she can see this being a property nuisance without the gate. There would be hunters or people just exploring going down the road with no turnaround. She has no problem with a gate. Today is just a Public Hearing.

Mr. John said without the gate, there is always someone going down the road and there is no turnaround.

The Commissioners thanked Mr. John for speaking.

Commissioner Atwill asked if there is anyone else present that would like to speak on this issue. There were no additional speakers and Commissioner Atwill closed the Public Hearing.

Commissioner Miller said she would like to consider this the first reading and have a second reading at the next meeting and to make sure that the order gives Mr. Helmka the opportunity to access his property.

Mr. Shawver said he will prepare the order for the next meeting with those provisions.

6. First reading; Cooperative Agreement with Village of Pierpont on Road & Bridge Improvement/Repair

Commissioner Miller said this was about the discussion we had on the funding for the various communities. The communities contacted had no issue with this.

Commissioner Thompson said this utilizes the money set aside for them. It allows them to take advantage now in lieu of having a bigger problem later.

There was no further comment on this issue.

Commissioner Atwill 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 appropriate order for approval.

Treasurer

7. First reading: Supplemental Cooperative Agreement, Manchester Heights Sewer Project

Nicole Galloway said we are closing in on the bid process and the public notice. The Manchester Heights NID is using USDA financing along with the CDBG grant. Although there is some extra work involved, it is a direct benefit to the property owners of Manchester Heights. One of the reasons this has gone on for some time is having to go through the different steps to satisfy USDA. The forms contemplate a sewer district making the improvements, owning the project and then recouping the revenue based on revenue generated from the sewer system when it is operational.

Ms. Galloway said the USDA and CDBG agree that the financing and funding comes through the County as a NID. It is the owner of the projects and with that the USDA can use their template type forms to push this process forward. Also, one of the things they wanted was this supplemental agreement signed clearly stating for the Manchester Heights NID the process of

the flow of funds and the flow of the paperwork. If not for the working relationship Commissioner Miller has with the State Director for USDA, we may not be at this advanced stage in the process. This is just a first reading. The USDA is in agreement on the draft. CDBG has agreed by phone and we are just waiting on the confirming e-mail. C. J. Dykhouse and June Pitchford have agreed. We will be getting consensus from Pat Lensmeyer and Wendy Noren as well. This is due to a sub agreement we have from 2009 requiring all parties to sign on so we are taking this same approach with this supplemental agreement.

Ms. Galloway said there should not be any changes to the draft and the second reading will be able to happen with the next available Commission meeting.

The Commissioners thanked Ms. Galloway for her work on this project and for providing all the detailed analysis of the process in an understandable manner.

Ms. Galloway said the real assistance is the CDBG grant which is triggered by the USDA loan so these two are tied together. The grant is for one-half the project so this will save the property owners about \$7,000.

Commissioner Miller said that the USDA State Director asked that no further projects be brought forward until this one is completed to see how this works and to make sure the process is acceptable. Once this NID is completed, there will be a meeting to see what worked, what didn't work and then make improvements to the process and develop a check list for future projects. This will be our model.

Ms. Galloway said because the Sewer District is the owner of the project, they have scheduled it for their January 21, 2015 Board meeting where they will award the contract and then the financing documents will come in February.

There will no further comments or questions.

Commissioner Atwill 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 appropriate order for approval.

Juvenile Office

8. First reading; Budget Amendment for Fostering Court Improvement JCIP Sub-Grant for the period 10/01/2014 to 12/31/2014.

Cindy Garrett said that the approval to apply was granted in an earlier Commission meeting. This Budget Amendment for \$750 is needed for meals and training.

There were no comments or questions.

Commissioner Atwill said a Public Hearing and second reading will take place after the mandatory 10 day waiting period for Budget Amendments.

Commission

9. 1st & 2nd reading; Authorization to close a portion of the design specifications for the Boone County Emergency Communications Center.

Commissioner Miller said that the technology piece of the building is in a separate bid document package so it can be closed per the section of law as noted in the order.

Commissioner Miller moved on this day the County Commission of the County of Boone, in connection with the Boone County Emergency Communications Center building project, and on the advice of Architect's Design Group (ADG), finds in accordance with RSMo Sec. 610.021(19) that the technology portion of the project bid specifications should be a closed

record, as disclosure of that portion of the specifications would impair the County's ability to protect the security of the new Emergency Communications Center building and the public interest in nondisclosure of the technology portion of the building specifications outweighs the public interest in disclosure of those records.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #513-2014**

10. 1st & 2nd reading; Inclement Weather Policy

Commissioner Thompson said this policy is designed to go hand-in-hand with the upgrade to the web site which will give notice to the public as to the status of government buildings and snow days. This also helps the Facilities Maintenance staff to know their obligations and how their obligations will be implemented in inclement weather situations.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Inclement Weather Policy.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #514-2014**

11. 1st & 2nd reading; Organizational Use of Boone County facilities by the Air Force ROTC on 11/9/14

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

does hereby approve the Organizational Use of the Government Center Chambers by the Air Force ROTC for November 9, 2014 from 11:00 a.m. to 4:00 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #515-2014**

12. Public Comment

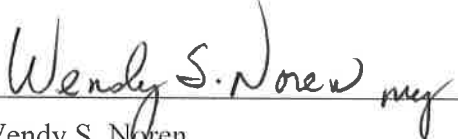
None

13. Commissioner Reports

None

The meeting adjourned at 2:06 p.m.

Attest:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner