

TERM OF COMMISSION: December Session of the October Adjourned Term

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

PRESENT WERE:

Presiding Commissioner Daniel Atwill  
District I Commissioner Karen Miller  
District II Commissioner Janet Thompson  
Director Purchasing Melinda Bobbitt  
Environmental Health Specialist Kris Vellema  
Deputy County Clerk Mike Yaquinto

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

### **Health Department**

- 1. 1<sup>st</sup> & 2<sup>nd</sup> reading; Abatement of a property located at 6151 N. Liddell Lane, parcel #13-400-19-00-003.00 01**

Kris Vellema said a complaint was received in August and we have been in contact with the owner and his counsel since that time. They have asked for more time to finish the clean-up. It is now December and not much work has been done. We advised the owner about the hearing and ask the Commission to issue an order due to the magnitude of the cleaning involved. The bid from the contractor is \$6,000 and we are going to ask the county attorney to prepare a civil action.

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of the property owner.

Todd Irelan said he is the counsel for the property owner, Mr. Terkman, who inherited this property in this present condition. It has been filthy from the time he got it and it is his intent to clean it up which he has been doing.

There are several vehicles on the property with no title and in order to clean this up and get them off the property, we have to ask the Circuit Court for Declaratory Judgment as to Mr. Terkman's ownership. Once we have that, we can abate that portion of the nuisance. With the current condition of the property, being raw land with no hard surface, it is very difficult getting in there with equipment to move the material. It is very challenging, especially with the wet conditions.

Mr. Terkman has had eye surgery and a variety of other obstacles that has prevented significant movement as to the clean-up of the property. He has been able to clean up what was visible from the road and is moving to clean up the rest of it. The biggest obstacles are the vehicle titles and the land being too soft to get in the heavy equipment to get the stuff out. Again, this is a condition Mr. Terkman inherited. It is a small lot and he is not ignoring the condition and is committed to getting it cleaned up. We are just looking for some additional time to do this as it is winter, the land is soft at the moment and we have to take care of the circuit court situation with the vehicles.

Commissioner Atwill asked when Mr. Terkman became the owner of the property.

Latif Terkman said he became the owner about 3 – 4 years ago when the deed was officially transferred to him.

Commissioner Atwill asked if you can't move or touch the vehicles until the title transfer is approved by the court.

Mr. Irelan said we do need to proceed with the process with the court. The vehicles can be

touched, but we can't negotiate them.

Commissioner Atwill asked if any litigation has been filed.

Mr. Irelan said that will be done before Christmas.

Commissioner Miller said the vehicles are really a minor part of this. The vehicles don't bother her as much as all the other stuff. A dumpster and some labor can make a big difference, more than anything else, and there is no sense waiting on a court order to do that.

Mr. Irelan said the Mr. Terkman has been working on the scrap material and he is committed to cleaning it up.

Commissioner Miller said that Mr. Terkman needs to hire some people and get this cleaned up. It is very unfair to the neighbors to have this trash, which could harbor critters, and is very unsightly. The trash and scrap are more of an immediate issue than are the vehicles.

Mr. Irelan said steps will be taken to clean up the clutter. It has been soft and very difficult to get equipment in there to remove it. Mr. Terkman has put in a new gate which expands the access to the property. Previously, there was only a one-man door panel for access.

Commissioner Miller asked how all the stuff got on the property if that was the only access.

Mr. Irelan said this property is adjacent to a larger tract and Mr. Terkman's piece was originally a part of this larger tract. This larger tract had a gate that had a road that allowed access to all the property. Mr. Terkman no longer has access to that gate. The smaller lot was sub-divided by Mr. Allen to Mr. Terkman. It once was all part of a contiguous tract. Now, the smaller lot has been cut off from this access.

Commissioner Miller asked if that can't be used anymore.

Mr. Ireland said it has been cut off entirely by the party that lives next door. They will not provide the access. He has taken the step to put in the larger gate on his smaller tract so it can be accessed by heavy equipment for clean up. The condition is frustrated by the neighbor, but he is taking the necessary steps. All other access points have been cut off. At this point, we are asking what kind of timeframe would the Commission be willing to consider in order for Mr. Terkman to abate the situation. He did not create it, but will certainly deal with it.

Commissioner Atwill said that in the past, we have given the authority to the Health Department to take the steps necessary to clean it up. This does not mean they close the door, but they have the authority to proceed with employment of people to clean it up. That is something that will happen today, so your communication will be with the Health Department and try to work something out, recognizing that they have the authority to proceed. This has been going on for months and not something that just came up and it has not been wet for all these months.

Mr. Ireland said that Mr. Terkman is not dodging the issue. He wants to take care of this. There have been frustrations in the process with a variety of issues all at the same time and he is trying to solve all these at the same time. He is committed to making progress.

Commissioner Miller asked how soon Mr. Terkman can commit to getting this done forgetting about the cars, but just all the other stuff. What is a proposed timeline that he can commit to so that the Health Department can work with him on that timing.

Mr. Ireland said the ground is soft and if it would freeze, it would provide access, so maybe 90 days.

Mr. Terkman said that he can guarantee that clean up will be completed by early March.

Commissioner Miller said she just wanted this on the record so the Health Department knows what timeline they are looking at.

Commissioner Thompson said that there was a drought this summer and it seems that an incentive is needed to get this done because it was not done during the drought when the ground was firm.

Mr. Terkman said that there have been a variety of circumstances along with maintaining the current farming operation. Those all have been taken care of allowing for the clean up process to move forward once we can get the equipment into the property. We just need a little more time.

Mr. Ireland said that Mr. Terkman respects the Commission and his neighbors and with a little more time, can have the property cleaned up.

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

Commissioner Miller said the order for abatement should go forward and let the Health Department work with the owner and attorney to get the property cleaned up as well as getting the vehicle titles transferred. They will be in contact with Mr. Terkman making sure and if not, will proceed with the legal action.

Commissioner Thompson said that the Health Department has the authority to move the process forward.

Commissioner Atwill thanked Mr. Terkman and Mr. Ireland for coming in today and offering

their comments on this issue and hopes that they understand there are rules and laws that the Commission must comply with.

Commission Thompson moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the attached Finding of Public Nuisance and Order for Abatement of a public nuisance located at 6151 N. Liddell Lane, parcel #13-400-19-00-003.00 01.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #594-2015**

## **Purchasing**

### **2. First reading; NCPA Cooperative Contract 05-13, Auto Parts**

Melinda Bobbitt read the following memo:

Public Works request permission to utilize the National Cooperative Purchasing Alliance (NCPA) cooperative contract *05-13* to purchase Auto Parts from O'Reilly Auto Parts of Springfield, MO.

This is a Term and Supply contract and invoices will be paid from department 2040 – PW Maintenance Operations, account 59110 – Mechanics Charge - Reimb R&B and 60200 – Equipment Repairs / Maintenance.

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. Second reading; Bid Award 71-12NOV15 – Radio Tower Assembly and Erection at the Emergency Communication Center (1<sup>st</sup> read 12-10-15)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 71-12NOV15 – Radio Tower Assembly and Erection at the Emergency Communication Center to Wilbur L. Anderson, Inc. d/b/a Western Towers of San Angelo, TX.

The terms of the bid award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #595-2015**

**Prosecuting Attorney**

**4. Second reading; Budget Revision requesting a new chair and desk for an employee who requested accommodation for medical reasons (1<sup>st</sup> read 12-10-15)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the following budget revision for the Prosecuting Attorney to cover the purchase of a new chair and desk for an employee due to medical reasons.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1123	86800	Emergency & Contingency	Emergency	1,101	
1261	91100	Prosecuting Attorney	Furniture & Fixtures	1,124	
1261	23855	Prosecuting Attorney	Furniture & Fixtures < \$1,000		517
1261	92100	Prosecuting Attorney	Replc Furniture & Fixtures		1,708

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #596-2015**

**5. Second reading; Request approval to accept 2016/2017 Stop Violence Against Women grant award (1<sup>st</sup> read 12-10-15)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the acceptance of the 2016/2017 Stop Violence Against Women Grant awarded to the Prosecuting Attorney's Office.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #597-2015**

**Resource Management**

**6. Second reading; Consultant Services Agreement with A Civil Group for site inspections at the CMEC (1<sup>st</sup> read 12-10-15)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Consulting Services agreement with A Civil Group to bring the CMEC into compliance with DNR requirements.

The terms of the Agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Consultant Services Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #598-2015**



Commission

**7. Public hearing and second reading; Budget Amendment for 2015 inspections and land disturbance work at the Central Missouri Events Center (1<sup>st</sup> read 12-1-15)**

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on the budget amendment. There were no speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to increase the budget to complete the 2015 inspections and land disturbance work at the Central Missouri Events Center.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2120	71100	Fairgrounds Maintenance Fund	Outside Services		3,537

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #599-2015**

**8. 1<sup>st</sup> & 2<sup>nd</sup> reading; Appoint the following:**

- **Harley E. Wilcox – Energy & Environment Commission**
- **Joel S. Ray – Children’s Services Board**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby appoint the following:

<b>Name</b>	<b>Board</b>	<b>Period</b>
Harley E. Wilcox	Energy & Environment Commission	January 1, 2016 through December 31, 2018
Joel S. Ray	Children's Services Board	January 1, 2016 through December 31, 2018

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #600-2015**

**9. 1<sup>st</sup> & 2<sup>nd</sup> reading; Reappoint the following:**

- **Richard Shanker – Industrial Development Authority**
- **Rockne Corbin – Industrial Development Authority**
- **Kenneth M. Pearson – Family Resources Board of Directors**
- **Elizabeth Heidt – Family Resources Board of Directors**
- **Max Alvin Lewis – Family Resources Board of Directors**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby re-appoint the following:

<b>Name</b>	<b>Board</b>	<b>Period</b>
Richard Shanker	Industrial Development Authority	December 1, 2015 through November 30, 2018
Rockne Corbin	Industrial Development Authority	December 1, 2015 through November 30, 2018
Kenneth M. Pearson	Family Resources Board of Directors	January 1, 2016 through December 31, 2018
Elizabeth Heidt	Family Resources Board of Directors	January 1, 2016 through December 31, 2018
Max Alvin Lewis	Family Resources Board of Directors	January 1, 2016 through December 31, 2018

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #601-2015**

**10. Public Comment**

None

**11. Commission Reports**

None

The meeting adjourned at 10:01 a.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

