

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Fred Parry  
District II Commissioner Janet Thompson  
Buyer Phil Fichter  
County Counselor C. J. Dykhouse  
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 9:30 a.m.

**Purchasing**

**1. First reading; Bid Award 20-26APR17 – Metal Culvert Pipe Term and Supply**

Phil Fichter read the following memo:

20-26APR17-Metal Culvert Pipe - Term and Supply opened on April 26, 2017. Two bids were received. Public Works recommend award to Metal Culverts, Inc., of Jefferson City, MO based upon lowest and best responsive bid for culvert pipes most often utilized by County as specified in attached email from Greg Edington - Public Works.

Cost of the Term and Supply contract will be paid from:

Public Works Department 2040 - Maintenance Operations, account 26420 - Culverts.

Commissioner Parry asked if the company is based here in Columbia.

Mr. Fichter said they have a facility in Columbia, but are based in Jefferson City.

Commissioner Thompson noted that the cost differential is huge.

There were 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.

**2. First reading; Disposition of surplus laptops by auction or donation**

Phil Fichter read the following memo:

The Purchasing Departments requests permission to dispose of the following list of surplus laptops by auction or donation to another County.

Commissioner Parry noted that these are laptops used by the County Clerk for voting.

Commissioner Thompson said we have provided the list to Carter County which had the horrible flooding issues. We have set up the process, so that they are not inundated with information from everyone, by sending it through the Missouri Association of Counties and then they are giving that information to the clerk in Carter County.

There were 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.

**3. Second reading; Contract Approval for 051613 SYS – FuelMaster Upgrade to Fuel Delivery System at Public Works and Sheriff’s Department (1<sup>st</sup> read 5-18-17)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the utilization of the National Joint Powers Alliance (NJPA)

Cooperative Contract 051612-SYS to purchase FuelMaster equipment and software upgrades for fuel delivery systems for Public Works and Boone County Jail locations from Mid-State Petroleum Equipment Company located in Hallsville, MO.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #241-2017**

**4. Second reading; Bid Award 19-18APR17 – 2017 Chip Seal Preservation for Boone & Callaway Counties and City of Holts Summit (1<sup>st</sup> read 4-25-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 19-18APR17 – 2017 Chip Seal Preservation for Boone & Callaway Counties and City of Holts Summit to Missouri Petroleum of St. Louis, MO.

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 Parry seconded the motion.

The motion carried 3 to 0. **Order #242-2017**

**Commission**

**5. First reading; Order calling for an election for an extension of the County Road Tax Proposal**

C. J. Dykhouse provided the following statement:

The County's one-half of one percent road sales tax and common road property tax decrease is set to expire on September 30, 2018. The Commission Order under consideration would call an election on August 8, 2017, to put a proposal in front of the voters to extend that sales tax and continue a decrease in the common road property tax going forward. This would not be a tax increase; it is a continuation of an existing sales-tax-for-property-tax-decrease funding choice for the maintenance of roads, bridges, and right-of-ways throughout the county. Significant sums from this tax revenue stream are shared with the municipalities in Boone County, such that everyone who lives in Boone County, both inside the cities and in the unincorporated areas, benefits from these tax proceeds.

The voters have expressed a clear preference to fund road infrastructure improvements with reduced property taxes and a slightly higher sales tax in 1993, then again in 1997 and 2007 by large margins. This proposal would continue permanently that practice of lowering property taxes dedicated to roads and, instead, funding those activities with the existing one-half of one percent sales tax.

This matter is on for first reading today, 5/23. It has been scheduled for second reading and final approval on Thursday, 5/25. The deadline for calling an August 8<sup>th</sup> election is Tuesday, 5/30, and since the Commission will be meeting at a night meeting on 5/30, our practical deadline for approval is this Thursday, 5/25.

Commissioner Parry noted there will be time for public comment at the end of the meeting.

There were 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.

**6. First reading; Approval of a real estate sales contract for the former Public Works facility located at 4221 E. Hwy 124**

Commissioner Atwill noted that the public auction was open to all bidders and the purchase price, per the contract, is \$301,600.

C. J. Dykhouse said the Commission had previously declared the former Public Works facility at Hwy 124 as surplus. In deciding on how to dispose of that property, the Commission ultimately used, through purchasing, the RFP process to hire an auctioneer to both market and auction the property. JRWI II, LLC, doing business as United Country Missouri Land and Home Auction Services, was selected as the auctioneer. They marketed the property and presented it at the public auction.

It was a very successful auction. The winning bid was \$290,000. The reason for the real estate contract number of \$301,600 is due to a 4% buyer's premium and also a sellers commission of 3%. The sale proceeds to be expected are approximately \$283,050. This property was acquired in 2012 from MoDOT for \$139,500. This has been a very successful disposition of the property.

Commissioner Thompson said that the people who attended the auction felt it was very well run and were pleased with the transparency of the process. It was a public auction open to all.

There were 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.

**7. 1<sup>st</sup> & 2<sup>nd</sup> reading; Approve Closed Session authorized per RSMo Sec 610.021 (1) at 2:00PM on May 23, 2017**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Tuesday, May 23, 2017, at 2:00 p.m. The meeting will be held in the Conference Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by RSMo 610.021(1), to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #243-2017**

**8. Public Comment**

**Roger Fries**

I would like to speak today about the proposed road and bridge tax. It is my understanding that there have been discussions of removing the sunset law for the existing tax as it is written. I would like to very strongly recommend that this not be done. The taxpayer deserves a fair overview of what this Commission or any other future Commission does with our tax money. The easiest way to do that, the best way for the taxpayer, is to have the sunset provision where the taxpayer can vote just like they will do this August.

Actually, if the sunset provision is not included in the new bill, that cannot be called an extension of the existing tax. That would be a new tax and there are a growing number of us here in Boone County, because we have some of the highest tax burdens in the state, who are vehemently opposed to new taxes.

We will oppose any attempt to a road and bridge tax that does not include the sunset provision. We are neutral on renewing the existing tax, but we need to have that sunset provision. We have many, many, taxes now that are just going to be going on forever unless the public goes through a petition which is very, very, troublesome and difficult to do.

We have a couple small, informal groups that are studying tax issues much, much, more closely than we used to. They are informal groups and we communicate by e-mail, but we will strongly oppose, and will attempt to raise funds, to defeat this issue if it does not include a sunset provision. We will, basically, boycott any corporate banks or sponsors that provide funds for promoting this issue.

Commissioner Atwill clarified that the reasoning for the opposition is just to have the opportunity to renew.

Mr. Fries said yes. Just the method of the taxpayer having a little oversight of what the Commission is spending money on.

Commissioner Atwill asked if Mr. Fries has had occasion to look at the annual Boone County Road & Bridge Report that come out every year.

Mr. Fries said he has not.

Commissioner Atwill said these reports detail all the things the Road & Bridge Division does in the County and is very helpful in understanding that the roads throughout the County

are maintained, not just a select group of roads. It is set-up in a very careful way to be sure all roads have attention. It might be helpful to see how it has been run and I'm sure we have these reports on file.

Mr. Fries said we have no problem with what the Road & Bridge people are doing. Our problem is the lack of taxpayer oversight to what is happening with these tax dollars. This is not an unreasonable request. We have several taxes that we don't agree with and they have no sunset provision to them.

Commissioner Atwill noted that the failure to keep this tax will result in the increase of real property taxes.

Mr. Fries said he understands that.

There were no further comments or questions and the Commissioners thanked Mr. Fries for his comments.

**James Pounds**

I am here to talk about the road tax. I am glad that you took out the sunset provision as that will be helpful in getting this tax defeated. I am talking to everyone in Columbia who pays this tax and explaining to them it has zero benefit to them because they don't drive on county roads.

Commissioner Atwill said he needs to interrupt and stated that the City of Columbia gets 80% of all the tax revenue that goes to the municipalities. Last year, that was approximately \$2 million. The amount that is designated, by a very elaborate plan, by Ed Robb when he was here, allows for the transfer of a certain segment of the tax, every year, to all the municipalities. The small ones don't get very much, but that was all agreed to.



Mr. Pounds asked which municipality get the lion's share.

Commissioner Thompson said it is Columbia who get over 80% of the revenue. Last year it was \$2.1 million and that is part of the city's proposed budget for the next 10 years. They are counting on that \$2 million every year to make their budget so they can maintain the roads in the City of Columbia.

Mr. Pounds said that was good information and it needs to be put on the ballot. I oppose the tax because it is not in the spirit of what this tax was initially put on the ballot for back in 1993. I understand the present Commission was not here at that time, but when Don Stamper, Karen Miller, and Linda Vogt came to the voters, they told us if we pass the tax, they would start paving gravel roads in the county and making them better. They did a good job for the first 2 to 3 years. It was about 50% of what was promised and then they started misappropriating the money, using it for county maintenance which I have no issue with as I understand the roads need to be maintained, but the problem is, we were mislead, we were told the money would pave gravel roads. It has not been used for that in 20 years and that is why I am opposing this tax and will educate and share information with every voter in Boone County.

Because of this, the taxpayers are tired of paying taxes. We have been down this road before, taking tax money for one reason and using it for another. That is why I am aggravated and why I hope this is defeated in August. I understand why August, because it is low voter turnout and you can push it through and get passed.

Commissioner Parry said his quick perspective is that he has spent most of the last 20 years critical of county government and how they do things. But, I have to say, my education in the last four months and even before being elected, by attending the County Commission 101 Training, I saw the way that our road dollars are spent. We have 775 miles of road that need to be maintained on an annual basis and over 500 miles are gravel, which is a high

percentage. The reality is, this money that is being generated, and looking at everything our Public Works has done, they have been good stewards of the money and done an excellent job. You see this in almost every county in Missouri, the money generated for this tax is only enough to maintain the roads. I believe back in 1993, we were going to pave 50 miles of roads in three years.

Mr. Pounds said they have never paved 50 miles of road in any year since the tax has been passed.

Commissioner Parry said that eventually, after the tax went through twice, they were able to do 52 miles of road. The problem is, the money is mostly being used for maintenance and every dime is accounted for and not used for other purposes.

Mr. Pounds said he understands that, but the problem is we have been deceived. We were told the tax money would be used for a specific purpose.

Commissioner Thompson said that from her personal perspective, Fred lives on a paved road and I live on a gravel road and if someone were to say we are going to pave her road, I would say what a colossal waste of money. Like Fred said, we have a certain amount of money coming in from this tax and with the number of miles needing to be maintained, if someone said let's pave Janet's road, I would be kicking and screaming from here to eternity because not enough traffic is on my road to justify that huge expenditure. You need to look at what makes sense when you have so many miles of roads and why would one pave a road without the justified traffic flow. We need to look at how much money we have coming in and how do we apportion that money across our obligation as a community.

Mr. Pounds said that they should have started paving at the rate of 50 miles in five years.

Commissioner Parry said you are right and that they learned pretty quickly in the process, around 1995 or 1996, when the cost of materials increased, they saw they were not going to be able to fulfill that promise. To that, one of the things we have to weigh, is that the last time we went to the voters, it had 80% support. It has had significant support in each election. The point is, when you ask the County Clerk, does it make sense to keep putting it on the ballot when there has been such strong support from the citizens of Boone County.

The election costs are fairly significant and that is one small part of it. If you don't like how the county is spending these dollars, vote out the Commission. That is the way to fix it. I do appreciate how you keep the dialogue going, making sure there is a dialogue which is a tremendous service to the citizens of Boone County. I guess, you have to weigh all these things and there is a danger that if we lose this money, property taxes will increase and these taxes have been under assault for the last few years.

Mr. Pounds said instead of extending this tax, do away with it and write up a new tax regarding maintenance of county roads instead of deceiving us like you did in 1993. I am just so aggravated with this whole deal. (Commissioner Thompson gave Mr. Pounds a copy of the ballot language)

Don't sell this as an extension, it is a new tax, same money, but changing the spirit of the original ballot language. This is going to the voter saying no cost, same tax been paying for the last 25 years. Maybe you haven't got what you thought you were going to get, but now we need it for maintenance. We are just trying to say we are tired of being deceived. I agree with Roger that if you are going to do away with the sunset provision, then that will end it and it will help me.

Commissioner Parry said that everyone's property taxes will go up.

Mr. Pounds said they wouldn't have to if you go back and re-write the bill and not selling it as an extension.

Commissioner Parry asked if thinks the voters would support a larger tax with a sunset as opposed to a smaller tax without the sunset.

Mr. Pounds said no.

Commissioner Parry asked what do we do then as we are in a catch-22 because we need more money for the roads.

Mr. Pounds said you need to quit deceiving the taxpayer.

Commissioner Parry said you have to give some grace on that one. It happened 25 years ago.

Mr. Pounds said I know this had nothing to do with you guys. Let's have a clean slate and do it the proper way. Explain it to the voters, the taxpayers are willing to pay the tax, but they don't want to be deceived.

Commissioner Thompson said when she reads the language, she does not see how it is deceitful.

Mr. Pounds said because it says it is an extension of an existing tax.

Commissioner Thompson said it is a continuation of an existing sales tax for property tax decrease for the maintenance of roads, bridges, and right-of-ways throughout the county. That is what the language is.

Mr. Pounds said that is not the original language from 1993.

Commissioner Thompson said what is before you now is for the maintenance of roads, bridges, and right-of-ways throughout the county.

Mr. Pounds said he hopes it goes down and then we can talk about it and you can say maybe he was right, we should not have presented it as an extension and be honest with the voters and try to get it back on the ballot in the future before September of next year.

Commissioner Atwill said what we have here is a difference of opinion.

Mr. Pounds said that is good. That is the great thing of the U.S.A.

Commissioner Atwill said what is being suggested would be extremely confusing to the voters.

Mr. Pounds said that is not correct. What you are doing is confusing to the voters.

The Commissioners thanked Mr. Pounds for his comments.

**Erich Albert**

I am for the sunset provision and don't want to get rid of it. I look at our county roads and they are not a whole mess, but there are some that are rough-rough-rough. The re-coating of the top of the road is a great thing. Keeping moisture out of the bridges is a great thing. Putting oil in the bridge to the road and maintenance to that approach to the bridge is good. I like our workers out there.

I am concerned about the overall expense that takes away our money that puts us in a position to go after more taxes. Motorgraders are expensive. They are designed to last 30 years. We get rid of them in just a few years due to maintenance. They are made to live a

long time and when we sell them into the private sector or to other communities, they go 30 years. If it lasts 30 years in the hands of others, why can't they last 30 years for us. The trucks are well over 100,000 and if we could arrange our money and do what other countries do, then we would have all the money we need. We would not need to raise taxes. When I go around the world on Street View, I look at the poorest of the poorest countries and they have the finest of the finest bridges and they last a long time. So, how can third world countries out perform us when it comes to economics of public infrastructure.

The Commissioners thanked Mr. Albert for his comments.

**James Pounds**

Part of the problem with the cost of doing these road projects is when the County Commission initially came out with the tax, we had a set standard for our roads and the tax was for that standard. The scope and detail is what has raised the cost of doing these road projects. I don't need curb and gutter on my streets or do I need box culverts. I would just prefer chip and seal. My thing is that the scope and detail has changed and we don't need a whole bunch of extras, just pavement.

C. J. Dykhouse said he is concerned about the statement made by Mr. Pounds concerning no money going to the City of Columbia. For the record, I would like to point out than in the five years, 2012-2016, the City of Columbia has received \$9.4 million from the sales tax we are talking about, exclusively, for maintenance of roads, bridges, and right-of-ways within the city limits of Columbia.

Commissioner Thompson noted that was the portion that was actually designated through the formula.

Mr. Dykhouse said that is correct by virtue of our intergovernmental cooperative agreement for revenue sharing on the sales tax for the years 2012-2016.

Commissioner Thompson said this does not take into account the monies that were expended by the county as a result of this sales tax in collaborative efforts on other roads, projects that were jointly funded by the county and city.

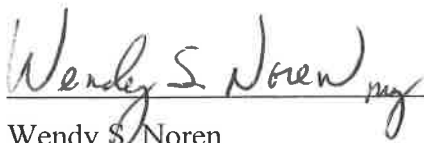
Mr. Dykhouse said that is correct. There are jointly funded projects that are not included and the property tax distribution is not included in that \$9.4 million. Those are all the additional revenues, but to the point about the City of Columbia taxpayer not receiving anything from this, the facts don't bare out that statement. There is \$9.4 million to the benefit of the City of Columbia taxpayer.


**9. Commissioner Reports**

None

The meeting adjourned at 10:08 a.m.

Attest:

  
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Wendy S. Noren  
Clerk of the County Commission

  
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Daniel K. Atwill  
Presiding Commissioner

  
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Fred J. Parry  
District I Commissioner

  
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Janet M. Thompson  
District II Commissioner

