

TERM OF COMMISSION: March Session of the January Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Boone County Conference Room 301

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Environmental Public Health Specialist Kristine Vellema
Chief Engineer Jeff McCann
Right of Way Agent Natalie Meighan
Risk Management Specialist Angela Wehmeyer
Boone County Juvenile Office Supervisor Angie Bezoni
Buyer Robert Wilson
Director of Resource Management Bill Florea
Deputy County Clerk Jodi Vanskike

Public Present: Les Wegener, Colleen Wegener

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

The meeting was called to order at 1:30pm.

Commission

1. First and Second Reading: Proclamation in Recognition of Thank A Farmer Week

Commissioner Aldred read the following proclamation:

- Whereas,* America’s farmers and ranchers provide food that satisfies the tastes and preferences of today’s consumers; and
- Whereas,* one farm produces food and fiber for 172 people in the United States and abroad; and
- Whereas,* U.S. consumers spend approximately 10 percent of their disposable income on food each year, less than any country in the world; and
- Whereas,* America’s farmers and ranchers not only provide the food we eat but also help sustain rural communities, preserve open space and wildlife habitat and protect the environment; and
- Whereas,* farming and ranching play a vital role in the economy of the country and each county in the state; and
- Whereas,* farmers are professionals in their career of providing food and fiber and work behind the scenes to provide a food supply that is healthy, abundant, affordable overall, and among the world’s safest; and
- Whereas,* February 27 – March 5, 2022 is recognized as Missouri Farm Bureau Celebrate Agriculture: Thank a Farmer Week;
- Therefore,* the Boone County Commission does hereby proclaim February 27 – March 5, 2022 to be **Missouri Farm Bureau Celebrate Agriculture: Thank a Farmer Week** throughout Boone County and express appreciation for the efforts of farmers within Boone County and across the state of Missouri.

IN TESTIMONY WHEREOF, this 3rd day of March, 2022.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby enter into the record, the proclamation in recognition of Missouri Farm Bureau.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #79-2022**

Health Department

2. First and Second Reading: Public Nuisance – Parcel #06-600-24-05-001.00 01

Environmental Health Specialist Kristine Vellema stated she was by the property this morning and the violation is still present. Ms. Vellema stated she has been working with the owner and was hoping she would call in to the meeting today. Ms. Vellema stated while she will continue

to work with the owner, she is asking for the order from the Commission today incase they are not able to work that out. Commissioner Atwill noted that pictures have been provided to show debris in several locations along with an inoperable car. Commissioner Atwill asked if there was anyone on the phone or in person that is here to represent the owner. Commissioner Atwill asked for discussion or a motion after hearing no one.

Commissioner Thompson moved now on this 3rd day of March 2022, the County Commission of Boone County, Missouri met in regular session and entered the following findings of fact, conclusions of law and order for abatement of nuisance:

Findings of Fact and Conclusions of Law

The County Commission finds as fact and concludes as a matter of law the following:

1. The Boone County Code of Health Regulations (the "Code") are officially noticed and are made a part of the record in this proceeding.
2. The City of Columbia/Boone County Health Department administrative record is made a part of the record in this proceeding and incorporated herein by reference. In addition, any live testimony of the official(s) of the department and other interested persons are made a part of the record in this proceeding.
3. A public nuisance exists described as follows: junk, trash, rubbish, garbage, derelict and inoperable appliances and other refuse and a derelict, unlicensed, inoperable and junk-filled silver 4-door vehicle on the premises.
4. The location of the public nuisance is as follows: 12605 N. Old Highway 63, Waulters Ridge Subdivision, Lot 1, a/k/a parcel# 06-600-24-05-001.00 01, Section 24, Township 50, Range 13 as shown in deed book 3952 page 0121, Boone County.
5. The specific violation of the Code is: junk, trash, rubbish, garbage, derelict and inoperable appliances and other refuse in violation of section 6.5 of the Code and a derelict, unlicensed, inoperable and junk-filled silver 4-door vehicle in violation of section 6.9 of the Code.
6. The Health Director's designated Health Official made the above determination of the existence of the public nuisance at the above location. Notice of that determination and the requirement for abatement was given in accordance with section 6.10.1 of the Code on the 25th day of January to the property owner.
7. The above described public nuisance was not abated. As required by section 6.10.2 of the Code, the property owner was given notice of the hearing conducted this date before the Boone County Commission for an order to abate the above nuisance at government expense with the cost and expense thereof to be charged against the above described property as a special tax bill and added to the real estate taxes for said property for the current year.
8. No credible evidence has been presented at the hearing to demonstrate that no public nuisance exists or that abatement has been performed or is unnecessary; accordingly, in accordance with section 6.10.2 of the Code and section 67.402, RSMo, the County Commission finds and determines from the credible evidence presented that a public nuisance exists at the above location which requires abatement and that the parties

responsible for abating such nuisance have failed to do so as required by the Health Director or Official's original order referred to above.

Order for Abatement Chargeable as a Special Assessment To The Property

Based upon the foregoing, the County Commission hereby orders abatement of the above described public nuisance at public expense and the Health Director is hereby authorized and directed to carry out this order.

It is further ordered and directed that the Health Director submit a bill for the cost and expense of abatement to the County Clerk for attachment to this order and that the County Clerk submit a certified copy of this order and such bill to the County Collector for inclusion as a special assessment on the real property tax bill for the above described property for the current year in accordance with section 67.402, RSMo.

WITNESS the signature of the Presiding Commissioner on behalf of the Boone County Commission on the day and year first above written.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #80-2022**

Purchasing

3. First Reading: Acknowledgement of Bid Responses: 05-03MAR22 - Culvert Improvement - Woodie Proctor Rd

Buyer Robert Wilson read the following memo: Request for Bid 05-03MAR22 – Culvert Improvement – Woodie Proctor Rd. opened today on March 3, 2022. Seven bid responses were received.

Bid Responses were received from:

CL Richardson Construction Co., Inc.

Emery Sapp and Sons, Inc.

Don Schnieders Excavating Company, Inc.

BHE, LLC

Sam Gaines Construction, Inc.

T&B Trucking & Excavating, LLC

Kelley Construction Group, Inc.

The average bid total was \$150,157.47

The engineer's estimate was \$123,799.00

A Bid Tabulation is available to the public on the County Purchasing website: bocomobids.ionwave.net and on the Boone County Government website, showmeboone.com, under Purchasing and Bid Tabulations.

Mr. Wilson stated the average bid was \$150,157.47 and the apparent low bid is \$123,964.00. Mr. Wilson stated the estimate was \$123,799.00.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Human Resources

4. First and Second Reading: Request for Uniform Qualified Assignment Approval and Signature for Last Remaining Self-Insured Workers Compensation Claim

Commissioner Atwill stated he has asked some questions regarding this item which then led to more questions. He stated the Commission's purpose is to create a record on these types of things. Commissioner Atwill stated this is a liability case even though it's a worker's compensation case. Commissioner Atwill stated he asked about recommendations on how this was put together because it appears to him that the County is being asked to appropriate \$192,000.00 but that it's not listed in the paperwork anywhere. Commissioner Atwill stated the things he thinks are missing today are a copy of the letter from the lawyer that is recommending this for a third-party administrator along with the stipulation and agreement that was entered into by somebody, which is referenced as part of the Uniform Qualified Assignment. Commissioner Atwill stated he wanted to see that agreement. Risk Management Specialist Angela Wehmeyer stated the other person that was in approval with this was Safety National, which is the County's excess carrier. Ms. Wehmeyer stated anything that the County pays will be reimbursed by the excess carrier, so this is a reinsurance claim. Commissioner Atwill stated it needs to be clear in the record if Boone County isn't issuing a payment and stated it needs to be clear that if the County is submitting \$190,000.00, where the money comes from. Commissioner Atwill asked Ms. Wehmeyer if they first must pay that out of County funds and Ms. Wehmeyer stated they do, as that was the original arrangement with the excess carrier and the excess carrier will then reimburse the County in that amount. Commissioner Atwill then asked Ms. Wehmeyer if a Budget Amendment would be required to do this. Ms. Wehmeyer stated she didn't believe so but that she would find out. Commissioner Thompson asked if there was a reason that this item is listed on the agenda as a first and second reading at the same time. Ms. Wehmeyer stated it's mostly because the claimant wants to get this funded so she can continue to pay for her monthly medication. Commissioner Thompson asked if there would be any problem, from Ms. Wehmeyer's perspective, if they considered this the first reading and then put it on for a second reading for Tuesday, allowing time for her to get the documentation requested to them. Ms.

Wehmeyer stated she would notify all parties involved. Commissioner Atwill stated they will need documentation that shows that liability is extinguished. Commissioner Atwill also asked if the Division of Workers Compensation has to approve this settlement. Ms. Wehmeyer stated they were notified but she doesn't think they have to approve it. Ms. Wehmeyer stated The Center for Medicaid Services did have to approve it, which they have. Commissioner Thompson asked Ms. Wehmeyer to put together her packet and present it to Commission on Monday morning. Commissioner Thompson stated Boone County is lucky enough to have a Commissioner who practiced workers compensation for a long time, and he would need enough time to look the case over.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

13th Judicial Court

5. First Reading: FY2023 Juvenile Justice Program Assistance (JJPA) Grant

Boone County Juvenile Office Supervisor Angie Bezoni stated this grant will pay for the in-home detention and crisis intervention services. Ms. Bezoni stated those are the two programs that the Court is asking to be funded with this grant from OSCA. They use those programs for detention alternatives to keep from detaining kids and to have kids released earlier than expected from the detention center. Ms. Bezoni stated they have had this grant for many years and this year they are requesting \$6,679.00.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Resource Management

6. First Reading: Agreement with Midwest Engineering Group, LLC for the design and construction observation of Bridge #BR6000005 on Sycamore Creek Road

Chief Engineer Jeff McCann stated this is an old structure that needs to be replaced and this contract will allow a bridge design consultant to work on a design for it.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

7. First and Second Reading: Approve a performance bond and development agreement for the plat of Oak Hill Estates Plat 1.

Director of Resource Management Bill Florea stated this staff report will address both items 7 and 9. The Planning and Zoning Commission approved this plat at its October 21, 2021 meeting. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

The property is located on the west side of State Route N at the intersection of Brook Valley Drive and State Route N.

Zoning is A-2, Agriculture

The 47-lot preliminary plat for this property was approved by P&Z March 18, 2021

Total area is 160-acres.

The plat includes 13 lots, 11 of which are buildable lots, two are common lots. Only four of the 11 buildable lots are in the final configuration that corresponds to the approved preliminary plat. The seven remaining lots of this plat comprise two or more of the lots shown on the approved preliminary plat and will be re-divided by Oak Hill Estates Plat 2 which is pending Planning and Zoning Commission approval.

All required infrastructure is in place except sanitary sewer treatment. Ultimately, sewage treatment will be provided by a new treatment plant that is to be constructed on land owned by Boone County Regional Sewer District in Brookfield Estates, directly east of Oak Hill Estates. That plant has not yet been built.

Oak Hill Estates Plat 1, included with the minutes, will utilize treatment capacity that is available in the existing Brookfield Estates treatment plant. Before that can occur, installation of a settling tank is required in order to pretreat the effluent from Plat 1. The settling tank has not been installed. The pending development agreement, and bond supplied by the developer is proposed to ensure installation of the settling tank prior to the issuance of a Certificate of Occupancy for any home in Plat 1. The amount of the bond is \$42,400 which is 100% of the cost of installation. The Sewer District has accepted a bond in the same amount for the same purpose.

The proposal scored 71 points on the rating system.

Staff recommended **approval** of the Final Plat with conditions. All conditions have been met if the Commission approves the development agreement and accepts the bond.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Development Agreement and Performance Bond between the County of Boone and Tanner Rave and Marty Rave, the Managers of Iuvo Constructum, LLC for the plat of Oak Hill Estates, Plat 1.

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

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #81-2022**

8. Second Reading: Approve Public Infrastructure Development and Security Agreement and Performance Bond between Boone County and Emery Sapp and Sons, Inc. for Oak Hill Estates Plat (First Read 02.24.22)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the attached Public Infrastructure Development and Security Agreement and Performance Bond between Boone County and Emery Sapp and Sons, Inc. for Oak Hill Estates Plat 1.

Terms of the agreement are stipulated in the attached Security Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #82-2022**

9. Receive and accept the plat of Oak Hill Estates Plat 1 located in Sections 13 and 24, Township 47 North, Range 13 West. Iuvo Constructum, LLC, owner. David Butcher, Surveyor.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby receive and accept the plat of Oak Hill Estates Plat 1 located in Sections 13 and 24, Township 47 North, Range 13 West. Iuvo Constructum, LLC, owner, David Butcher, Surveyor. It is further ordered the Presiding Commissioner is hereby authorized to sign said plat.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #83-2022**

10. Recommendation for roadway maintenance acceptance of roads within the Oak Hill Estates Plat 1 Subdivision Plat

Chief Engineer Jeff McCann stated all of the roads have been constructed for this plat and he recommends the acceptance of the roads for County maintenance.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby accept the attached recommendation for roadway maintenance within Oak Hill Estates Plat 1.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #84-2022**

11. First Reading: Adopt-a-Road Program – Approve application for Wren School Road

Right-of-Way Agent Natalie Meighan stated she has received an application from a couple who has a farm on Wren School Road and they want to adopt about a mile and a half of the road for litter control.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

County Clerk

12. Second Reading: County Commission District Boundaries (First Read 03.01.22)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone takes up the issue of the evaluating County Commission district boundaries for the northern and southern districts in Boone County as a result of the 2020 decennial census. Upon the evaluation of census data by Boone County Clerk Brianna Lennon, the Commission has determined that no adjustments of the existing district boundaries are required as the population of the existing districts are within 5% of an exact 50/50 split of county population. The 2020 population figures are as follows:

Commission District	2020 Decennial Census Total Population	Percentage variance difference from an exact 50-50 split
1	94709	3.0662345%
2	88901	3.2665549%

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #85-2022**

Emergency Management

13. Second Reading: 2021 Department of Homeland Security Subaward Agreements (First Read 03.01.22)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve and accept the attached 2021 Department of Homeland Security sub-awards.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #86-2022**

Commission

14. Second Reading: Missouri Special Olympics Games 2022 (First Read 03.01.22)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the attached Cooperative Agreement between Boone County and Special Olympics Missouri, Inc. in support of the Missouri Special Olympics Games 2022.

Terms of the agreement are stipulated in the attached agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Cooperative Agreement.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #87-2022**

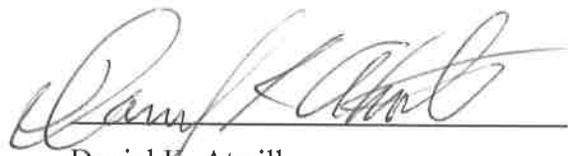
15. Public Comment

A lady stated she was here for the 12605 N. Old Highway 63 abatement hearing. Commissioner Atwill advised that we have already completed that item on the agenda, and she would need to contact Kristine Vellema with the Health Department. Commissioner Thompson stated she was under the impression the owner had been in contact with Ms. Vellema already and stated that Ms. Vellema informed the Commission and put on the record that she plans to continue to work with her on getting this resolved. Commissioner Thompson stated Ms. Vellema went by the property earlier in the day and saw the conditions were the same, so the Commissions process is to have the order in place and then let her work it out with Ms. Vellema. The lady stated she had been bagging up the stuff but when she went out to do that the other day, the neighbors were burning their trash and it burned her eyes so bad that she couldn't do very much. Commissioner Thompson advised that she should get back in contact with Ms. Vellema and let her know that due to a confusion on where the hearing was, she arrived to the meeting late.

16. Commissioner Reports

None

Attest:



Daniel K. Atwill

Presiding Commissioner



Brianna L. Lennon
Clerk of the County Commission



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner