

TERM OF COMMISSION: May Session of the May Adjourned Term

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

PRESENT WERE: Presiding Commissioner Don Stamper
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

The meeting was called to order at 1:27 p.m.

Commissioner Stamper welcomed his son, John, to the meeting today.

Subject: Public Works

A. Second Reading and Approval of Contract with Missouri Highways and Transportation Commission

Commissioner Elkin moved to approve the Missouri Highways and Transportation Agreement Road Weather Information Funding Participation Agreement.

Commissioner Stamper seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 243-2002**

B. First Reading of Utility Agreement for Dee Woods Road Project

David Mink, Public Works Director, was present on behalf of this item.

David Mink stated this issue was brought to his attention earlier this week. There is a utility pole on Dee Woods Road that was originally cleared by AmerenUE, as not needing to be relocated. However, as the Public Works Department began the finishing grading, it became apparent that something would have to be done about the pole. There were five other poles on the road, the department investigated the other poles, and they believe this one will be the only one that will be impacted. The pole is at the southwest corner of the intersection of Dee Woods Road and Old 63. It was originally not in the right-of-way but it is in the new right-of-way and it must be replaced to accommodate the final grading.

The pole carries a three-phase line, a transformer and an underground service to a home. AmerenUE's estimate is \$6,010.32. The department also met with Boone Electric to verify the reasonableness of the estimate and Boone Electric came up with a similar number. The department had a meeting this morning with David Hagan, Supervising

Engineer for AmerenUE, and Michelle Corman, also with AmerenUE. They agreed that the amount that was estimated would be a “not to exceed” amount and AmerenUE would only invoice the department for actual cost. The Public Works Department is requesting approval of this utility relocation agreement.

John Watkins, Public Works Project Development Manager, stated the work on this utility pole would be done while the pole was hot (power still on) so service was not disrupted to other homes and businesses in the area. Commissioner Stamper asked what the price would be if the power was shut off. Mr. Watkins stated AmerenUE did not tell him this information.

Commissioner Elkin stated he has spoken with Mr. Mink on this issue and the question was raised about why the project is almost done and notification was just given that the pole has to be moved. Mr. Mink stated this issue was discussed in the meeting he had this morning with Mr. Hagan. Mr. Hagan informed Mr. Mink that AmerenUE has gone through a lot of employee changes; the employees who originally reviewed this project are no longer with the company and they are now on their third set of employees on this project. This problem should have been caught at the beginning of the project. He believes that this problem can be prevented in the future, the department has discussed the possibility of having more grades shown on the plans and it becomes more obvious in the planning process that specific things have to be done.

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

C. Approve Counter-Offer from Ronald Spauldin for Benson Road Project

Wendy Lister, Right-of-Way Agent, was present on behalf of this item.

Wendy Lister stated Ronald Spauldin has been named as a party to the Condemnation Hearing by Commission Order 185-2002. Mr. Spauldin has requested the County accept his counter-offer of \$1,000. He has also requested this be made in two \$500 payments, one payment this year and one payment in 2003. He believes there are tax benefits to having payments made in this way. She and Mr. Spauldin have also discussed an additional two farm entrances.

Commissioner Stamper asked Commissioner Elkin if he had any objection to this request and what the original offer to Mr. Spauldin was. Mrs. Lister stated the original offer was \$911.00.

Commissioner Elkin stated he had no objection to this request.

Commissioner Stamper stated it is important that this issue have the second reading

waived today. Mrs. Lister stated that was correct.

Commissioner Stamper moved to approve the offer of \$1,000 and two field entrances for the Ronald Spauldin property on Benson Road per the recommendation from the Public Works Department. The \$1,000 will be paid \$500 in 2002 and \$500 in 2003.

Commissioner Elkin seconded the motion.

Commissioner Stamper asked how many properties are going to a Condemnation Hearing. Mrs. Lister stated she believed there is still an issue with Hugh Tincher's lender. John Patton, County Counsel, has informed her that this issue will be extended indefinitely. This is the last property owner. Commissioner Stamper asked if this means there are no more condemnations. Mrs. Lister stated she believes this is correct.

There was no further discussion and no public comment.

The motion passed 2-0. **Order 244-2002**

Subject: Planning and Zoning – First Reading to Rezone County-owned Property

Stan Shawver, Planning and Building Inspection Director, was present on behalf of this item.

Stan Shawver stated he has prepared an application to submit to the Planning and Zoning Commission per the request of the County Commission to revise the zoning maps. This request is for County-owned land in the Prathersville area.

Commissioner Stamper stated this is being done partially to bring the land into conforming use. The category being requested seems to be the characteristic use of the property. The property was not treated as whole units in the City of Columbia's annexation proposals. The County Commission believed it was time to bring forward a discussion of rezoning the County-owned property to its proper classification.

Commissioner Elkin stated he believes the zoning the Commission is requesting would be appropriate for the uses and future uses of the Fairgrounds. He has no objections to this issue.

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

Commissioner Reports

Commissioner Stamper

Notice of Voluntary Annexation

Commissioner Stamper stated the County has been notified of a voluntary annexation of approximately 75 acres of land owned by the A. Perry Phillips Family Partnership, L.L.P., et al, located along the southwest side of U.S. Highway 63, south of Nifong Park.

Letter from Missouri Department of Transportation

Commissioner Stamper stated he has received a letter from MoDOT noting I-70 is severely deteriorated. They are asking stakeholders to participate in the Tier II studies. This letter was submitted to the Public Record.

Local Emergency Planning Commission

Commissioner Stamper attended the Local Emergency Planning Commission on May 22, 2002. They held discussions about their Public Affairs training, annexes to the local disaster plan, and an disaster exercise to be held in August at the Columbia Regional Airport. The balance as of April 19, 2002 was \$11,459.82. They spent \$2,750 on recent training and their current balance is \$8,709.22.

Commissioner Elkin

Boone County Regional Sewer District

Commissioner Elkin stated he attended the Sewer District meeting on May 21, 2002. One of the items the District is working on now is an engineering study on a capital improvements plan countywide. They may, at some point, try to increase the bonding capacity.

The board is reviewing a draft letter that will be sent to the City of Columbia regarding a standard connection agreement. In the past, they have negotiated each connection agreement on an individual basis. They do not feel that is an efficient way to do this.

Boone Retirement Center

Commissioner Elkin stated he attended the Boone Retirement Center meeting May 22, 2002. They are planning a “mass exodus” of the patients and equipment on July 9, 2002 to move to the new facility. The State Legislature has nixed the Intergovernmental Transfer (IGT) funds for retirement homes in the amount of \$30,000 per month. The debt service on the new facility does not take that loss of funds into consideration. In the future, they may have to review the agreement with Medicaid to be financially stable.

Mid-Missouri Regional Planning Commission

Commissioner Elkin stated he met with the Regional Planning Commission on May 22, 2002. They also lost State funding. In Senate Bill 68, when the RPC was formed three years ago, the Rural Planning Commissions were allotted \$25,000 in funding. This year, there is still a possibility that the funding will be just a little over \$8,000. Because of these cuts in funding, they have discussed reducing the number of hours on personnel and making adjustments to sustain the Planning Commission. This loss of funding will not impact other areas because they are Community Development Block Grant (CDBG) qualified but this area is not qualified.

Commissioner Elkin noted the Sewer District is also losing State funding, in the SRF funding.

Subject: First Reading and Public Hearing of Law Enforcement Funding Ballot Issue

Wendy Noren, Boone County Clerk, and Sheriff Ted Boehm were present on behalf of this item.

Wendy Noren stated she has prepared a draft order calling for an election for the Law Enforcement funding issue. The Law Enforcement Sales Tax is covered 67.582 RSMo and there are specific items that need to be put in the document that reference State Statutes. She noted propositions had to be named, and this one has been proposed to be named "Proposition L". She will make sure there are no other propositions that are to be on the August ballot that are named "Proposition L".

Commissioner Stamper stated the wording of the document is describing the statutes, which outlines the purpose of the tax, how the revenue is to be dealt with, and what can be expended. He believes the language is straightforward. Ms. Noren stated this language is in the statute for the law enforcement tax. The question on the ballot will be as follows:

"Shall the County of Boone impose a county-wide law enforcement sales tax of 1/8 of 1% (one-eighth of one percent) for the purposes of funding law enforcement services?"

Commissioner Elkin asked if this would have to pass by a simple majority. Ms. Noren stated this was correct.

Commissioner Elkin stated this is a very clear document. There have been many studies and the recommendations from those studies cannot be implemented with the current funding.

Jerry Carrington, 729 Demaret, stated he is in support of the 1/8 of 1% for the additional deputies. He has concerns about the population ring and the area that the Sheriff's Department is responsible and the response time for law enforcement. He is also

concerned about the openness of this proposal. Mr. Carrington believes this should not be open-ended but should be a fixed time and have this issue come forward for review at a later date. The City will continue to annex land and does not believe the growth in the County will continue as it has in the past. He believes it is a good idea that the Sheriff is being able to determine his own destiny and take care of his employees.

Mr. Carrington stated on the \$400,000 proposed for alternative methods and would like to know why the jail has not been expanded. He is concerned mainly about the time limit of this proposed sales tax.

Commissioner Stamper stated the Sheriff's staffing level is based on a staffing study that did look at response times and measured reasonable urban and rural response times. He is unsure if he can share Mr. Carrington's view on how growth occurs. Annexation just really moves the line of demarcation and does not curb or change the nature of growth. Commissioner Stamper sees there is a misunderstanding that will have to be communicated to the community of the number of items the County is responsible for, not only in the law enforcement area but in the judicial area. The volume of work does not get reduced when areas are annexed into the City, it stays the same. There was lengthy discussion about a permanent sales tax versus a temporary sales tax and they believed, from recommendations from the studies that have been done, that the challenges for the Sheriff's Department were not going to go away and would only grow. This has been looked at in a fifteen-year window and that this will be sufficient for fifteen years.

Ms. Noren stated in their discussions about this sales tax proposal, the issue of permanent versus temporary was debated. This issue has been narrowed down as much as possible but still can maintain some long range planning and ability to meet the needs of the future. The staffing study is already two years old. She does not believe having two officers on patrol for the midnight to seven in the morning shift has been or ever will be sufficient. This is not the type of situation that needs to come forward every five years for discussion. She believes the public has not been educated about the critical problems in enforcement, civil process, prosecution, or incarceration. These functions will continue to exist and grow. This issue is not the same as road issues because this is an on-going issue. She does not believe it is good government planning to assume this issues can be brought forward every five years and put that kind of risk on them. She believes the Sheriff has done an excellent job on this issue and how many different sales tax rates were discussed.

Sheriff Boehm noted the Northeast Area being proposed for annexation into the City, 95% of that area is the Boone County Sheriff's responsibility. Commissioner Stamper stated this is because this is County-owned property. The North area also has a majority of that area which is the Boone County Sheriff's responsibility.

Mr. Carrington stated he is not worried about the 1/8 of 1% being too little but is worried about the timeframe of issue and there might be a possibility in ten years where this 1/8 of 1% is not enough funding. The population will increase which will lead to an increase in

the crime rates and an increase in the population at the jail.

David Floatin, 5531 E. Rocky Mount Ave., in the Lake of the Woods Subdivision, stated one of his concerns is the misunderstanding of what the services the Sheriff's Department does in the City. He believes it would be helpful for the Commission to emphasize what the Sheriff's Department does in the City and other non-traditional law enforcement duties the deputies do perform. The issue of the serving of orders of domestic protection in the city limits has recently been in the news and how the City was unable to help the County serve those orders of protection.

Ms. Noren noted the City has a choice of whether to do law enforcement but the County does not. If the City ceases to provide law enforcement, the Sheriff would have to provide the law enforcement. The County is responsible for law enforcement, whether it is in or out of the City, the prosecutor is responsible for the prosecution of violation of laws, the court system is responsible whether it is a city or county issue. There is no demarcation between those and where those needs have to be met; it is the County's responsibility to meet them, by State Statute.

Commissioner Elkin stated as a former Hallsville City Council member, there were times when there was not a police officer on duty and the Sheriff's Department has sent a deputy to do the law enforcement.

There was no further discussion on this issue.

Commissioner Stamper requested the Deputy County Clerk to schedule a second reading for approval and public hearing on the ballot language for the Law Enforcement Sales Tax Proposal for the meeting on Tuesday, May 28.

There was no public comment.

The meeting was adjourned at 2:10 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner