

TERM OF COMMISSION: January Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor
Boone County Counsel John Patton

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

Subject: Public Works – Annual Report Presentation

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

David Mink stated by Missouri State Statute 61.091, the Public Works Department is required to submit the Public Works Annual Report.

Mr. Mink thanked Natalie Eichor, Jill Bailey, and Greg Edington for their hard work on this report.

Mr. Mink stated that Facilities Maintenance projects are highlighted in the report for the first time since Facilities Maintenance became a division of Public Works in the beginning of 2001.

Mr. Mink listed the major road projects for Public Works in 2001.

Commissioner Stamper noted the Public Works Annual Report is becoming more sophisticated each year.

Included in this report are pictures of projects from 2001 and a list of intended projects for 2002.

Commissioner Elkin stated he believes it is important to note the roadway mileage increase every year. This is through the development of new subdivisions.

Commissioner Miller stated this is a nice report.

Commissioner Stamper thanked all that were involved in putting this report together. This report has been accepted by the Commission and is submitted to the Public Record.

Subject: Purchasing Department

Marlene Ridgeway, Purchasing Department Buyer, was present on behalf of these items.

A. Second Reading and Approval of Amendment #1 for Bid 46-02OCT01 (Rock and Chip Seal Term and Supply)

Marlene Ridgeway stated this is an amendment to the original contract changing the name of one vendor.

Commissioner Elkin moved to approve contract amendment number one for bid 46-02OCT01 for rock and chip seal term and supply.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 26-2002**

B. First Reading of Bid 67-20DEC01 (Installation of Radio and Auxiliary Equipment)

Marlene Ridgeway stated she and the Sheriff's Department have reviewed the above referenced bid responses and have determined that Team Electronics submitted the lowest and best bid meeting the minimum specifications. This was determined by the flat rate pricing for transferring equipment into new police cars. This service has been rebid with projected savings of \$300 per car.

The department is recommending acceptance of this award and approval of the contract documents. This is a term and supply contract, hence no need for purchase orders.

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 to award bid.

Subject: Public Administrator – First Reading of Budget Revision (Computer Software)

Commissioner Stamper stated the Public Administrator, Connie Hendren, has submitted a budget revision for \$250. The \$250 from the 2001 budget is being transferred from legal services to computer software.

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.

Subject: Facilities Maintenance – First Reading of Budget Revision

Ken Roberts, Facilities Maintenance Manager, was present on behalf of this item.

Ken Roberts explained the budget revision. The total amount being transferred to various line items from other various line items is \$13,100. This budget revision is for unforeseen conditions in the fourth quarter in 2001.

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.

Subject: Information Technology – First Reading of Budget Revision

Michael Mallicoat, Information Technology Director, was present on behalf of this item.

Michael Mallicoat stated this budget revision is for clean-up of 2001 payments and explained the line items involved in the budget revision.

Commissioner Miller asked if Mr. Mallicoat would be taking money from the 2002 budget to pay for 2001 items. Mr. Mallicoat stated this budget revision is all 2001 budgeted funds. Commissioner Miller noted the date on the top of the budget revision is 2002 and usually the Auditor's Office will change the date to reflect what budget year the funds are for.

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.

Subject: Discussion of Proposed Health Facility

Stephanie Browning, Health Department, was present on behalf of these items.

Commissioner Stamper stated the Commission has been presented with multiple documents on two issues. The Commission has previously ratified a letter to the City of Columbia regarding remodeling expenses and acquisition costs and this letter has been forwarded to the City of Columbia. To Commissioner Stamper's understanding, Ray Beck, City of Columbia Manager, has given directive to legal counsel and City staff to make a number of modifications that are not necessarily reflected in the documents. He suggests that the Commission and John Patton, County Counsel, identify the areas the Commission thinks need to be addressed.

A. Discussion of Agreement for Architectural Services

Commissioner Stamper stated he had hoped this agreement would be a joint agreement between the City of Columbia and Boone County and this is one area that he would like to have addressed.

John Patton, County Counsel, stated the only item that he sees is this is an agreement between the City and the Architect. The County is not included in this agreement. There is no mechanism for the County's participation in the decision making process concerning the parts of the project that involves the County. It is somewhat addressed in the Master Agreement, which the City Council and the County Commission have to approve the final plans. There is an advisory committee for Unit I, which is participation in the unit design. There is no mention about the role of the Commission or whomever in terms of County representation. The Architect and Scope of Services does mention meeting with users and developing design criteria through that process.

Mr. Patton stated this is a standard form contract. It is an hourly rate, which is not to exceed approximately \$200,000 and contemplates doing the whole project, however it is to be done in phases. Phase I would be external or common elements, design of the Health Department Unit would be Phase II, and Phase III would be design of other space, presumably the Family Health Center.

Commissioner Miller stated that Phases II and III should be together so when the bidding process for the remodeling is being done it can be done at the same time to get economies of scale with a vendor. She is not sure how to add the wording to the document but this is the only concern she has.

Commissioner Elkin stated the Commission has been explicit about their involvement in the decision making process. He agrees with Commissioner Stamper in the fact that there should be a joint contract for the Architectural Services.

Commissioner Stamper asked the Commissioners if they had any concerns with having a contact person for the City on the project.

There was no objection to the suggestion.

Commissioner Stamper stated he believed the City would designate Lowell Patterson as the contact person. The County would like to have a standing in the decision making process.

Mr. Patton stated this issue could be addressed by either identifying a decision making process in the contract itself or another way. There are legitimate reasons for having the City be the sole contracting party, it is just that it does not address the Commissions concerns in being participants in the process.

Commissioner Miller asked how would this work for Phase III for the City to be the sole contact when the City is not involved in Phase III. This is the point of having a dual contract and have a contact person for the County.

B. Discussion of Declaration of Condominium of the Columbia/Boone County Health Department Condominium, Health Facility Agreement, and Bylaws of the Unit Owners Association of the Columbia/Boone County Health Department Condominium

Commissioner Stamper stated it appears that the County will be funding between 68-70% of the project and the balance of standing in the documents did not seem to be equitable. There is a desire on behalf of the City to tie Health Department operations to this document and its termination. The County previously objected to that and suggested that Health Department operations be covered under a separate document and agreement.

Commissioner Miller stated she had sent her comments to Mr. Patton but believes that her comments had to do with our standing when and if the County transitions the Family Health Center facility. The items Commissioner Stamper had mentioned are consistent with what comments Commissioner Miller had made.

Commissioner Elkin commented on the 20,000 square feet that is designated for the Family Health Center. Commissioner Stamper noted it is approximately 17,500 square feet because the overall building is actually 48,150 square feet.

Commissioner Stamper asked Mrs. Browning if the City portion of the building is still 30,000 square feet. Mrs. Browning stated she believes that is correct.

Commissioner Elkin stated the County is basically paying for 100% of that and would like to see the County do whatever they wish with their designated space.

Commissioner Stamper asked if Commissioner Elkin would be opposed to offering the City a First Right of Refusal. Commissioner Elkin stated no.

Commissioner Elkin stated he does not believe that the County should be limited in their ability to put any County related business.

Commissioner Stamper stated if he were to put himself in the City's shoes, they would have a reasonable concern for that space and the County's role in the condominium relationship, being sold to another entity without the City having the first opportunity to acquire the space. He does not see any objection if the County applied their space to another County use and believes this is a right the County would reserve because of the amount of money the County will be paying.

Commissioner Stamper stated he did not agree with the wording in the agreement and it

would require some work. He does not want to tie annual budgetary processes to whether or not this property is maintained or not by the County. If the County pays for the facility, it will belong to the people of Boone County. The budgetary decision on an annual basis cannot be tied to the acquisition and remodeling cost of the property and it is unreasonable to do this. He believes it is a good idea to give the City First Right of Refusal if the property is to ever be sold and if the City would propose a process in which a buyout option would be made, the County would look at it very carefully.

Commissioner Elkin stated Mr. Patton made the suggestion if the County and City cannot agree on an annual appropriation then there is Right of Termination without any type of mediation. Commissioner Stamper stated that is what was discussed. All appropriations for the Health Department funding should be taken out of the condominium agreement.

Commissioner Miller stated under article seven (renovations and remodeling of the building) of the condominium agreement, she commented about the decision of the outside improvements, for example roof repairs. She believes this needs to be looked at collectively and if there are any repairs needed then repairs should be made in the best interest of the whole property.

Mr. Patton stated the way the agreement is structured is there is a unit owners association, and an executive board. The executive board is structured consists of two County and two City representatives. Every year they will develop a budget for maintenance, repairs and improvements to everything outside the facility. It takes three votes to approve the budget and if a budget is not approved then the facility will continue under the prior year's budget until an agreement can be made.

Commissioner Miller pointed out in article ten, termination of the condominium agreement, there is wording that either party may initiate a termination of the condominium by giving written notice to the other party of its desire to terminate the condominium. She asked what are the causes for termination.

Mr. Patton stated as it stands now, the failure to agree on an annual operating budget, would be grounds to terminate, or a number of other reasons are grounds for termination. There is a good notice provision in the agreement. A year's notice has to be given of termination, which has to be at least 180 days before the non-terminating entity develops its budget for it's next fiscal year.

Commissioner Miller asked if this would apply only to Unit I. How could the City have a provision where they want the County out of the agreement when the County owns Unit II? Commissioner Stamper stated this is part of the County's objection.

Mr. Patton stated the County could do the same thing to the City. This is just establishing a process up front. If this issue is not addressed now then, the agreement goes on in perpetuity and things change.

Commissioner Stamper stated it is the Commission's preference to not tie operational costs to the condominium agreement. In doing so, once that wording is taken away, the dissolving of the condominium unit could easily be done by offering the City a First Right of Refusal or vice versa.

Commissioner Elkin stated under article seven section two of the condominium agreement, he asked if the lease of the Boone County National Bank ATM lease would effect the County.

Mr. Patton stated this section is acknowledging the lease of the ATM, it is continued with the consent of the unit owners, and the income of the lease would be applied to the annual common expenses. Mr. Patton discussed the revenue would be applied to exterior maintenance.

There was discussion about allocation of funds for the exterior maintenance.

Mrs. Browning stated the ATM produces a small amount of income.

Commissioner Stamper stated he has authority from the Commission to continue the discussion with Mr. Patton and the City representatives in an effort to bring documents back to the Commission for final consideration.

Commissioner Reports

Commissioner Stamper

Letter from Mediacom

Commissioner Stamper stated the Commission received a letter from Mediacom regarding two revisions made to the December 24, 2001 letter. This letter is submitted to the Public Record.

Community Partnership Board of Directors Meeting

Commissioner Stamper stated he attended the Community Partnership Board of Directors meeting on January 14, 2001. The discussion was about budgetary difficulties for the next year. Lana Jacobs and Wanda Albert were added to the Board of Directors.

Commissioner Miller

Transportation Research Board Conference

Commissioner Miller attended the Transportation Research Board Conference where she

gave a presentation about building rural capacity with a state Department of Transportation. She also attended a seminar about bus transportation for small and medium communities. There was a presentation about active living in communities and their web site is www.activelivingbydesign.org, which explains about the grant for this program.

NACo Homeland Security Update

Commissioner Miller attended the NACo Homeland Security Update in Washington D.C. with members of the State Associations. She brought back information for Commissioner Stamper for his involvement with the State Homeland Security Task Force. At the meeting, a demographer gave a presentation about national funding and fiscal problems in States do to the tax structure based on a manufacturing society. Today we are a service and technological society.

Commissioner Miller also noted that NACo has an Internet university that offers computer classes. She would like to have some employees take the classes.

Commissioner Elkin

Boone County Regional Sewer District

Commissioner Elkin stated he attended the Sewer District meeting. He noted the Sewer District lost the City of Harrisburg but gained the City of Hallsville. The Sewer in Harrisburg was given to a resident that used to work for the Sewer District. They are working on possible NID's, one on Martin Court, upgrading a potential lagoon to a pump station in the Prathersville area. They think the City will be coming forward with a bond issue for sewer in the next few years. South Route K wastewater treatment plant is finished. The Sewer District has an agreement with the City for sewer on Old Plank Road. The Sewer District has received approval on El Chaparral to extend the permit.

Missouri Association of Counties

Commissioner Elkin noted Patricia S. Lensmeyer, Boone County Collector, is the new County Board member. Dick Burke gave an update on upcoming sessions.

There was no public comment.

The meeting was adjourned at 2:13 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner