

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 Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

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

Subject: Purchasing Department

A. Second Reading and Approval of Recommendation to Purchase Mobile Data Terminals from State Contract C203005001

Commissioner Elkin moved to approve the recommendation from the Purchasing Department to purchase 9 mobile data terminals from the State of Missouri Cooperative Contract C203005001 for the amount of \$72,824.31.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 567-2003**

B. First Reading of Recommendation for Contract for Office Supplies

Commissioner Elkin stated the Purchasing Department compared three office supply contracts with out contract with Boise, which expires December 31, 2003. The department compared the University of Missouri contract with SG Adams, the Office Depot contract with U. S. Communities and the Corporate Express contract with the State of Missouri. The Purchasing Department sampled approximately 10% of the items the County uses including paper. SG Adams was significantly lower. We are recommending that we purchase the County's office supplies from the cooperative contract with was bid by the University of Missouri and awarded to SG Adams.

This is a term and supply contract which will run through December 31, 2004. There are nine, one-year renewals on this contract.

There was no further discussion on this item.

Commissioner Schnarre 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. First Reading of Recommendation for 2004 Sole Source Renewals

Commissioner Miller stated the County has Sole Source contract because there are no other vendors that can perform the services. These contracts are reviewed and renewed annually.

There was discussion about the contract with the Zimmer Radio Group. This item will be reviewed in 2004. The Commissioners requested this item be removed from the list to be brought forward at a later date.

Melinda Bobbitt, Purchasing Department Director, stated this is a list of the sole source contracts will end on December 31, 2004. She noted she will remove the Zimmer Radio Group contract from this list.

Commissioner Schnarre 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.

D. First Reading of Bid MM40 (Hot Bituminous Asphalt)

Marlene Ridgway, Purchasing Department Buyer, stated the Mid-Missouri Public Purchasing Committee has reviewed the bid responses and recommends a multiple vendor award. We recommend award to APAC for all items responded to as well as delivery costs. We also recommend award of Line item 3B to QPR for the high performance cold patch. The budgeted amount for Boone County is \$65,735.00.

There was no further discussion on this item.

Commissioner Schnarre 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 award.

E. First Reading of Bid 77-16DEC03 (Mechanic Services Term and Supply)

Melinda Bobbitt stated the bid for Mechanic Services Term and Supply was issued on November 19, 2003 and closed on December 16. Two bids were received. Upon the completion of the bid evaluation, the Public Works Department recommends awarding a contract to both bidders as follows:

Primary Supplier: Award to Crown Power and Equipment Company. This vendor will be used to provide services for both heavy equipment and trucks.

Crown Power and Equipment is centrally located in Boone County and has offered the lowest bid price.

Secondary Supplier: Award to Tri-State Construction Equipment. Tri-State's location will be the most economical for a service emergency in Southern Boone County.

This is a term and supply contract for the period of January 1, 2004 to December 31, 2004 and may be renewed for two additional one year periods. Invoices will be paid out of organization 2040 – Public Works Maintenance Operations, account 60200 – Equipment Repairs/Maintenance. \$10,000 per year is budgeted for this item.

There was no further discussion on this item.

Commissioner Schnarre 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 award.

Subject: Public Hearing and Vote to Temporarily Close Teton Drive

Commissioner Elkin stated his has been an area of concern for most of 2003. The Commission has investigated the closure of Teton Drive earlier in the year but because there was no distinct separate entrance, the Commission could not temporarily close the road because it would deny access to the development that is taking place.

Under the original recommendations from the County's Planning and Zoning Department, when his property was originally rezoned, there was a condition that Teton Drive would not be used as a primary access point for the subdivision. Once that subdivision annexed into the City of Columbia, Teton Drive became a primary access point against the recommendation from the County's Planning and Zoning Department. In light of that, because it was the primary access point through a residential subdivision, the Commission has had numerous problems with speeding, debris on the road, heavy equipment, of which the speeding is of great concern to the Commission.

Commissioner Elkin stated he received a memo from the Sheriff's Department outlining the numerous problems in this area, such as speeding, debris, the wide equipment on the road which reduces the road to one lane, and other problems. He is requesting this issue be discussed and the merits of temporarily closing Teton Drive where it connects into the City subdivision until a time that the development has been completed. This has been discussed with the County Counselor and there are several regulations that would apply in this case to close the road.

Commissioner Miller suggested Commissioner Elkin give a review of the meeting with the Sheriff and the neighborhood association.

Commissioner Elkin stated he and the Sheriff met with the neighborhood association. The Sheriff reported that there had been 40 summonses in an 8 day period. In that time period, there was one vehicle that was stopped because it was traveling in excess of 75 in a residential subdivision. He does not know the break down of those 40 summonses, the number related to the development or residents. There is a problem with speeding vehicles, debris and heavy equipment that are playing havoc on the roads. In light of all those issues, he would recommend, after debate, the Commission consider closing Teton Drive.

Commissioner Schnarre opened the floor for public comment.

John (Jack) Donelon, 578 Grace Lane Columbia, was present to support the Commission in closing a portion of Teton Drive. He is the president of Lake of the Woods Homeowners Association. He would add to what Commissioner Elkin said about the County Planning and Zoning going against Teton being a primary. He also had a copy of the recommendation from the City Planning and Zoning and their recommendation was the same, do not use Teton as a primary entrance in and out of the subdivision because if you do not have connecting streets, the report went on to say, and you start developing it, you are going to have angry residents at Lake of the Woods. No the prophecy has come to pass and that is how this came about.

On December 1, they went to the City Council with over 60% neighborhood representation, either through petition or in person, presented their concerns to the City Council. The City Council excused it and blew it off, they could care less. What got him most of all was Mr. Beck's comments at the end of it about him not remembering any commitments that were made and they would have to look in to it. The other thing he made comment about was if the county streets were built to specification then they could handle these trucks without breaking up. Three days before this, Mr. Donelon called the City Public Works Department and spoke with Lowell Patterson and asked when are they going to get their trucks off Teton, they are leaving dirt and mud. Mr. Patterson said that they do not want to have mud on it so the next day there was a scraper out there scrapping the mud off of Teton Drive. The other interesting thing that irritated Mr. Donelon was when they said they had no record of any commitments' Lowell Patterson told him that there commitments were with Mr. Mendenhall on the service road to get in and out. He has since then sold the lots off to Master Mark Builders but the City has no agreements with Master Mark Builders. Mr. Donelon told Mr. Patterson that that is cutting hairs that the commitment is that they keep the heavy equipment out of the neighborhood. All of a sudden nobody on the City Council seems to realize that.

Mr. Donelon stated there was a lady in the neighborhood that went out and flagged down a pickup truck that belonged to one of the construction workers and told them that this is a 30 mph zone. For the next several days, that lady's front yard was subject to garbage disposals, McDonald's, Wendy's, etc., bags and this kind of stuff should not have to go

on.

On another occasion, Mr. Donelon stopped a Mid-City Lumber truck on Grace Lane doing approximately 55 mph. He asked the driver if they knew what the speed limit was and the driver told him he had no idea. Mr. Donelon told the driver that the speed limit is 30 mph and he was doing at least 50. The driver told him he would watch his speed in the future. Mr. Donelon called Mid-City Lumber to report the incident. Mid-City Lumber claimed they sold some of their trucks a few weeks prior and maybe the buyers had not taken their signs off the trucks. Mr. Donelon said they were the main suppliers for Master Mark.

Mr. Donelon stated all they have received is the run around from the City Council, who could care less, and from the drivers themselves. If anything is said to the drivers then they receive the flip-off sign.

Another item that is concern to Mr. Donelon is law enforcement. He called the police department because they are gravel trucks on the roads that do not have tops on them. The City police department told him that he would have to contact the Sheriff's Department because that is their responsibility. It seems like the City wants everything out there but does not want any responsibility. They will not issue any police protection on their half of Grace Lane. They will not do any commitments for snow removal. Mr. Donelon stated he does appreciate the County clearing their streets.

Mr. Donelon showed the Commissioners pictures of the traffic in and out of the subdivision. He stated that the developer promised the neighborhood that Grace Lane would be connected with Richland Road before any developments were placed back there. He showed the Commissioners pictures of what Grace Lane looks like now, there is nothing there. He noted Bull Run is completely open.

Mr. Donelon represents the homeowner's association. He takes his position seriously and he knows the Commissioners do too as being elected representatives of this County. They have their problems out there and when laws are broken they do not have anyone to turn to because the City Council does not listen. They can only turn to the County Commission. The Commission has set laws and has the right to enforce them. He believes it is a wise decision and will force their hand to open the other streets and get the traffic off Teton because their way of life should be have to change without the danger of being run over. That has been the case and Commissioner Elkin heard the stories from residents at the meeting the other night.

Mr. Donelon strongly recommends that the street be closed and force the developer to open up the other streets so traffic can get in and out.

Bill Jones, 5580 E. Teton Drive, Columbia, was present in support of the closing of Teton Drive. Another point that they wanted to address, what has happened to the residents out

there is unfortunate. They realize that progress is progress and it cannot be stopped. He believes that at some point in time the progress should be controlled and how it develops in neighborhoods. In their neighborhood is a prime example of nobody taking the blame for it. They are completely surrounded by the City but the Commission are the only people they can come to with their problems.

Mr. Jones stated the City issues a one day burning permit. He had pictures of a pile of debris on the day it was lit and that pile would be for longer than 24 hours. There is a lady in the neighborhood that has asthma and she was forced to stay in her home for ten days because of the fire and direction of the wind.

Their streets are in terrible shape. The blasting for the sewer lines, which apparently the city is responsible for, due to the sewer line going into the subdivision on the east side. The neighbors were not informed of any blasting. There are several homes in the area that have structural damage from it. In Mr. Jones' home, a window was broken and has crack in the sheet rock. There are others in the neighborhood that have had the same things happen to their homes.

Mr. Jones wishes that this will let other people know that if they start from the beginning and get something in writing then there will be more cooperation between the city and the county when it comes to annexing areas. What has happened to the Lake of the Woods neighborhood should not happen to anybody else for any given reason. He does not see why anyone else should have to suffer through this so maybe if other people can take the initiative and get something in writing this will not happen again. It is a beautiful place to live and he hates to see things like this happen.

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre asked if the development has a full concrete road to a public street. Commissioner Elkin stated that is correct and he has seen dump trucks going in and out of there and there is no reason why that cannot be the primary access for the development.

Commissioner Schnarre stated he believes it is time for this to be done and supports the closure of the road.

Commissioner Elkin moved in accordance with section 1.8.2 of the Boone County Traffic Regulations, it is ordered that access to Teton Drive located at the end of county maintenance in the unincorporated portion of this road as it approaches the development of known as Eastporte Village Subdivision shall be closed by barricade; the Commission finding that temporary closing is necessary to preserve public safety and that no person owning or residing on real estate adjacent to this road or near such access point will be

denied reasonable access to a public highway or roadway. It is also ordered that the Commission review the status of the access closure within 6 months to determine if any alternatives are available to access closure to control traffic in the area.

Commissioner Miller seconded the motion.

Commissioner Miller asked that the barriers not be wood barriers that can be moved. She requested jersey barriers.

Commissioner Schnarre stated that the barriers should be made so they cannot be moved or driven around.

Commissioner Elkin stated if people do chose to drive around the barriers then the Sheriff's Department will take action.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 568-2003**

Subject: Renew Legislative Consultant Service Agreement

Commissioner Miller moved to renew the Legislation Consultant Service Agreement with Burnett and Associations for the 2004 calendar year per the same terms and conditions of the 2003 agreement.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 569-2003**

Commissioner Reports

Commissioner Schnarre

Notice of Voluntary Annexations

Commissioner Schnarre stated the County has been notified of the following voluntary annexations:

- Approximately 9.45 acres of land owned by Ken Jacob and Nancy Sublette, Loretta Wilkinson and Gary F. and Theresa A. Langley, located on the south side of St. Charles Road, approximately 120 feet ease of Elderbrook Drive, and

- Approximately 1.58 acres of land owned by Richard A. and Rebecca L. Shanks located on the north side of Thompson Road between Cotton Wood Drive and Spring Cress Drive (5513 Thompson Road), and
- Approximately 0.3 acres of land owned by William C. and Barbara B. Johnson located on the northeast corner of Scott Boulevard and Bethany Drive (3540, 3542, 3544, and 3546 Scott Boulevard)

Contract Amendment for 98-ED-06 Project

Commissioner Schnarre stated he has signed the contract amendment for the Community Development Block Grant for the ABC Lab project. This will close out the project.

Commissioner Miller

Stream Buffer Update

Commissioner Miller stated she attended the Stream Buffer Committee meeting on December 22, 2003. This meeting was basically an update. They reviewed the frequently asked questions. The stream buffer ordinance will be posted on the web, some of the frequently asked questions, and a place for comments will also be on the web.

Commissioner Elkin

No reports at this time.

Public Comment

John (Jack) Donelon, 578 Grace Lane, Columbia, stated Boone County is expanding and that expansion cannot be stopped. While he was having petitions signed for a previous matter, other problems were brought to his attention in Lake of the Woods subdivision that the County needs to look at in the development of subdivisions in the County.

One item is the health control problems. Mr. Donelon brought forward a picture of a home in the subdivision that has garbage piled all around it. Neighbors are concerned with raccoons, mice, rats, and other rodents. Mr. Donelon stated he contacted the Health Department and an inspector has come out and issued a warning.

Mr. Donelon is also concerned with the possibility of standing water in the development this summer. The West Nile Virus will be a concern again next summer. He does not know whose responsibility it is to make sure that there is no standing water.

Mr. Donelon stated Boone County has commercial and residential zoning and there are reasons for the zoning. He hopes that there are mans of taking care of those who are in violation of zoning ordinances. Mr. Donelon was before the Commission not long ago to

discuss the James property and the junk cars that were on the property. Ryland Rodes, Planning and Building Inspections Department, got rid of the junk car issue. Mr. James put up a privacy fence.

Mr. Donelon is now concerned about Mr. James putting building materials on his property. Mr. Donelon showed the Commissioners pictures of Mr. James' property and these pictures were taken from Grace Lane. These building materials are in violation of the zoning laws. He talked to Ryland Rodes and he said he sent a letter. Mr. Donelon feels like nothing happens.

The Health Department has told him that it is now being forwarded to the Prosecuting Attorney's Office. The Prosecuting Attorney's Office has also sent a letter and it could be five to six weeks before something else is done.

Mr. Donelon thinks the County needs to start looking at doing something similar to what the City does: the person has ten days to clean up before the City comes out and cleans it up and charges the person for the clean up. The County should have some laws in place so it does not take eight or ten weeks before garbage is cleaned up in a neighborhood.

Mr. Donelon stated Mr. James has had many violations of the zoning but nothing can actually be done because it would require a search warrant.

Commissioner Miller stated the County does not have the same authority as the City to bill people for clean up but the County is working on getting legislation passed to have that authority. Currently, the County can abate a property but go through the Circuit Court to have the property onerous. The County also had laws changed last year to allow the County Counselor to handle the nuisance complaints.

Commissioner Elkin requested the Public Works Department to look at the Eastland Hills subdivision. There was a rough grade access made and this is close to the bridge on Richland Road. This could possibly create some sight distance problems.

David Mink, Public Works Director, stated there will be three Type 3 barriers put on Teton Drive and the jersey barriers will be placed next week.

There was no further public comment.

The meeting was adjourned at 10:07 a.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner