

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
Director Resource Management Stan Shawver
Right-of-Way Agent Natalie Meighan
Director Human Resources Jenna Redel
Prosecuting Attorney Dan Knight
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 1:31 p.m.

Purchasing

**1. Bid Opening 23-25MAY17 and first reading; River Oaks Road Culvert
Replacement 2017**

The following bids were opened:

Rhad A. Baker

Option 1 – Dig & Replace	\$132,386.00
Option 2 – Trenchless	\$128,875.00

Mera Excavating

Option 1 – Dig & Replace	\$154,941.60
Option 2 – Trenchless	no bid

CL Richardson

Option 1 – Dig & Replace	\$108,478.80
Option 2 – Trenchless	no bid

Commissioner Atwill thanked those that bid on the project and said the bids will be returned to Purchasing for further evaluation.

2. Bid Opening 24-25MAY17 and first reading; Boone County Hill Creek Road Bridge

The following bids were opened:

Boone Construction

Subtotal Roadway	\$176,106.00
Subtotal Bridge	\$283,473.00
Total	\$459,579.00

Gene Haile Excavating

Subtotal Roadway	\$190,845.00
Subtotal Bridge	\$265,910.40
Total	\$456,755.40

Commissioner Atwill thanked those that bid on the project and said the bids will be returned to Purchasing for further evaluation.

3. Second reading; Disposition of surplus laptops by auction or donation (1st read 5-23-17)

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by the Purchasing Department to dispose of the attached list of surplus laptops through auction or donation to another County.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Request for Disposal forms.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #244-2017**

4. 1st & 2nd reading; Disposition of unneeded surplus remaining in the old location of Joint Communications

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by the Information Technology Department to dispose of the attached list of unneeded surplus located in the previous location of Joint Communications in the City building at 17 N. 7th Street.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Request for Disposal form.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #245-2017**

5. Second reading; Bid Award 20-26APR17 – Metal Culvert Pipe Term and Supply (1st read 5-23-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 20-26APR17 – Metal Culvert Pipe Term & Supply to Metal Culverts, Inc., of Jefferson City, MO.

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

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #246-2017**

Prosecuting Attorney

6. First reading; Approve VOCA grant application

Dan Knight said the strategy is to transfer a Victims Advocate position to the VOCA funds which will free up money to seek an Investigator with the use of VAWA funds. Due to the increase in the number of body cams being used by law enforcement officers in Boone County, this has increased our case load and work burden significantly. We need at least another Investigator and perhaps another Prosecutor. That is the advantage of doing this switch.

Commissioner Thompson said she hopes our colleagues on the federal side understand the importance of the VOCA funding and continue to fund that program.

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.

Human Resources

7. First reading; Request to hire above ATS for position number 498, Chief Engineer

Commissioner Atwill said he has looked at this and determined that this is not right for discussion at this time. He would like to table this item to a future meeting. Commissioners Parry and Thompson agreed.

Resource Management

8. First reading; Consultant Services Agreement with Allstate Consultants for St. Charles Road FDR project

Stan Shawver said this is a consultant services agreement with Allstate Consultants for proctor sampling and testing for the St. Charles Road FDR project scheduled for later this summer. This will include project construction, observation, and testing. The fee is \$2,380 and is a not to exceed contract.

There were no 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.

9. First reading; Adopt-a-Road approval for various applications

Natalie Meighan said we have two new groups to adopt portions of Rock Quarry and Crump/Martin Lane. We have an additional 10 renewals from folks that have had successful adoptions before.

There were no 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.

Commission

10. Second reading; Order calling for an election for an extension of the County Road Tax Proposal (1st read 5-23-17)

Commissioner Atwill said we have a choice of proposals before us today and would invite comments from Commissioners before we proceed further.

Commissioner Parry said that after consideration, and some of the feedback we have received from the community over the last several days, we have had Counselor Dykhouse draft a proposal for the extension and renewal of the road tax with a 10-year sunset provision in the manner of the last tax proposal. I would like to support that motion after further comment.

Commissioner Thompson said that is part of our process of having a first and second reading so we can hear from members of the community and take that into consideration as we make determinations of policy going forward.

The comments, the other day, during the first reading, indicated a support for the Road & Bridge Department and the work they do as well as a support for the tax. The only concern that was indicated by Mr. Fries and others was simply the lack of a sunset on the tax. For that reason, I am persuaded to include the sunset and go with another 10-year renewal and hope that you are part of the process in making sure our road and bridge system in Boone County remains safe for us all.

Commissioner Atwill said there are good reasons for either way on this tax extension. The most important thing is that it be extended with no interruption. I understand the Commissioners interest in a limited term and will not object to that. This will work fine and we should not have an interruption in service.

Commissioner Parry said that from the testimony the other day and the e-mails we have received, it is pretty obvious that there is a misunderstanding on how our Road & Bridge tax dollars are spent. I would share with the public, as a new Commissioner, and one who has been often critical of the County Commission for the last 22 years, that there is nothing to hide. We would open the books on the Road & Bridge Department very happily. They are good stewards of our tax money and do a great job of managing very limited resources.

This seems like a lot of money from the tax, but when maintaining 771 miles of roadways and bridges, it does not go very far. I am proud of the work our Public Works crews do and they deserve the community support and hope we have robust support come August 8th.

There were no further comments or questions.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby impose a county-wide sales tax pursuant to the provisions of RSMo §67.547, in the amount of **one-half of one percent** for the period beginning **October 1, 2018 and ending September 30, 2028**. Said sales tax shall be for the limited purpose of improving and maintaining roads, bridges, and right-of-ways within Boone County. Said sales tax shall be imposed on all sales which are subject to taxation under the provisions of RSMo §§144.010 – 144.527 as amended and, pursuant to RSMo §144.032, said sales tax shall also be imposed on all sales of metered water services, electricity, electrical current, and natural, artificial, or propane gas, wood, coal, or home heating oil for domestic use only.

The imposition of this tax shall be effective only after approval of a majority of the qualified voters casting a ballot at a county special election. It is further ordered that the County Commission of the County of Boone hereby calls for an election to be held on Tuesday the **8th of August, 2017**, for the purpose of submitting to the voters the proposition contained in the following Notice of Election and Sample Ballot:

NOTICE OF SPECIAL ELECTION

Notice is hereby given to the qualified voters of the County of Boone that the County Commission of said county has called an election to be held in said county on the **8th day of August, 2017**, from and between the hours of six o'clock a.m. and seven o'clock p.m. on said date to vote on the proposition contained in the following sample ballot:

OFFICIAL BALLOT
COUNTY OF BOONE, STATE OF MISSOURI
TUESDAY, AUGUST 8, 2017

Proposition #1:

Shall the County of Boone continue to impose a county-wide sales tax of $\frac{1}{2}$ (one-half) of one percent for the sole purpose of improving and maintaining roads, bridges and right-of-ways; reducing county property taxes levied for road purposes; and distributing revenues from the county road and bridge fund to cities and to the special road district above the amount required by law? The authorization for this sales tax shall expire September 30, 2028.

YES

NO

Instructions to voters: If you are in favor of the proposition, darken the oval opposite the word "YES". If you are opposed to the proposition, darken the oval opposite the word "NO".

The County Clerk of Boone County is hereby directed to provide notice of and conduct the election pursuant to the provisions of Chapter 115 RSMo.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #247-2017**

11. Second reading; Approval of a real estate sales contract for the former Public Works facility located at 4221 E. Hwy 124 (1st read 5-23-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Contract for Sale of Real Estate between Boone County, Missouri and Hallsville Holdings, LLC, which resulted from a public bidding process to purchase surplus County property, the former Public Works facility at 4221 E Hwy 124, Hallsville, Missouri. The auctioneer services for said public auction were approved in Commission Order 95-2017. The terms of the Contract for Sale of Real Estate are set out in the attached.

It is further ordered that the Presiding Commissioner is authorized to sign said contract and a Special Warranty Deed to effectuate this real estate transaction, and the County Counselor is authorized to sign the other closing documents necessary to effectuate this real estate conveyance.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #248-2017**

12. 1st & 2nd reading; Organizational Use of the Government Center Conference Room 301 by Harry S. Truman Memorial Veterans Hospital for June 30, 2017

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Conference Room 301 by Harry S. Truman Memorial Veterans hospital for June 30, 2017 from 8:00 a.m. to 4:30 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #249-2017**

13. Public Comment

Roger Fries

I would like to express my appreciation to the Commission today for taking our ideas into consideration and making the adjustments to the Road & Bridge bill. Things like this increase our transparency towards government in the minds of the public.

The Commissioners thanked Mr. Fries for his comments.

William Samuels

I would like to thank Mr. Parry and the other Commissioners for doing the right thing and being receptive to the concerns of the citizens. The sales tax has problems as it is very regressive and taxes the middle class and the working poor unfairly and this can be discussed at another time.

This is a great improvement over the original bill and it will expire and be up for election. So, I suppose those that want to continue, should have a right to vote to continue and those who don't, should have the right to vote the other way. I'm sure the public will hear more about both sides before now and election day in August.

I have a concern relating to part of the last sentence of the first paragraph which says "...said sales tax shall also be imposed on all sales of metered water services, electricity, electrical current, and natural, artificial, or propane gas, wood, coal, or home heating oil for domestic use only." Does this mean these other items, such as metered water services, the electricity

and electrical current are supposed to be taxed for domestic use only, or does it mean that major users such as commercial industrial users will not or will they pay the sales tax and are they paying it now.

C. J. Dykhouse said that provision is set out by the State Department of Revenue who is also responsible for the collection of sales taxes in Missouri and there is a local option under that specific state statute, 144.032, which stipulates a specific provision in the Commission Order that imposes the tax and that is why that language is there. As to the sales tax collection, these are shifting sands. The General Assembly changes these rules every year. The Department of Revenue takes different positions all the time. I would direct Mr. Samuels to the Department of Revenue to answer any specific sales tax questions.

Mr. Samuels asked if these commercial users are being taxed with this tax at present and if so, is it the intent of this Commission to continue the tax on not only residential users, but also on commercial and industrial users on metered water, electricity and electrical current.

Commissioner Atwill said he believes the bill speaks for itself.

Commissioner Parry said we are bound to including this language.

Mr. Dykhouse said we are doing what we did in the past with this extension. The intention is to impose the sales tax on all taxable sales as defined in Chapter 144. That is what it does.

Commissioner Thompson said that language is necessary to allow us to do this. That is the same language as in 1997 and 2007. That is the General Assembly's decision as to how that language must be articulated on the ballot.

Mr. Samuels asked about the rest of the sentence pertaining to natural, artificial, or propane gas, wood, coal, or home heating oil and if these are the only items where the commercial or industrial users are not taxed and why should these taxes only be applied to residential users.

Commissioner Parry and Mr. Dykhouse said that is a question for the Department of Revenue and General Assembly.

The Commissioners thanked Mr. Samuels for his comments.

Sean Reberry

I would like to thank the Commission for adjusting the language concerning the sunset provision. I do have an objection to a sales tax as opposed to a property tax. The sales tax is the most regressive tax commonly in use.

Also, for the last several years, the city, who shares a lot of the same taxing districts, has complained about sales tax revenue reductions because of on-line sales. Sales taxes have a lot of issues. I would prefer a property tax, but a lot of the taxing entities don't see that as politically expedient. Is there a reason for the sales tax vs. the property tax?

Commissioner Parry said one of the reasons he likes this approach is that Columbia has been, for years, a regional shopping, business, and healthcare hub. There are a lot of people that don't live in the city and don't own real estate, that are using our streets and county roads to get to the center of commerce.

In many ways, this is a fairer way to cover the cost of these roadways. If it was just the residents using the streets, I would tend to agree with you that a property tax would be more appropriate. Because so many people using these roadways do not own property or live in Columbia, this seems like a fair way to recapture funds to pay for the roads.

Commissioner Thompson said this refers to all of Boone County. So, anyone who come through the county, whether it is from Howard County or Illinois, and makes a purchase, they are using our roads. So, in that sense, it is a more equitable distribution of the burden. If

you utilize the infrastructure, you are partially responsible for it. If you rely on property taxes only, the vast majority of students attending The University of Missouri, Stephens College and Columbia College would not be paying into the network they utilize.

Mr. Reberry asked if the Commission has the ability to target either a sales tax or property tax. Can a property tax be levied for commercial/industrial use and not residential, or does it have to be an across the board property tax?

Commissioner Atwill said that is all state law.

Mr. Reberry asked if that is the same for sales tax on exempted items like grocery items which have different sales tax rates. Is that also set by the state or does the Commission have the ability to adjust that.

Commissioner Atwill said the Commission has no control, that is all through the state.

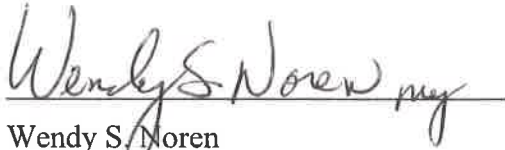
There were no further comments and the Commissioners thanked Mr. Reberry for his comments.

14. Commissioner Reports

None

The meeting adjourned at 2:02 p.m.

Attest:



Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner