

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  
County Counselor CJ Dykhouse  
Senior Buyer Liz Palazzolo  
Deputy County Clerk Michelle Thompson

The meeting was called to order at 9:31 a.m.

### **Proclamation**

#### **1. Proclamation Recognizing the Columbia FFA Chapter**

Commissioner Thompson read the following proclamation:

*Whereas*, amid competition from 23 teams, the Columbia FFA Chapter won the agricultural sales leadership development event at the 91<sup>st</sup> Missouri FFA Convention; and

*Whereas*, the agricultural sales leadership development event requires competitors to exhibit skills in both individual and team sales situations by providing them an opportunity to showcase their ability to relate to customers, prospect for customers and carry out promotions; and

*Whereas*, recognition for this achievement has been earned by team members Emilia Zacherl, Madison Holmes, Leo Elsasser and Logan Westmoreland, as well

as their advisors, Kevin Duncan, Meridith Haley, Amy Hempen, Mike Kilfoil, Sherie Rodekohr and Amanda Twenter; and

*Whereas*, not only do these youth work together to create a formidable team, they also excel individually, as evidenced by all five of them placing individually among 85 competitors: Emilia Zacherl placed second; Madison Holmes placed fourth; Leo Elsasser placed sixth; and Logan Westmoreland placed seventh;

*Whereas*, the contest, sponsored by the University of Missouri College of Agriculture, Food and Natural Resources, is just one way FFA prepares student members for career success by engaging students in learning and making a real connection to lifetime goals; and

*Whereas*, the Boone County community supports the betterment of students through FFA, an organization focused on making a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education.

*Therefore*, the Boone County Commission does hereby recognize and congratulate the Columbia FFA Chapter for its success, and offers its encouragement and support to the team members as they continue to strive toward excellence.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby recognize the success of the Columbia FFA Chapter.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #204-2019**

Emilia Zacherl, Madison Holmes, Leo Elsasser, and Logan Westmoreland were present to accept this proclamation.

Logan Westmoreland said the whole experience was pretty challenging. They started out with no clue but worked together to fill their test bank and decide what product to sell. The people they worked with were always very helpful and that was so appreciated. They are all so happy to be present for this today.

Madison Holmes said honey ice cream was the product they sold, which was a local product.

Emilia Zacherl said it was a really fun project to do and they were invited to work for them in the future. Emilia also noted that she worked to showcase the product at Lucky's Market as a result of the competition.

Leo Elsasser said he had started out judging and this was a great experience to flip over to leadership development. It was a great opportunity to learn new things.

Amanda Twenter explained how proud she was of all the work they put in. They started out with nothing and she had never trained a sales team before, so they all learned together. It takes a lot of very hard work to win a state competition and they definitely put in the work.

## **Purchasing**

### **2. First Reading; Contract Amendment One: Contract 60519CO0636 – Motor Graders**

Liz Palazzolo read the following memo:

Contract 60519CO0636 – *Motor Graders* approved by Commission on March 12, 2019, Commission Order 101-2019. This amendment replaces the original serial

number (651869) with the correct serial number (651835) for the trade-in 2013 John Deere 672G Motor Grader – Asset Tag #18383.

Cost of the contract remains \$195,775.50 and will be paid from department 2040 – PW Maintenance Operations, account 92300 – Replacement Machinery & Equipment.

There were no comments or questions from the Commission.

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.

**3. First Reading; Contract Amendment One: Contract 80/2014 Water Distribution Construction Crew Services – Term and Supply, Countywide**

Liz Palazzolo read the following memo:

Amendment One to contract 80/2014 for Water Distribution Construction Crew Services that was awarded May 24, 2018 (Commission Order 280-2018) is being amended to add site preparation work and related requirements for work at the Meyer Industrial site for the Greater Bonne Femme Watershed Demonstration Project that is being overseen by the Resource Management Department.

All other terms, conditions and prices of the original agreement remain unchanged.

Invoices will be paid from the following Department/Account codes:

- 1725 – Stormwater Administration/71100 – Outside Services
- 2046 – RM Stormwater Administration/71100 – Outside Services
- Total amount: \$7,614.76

There were no comments or questions from the Commission.

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.

**Collector**

**4. Public Hearing & Second Reading; Budget Amendment: Tax Maintenance Fund Balance (1<sup>st</sup> read 5-2-19)**

Commissioner Atwill opened the public hearing.

There was no one present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby acknowledge the following budget amendment from the Office of the Collector to transfer excess Tax Maintenance Funds to General Revenue.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2110	83917	Collector Tax Maint	OTO: To General Fund		126,861

1190	3917	Non- Departmental	OTI: From Special Rev		126,861
					253,722

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #205-2019**

### Health Department

**5. Second Reading; Cooperative Agreement: Boone County & City of Columbia  
Public Health Services (1<sup>st</sup> read 5-9-19)**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached agreement between Boone County and the City of Columbia for Public Health Services.

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

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #206-2019**

### Commission

**6. Public Comment**

CJ Dykhouse said it is noted that Mr. Wyse is present in the gallery today with the intent of

addressing the Commission regarding a matter involving Seth Reynolds. Dykhouse said he wanted to create a very clear record that Mr. Wyse has been informed by verbal communication as well as written, since a meeting at the end of October 2018, that the County Counselor's Office represents the County's officers and directors in all matters pertaining to Seth Reynolds. Mr. Wyse has repeatedly, and most recently with a letter that was addressed directly to the Commission, violated the rules of professional conduct; specifically, Supreme Court rule 4-4.2, regarding communications with people represented by counsel. Dykhouse explained he wanted the record to be very clear that he represents the County Commission in matters involving Seth Reynolds. Mr. Wyse is forcing Dykhouse's hand in clarifying that, for the record, for purposes of later review by appropriate authorities of how he has conducted himself. If Mr. Wyse has other dealings with County Government that are not related to the representation of Seth Reynolds, Dykhouse would not assert the need to go through him for that. However, in matters involving Seth Reynolds, the Commission is represented by the County Counselor and communication with attorneys that represent Seth Reynolds directly with Commission is largely inappropriate.

Commissioner Atwill asked if it was appropriate to say that matters between the County and Seth Reynolds are still in litigation.

Dykhouse said yes. They have been litigated repeatedly. Tom Schneider is the attorney of record in that matter. The County was successful at the trial-court level. That case was appealed the first time to the Western District Court of Appeals, then there was a contempt citation that was successful for the County. That order was also appealed to the Western District and the Western District has not issued its mandate yet, but the decision was favorable to Judge Asel's decision in that matter.

Commissioner Atwill stated Mr. Wyse may make a statement on the record if he so wished.

Steve Wyse said Mr. Dykhouse informed him that if he wanted to address the Commission in

a meeting that it would not be inappropriate. In fact, he believes the rules permit him to address his governing body in any manner that he deems appropriate, including on behalf of another citizen. There is nothing inappropriate about addressing the governing body of Boone County. Wyse submitted a letter to the County last Friday detailing gross errors in the survey the County submitted in the case involving Seth Reynolds. The conduct of the surveyor is a matter of public concern for every citizen of Boone County. It is arguable that the survey submitted by the County Surveyor could be deemed as an apparent fraud for its failure to comply with the statutory commands. Wyse has repeatedly asked for an opportunity to formally address the Commission on this matter and has been denied an opportunity to do so. He has communicated with the County Counselor's Office previously with an offer of settlement and no response was ever received. No indication was ever given that the County has even received that communication. That is inappropriate. The County Counselor has an obligation to at least respond and County Commission has an obligation to take a position on it. The refusal to respond to any other communication leaves this as the only format to which he can be sure that communication actually occurs.

There were no more comments or questions from the public.

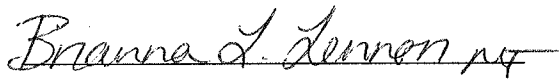
#### **7. Commission Reports**

None

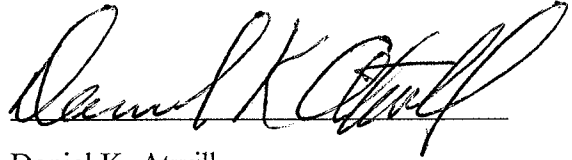
The meeting adjourned at 9:52 a.m.



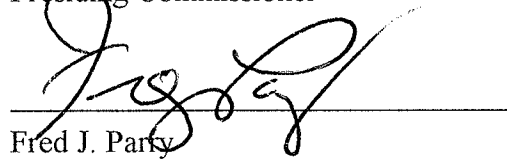
Attest:



Brianna L. Lennon  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Fred J. Party  
District I Commissioner



Janet M. Thompson  
District II Commissioner