

TERM OF COMMISSION: September Session of the July Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Room 301

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
Captain Gary German
Liz Palazzolo Purchasing
Nicki Fuemmeler Resource Management
Deputy County Clerk Michelle Thompson

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

**Conference Call Information:
Number: 425-585-6224 Access Code: 802-162-168**

13th Judicial Circuit Court

- 1. First Reading; Budget Amendment: Account for Funds Received from the Juvenile Detention Alternatives Grant for the period of 8/10/20 – 10/15/20**

Commissioner Thompson explained Juvenile Detention Alternative Initiative Contract Award. Provides training for Life Skills Training High School Programs, Building Safe and Healthy Relationships Program and Making Healthy Choices Program. Contract runs 08/10 – 10/15/2020. Cost is set at \$ 900.

No comments from Commissioners.

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

Purchasing

2. First Reading; Bid Award: 26-16JUL20 – Glock-17 5 and 19 Gen 5 Pistols and Magazines for the Boone County Sheriff's Department

Liz Palazzolo spoke regarding review of bid. Two bids received, cost evaluation conducted/reviewed by purchasing department with review by Sheriff's department – Captain Gary German, Sgt Mike Perkins and Brandon Weber – Investigator.

Recommendation for award was given to the lowest and best bid by Keisler Police Supply of Jeffersonville Indiana includes acquisition of pistols and magazines with “trade in” pricing. Trade in pricing will be deducted from acquisition pricing for the final award amount. Contract period runs through 08/01/2020 -01/31/2021.

Once trade in pricing is deducted for new acquisition costs of the glocks and magazines, there is a positive balance owed to Keisler Police Supply to purchase. The balance will be realized from the trade in balance from unused ammunition that was awarded to Gulf States Distributors – RSB 27-16 July 2020 for 9 mm Glock 124 Spear Gold Dot Ammunition. A budget amendment will be needed to reflect the desired revenue and to provide approval for increased spending.

Payments will be made from the following department account codes –
Sheriff 1251 / 23850 Minor Equipment and Tools \$ 15,392.00
Corrections 1255 / 23850 Minor Equipment and Tools \$ 2,538,00

Commission Parry asked about net budget impact in 2020 expenditure. Is there any information received/needed from the Auditor's Office.

Liz Palazzo she has not received any information from the Auditors Office.

Captain Gary German noted that they will be using part of the money already in the current ammunition budget. The trade in from pistol ammo should offset what we already have as far as trade ins and what will be owed.

Commission Parry stated that there should be no net impact and Captain German agreed.

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

Resource Management

3. First Reading; Extension of Stormwater Security Agreement & Performance Bond: Oakland Gravel Road Fill Site, J & S Columbia Property LLC

Nicki Fuemmeler stated that this is the second extension for the Oakland Gravel Fill Site through Merchants National Bonding, with a performance bond in the amount of \$42,924.42, for an extension of the security deposit until September 18, 2022.

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

Sheriff's Department

4. First Reading; JAG Subrecipient Monitoring Agreement: 2019, City of Columbia

Captain Gary German stated that this is the standard agreement that accompanies the 2019 fiscal year JAG grant. Sheriff's Department is in charge of the grant and basically oversees the City of Columbia is properly managing those assets that they acquire through the JAG grant with review every 18 months.

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

Commission

5. Public Comment

Stephen Diedrich spoke concerning road repairs. He stated that he has had no communication from the Commission concerning repairs. The Road and Bridge crews have been on the road and there was supposed to be an email from Brian stating that he was going to be on the road overseeing the work, so Commission should have known that work was being done.

Commissioner Parry clarified that Mr. Diedrich was speaking about the hole at Harold Cunningham and Rippetto Roads and not the levy.

Mr. Diedrich said that they were also working on the levy.

Commissioner Thompson asked which area he was discussing.

Mr. Diedrich said he knew that they did not go through all the bidding process, but with the Missouri River rising, the County was days away from losing the bridge. He stated he had pictures of water seeping through about to "cave off" and he was there with a bulldozer down in the hole pushing dirt against it to stop it from falling in.

Mr. Diedrich did not understand, he had read every minute meeting, from the first time he attended a meeting and he never heard Commission speak about this. He stated that the County should have known that he was down there working. He has noticed that there have been several no bid contracts because of Covid, can the County do something like that. He understands that time has passed but was promised that Commission would respond back to him within a week. Mr. Diedrich thought when he saw County employees were working

there it meant “that was getting back to him. Apparently, it wasn’t.” Mr. Diedrich asked what can we do to fix this?

Commissioner Parry asked if this was about re-imbusement to fill in the hole at Rippetto and Harold Cunningham Roads?

Mr. Diedrich stated yes – plus the levy.

Commissioner Parry said that the two had to be separated because the levy is a FEMA issue. It would be in best interest to both the County and Mr. Diedrich to separate the two conversations.

Commissioner Parry asked if Mr. Diedrich was no longer represented by attorney Joel Roark.

Mr. Diedrich replied – no and Mr. Roark never represented him. He was brought in concerning an easement and needed someone to write an easement. The County’s attorney would “not give an inch” and finally got an agreement, after speaking with land-owners, that we could live with an “as built” easement. Landowners decided even though they did not “like the easement,” that they would live with it.

Commissioner Parry asked if the landowners had signed the easements and was told that it was in the process, but Mr. Diedrich stated that Roger and DeeDee would not sign and “we” do not have to be paid but need a commitment that somewhere down the road that everyone will be paid and Mr. Diedrich can get all the signatures. Otherwise he believes that he will not get all the needed signatures.

Commissioner Parry said it was his understanding that the situation about fixing the “hole” is the County is waiting on FEMA. The original paperwork was filed incorrectly, so was refiled, hence the delay.

Mr. Diedrich stated that he spoke with Chad Martin – Emergency Management Operations Director- last week and everyone is waiting for a response from FEMA. He stated it seemed that the \$ 36,000.00 did not seem to be an issue for the bridge. But he kept very detailed records of all work that was done by him and showed Director Martin that from the hole to where they built the new road was all in the same place. He had all hours, etc for everything done for that section. The bill was presented as one lump sum. Mr. Diedrich broke down repairs from the bridge to where they put in the new section of road, from the new section to Katy Trail and work also done farther south where the road had washed away approximately 4 feet lower that it was before. One of the landowners went all through the bottom land with his dozier and put all the gravel that was in the fields back onto the road. Director Martin now has the breakdown of all the things that were done.

Commissioner Parry stated that the Commission has not yet seen the breakdown. The County will need to hear from County Counselor CJ Dykhouse to find out the final resolution on the easements. Also, it would be better to keep the Harold Cunningham and Rippetto Roads and levy two separate items. Commissioner Parry stated that Mr. Diedrich had come in and spoke about the hole in the road, but personally does not remember speaking to him about the levy. The Commission will find out what the status is with FEMA for re-imburement and, again, check with County Counselor about where things stand with the neighbors and easements. Both agree that we are in a holding pattern until speaking with CJ and getting an update from Director Martin.

Mr. Diedrich does not remember any dates when speaking with Director Martin about resolution, and that he was mainly presenting the breakdown/cost of his work.

Commissioner Atwill agrees that the County needs to pursue FEMA to the next level. Mr. Diedrich suggested that the road needs to be built on top the levy and finally fix the hole in the road.

Commissioner Parry again stated that the work was not filed correctly for FEMA and has been refiled.

Mr. Diedrich said that he understands, from Director Martin, that there is no problem with that. He stated that FEMA stated that because the landowner was trapped – that made it an emergency and would make things much easier. There was not a contract, and because one person was trapped that made it an emergency.

Commissioner Thompson asked Mr. Diedrich if Director Martin was the one who told him what constituted an emergency, not FEMA?

Mr. Diedrich responded yes because Director Martin is the only one that is allowed to speak with FEMA. He also stated that in his meeting with Director Martin that they are going to have to go back to FEMA to explain the bill for \$10,000.00 to repair the Cunningham Road from bridge to the trail, in the detailed breakdown of the bill presented. FEMA will not pay for anything for the new section, but that only was a bill in the amount of \$ 1,020.00. The landowners will eat this small amount. In part of the breakdown bill presented was approximately \$4,000.00 where the Road Department asked us to fill the hole and approximately another \$ 3,000.00 for fixing the road that had washed about approximately 4 feet deep.

Commissioner Thompson asked if the documents given to Director Martin for presentation to FEMA had broken down expenses for this piece of road.

Mr. Diedrich said Director Martin did not know how it was going to go with FEMA because it was presented without all the information and now all information is included and if it is less than \$ 6,000.00 there does not have to be a contract or anything and FEMA will just make payment per Director Martin.

Commissioner Thompson asked – “if what is less than \$ 6,000?”

Mr. Diedrich said he told Chad Martin that the one section of road was \$ 3,000.00 – maybe \$3,100.00 and was told that was fine, as long as amount was less than \$ 6,000.00 FEMA would pay.

Commissioner Thomson asked what Mr. Diedrich meant he said that “was fine?” Was it his understanding that FEMA would pay?

Mr. Diedrich responded that if the bill was broken down into component parts and is less than \$6,000.00 FEMA will pay.

Commissioner Parry stated it sounded more like a County policy than a FEMA policy.

Commissioner Thompson stated that the Commission will look into the matter and as Commissioner Parry has stated, we have not seen the documents that you have transmitted to Director Martin.

Commissioner Parry again stated that will follow up with Director Martin/FEMA and to see if County Counselor Dykhouse has made any progress with the other landowners about the easements.

Mr. Diedrich stated that it is now in the hands of Levy Association and the landowners. The Levy Association has signed off and Joel and Tammy Fuller have signed off.

It is now somewhere in Texas or South Carolina to get part of the Morris Family signatures. It would then come back to Roger and DeeDee and they would be the last to sign. DeeDee stated that she was going to Texas to meet her sister at the end of last week. Last hurdle is to get their signatures. If Mr. Diedrich meets with Director Martin and it looks like a sure thing with FEMA for repair of the bridge, that is what DeeDee wanted for her signature.

Mr. Diedrich thanked all for the update and will follow up on his side.

Mr. Diedrich started that he has sent several emails and has not had any response.

Commissioner Thompson stated that she has received an email from DeeDee and that she is represented by Counsel and that she cannot ethically talk to her directly and must speak with

her through her lawyer. Commissioner Thompson asked the County Counselor to let their attorney know that communication had been made and that is why she had not responded.

Mr. Diedrich asked if Commissioner Thompson had told DeeDee.

Commissioner Thompson commented that she cannot control what their counselor does or does not do. She asked that Mr. Diedrich let DeeDee know that she cannot ethically speak with her and Commissioner Atwill has the same problem. If there is a question, please go through Mr. Roark.

Mr. Diedrich stated that Mr. Roark no longer represents anyone associated with this and has sent an email to County Counselor Dykhouse to clarify.

Commissioner Thompson stated that there has not been an intent to not communicate or be rude. There has been an active intent to abide by our obligations as lawyers knowing that we cannot directly communicate with someone that is represented by counsel. Apologies for any miscommunication but we have to wear two hats and right now it is Commissioner hats rather than our lawyer hats. So that is why we can communicate here.

Mr. Diedrich asked if all his emails had been received.

Commissioner Parry said he has several but understanding is that County Counselor Dykhouse is dealing directly with your lawyer, Mr. Roark, and we have to respect that privilege and we have been advised not to communicate with you as long as you are represented by legal counsel.

Commissioner Thompson stated that is what the lawyers are supposed to do.

Mr. Diedrich stated he did not know that.

Commissioner Thompson stated again that they were not trying to ignore him but that is how this works.

Mr. Diedrich said he is just the spokesman for the Levy Association and his job is to go back and report to them and they tell me what they want.

Commissioner Parry stated to get this resolved the County has to hear back from FEMA on what they want to do and part of that is the County's fault for filing paperwork incorrectly but has been refiled. And secondly, Commission needs to hear from County Counselor about what the neighbor's attorney has said. Commissioner Parry stated that he does not remember seeing any paperwork and that Mr. Roark is totally out of the picture.

Mr. Diedrich stated that he would call Joel Roark when he leaves the meeting and let everyone know his standing.

Commissioner Parry stated that County Counselor Dykhouse is busy at the present time and not sure how much has been done. Action for this present time is to follow up with Director Martin and Mr. Dykhouse to get the latest information.

Commissioner Thompson commented that if counsel is still involved everyone will have to talk through counsel.

Mr. Diedrich stated he has spoke with Bill Roth about taking care of this matter, unfortunately he retired and then passed away. Diedrich said he had spoken with another attorney and told him to keep things on hold. He stated it is in his nature to compromise but he could make it really ugly for the Commission. There is a lot of mad people out there. He is tired of the abuse from people asking why the road is not open.

Commissioner Parry stated in all fairness they cannot blame the Commission at this point. We are waiting on FEMA, which is a very important part, and hopefully they will reimburse 75% of costs. But you got lawyers involved and we sent easements within 3 days last

December. Commission Atwill personally delivered them to Joe Bullard, so we tried to expedite this. But you all did not like the easements and got the lawyer involved, so by doing that you really delayed the process. This is not a reflection on the County Commission.

Mr. Diedrich stated that the Commission has done nothing since he came the first time. Commissioner Parry asked to clarify.

Mr. Diedrich said the Commission never got back in contact with him. He was told that he would hear something back with a week's time.

Commissioner Parry asked who told him that.

Mr. Diedrich replied Dan Atwill. It is in the Commission minutes.

Commissioner Parry asked what the Commission response was supposed to be. He stated again that the two items discussed above needed to happen.

Mr. Diedrich asked if the Commission was ready to make a commitment, possibly after speaking with Chad Martin something could be done?

Commissioner Parry stated the County needed to hear from FEMA.

Mr. Diedrich said if Chad Martin tells the Commission the bridge thing is okay, isn't that good enough to make it happen?

Commissioner Parry was unsure and would want to speak with Counselor Dykhouse to see if anything else is tied into this, hopefully it is two different issues. The Harold Cunningham and Rippetto Roads is a completely separate issue from the levy.

Mr. Diedrich stated if the County had let the bridge fall into the hole, you were looking at a half million-dollar bill. Even with FEMA share the County cost would have been spent a whole bunch if we had not done what we had done.

Commissioner Thompson again stated that the Commission needs to speak with Chad Martin and see what his communication has been with FEMA.

Mr. Diedrich stated his big mistake was when the Road and Bridge guys showed up, and they helped a little bit, but it was a joke. They had two dump trucks for 4 days. We were supposed to run our equipment over terrible stuff. They would not take their dump trucks off the gravel road.

Commissioner Parry stated that this is the first that they had heard statement. He believed that the County was tremendously helpful in moving all the silt from the roads.

Mr. Diedrich stated that the County would not haul in their trucks. He used his trucks twice for hauling. County trucks took tiny loads. It was helpful but not enough. His dump truck hauled more in one day that the two County trucks hauled altogether. He appreciated the help getting the 1,100 yards of fill that was free, but they were really needed the next week and they took off for another job and he ended up hiring another dump truck.

Commissioner Parry stated again that this was the first time hearing a new part of the story. He did not believe there was an issue.

Mr. Diedrich stated that what the County did was a joke.

Commissioner Parry said that this was a surprise and to hear all this new information a year after the fact is disappointing.

Mr. Diedrich started that the County did show up with more fill after the job had been done and that is why there was extra work, because they dumped the fill and we had to place it.

Mr. Diedrich asked if after everyone speaks with Chad Martin and knows that he is not represented when will he hear something.

Commissioner Parry said he would speak with the other Commissioners and give Mr. Diedrich an update.

6. Commissioner Reports

None

The meeting adjourned at 2:05 p.m.

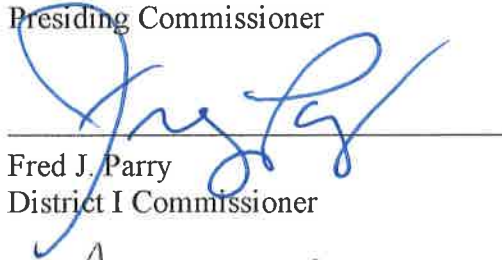
Attest:



Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

