

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Hearing Room One, Boone County Courthouse

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Michelle Malaby
Assistant Prosecuting Attorney John Patton

The regular meeting of the County Commission was called to order at 9:35 a.m.

SUBJECT: Open Bid Number 97-13DEC94, Audio/Visual Equipment, DARE Program

Responses to the request for quotation were opened as follows:

Company	Location	Bid Price
Police Video Systems	Springfield, MO	No Bid
Columbia Photo	Columbia, MO	Bid
Lawrence Photo-Graphic, Inc.	Kansas City, KS	No Bid
CMI/MPH	Owensboro, KY	No Bid
Crazy Music Sound and Light	Columbia, MO	Bid

SUBJECT: Open Bid Number 98-13DEC94, Waste Collection Services

Responses to the request for quotation were opened as follows:

Company	Location	Bid Price
T-Mac, Inc.	Columbia, MO	Bid
Tolles Trash Service	Fulton, MO	Bid
Teters Sanitary Landfill	Macon, MO	Bid

SUBJECT: Open Bid Number 99-13DEC94, Law Library Remodeling

Responses to the request for quotation were opened as follows:

Company	Location	Bid Price
Knipp Construction Co.	Columbia, MO	No Bid
Irvinbilt Company	Chillicothe, MO	No Bid
Highway Construction	Fulton, MO	No Bid
PCE	Columbia, MO	No Bid
Reinhardt Construction Co.	Centralia, MO	No Bid

SUBJECT: Discussion of El Chaparral Park

Commissioner Vogt stated the El Chaparral Subdivision Homeowner's Association sent the Commission a letter advising they will no longer maintain the park in the subdivision. In 1977, the County applied for a grant from the Department of Natural Resources for equipment for the park. The land was deeded to the County. The subdivision agreed to maintain the park.

El Chaparral Homeowner's Association President Renee Richmond, 1227 S Victoria Avenue, Columbia and Block Captain Roger Brown, 1247 El Chaparral, were present. Ms. Richmond read a prepared statement.

In response to a question from Commissioner Stamper, Mr. Patton replied his records on the matter are incomplete. It is his understanding that members of the Homeowner's Association in the late 1970's entered into an oral agreement with the County Court in office at that time to maintain the park, with the County applying for the grant for the improvements. The land is titled in the County's name. There are grant requirements which obligate the County, as grantee, to

maintain the park. The residents at that time, who made the informal agreement, are no longer present.

Commissioner Vogt reviewed references to the arrangement which were located in County records

Ms. Richmond commented she is unable to locate a resident who was involved in the formation of the park. Most of the records they have date from 1983. The County was requested to maintain the park as early as 1983.

Mr. Brown commented when he collected the surveys from residents on his block, he heard residents say if the County can spend \$200,000 on the MKT Trail extension, then the County should be able to maintain the park.

Commissioner Stamper stated the arrangement was ill-fated from the beginning because of turnover in residents. The extension of the trail has been the County's first venture into the park arena. The Commission would like to venture further into the arena, but there are higher priorities. That is not to say the park is not the highest priority in resident's minds. It appears when the County signed the grant application and agreement, it accepted responsibility for the park.

Commissioner Vogt stated the problem is what the County's budget will allow the County to do. If nothing is done, weeds will grow in the park. A couple of years ago the County was cited for not keeping up the equipment. The neighborhood made repairs at that time. The County is responsible for the park as far as the State of Missouri is concerned. She does not know how the County will deal with the problem since there isn't a parks commission or mechanism which allows the County to maintain parks.

Commissioner Miller stated if the County begins maintaining the park, it could result in greater public use.

Ms. Richmond replied the park is open now. There are better equipped parks which are easier to use. People might come to see what it is like, but they would not likely become steady users.

Commissioner Vogt stated in a previous meeting, Mr. Brown indicated funding may become available from the Department of Conservation.

Commissioner Stamper replied he is not aware of new funding for recreational use, but it can be examined.

Commissioner Stamper requested Commissioner Vogt and Director of Planning and Building Inspection Stan Shawver investigate the cost of making repairs at the park and providing annual maintenance and report their findings to the Commission for consideration in the 1995 budget.

Mr. Patton stated the other option available is to repay the grant funds to the State.

Ms. Richmond replied it is her understanding the park can not be dissolved, but it could be moved to another area.

Commissioner Stamper stated the Commission also needs to appoint a parks commission in 1995.

Ms. Richmond asked when will the County have a definitive answer?

Commissioner Vogt replied she will perform the requested research within the next twenty days.

SUBJECT: Supplemental Agreement No. 1 to Engineering Services Contract with Bryan and Associates for Obermiller/Blackfoot Road Improvement Project

Leo Hake of the Design and Construction Division of the Public Works Department stated the amendment would cover the cost of restarting the project. Overhead and personnel fees have

increased since the original agreement was made. The center line and alignment have also been changed.

Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached Supplemental Agreement No. 1 to the Professional Engineering Services Agreement (Commissioner Order 368-91) dated October 3, 1991 between the County of Boone and Bryan and Associates for the design of improvements to Obermiller/Blackfoot Road. Supplemental Agreement No. 1 shall not exceed a cost of \$8,771 without prior authorization from the County of Boone.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 496-94.

SUBJECT: Budget Revision: Office Equipment

Circuit Clerk Cheryl Whitmarsh stated the budget revision is requested in order to use \$590 in excess office supply funds to add two shelves to the alcove in the reception area to hold public access terminals. She obtained three oral bids. Her husband can install them.

The Commission advised Ms. Whitmarsh that although they appreciate her husband's offer to install the shelves, they would prefer to have maintenance staff install them.

Commissioner Vogt moved that the County Commission of the County of Boone authorize the following budget revision:

<u>Organization</u>	<u>Account</u>	<u>Account Title</u>	<u>Transfer From</u>	<u>Transfer To</u>
1221	23000	Office Supplies	\$590	
1221	91000	Office Equipment		\$590

Commissioner Stamper seconded the motion. Motion passed unanimously. Order 497-94.

SUBJECT: Juvenile Justice Center Change Order 9, 10, and 11

CRSS Construction Manager Dave D'Eagle presented three change orders for consideration.

Commissioner Stamper moved that the County Commission of the County of Boone approve Juvenile Justice Center Change Order No. 9, 10, and 11.

Commissioner Vogt seconded the motion.

In response to a question from Commissioner Miller, Mr. D'Eagle replied the original contingency fund was \$38,070. With approval of these three changes, contingency fund balance will be \$21,375.

Motion passed unanimously. Order 498-94.

SUBJECT: Discussion of Performance Bond Requirements

Realtor John Payne stated he and his partner have another plat ready to be presented to the Commission. The Department of Planning and Building Inspection instructed them they need to post a certificate of deposit or performance bond for the roads, water and sewer improvements. Mr. Payne stated he is not used to dealing with performance bonds and they are difficult for him to obtain. His engineer estimates the costs of the improvements at \$50,000. In the past they have provided a letter of credit from the bank. That is what they would like to do. The City of Columbia enters into a performance contract with the developer.

Mr. Patton stated the County has not accepted letters of credit for securing performance since 1988. The City does not require posting of bonds because they control all the utility service. They can compel developers to perform the improvements. State statute requires the posting of a surety bond. When the subdivision regulations were written in the 1970's had a provision which allowed things which were outside statute. Mr. Patton recommended that not be done because it is dubious that it would be enforceable. Most developers do not want to pay money or go through

the process of finding an insurance company to write an performance bond. Using performance bonds to insure infrastructure improvements is uncommon. Therefore, the County has allowed the use of a certificate of deposit or bank guarantees. Mr. Patton stated Mr. Payne's integrity is not in question, but if a precedent is established of accepting a letter of credit everyone must be allowed to do so. The County wants a third party to sign a bond which is adequately collateralized, either commercially underwritten by an insurance company or through the pledge of personal assets.

Mr. Payne stated when they did the first phase of their development in 1991, they used a letter of credit.

Mr. Patton replied if they did, he was not aware of it and he did not approve.

Mr. Payne stated if they pledge a certificate of deposit, they have to borrow money. Interest charges begin immediately.

Mr. Patton stated the County can provide copies of instruments which have been used.

SUBJECT: Award Bid No. 95-17NOV94, Cellular Telephone Hardware and Service

Administrative Coordinator Beckie Jackson stated this item was rebid following revision of the bid documents to request specific information to meet the needs of the County. Ms. Jackson presented and reviewed the bid evaluation. Ms. Jackson recommended the bid be awarded to Ameritech. They achieved the highest ranking by receiving 91 percent of all points available. US Cellular achieved 85 percent of all points available.

Commissioner Stamper moved that the County Commission of the County of Boone award bid 95-17NOV94, Cellular Telephone Hardware and Service to Ameritech Corporation.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 499-94.

MS. Jackson stated she has requested a copy of a sample agreement .

SUBJECT: OTSCON Contract Amendment

Commissioner Stamper read amendment number one.

Commissioner Miller asked has this work been done?

Regional Economic Development, Inc. Marketing Director Rick McDowell replied yes. What it is is additional drawings which were required for a change which was made.

Commissioner Vogt moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached Amendment No. 1 to Professional Services Agreement between the County of Boone and Miller Associates and the attached Contract Amendment/Request No. 1.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 500-94.

SUBJECT: Agreement with Crockett Engineering for Engineering Services, McBaine Levee District

Mr. Patton explained the agreement is for engineering services and construction administration for the levee at McBaine. The levee will be operated and controlled by the McBaine Levee District when formed. The funding is from a grant from the Federal Emergency Management Agency. There is a flat fee for services through bidding and award. There is an hourly charge for construction administration and on-site inspection. The cost falls within the budget outlined in the grant.

In response to a question from Mr. Patton, Commissioner Stamper replied the funding will come through the County until such time as the District is formed.

Mr. Patton stated once the District is established, the easements will be sold to the District for the amount which has been funded from the general fund.

Commissioner Miller moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached agreement between Crockett Engineering and the County of Boone for the purpose of providing engineering services and construction administration associated with the McBaine levee.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 501-94.

SUBJECT: Hartsburg Levee District Grant

Commissioner Stamper stated the Hartsburg Levee District and the County jointly applied for a grant for the purpose of providing matching funds to use with the grant received from the Department of Agriculture. They have been awarded the grant. The County's relationship with the levee district will be much the same as it has been with the McBaine levee district to be formed, with the exception that the Hartsburg Levee District exists. They could contract directly with firms to provide services.

Ms. Jackson stated it can be done both ways.

Mr. Patton asked who is the grant applicant and recipient?

Ms. Jackson replied the County is the applicant. Hartsburg Levee District is the subgrantee.

Mr. Patton do we have primary responsibility?

Commissioner Stamper replied yes.

Commissioner Miller stated their levee is reconstructed.

Ms. Jackson commented it is her understanding that there will be additional survey and marking work.

Commissioner Miller stated the County can request they enter into a formal contract with their surveyor and provide the County with a copy.

In response to a question from Commissioner Vogt, Commissioner Miller replied the County will receive reimbursement for actual administrative services and legal costs.

Mr. Patton recommended he review the contract.

The Commission requested the item be placed on Thursday's agenda.

SUBJECT: Agreement for Acquisition of Ben and Linda Hilgedick Property for FEMA Flood Victim Buyout Program

Mr. Patton stated the Hilgedicks are ready to close their deal. They signed the agreement on Monday.

Commissioner Miller moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, a contract with Ben and Linda Hilgedick for acquisition of their property for the amount of \$88,939 through the Federal Emergency Management Agency hazard mitigation grant program.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 502-94.

SUBJECT: Notice from Capital Cablevision

Commissioner Stamper summarized the notice of rate increase.

SUBJECT: Reports from Commissioners

The Commission scheduled budget worksessions on December 15 from 3:00 p.m. to 5:00 p.m., on December 19 9:00 a.m. to 11:00 a.m. and from 2:30 p.m. to 4:30 p.m., and for one hour immediately following Commission on December 20.

At Commissioner Vogt's request, Solid Waste Coordinator Gene Poveromo reported on recent solid waste recycling efforts.

Commissioner Vogt reported on long range planning efforts.

Commissioner Miller reported on a group which has been meeting periodically over the past year to discuss ways to slow use of the ambulance system for prisoners. Every time there is an altercation, an ambulance is called to the City Police Department to check out the person being incarcerated prior to their transport to the jail. The Correctional Facility does not want to accept prisoners until they receive medical triage. The Columbia Police Department does not want to be responsible for deciding whether they need an ambulance. Ninety percent of the calls are unnecessary. The solution proposed was to house a triage person at the police department to determine the extent of injuries. The solution will be investigated further. Mr. Patton will attend the next meeting with her.

The meeting adjourned at 11:05 a.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner