

TERM OF COMMISSION: June Session of the May Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Ashley Williams

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

SUBJECT: Maintenance of a Bridge and Roadway

Michelle Hombs, 17401 North Route F, Harrisburg, presented the Commissioners with records she had found after meeting with David Piest from the Public Works Department. She had met with Mr. Piest on Thursday and was told that records collected on County roads were stored in the attic at Road and Bridge. In those records she found a petition for roads coming off the road in question. That was the earliest documentation she could find. The petition said that the plat could be found on the surveyor's report, but Mr. Piest had told her that those records had been hauled to the city dump.

She also presented plat maps, found at the Boone County Historical Society, from 1917 that showed the bridge in question.

Commissioner Stamper was told by Darren Hombs, 17401 North Route F, Harrisburg, that the roads petitioned off of the road that accesses their house were in existence today.

Commissioner Vogt asked the Hombs' if they agreed or disagreed that the road is not used beyond their barnyard and has not been for a number of years.

Ms. Hombs said that the road had not been maintained and that was the only reason people didn't go any further.

Commissioner Vogt asked again, yes or no, is the road used by the public in general.

Ms. Hombs said that yes, people go up and down the road at least ten times a day.

Commissioner Vogt said she was not trying to be hard about the issue, but was concerned that public money was being spent. She asked if 20 vehicles traveled the road daily.

Ms. Hombs said that a nurse and the mailman travel the road daily.

Commissioner Vogt clarified that the people who travel the road are providing services to the Hombs', like the mailman, the gas truck and a nurse to monitor her grandfather.

Commissioner Stamper said that the additional documentation was very interesting and said that the Commissioners appreciated her work. He then offered the Hombs' three options:

- 1) Not do anything
- 2) Replace the bridge and continue to maintain the road
- 3) Replace the structure with culvert tubes and then vacate the road

Commissioner Stamper said that he had presented these possibilities to the Hombs' earlier so they could have some time to think about it. He said he did not know what was the fairest or best way to handle this situation, but that the Commission tries to clarify for the public record what roads are the County's responsibility and they try to focus on roads whose use is the greatest. The middle ground solution, he said, is to correct the driveway as quickly as possible and then end the County's responsibility to the road. Commissioner Stamper said there was no doubt in his mind that it had at one time been a County road, but there was also no doubt that it had not been maintained in a long time and had serviced principally as a driveway.

Commissioner Stamper said that the middle ground was the best solution from a public perspective. He said the County would get the structure in, the downside would be that if it washed out again, it would be the Hombs' responsibility.

Mr. Hombs said that he felt they had met the criteria proving that it was a County road.

Commissioner Vogt said that she needed to balance the request against all of the County's priorities and problems with roadways. She said the Commission tries to address problems in order to solve transportation issues for a large number of people because everyone pays into the road tax. She said she found it very disturbing to think that the County would repair what she felt was essentially the Hombs' driveway. Commissioner Vogt said that she had given this issue a lot of thought and while the documentation shows the road had at one time been a public road, there are public roads just like it all over the County. She said that sometimes government seems cold and hard and she hoped to make the process as human as possible. Because the Hombs' neighbors had appeared before the Commission and supported the issue, Commissioner Vogt said she could agree to repairing the problem and vacating the road as soon as possible. She said that she did not feel she could agree to anything else and thought it was only fair she tell them.

The issue was then tabled for later in the meeting so the Hombs' could have an opportunity to discuss the options.

SUBJECT: Balloon Event Request

Commissioner Stamper said that Director of Public Works Frank Abart had received a request from the Balloon Corporation for mowing services by Facilities Maintenance for the North Facility grounds for the balloon event in August. The Facilities Maintenance staff would be using the Public Works equipment.

Commissioner Miller moved that the County Commission of the County of Boone approve a request by the Balloon Corporation for mowing services by Facilities Maintenance, using Public Works equipment, on the North Facility grounds for the balloon event in August.

Commissioner Vogt seconded. Motion passed unanimously. **Order 254-97.**

SUBJECT: Scotts Boulevard Bridge Project Final Cost

Commissioner Stamper reported on the final costs for the Scotts Boulevard Bridge Project. Funding from BRO had been \$738, 581.80; funding provided by the water district for their upgrade was \$46,156.35; and funding provided by the Boone County taxpayers was \$35,650.00.

SUBJECT: Voluntary Annexation of City of Columbia's Wastewater Treatment Plant, Adjacent City Owned Properties and Small Tracts of Land Owned by BLG, Inc. and the Overtons

Commissioner Stamper said that the annexation would create an island and was under the impression that there were two neighborhoods who would not combine their properties for a joint voluntary annexation petition.

Commissioner Vogt said that the Commission should identify that the annexation was not compact and contiguous and she would respond to the City Council's request for feedback.

SUBJECT: Date Change for Open Arms Crisis Pregnancy Center Walkathon

Commissioner Stamper moved that the County Commission of the County of Boone approve a date change on an application for permit for organization use of the courthouse grounds by the Open Arms Crisis Pregnancy Center. The original application, approved by Commission Order 252-97, is voided with this approval changing the dates from Saturday, September 13, 1997 to Saturday, September 20, 1997 from 8 a.m. to 12:30 p.m.

Commissioner Miller seconded. Motion passed unanimously. **Order 255-97.**

SUBJECT: Reports from Commissioners

Commissioner Miller reported that she had attended the Adult Lifestyle Festival hosted by the Boone County Council on Aging. She also said she would serve as a teacher for the Junior Internet Action class hosted by the University Extension.

Commissioner Stamper reported he was elected the temporary chair of the Regional Planning Council. He also reported that architects continue to look at the Reality House program and that he has been looking at the possibilities for financing the project.

SUBJECT: Award Depository Bank Services Bid

County Clerk Wendy Noren reported that three proposals had been received in response to the depository bank services bid.

She explained that the proposal from United Missouri Bank was considerably higher while their investment fees were considerably lower. Ms. Noren presented the Commissioners with a summary for the two other proposals, one for First National Bank and the other for Boone County Bank. Ms. Noren said that neither she nor Treasurer Kay Murray were comfortable that they had spent enough time looking at the numbers and the services that were offered and so had postponed the bid award until today. She said that Ms. Murray had wanted to look at Boone County Bank's proposal on CD ROM and to ensure that the options that First National Bank had bid would be ready on the July 1, 1997 deadline. She said that they were both comfortable with their analysis and had given summary sheets to each of the depository bank services bidders last week to give them the opportunity to look over the numbers.

Ms. Noren said that the summary she was presenting was based on the two years prior and that some charges might go down.

Boone County Bank included an item handling fee for returning canceled checks, along with a bank statement. Although it's not a great fee, she said, a maximum of \$2 per hundred which, in most cases wouldn't cost more than \$2 a month. They offered, as an alternative, CD ROM access at the end of the month with the canceled checks on it. The canceled checks are in lieu of images. During the current contract period, Ms. Noren said, that service proved to be unsatisfactory to those divisions that needed access to the checks. Images, she explained, are not of archival quality and cannot be utilized in court. Images on a CD ROM can be manipulated. Ms. Noren said that she would like to see those departments move away from their manual process to the electronic banking process, but it was a matter of getting them to that comfort level. The item handling fee that separates those two options is \$12, she said.

The costs and earnings on the two proposals, she said, were so close as to be almost immaterial. First National Bank has a newer program that is Windows based and a little bit easier to use and access to image documents seems to be a little better.

Ms. Noren said that they recommended the depository bank services bid be awarded to First National Bank for this two year period. She said that she and Ms. Murray had had a wonderful experience working with both banks.

Ms. Noren said that she had spoken with Jack Cox, vice-president of Boone County Bank, about availability schedules. They had provided one with their proposal and Mr. Cox felt that it should be included in the evaluation. Ms. Noren said that she did not have the data available on which to base an evaluation. She said she would look into other agencies who have analyzed availability schedules, but did not feel it could be a part of this evaluation.

Ms. Murray said that this process is one of the toughest things she has to do in her career. She said they couldn't have been any fairer to the two institutions who had put so much time into their proposals and who could both provide good services. She said she has looked at other similar bids across the state and that Boone County is fortunate to have banking institutions who care enough to bid and offer a good rate. Ms. Murray said she is not an easy person to run an account for and

the banks don't make a lot of money. She said that the fees were the main thing that were focused on because she invests most of the money herself.

Commissioner Stamper moved that the County Commission of the County of Boone award the depository bank services bid to First National Bank of Columbia, Missouri for the 1997-1999 contract period and authorize the Presiding Commissioner to sign the contract.

Ms. Noren said she was grateful to the institutions who participated in the process. Short term, she said, it's a problem to move, but in the long term it was healthy.

Commissioner Vogt thanked everyone for their hard work.

Commissioner Miller seconded. Motion passed unanimously. **Order 256-97.**

Mr. Cox said that the banks in the city of Columbia don't ever bid and complimented Boone County National Bank. He said that was an issue and the County should be grateful there are banks who aggressively compete for the bid.

Ms. Noren said that United Missouri Bank did submit a bid and in addition she had received a call from Boatmen's Bank who are in the middle of a transition. They felt at this time, it would not be good business to bid, but asked to be part of the bidding process in 1999.

SUBJECT: Crossing Guard at Rock Bridge Elementary School

Human Resources Director Mark Stone said that historically, the County has been funding the crossing guard at the Rock Bridge Elementary School. Because of a recent resignation, and the need to fill that position, the County now had the opportunity to see how they would like to handle this employment position in the future.

Gale Hairston, principal at the Rock Bridge Elementary School said that Mr. Vance had served as custodian and crossing guard when he came to Rock Bridge in 1970. He said their school was unique for having a crossing guard funded by the County, but the other schools did not have the same population or traffic surrounding their schools.

Sheriff Ted Boehm said that the County paid the employee a flat fee on a bi-monthly basis.

Commissioner Vogt asked if when the Job Classification reclassified positions, did they look at the crossing guard position?

Mr. Hairston said that Mr. Vance serves as the crossing guard from 8:15 a.m. until 9:00 a.m. and from 3:35 p.m. until 4:00 p.m. He said that Mr. Vance crosses 80-100 children at a time.

Mr. Stone said that the County had been paying Mr. Vance \$8.90 an hour and that he worked 10 hours per pay period.

Ms. Pitchford said that the crossing guard's wages come from the sheriff department's budget and that he is paid a fixed amount every pay period. She felt that with Mr. Vance's resignation, the opportunity to look at the relationship between the County and the school district had opened up. She said that the City of Columbia provides the crossing guards at the other schools and said the County needed to look at the issues of, if the crossing guard is out sick, who's responsibility is it to fill the position for that day?

Mr. Hairston said that in the past they have filled in with staff from the school.

Sheriff Ted Boehm said that he had had the same question in 1985 and clarified that the arrangements were made years ago that the County would provide a crossing guard and the salary would be run through the sheriff's department.

Ms. Pitchford questioned how a worker's compensation claim would be handled and said that she was very much interested in providing safety for the children at Rock Bridge, because that was where her children attended school. She also said that several months ago she had researched a

Commission Order that committed the County to providing a crossing guard, but had been unable to find one.

Commissioner Stamper said the question now became how to structure the relationship.

Commissioner Vogt said she was not opposed to continuing to provide a crossing guard, but said there are other schools on county roads and wondered if there was a need for a County-wide program.

Sheriff Boehm said that Midway High School had approached the Commission with the request for a caution light at their crossing and said that the light had worked quite well.

Commissioner Stamper said that a precedent had been set at Rock Bridge and the County needed to maintain it. He said he lived in that area and was acutely familiar with the heavy traffic that traveled the road. He questioned whether it would make more sense to subcontract for the services of a crossing guard and said there were some valid questions that had come to the table.

Commissioner Miller suggested a contract that spelled out the conditions.

Mr. Hairston said that it had proven to be a difficult position to fill and so far only one person has expressed interest. He said that school starts August 27 and they will have to have someone there.

Commissioner Stamper asked Ms. Pitchford to talk to representatives from the Fair Labor Standards division and that County Counselor John Patton be contacted for his input on structuring a contract.

SUBJECT: Return to Maintenance of a Bridge and Roadway Discussion

Ms. Hombs returned to the Chambers and said that she felt that she and her husband had come up with a fair compromise to the Commissioner's offer. She requested that the County fix and maintain the bridge and deliver gravel; they would pay for the gravel, would spread it and would mow the roadway.

Commissioner Vogt said that she has never disagreed that at one time it might have been a County road. She said her problem was using public money to maintain a roadway that is used by one family. Commissioner Vogt said that if maintaining those roads was done county-wide there would be no money for roads at all. If we do it for anyone, she said, we should do it for everyone.

Commissioner Stamper said that any road built to County standards leaves them with no choice but to maintain it. He also said that the number of houses along a road has nothing to do with the issue of maintenance.

Ms. Hombs said that the road had been in the system since the mid-1800s.

Commissioner Stamper said that at one time it was a public roadway. He said he didn't want to jump in and spend a lot of money, his idea was to fix the road and then vacate it.

Mr. Richard Primus, Harrisburg, said it was a County road and that until it's abolished, it is the County's responsibility. He asked the Commissioners not to refer to it as a driveway. He said that functionally it's used as a driveway, but the County has an obligation to maintain a safe and passable road.

Commissioner Vogt said the question was whether or not it was a County road. She explained again that there are public roads all over the County where there are no recorded rights of way and the County does not maintain them. She said it seemed that the Commission was not communicating with the Hombs'.

Mr. Hombs asked about Lomar Lane.

Commissioner Stamper said that the County had documentation that it was a County road.

Ms. Hombs said she had looked for documentation as far back as she could.

Commissioner Vogt said that it was not a question of validity of the information she had presented, the question is how to deal with roadways in Boone County. During her tenure, she said, the County required right of way and roads had to be built to specifications before they would be accepted for County maintenance.

Mr. Hombs said again that it was a County road.

Commissioner Vogt said there are a lot of roads that the County does not maintain because they don't have the right of way.

Mr. Hombs said that the criteria the Commission had given them had been met.

Commissioner Vogt said that the County does not own the right of way to the road and there was nothing to say the County did own it.

Commissioner Stamper said that the point is there are hundreds of similar roads around the County where being a County roadway is implied, like the balance of Lomar Lane. In that situation, he said, there was adequate documentation to show that the bridge and the road were the County's responsibility. He then said that they were spending a lot of energy that was pushing them further apart from the issue when they were really only a little bit apart.

Commissioner Vogt said that she would hold to her earlier comments and would agree to repair the crossing with a culvert and then vacate the road.

Commissioner Miller said that was her preference as well.

Ms. Hombs said that there was a time constraint and they were spending \$1,000 a month to keep their grandfather in a nursing home.

Commissioner Stamper moved that the County Commission of the County of Boone accept the Hombs' proposal to fix and maintain the bridge, establishing minimal maintenance with the County hauling the gravel while the landowners would pay for the gravel, grade and mow the roadway.

The motion died for lack of acceptance.

Commissioner Vogt moved that the County Commission of the County of Boone repair the washed out bridge with a culvert and begin vacation proceedings on the unnamed road.

Commissioner Miller seconded.

Commissioner Vogt said she realized it seemed unfair, but she was trying to be as fair as she could to the Hombs' and the public and this was the best she could do.

Mr. Primus said that he was concerned with what kind of culvert they would install and how long it would last.

Commissioners Miller and Vogt voted in favor of the motion, Commissioner Stamper voted in opposition. **Order 257-97.**

Commissioner Stamper explained that the Public Works Department would begin replacing the structure with a culvert as soon as possible and it was the intent of the Commission to begin the vacation proceedings. He thanked them again for all of their research.

Commissioner Stamper left to attend another meeting.

SUBJECT: Return to Reports from Commissioners

Commissioner Miller reported that the Centralia Clinic will be open from 8 a.m. until 4 p.m. and would be open on Monday morning.

She also said that she had attended the REDI board meeting.

Commissioner Vogt said that she had received a letter regarding the desk in the Commission Chambers and that repairs will be made on the cracks in the desk.

The meeting adjourned at 11:00 a.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner