

TERM OF COMMISSION: July Session of the May Adjourned Term

PLACE OF MEETING: Boone County Fairgrounds

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counselor John Patton
Deputy County Clerk Mark Schlink

The regular meeting of the County Commission was called to order at 2:35p.m. by Commissioner Stamper.

Commissioner Stamper stated that the meeting at the fair an annual event and thanked Mr. Harris for his cooperation with that.

Subject: Forfeiture Funds

Sheriff Boehm gave the commissioners a document showing what the drug unit had accomplished since 1991. This year the department has several pending forfeitures but has not received the amount that they thought that they would. In the '98 budget the Department was budgeted \$33,000 to update the phone system. Sheriff Boehm stated that he had decided to postpone getting the new phone system until fiber optics got out to the jail. He then requested that some money from that account be made available for the purchase of equipment for the drug unit.

Commissioner Stamper stated that last time the Sheriff wanted to use emergency funds to purchase this equipment. He then asked if all the sheriff wanted to do was reallocate Class 9 funds.

Sheriff Boehm replied that that was correct, since the department was not going to use the money for the phones they could avoid using emergency funds to purchase the new equipment.

Commissioner Miller then asked how much forfeiture funds did the sheriff expect to get.

Sheriff Boehm stated, the department expected to receive about \$300,000, sometime in '98 or the beginning of '99.

Commissioner Vogt asked the sheriff if the requested items provide safety for the drug unit personnel.

Sheriff Boehm replied that that was correct.

Commissioner Stamper then asked if the sheriff had spoken to the auditor about this.

Sheriff Boehm replied that he had not.

Commissioner Miller then raised concerns about the legal uses of the forfeiture funds.

Commissioner Stamper stated that the commission could approve pending the Auditor's approval.

Commissioner Miller moved that the Boone County Commission authorize the sheriff to reallocate \$13,000 from account 1251 91300 and move it to account 2500 91300 pending the approval of the County Auditor. Then to reimburse account 1251 91300 with moneys from the forfeiture funds when said money becomes available.

Commissioner Vogt seconded the motion.

The motion passed 3-0. **Order 333-98**

Sheriff Boehm stated that the Commission and the County should be very proud of the excellent job the two person drug unit has done.

Subject: Disability Insurance for County Employees Contract

Wendy S. Noren stated that the commission had a prepared order and that the commission approved the bid earlier this month. She explained that this order just approved the contract that she had negotiated.

Commissioner Stamper then stated, Now on this day the County Commission of the County of Boone does hereby approve the contract from Guaranteed Life Insurance Company for disability insurance for county employees and authorizes the presiding commissioner to sign all appropriate documents.

Commissioner Vogt seconded the motion.

The motion passed 3-0. **Order 334-98**

Subject: Mark Twain National Forest Land Transaction Letter

Commissioner Stamper stated that he had received a letter concerning the addition of some land to the Mark Twain National Forest Area. The land is well outside of Boone County but its good to know about the addition.

Subject: Samuel E. Hackman Building Letter

Commissioner Stamper stated that he had received a letter from the Department of Natural Resources that stated that the Samuel E. Hackman building in Hartsburg is being considered to be put on the National Registry of Historic Places. He then stated that he had been invited to attend the council meeting when the building's status would be decided (9:00 AM, Friday, August 7, 1998 at Nodaway County Historical Society Museum at 422 West second Street in Maryville, MO).

Subject: VOCA Grant Renewal

Commissioner Stamper stated that the Prosecuting Attorney's office requested authority to apply for a renewal of the VOCA Grant. Commissioner Stamper then moved that Boone County Commission authorize the Presiding Commissioner to sign the '98/'99 VOCA Grant application.

Commissioner Miller seconded the motion.

The motion passed 3-0. **Order 335-98**

Subject: Reality House Cooperative Agreement

John Patton stated that Reality House is operating a residential probation program, a community shock program out of the Pod D of the jail. The Pod D is going to be renovated starting on August 1st and Reality House Needs to move out. It will be moved to modular housing units similar to those used by schools. The jail will supply food at a cost of 93 cents a meal. The agreement has been circulated among all involved parties and now everyone seems to happy with it.

Commissioner Miller moved that the County Commission enter into an agreement with Reality House Inc. to provide services to the county and to place their buildings on the Jail premises and authorize the Presiding Commissioner to sign said agreements.

Commissioner Vogt seconded the motion.

The motion passed 3-0. **Order 336-98**

Commissioner Miller stated that she had the fifty percent completion information for reality house if anyone wanted to look it over.

Subject: Adoption of Order Modifying, Amending, and Supplementing County Court and Commission Orders authorizing the use of County Maintained Road Right of Way by Public and Private Utility Services

John Patton stated that this issue concerns last week's chapter II road regulations. Over the last 20 years there have been a variety of orders issued by the County Court and Commission approving the use of roadway right of ways to utilities. Some utilities are acting under contracts or licenses but some are operating under nothing. The order that John Patton brought stated that a utility service provider agreements, licenses or franchises are deemed amended today to included the requirements of the road right of way agreements. It further states that the utility service provider has 30 days to respond if they have objections. Upon it passing all the utility companies should be mailed a copy by certified mail.

Commissioner Stamper asked if this amendment would put any additional burden on utility service providers.

John Patton responded that this amendment provides for greater cooperation between the county and utility service providers.

Commissioner Stamper asked if this was consistent with the way the City and the State does this.

John Patton stated that the city of Columbia is much stricter than the county but the state is similar.

Commissioner Stamper moved to accept the order as presented by John Patton.

Commissioner Miller seconded the motion.

John Patton stated that only a politician is more long winded than a lawyer.

The motion passed 3-0. **Order 337-98**

Subject: Overtime Issue in the Prosecuting Attorney's Office

Commissioner Stamper stated that this issue was a continuation of last Tuesday's meeting. The auditor's recommendation was to use the bad check fund.

Commissioner Stamper then moved to accept the recommendation of the Auditor and forward that on to the Prosecuting Attorney.

Commissioner Miller seconded the motion.

The motion passed 3-0. **Order 338-98**

Subject: Boone Retirement Center Amendment

Commissioner Miller reported that she wanted to amend the operating agreement to include a paragraph to allow for the transfer of the assets once a permanent operator is found.

Commissioner Stamper stated that the commission received a letter from Patty Brock concerning this issue. The letter was then read into the public record as follows:

Dear Mr. Stamper:

The Board of Directors of the Boone Retirement center met on this date and voted to request that the Boone County Commission, upon identification of a permanent operator/licensee, insure that such operator/licensee assume responsibility for both assets and liabilities of the facility. The Board of Directors is concerned that the accounts payable, as well as, accounts receivable balances are assumed by the new operator/licensee.

The Boone Retirement Center, Inc. has incurred legal fees and other related professional fees as you know, and we wish to insure that any outstanding balances be paid pursuant to the sale or transfer of facility assets.

We are requesting notification from the Boone County Commission that the assumption of any liabilities including accounts payable balances be included in any contractual or other agreements with any potential operator/licensee of the Boone Retirement Center. Thanks for you assistance in this matter.

Sincerely,
Patty Brock President, Board of Directors

Commissioner Stamper stated that the Board was requesting something that the commission wanted anyway, because the existing financial wording leaves these issues in limbo. He then explained that the Commission wanted wording that would require the transference of those assets based upon the plan by the county. He also stated that a addendum should be added that outlines the liabilities as the county knows on the day of the signing.

Commissioner Miller agreed, that this was reasonable.

Commissioner Stamper then asked if a difference could be drawn between operational debt and incurred debt.

John Patton suggested that the addition include information on assets and liabilities.

Commissioner Miller then asked John Patton put in that language accordingly.

John Patton stated that he would work on it that day and submit the amendment to the commission as soon as possible.

Commissioner Stamper then asked if there was a deadline.

Commissioner Miller stated that she thought the deadline would be Monday and that she would be willing to drive it to Jefferson City.

Commissioner Stamper stated that the Department of Aging was anxious to receive this information and that a Monday meeting or an extension would be prudent so that the public has an opportunity to comment on the issue.

Subject: Reports

Commissioner Miller stated that the bids had come in for the fountain project and none were under the written bid threshold so, now the department will ask for sealed bids and the rim will not be ready until next month.

Commissioner Stamper reported that he wanted to add Beulah Ralph and Jim deJong to the fairgrounds task force. Their first meeting is Friday at 10:00 am. He further reported that a constituent presented a letter he received from Congressman Hulshof's office, in response the constituent went to his lawyer, Tom Schneider, and Tom wrote a letter to Mr. Patton and the Commission about that letter. Mr. Patton has addressed a letter to Tom Schneider and the Department of Energy. Commissioner Stamper explained that the letter to Mr. Schneider invited him to provide any facts, evidence, or conclusions of law that would support that the transfer station which is being relocated could be regulated under County land use plans and Mr. Patton wrote to the Department of Energy requesting that she respond to the observations of Congressman Hulshof's office and again provide documentation of law. Commissioner Stamper further explained that the county commission originally heard from citizens about this plan as did the planning and zoning department. At that time it was decided that this project did not fall under the planning and zoning plans.

Commissioner Vogt reported that she had not heard from Mr. Patton about the Gallup road problem but that Frank Abart did go out and look at the road.

Commissioner Stamper reported that Lohmar bridge is of the same nature.

Commissioner Stamper reported that the commission received the County Animal Report. He further reported that he had a draft letter concerning CERF. The Governor has signed a bill further defining what a county employee is. Commissioner Stamper reviewed the letter as follows: We are aware that the governor recently signed into law House Bill number 1599 which modifies the definition of employee for purposes of determining CERF eligibility. The definition now provides and reads the definition. It goes on to say the County Commission has discussed and reviewed the employment status of the employees working with the Circuit Court. We are writing to advise CERF that these employees fully meet the new statutory definition of employee and should be eligible for CERF. These employees are paid directly from county funds and filed with the IRS under the Boone County Federal Tax ID number. They receive full county benefits and they are hired and fired by the county and their working responsibility are directed and controlled by the county. This letter is to advise you that the County Commission does exercise discretion and authority with regard to these employees. Signed by the three commissioners. Commissioner Stamper then stated that out of courtesy the Commission should have conversations with Judge Conley but he believed that this is what it would take to resolve this issue.

Commissioner Miller said that they were under the control of the county not the County Commission.

Commissioner Stamper replied that that was correct.

Commissioner Stamper reported that they have been researching a new vendor for the machines in the building as much of the food has been unsatisfactory. A new vendor has been found, the same vendor as the jail uses. The costs would remain the same or go down a little.

Commissioner Miller voiced her concern that the present vendor had not been notified in writing.

Commissioner Stamper reported that he had heard a number of complaints about dust control on a Centralia Road District Road and the complainers asked if there was a process for making the road a county road.

Commissioner Vogt reported that she attended a meeting that morning with a number elected officials. They discussed the Community Partnership and Caring Communities to find out if the county would support those programs financially.

Commissioner Miller reported on her trip to Portland, Oregon for the NACO meeting. She stated that she was a panelist for a TEA-21 discussion.

The meeting adjourned at 3:40p.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