

TERM OF COMMISSION: November Session of the November 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
County Counselor John Patton
Deputy County Clerk Melanie Stapleton

The regular meeting of the County Commission was called to order at 2:10p.m. by Commissioner Vogt.

Subject: Budget Revision for the Circuit Clerk’s Office

Cheryl Whitmarsh, Circuit Clerk requested to move funds from Class 2 to Class 9 because of the need to purchase some lateral file cabinets to hold microfilm. She requested that \$1,303 be transferred.

Commissioner Miller moved to authorize a Budget revision as follows:

AMOUNT	ACCOUNT FROM	ACCOUNT TO
\$1303	1221-23000 Supplies	
\$1303		1221-91000 Office Equipment

Said revision is to cover unexpected cost not budgeted in Class 9 for the purchase of filing units for the Micro-film Clerk.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 2-0. **Order 551-98**

Subject: Award Bid for the Jail Project

Beckie Jackson presented a report on the bids for this item. She stated that the department believed that this contractor would honor the bid.

Commissioner Miller stated that John Patton concurred with adding the extra days to the bid project.

Commissioner Miller asked if the bidder accepted all the Addendums.

Beckie Jackson stated that they did.

Commissioner Miller moved to authorize the hiring of Little Dixie Construction for the Additions/Renovations Jail Project in the amount of \$903,400 which is Addendums 2 and 3 that are included in the base bid and allow 45 extra days for the Addendums (making the total days for the project 195). And further order that the Presiding Commissioner be hereby authorized to sign all contract documents once they are drawn up by Legal Counsel.

Commissioner Vogt seconded the motion.

Discussion: Beckie Jackson stated that there were Alternates 2 and 3, not Addendums for this project.

Karen Miller amended her motion to state Alternates 2 and 3.

Commissioner Vogt asked if there was any further discussion.

John Mcaffee of Mcaffee Construction stated that he had been awarded the bid over the telephone by an authorized representative of Boone County on November 16th.

Commissioner Vogt stated that a bid could not be awarded over the telephone. She stated that it had to be awarded during Commission.

John Mcaffee stated that the representative gave specifications of the bid and stated that they had been authorized to proceed with the administration of the contract. He stated that the representative had asked him to begin contacting the subcontractors and vendors in order to expedite matters. John Mcaffee stated that he had alerted his bonding company to prepare documents.

John Mcaffee also pointed out that Alternates 2 and 3 were supposed to be an add instead of a deduct. He stated if Little Dixie Construction did not have Addendum 5, then they must have labeled Alternates 2 and 3 as a deduct.

Beckie Jackson stated that the issue with Addendum 5 was a point of clarification. She stated that there was a question raised at the pre-bid and Addendum 5 addressed that question.

John Mcaffee stated that the County was not legally bound to award to the lowest bidder.

Commissioner Vogt stated that the County had to award to the lowest and best bid.

John Mcaffee asked if that still held true if the lowest bidder did not include all the items (Addendums and alternates, etc.).

Commissioner Miller explained the circumstances of Little Dixie Construction Company's re-entrance into the bid process for this project. She stated that Little Dixie re-entered once the Alternates were added.

Commissioner Vogt stated that the bid bond was to cover the County if a contractor refused to proceed with a certain part of the project.

John Mcaffee stated that there were extra days added and this was not supposed to allowed.

[Deputy's note: Commissioner Stamper was late to the meeting]

Commissioner Stamper asked Commissioner Miller to update him on the issue being discussed since he had just arrived.

Commissioner Miller stated that there was a motion on the floor to award a bid to Little Dixie Construction Company because there had been information received (from the architect) that this constructor would honor their number for all alternates and the base bid.

Commissioner Stamper asked if there was any further discussion.

Commissioner Miller stated that she had found out that the bid had to be awarded to the first bidder first before anything could be rejected. So therefore Commissioner Miller stated that they had to award the lowest bid first, and if this was not honored, then a claim would be attached to the bid bond, and awarded to the second lowest bidder.

Commissioner Vogt stated that she had a hard time getting along with Schenkel Shultz.

John Mcaffee paraphrased a portion of the bid documents that stated that Boone County reserved the right to reject any and all bids, and was not obligated to accept the lowest or any other bid.

Commissioner Miller stated that she had not read that document. She further noted however, that it would be hard for her to explain to her constituents why a higher bid would be accepted when it did not have to be.

Commissioner Stamper asked John Mcaffee if he had already ordered supplies based upon the contact with the representative.

John Mcaffee stated that he had set things in motion. He stated that until a few minutes before, he had no idea that the award was in question.

Commissioner Stamper stated that only the Commission (by vote) could authorize an award. He extended his apology to Mr. Mcaffee for the representative informing him that he had received the bid. Commissioner Stamper further explained that regardless of what an architect says, the architect has no official power.

Commissioner Stamper further explained that the money for any project belongs to the people of Boone County, and the Commission, as an authorized representative of the people of Boone County, was the only body that could authorize such an action.

Commissioner Stamper stated that he felt very badly that Mr. Mcaffee was misled.

Commissioner Miller stated that she felt very responsible for the misinformation. She stated that it was her mistake that she did not know the bid had to be awarded to the lowest bidder and then rejected. Commissioner Miller stated however, that she had been informed by Little Dixie Construction Company that they were not going to do the project.

Commissioner Vogt asked if this mistake cost Mr. Mcaffee real money.

John Mcaffee stated that he would not know until he had contacted all the people involved. He stated that it had cost him a lot of time.

Commissioner Vogt stated that if Mr. Mcaffee was led to believe by the architect that he had received this award, then the architectural firm should be responsible for any reimbursement of funds lost.

Commissioner Miller stated that there had been a lot of discussion with the architect about expediting the ordering of the hardware for the Jail project because it would hold up the progress of the project. She stated that this was an issue because the County wanted to get the project finished.

Commissioner Stamper asked for further discussion.

There was no discussion.

Commissioner Stamper asked if there was anyone uncomfortable with him voting since he had arrived late and in the middle of the discussion.

Commissioner Vogt stated that she felt Commissioner Stamper was well aware of the issue.

The motion passed 2-1. Commissioner Stamper and Commissioner Miller were in favor of the motion. Commissioner Vogt was opposed. Order 551A-98

Commissioner Stamper extended his apologies to Mr. Mcaffee and stated that the matter would be investigated further. He noted however that the award had been made to Little Dixie Construction Company.

Subject: Surplus Disposal

Beckie Jackson stated that she had provided a list (to the Commission) of items that were made available to the County departments. She stated that she did not receive any statements of interests in the items.

Beckie Jackson stated that the list consisted of broken radios, broken televisions, and a wooden partition for reception area.

Commissioner Vogt asked which partition is was and where it was located.

Beckie Jackson explained where it was in the Circuit Clerk’s office.

Commissioner Vogt moved to authorize the Purchasing Director to dispose of all Surplus items listed on the attached disposal sheets through the Kemper Auction with the exception of the Brown Desk and Open Shelving which would be stored at the North County facility for future interest.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 552-98**

Subject: Award bid for Vehicle Preventive Maintenance

Kevin Ruggles stated that the attached bid tabulation had been sent to the Sheriff’s department and the following award recommendation was approved. He stated that Mr. Tidy was the only contractor for this service and presented the only bid.

Kevin Ruggles stated that their bid represented a \$1.20 increase per visit in comparison to their previous service cost for the County. He stated that the department did not wish to award 4.12 at this time as an Addendum alternate for car washes.

Commissioner Vogt asked if all of the vehicles went to Mr. Tidy.

Kevin Ruggles stated that Mr. Tidy was just for preventive maintenance and preliminary checks of the vehicles for the Sheriff department.

Commissioner Stamper moved to award Bid Number 59-10NOV98-Vehicle Preventive Maintenance as follows:

FOR	TO
VEHICLE PREVENTIVE MAINTENANCE TERM AND SUPPLY	MR. TIDY

Said bid reflects a \$1.20 increase per visit as compared to the bid received in February 1996 for this service by the same contractor and is awarded per attached recommendation of the Purchasing Director.

Pursuant to this order, the Presiding Commissioner is hereby authorized to sign all contract documents.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Stamper asked if he needed to address in his motion, the fact that 4.12 would not be covered by this bid award.

Beckie Jackson stated that he did not.

The motion passed 3-0. **Order 553-98**

Subject: LPS Experimental Light on Scott Blvd

Commissioner Stamper stated that he had received a visit from Dan Clark the other day. Commissioner Stamper stated that Dan Clark had noted that he was looking for a location for an experimental street light.

Dan Clark, Water & Light department power-line engineer, stated that the City Council had expressed an interest in a new kind of street light known as a low-pressure sodium light. He stated that most lights in Columbia were high-pressure sodium lights.

Dan Clark stated that high-pressure lights direct light upward which results in wasted light. He stated that the low-pressure sodium lights reflect light downward only and is also monochromatic.

Dan Clark stated that the City Council purchased one of the lights. He stated that the light was very big and put out about 180 watts of light. He stated that the City Council wanted to try the light in a place that was very dark.

Dan Clark stated that there was a parking lot near Scott Blvd which was very dark and this was the location that they wanted to consider.

Dan Clark stated that the only negative feature of the light was that it made everything look as if it were in black and white. He noted that some people had lost their cars when this light was in use.

Commissioner Stamper stated that this was a great public safety issue.

Dan Clark stated that color rendition was impossible with this light. He stated if someone needed to give a description of a car in this area, they would not be able to accurately describe the color. He stated that many merchants did not like them.

Commissioner Stamper asked how tall the light would be.

Dan Clark stated that he would have to set up a 45' pole which would make the light about 38' tall. He stated that another advantage to using this parking lot was that the entire color pattern of the light would be visible. He stated that this was valuable because if the light were to be used in other areas, they would need to know how far the light would cast in order to design spacing.

Commissioner Vogt asked if the pilot project had a time element or limit.

Dan Clark said that they wanted to put the light up and receive comments on it.

The Commission gave consensus authorization for the light to be placed on Scott Blvd.

Subject: Speed Zone requests for Fairgrounds Rd and Rock Quarry Rd

Frank Abart stated that the Public Works department was requested to review the area and recommend something in the way of a school zone.

Commissioner Vogt moved to adopt a Speed Limit of 20mph for Fairgrounds Rd from State Hwy 22 to 1,200' south. This speed limit shall be established as 20mph for a school zone and only in effect when school is in session.

Commissioner Vogt moved to adopt a Speed Limit of 35mph for Rock Quarry Rd from the Columbia City limits to Gans Rd.

Commissioner Miller seconded both motions.

There was no discussion.

The motions passed 3-0. **Orders 554-98 and 555A-98**

Subject: Roadway Acceptance Certificate for Chaparral Drive and parts of Crownview Drive

Frank Abart stated that this was phase II of four phases. He stated that this phase ran from Rte UU across the north side of the subdivision and connected to Crownview on the other side of the road. He noted that the only part of this road that was left out of the acceptance was an area that crossed a physical dam. He stated that the acceptance excluded that area of the dam and the spillway.

Commissioner Stamper moved to approve and accept the Roadway Maintenance Certificate for Chaparral Drive and parts of Crownview Drive as presented by the Public Works Department.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 555B-98**

Subject: Budget Revisions for the Information Technology Department

Dan McFarland presented his requests to the department.

Commissioner Miller moved to authorize a Budget revision as follows:

AMOUNT	ACCOUNT FROM	ACCOUNT TO
\$40.00	1170-48000 Telephones	
\$40.00		1194-48000

Said revision is to cover shortfall in the 1194 Mail Services budget due to an increase in telephone rates.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 555-98**

Commissioner Miller moved to authorize a Budget revision as follows:

AMOUNT	ACCOUNT FROM	ACCOUNT TO
\$4204	1170-60050 Equipment Services Contract	
\$4204		1194-60050 Equipment Services Contract

Said revision is to cover shortfall for Pitney Bowes maintenance of Console Inserter, Model #8316 due to the price increase when lease expired.

It is further ordered that a contract with Pitney Bowes for Equipment Maintenance Services be approved. Pursuant to this order, the Presiding Commissioner is hereby authorized to sign all contract documents.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 556-98**

Commissioner Stamper moved to authorize a closed session immediately following the regular session on Wednesday, November 25, 1998 to discuss the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded as authorized by Section 610.021 (3) RSMo. and to discuss the individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment as authorized by Section 610.021 (13) RSMo.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 550A-98**

There were no Commissioner' Reports.

There was no public Comment.

The meeting was adjourned at 2:55p.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