

TERM OF COMMISSION: February Session of the January Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Joshua Norberg

The meeting was called to order at 9:30 a.m.

### **Mid-Missouri Regional Planning Commission**

Ed Siegmund, Mid-Missouri Regional Planning Commission, was present on behalf of this item.

#### **1. Discussion of Hazard Mitigation Plan Update**

Mr. Siegmund stated he is the executive director of the Mid-Missouri Regional Planning Commission (MMRPC). He stated the purpose of this meeting is to make the Commission aware that MMRPC is investigating, per the County's approval, updating the Boone County Hazard Mitigation Plan. Boone County's plan was prepared in 2005, and the update is due in April of 2010. As for the costs of the plan, MMRPC's fees will be secured from SEMA, and they are going to use in-kind match participation by representatives of the County and all the cities. He stated they will follow up with a contract stipulating the in-kind participation, and he stated they need the County's help in the planning process itself. They need the Public Works Director and the County planners engaged in the process.

Mr. Siegmund stated FEMA stipulates what we put in the plans, but we can enhance the plan should we decide to do so. Also in the update process, we need to get the universities, school district, and water districts engaged.

Commissioner Pearson asked Mr. Siegmund if he is asking the County to commit its Public Works Director and planners to the process.

He stated he is, as well as a representative from the Commission. He stated this is just the first meeting to bring it to the County's attention.

Commissioner Elkin stated since this is an update, they already have a lot of the baseline information. They just want to add some utilities, etc.

Mr. Siegmund stated that is correct. Each time we do the update process we try to get more people engaged.

The Commission thanked Mr. Siegmund for attending.

## **Information Technology**

Jason Warzinik, Information Technology, was present on behalf of this item.

### **2. USGS & Boone County, Missouri, LiDAR Cost Share Contract**

Mr. Warzinik stated this contract is between Boone County and the United States Geological Survey (USGS). It expands our current Request for Proposal (RFP) for 2' contour creation. The LiDAR aspect, which is the base information to develop further products, is expanded from the current 691 sq. miles to 1,106 sq. miles to match up with the standard federal map tiles. The RFP cost increases \$31,000 for a total of \$544,700. After you factor in the cost share, the Assessor is going to see a benefit of \$57,200. The USGS plans to use it for improving the national elevation data set, which will trickle down. FEMA will be able to use it for flood maps. The Corps of Engineers plans to use it for elevation data along the Missouri River during flood planning.

Commissioner Miller stated this will be a great asset to many agencies and the private sector who work with land, and she wants to thank the Assessor for stepping up and doing this because she thinks it will make our stormwater controls a lot easier to manage and it helps a lot of different communities.

Commissioner Elkin stated this will update the blue lines as we know them.

Mr. Warzinik stated he is not sure how long that process takes, but it will do that.

Commissioner Miller asked what the timeline is.

Mr. Warzinik stated they did aerial photos yesterday, which is one piece of the puzzle. The LiDAR and full aerial photo flight will probably happen the next time there is good weather. We will probably see some samples back within a month. The LiDAR is supposed to be delivered by the end of November, but that is just the raw data. The contract with our vendor runs until March 2010. There is a lot of data they have to analyze and map, so it is going to be a long process.

Mr. Warzinik stated due to the time constraints, he would like to ask to waive the second reading.

Commissioner Pearson stated he doesn't think we need a second reading.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the LiDAR Cost-Share Contract with the United States Geological Survey. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 73-2009**

**Prosecuting Attorney**

Dan Knight, Prosecuting Attorney, and Bonnie Adkins were present on behalf of these items.

**3. Budget Revision to Hire Temporary Investigator**

Mr. Knight stated we are requesting Emergency funds to hire Bill Haws to work temporarily in the Prosecuting Attorney's office this year. He stated last year we discussed this possibility with the Commission, and that was not approved, so we are coming back again. At the time of the first discussion in November, there were a number of pending murder cases we talked about, and we definitely had our hands full. We projected what would happen during this current year. Now, we have even more cases than during the first discussion. He stated there are 19 pending murder cases, which is by far the most pending murder cases we have ever had. These murder cases are much more complex and time intensive than other cases. Mr. Haws worked as a police officer for a number of years with the Columbia Police Department. He came to the Prosecuting Attorney's office in 1993, so he has 15 years experience as an investigator and he knows exactly how things are done. This position of investigator is critically important when it comes to getting prepared for trials. The police initially investigate the crime, but when charges are filed, it is generally up to us to continue the investigation. There are also many other time consuming tasks performed by the investigator that are essential to preparing for trial.

Mr. Knight stated he knows these are extremely tight budget times, but right now we are overloaded. It is really necessary that we have additional help. He stated we are asking for 995 hours. If we don't need him to work that entire time period, then we won't have him work the entire time. He stated this is an urgent and pressing need.

Commissioner Miller stated she is disappointed that this didn't come to the Commission for a discussion before it came to the agenda. She stated she would like some more time to think about this and not act on it today. She stated we have to look at everything everybody else has been asking for and try to figure out the balance. To just react sends the wrong message to everybody that if you have a need that you think is pressing, just bring it forward and the Commission will support it. She stated she doesn't want that kind of message going out because we can't support everything that everybody wants.

Commissioner Elkin asked if this is in addition to a full-time investigator that was hired when Mr. Haws left.

Mr. Knight stated that is correct. We filled Mr. Haws' position with a full-time investigator. He stated we have had 3 full time investigators for a number of years.

Commissioner Elkin stated this would make 3.5.

Mr. Knight stated that is correct.

Ms. Adkins stated we received an email from June Pitchford, Auditor, in December essentially inviting the Prosecuting Attorney to come forward with this request, saying that the Commission said that anyone can come forward with a request for emergency funds if they felt that is a viable option. She stated this is the exact same request as in December and our understanding was that this is what the next step should be.

Commissioner Miller stated she looks at it as we said “no” in December, and so we wait until February and come right back with the same request. She stated that is what she is uncomfortable with.

Commissioner Elkin stated he would like to echo what Commissioner Miller said. He stated he remembers that email, and there was obviously a breakdown in communication, and you were doing what you felt that Ms. Pitchford was suggesting. He stated the Commissioners are the decision makers and Ms. Pitchford is not. He stated he would also like some time to think about this. We have had a lot of requests from a lot of different departments on FTEs, and it is a very, very tight budget right now. Everybody is on overload.

Commissioner Pearson asked how long it takes to clear one of these cases.

Mr. Knight stated the average for a murder case in Boone County is about one year from the time it is filed until the time the case is resolved.

Commissioner Pearson asked how long the investigation usually lasts.

Mr. Knight stated the investigation, as far as he is concerned, goes from the day the charges are filed all the way until the jury comes back with their verdict. We are investigating the case throughout. The investigator is actually most important right around the time of the trial, with regards to getting exhibits prepared, getting witnesses organized, etc.

Commissioner Elkin stated it seems like this might become the norm from here on out. This could easily turn into a full-time, permanent position. We would all like to have extra help, and he understands Mr. Knight’s position. Once a position is in there and you are used to a level of service, it is difficult to take away. That is something that we have to weigh in our decision. He stated he hopes it isn’t the case, but he is afraid these levels of crime may become the norm at the rate it is going.

Mr. Knight stated since 2007, we are on the rise when it comes to extremely serious cases. Murder cases are of course the most serious crimes we have out there. He stated the problem is that it is only logical to assume that as the economy goes down, crime goes up. It puts a huge amount of pressure on law enforcement and the prosecutors. He stated it has cost him some sleepless nights. He stated he is really worried; he doesn’t want to give these cases less than our best effort. He owes it to the victims’ families, the rest of the community, and law enforcement to do everything he can to give these cases the amount of attention that they deserve.

Commissioner Elkin asked if there a standard for investigators per population or per attorneys.

Mr. Knight stated the problem with statistics is there are 115 prosecutors in Missouri. There is no central repository for statistics. He stated sometimes he looks to what the Public Defender's Office does. They have a central repository, and they know what all of their statistics are for all of their assistant public defenders. He stated he can compare what his office is doing with what the public defenders are doing. He stated we are right at the top as far as the number of cases we are handling per attorney. On average, each attorney handles 300 pending cases. That is a huge caseload. We have 13 prosecutors and 3 investigators. He stated the public defenders have an equal number of attorneys handling criminal cases, plus he is dealing with 50-75 private defense attorneys on a regular basis. He stated our prosecutors need help.

Commissioner Elkin stated it would be interesting to check in with some other first class counties and see where they are at as far as caseloads for their attorneys.

Commissioner Miller stated we will do some investigation and discuss it. We may have a work session with some questions we may want to follow up on.

#### **4. Request to Hire Above Mid-Point**

Commissioner Miller stated this is related to the previous item and will be held over.

#### **Reintegration Court**

Casey Forbis, Reintegration Court, was present on behalf of this item.

#### **5. Grant Application Request – Edward Byrne Memorial Justice Assistance Grant Program**

Ms. Forbis stated this is a federal grant administered through the Missouri Department of Public Safety. It does require a 25% match in new money, but that will be provided through the Missouri Drug Court Coordinating Commission, so the County would not be providing any money. The application is due March 4, and notification of award will be in May. It is a one year grant which starts July 1, 2009.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the application to the Edward Byrne Memorial Justice Assistance Grant Program.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 74-2009**

**Court Administrator**

Joy Rushing, Court Administrator, was present on behalf of this item.

**6. Agreement for Batterers' Intervention Program**

Ms. Rushing stated she wanted to thank staff for helping with this agreement. She stated we need this agreement in order to get reimbursement for County expenditures under the STOP Grant that we use for the Batterer's Intervention Program.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Agreement for Batterers' Intervention Program with the Family Counseling Center of Missouri, Inc. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 75-2009**

**Sheriff's Department**

Chad Martin, Sheriff's Department, was present on behalf of these items.

**7. Budget Amendment for Upgrade of BAT Van (first reading)**

Mr. Martin stated in 1995 a Breath Alcohol Testing van (BAT Van) was donated to the Sheriff's Department. The Missouri Department of Transportation has agreed to reimburse up to \$11,000.00 for the purpose of fixing and upgrading the van. This amendment is to set up the budget for the necessary equipment and labor to complete the project.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting following the mandatory ten day waiting period with an appropriate order for approval.

**8. Budget Amendment to Close Out JAG Grant (first reading)**

Mr. Martin stated this is to close out the 2005 and 2006 Justice Assistance Grants. It takes care of interest that accrued from the delay in closing the grant out.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to

schedule this item for a second reading at the next available commission meeting following the mandatory ten day waiting period with an appropriate order for approval.

**9. Request to Transfer Above Authorized Transfer Salary**

Mr. Martin stated the Sheriff's Department is requesting to transfer Tracy Cleeton at 103% above mid-point. Mr. Cleeton started with the Sheriff's Department in 2004 in our corrections division and has been working there and in the transport division since then. He recently went through the hiring interview/background check process and was transferred to the road. His salary is right along the line with everyone else who has been there the same amount of time.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the transfer of Tracey Cleeton to position no. 649 – Deputy Sheriff at 103% of Mid-Point.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 76-2009**

**Public Works**

Derin Campbell, Director of Public Works, was present on behalf of these items.

**10. Sunrise Estates Subdivision – Pavement Project – Phase I (first reading)**

Mr. Campbell stated this is a contract with Allstate Consultants, sort of as a continuation of the work that has already been done out there in studying the stormwater and other problems. It will provide a set of plans to take care of the first phase of the problem. He stated it will probably take a couple more passes to completely solve the problem.

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

**11. Proposed Revisions to the Chapter II Road, Bridge & ROW Regulations – (Drawings Only) (first read on 2/19/09)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Proposed Revisions to the Chapter II Road, Bridge & ROW Regulations - (Drawings Only).

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 77-2009**

### **Purchasing**

Tyson Boldan, Purchasing, was present on behalf of these items.

#### **12. 64-21NOV08 – Generator Inspection Services (first reading)**

Mr. Boldan stated the bid for Generator Inspection Services closed on November 21, 2008. Of the five bids received, Purchasing and the Facilities Maintenance Department recommend award to Fabick Power Systems for having the lowest responsive bid. Cummins Mid-South came in with a lower Grand Total, but was non-responsive for failing to respond to sections 4.7.8 (Rental Equipment Percentage over Cost) and 4.9.3 (Percentage over Cost for Repair Parts). Comet Industrial Products withdrew their bid.

This is a term and supply contract and invoices will be paid from Department 6100 – Facilities & Grounds Maintenance, Account 71100 – Outside Services. \$8,150.00 is budgeted for this service.

Commissioner Pearson asked why Comet Industrial Products withdrew their bid.

Mr. Boldan stated we asked in the bid to include the price of travel and gas. They did not do that, so they wanted to charge us \$1,000 every time they came out. According to the bid, that would have put them far over everyone else.

Commissioner Pearson stated they were almost non-responsive since they didn't add it into the cost.

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

#### **13. 3-080919HD – Light Duty Automotive ¾ Ton and Above Vehicles (first read on 2/19/09)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the utilization of the Missouri Department of Transportation cooperative contract 3-080919HD – Light Duty Automotive ¾ Ton and Above Vehicles with Southtown Dodge of St. Louis, Missouri, and authorizes the disposal by auction of the following surplus truck:



2001 Chevrolet ½ Ton Pickup Truck, fixed assed tag 13022, VIN #1GCEK14V21Z300552

It is further ordered the Presiding Commissioner is hereby authorized to sign said contract and disposal form.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 78-2009**

### **Miscellaneous**

#### **14. Agreement for Animal Shelter and Related Services (first reading)**

Commissioner Elkin stated this is our standard annual contract with the Humane Society.

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

#### **15. Commissioner Reports**

Commissioner Pearson stated he had a meeting with the REDI hiring committee. They had about 66 applications, and around 40 that met minimum qualifications. They narrowed that down yesterday to about 13. We will meet March 2 to narrow it down even further.

Commissioner Miller asked if they are pleased with the applicant pool.

Commissioner Pearson stated there were some good candidates, and some that were not so good. He stated overall they were pretty pleased.

#### **16. Public Comment**

Steve Johnson, Executive Director of Missouri River Communities Network.

Mr. Johnson stated in December of 2008, the Commission appointed six citizens to the Columbia/Boone County Raingarden Citizen's Advisory Committee. He stated the day those appointments were made he was not able to be present, so he wanted to come today to give some information about the program.

Mr. Johnson stated the program got started with a small grant that we received from the Missouri Department of Natural Resources (DNR) to essentially do a public relations campaign promoting raingardens. He stated he will be at the Columbia Home Show this weekend with information,

and will be doing educational tours and a couple of workshops.

Mr. Johnson stated raingardens are a low-tech opportunity for average citizens to get involved to mitigate the negative effects of stormwater runoff. The concept is to take the stormwater runoff from your roof or driveway and guide it into a low area and essentially hold that water for up to 24 hours. What that does is it reduces the negative effects of that stormwater getting into the stream immediately. He stated when stormwater runoff comes off of a roof or driveway, it is hot so when it goes into a stream it reduces the oxygen levels in the stream. It picks up sediments, fertilizers, and pesticides. Slowing down that runoff allows some the sediments to settle and allows the temperature to drop. It creates a lot of positive effects on the stream.

Mr. Johnson stated the good thing about raingardens is they actually work. The challenge is that raingardens are a technology that every individual homeowner or business owner has to do. It is something that is incremental, so it is really more of an education project than it is a technological issue. The concept is we have a small grant to do the educational outreach. We will do fifteen demonstration raingardens; ten will be residential and five will be non-residential. He stated they asked the City and County to appoint citizens to an advisory committee because what we are interested in doing is utilizing what we learn from the demonstration to go to DNR for a larger grant that would fund maybe 1,000 raingardens over a 2 to 3 year period.

Commissioner Elkin stated he recently built a house and hasn't done any landscaping. He stated he is very interested in doing one of these. He asked who he would talk to about assistance and design.

Mr. Johnson stated there is a phone number and email address on the flyer that you can contact.

Commissioner Elkin asked if there is someone who will come out and look at his land and help him layout the plan.

Mr. Johnson stated they are afforded the work of three Americorps members here in Columbia who are part of the Missouri Stream Team Americorps program. The Missouri River Communities Network is the sponsoring organization, and there are 10 Americorp members in 6 communities around the stated. Four of them are in Columbia; three of them are actually working on this raingarden project. They would come and communicate with you about what the situation is. He stated they don't have the design guide yet. The Citizen's Committee is in the process of finalizing that guide, which is something you can sit down and design your raingarden.

Mr. Johnson stated he was speaking to a friend who told him that it really isn't very hard to build a raingarden. Everybody has a stormwater runoff problem somewhere on their property. All you have to do is build a little dam that slows the water down, and plant native plants. It doesn't have to be a really expensive thing. Some people will want to use fancy rock and nice landscaping, but it is definitely not necessary. The concept is to create a garden that holds the water for the first 24-32 hours, so that you don't have algae or mosquitoes, but you still get the positive effects. The reason for using native plants is because you don't want to use plants that are going

to require you to spend money to keep those plants growing. Native plants are accustomed to the climate can survive periods of drought.

Commissioner Elkin stated he will contact them through email.

Commissioner Miller stated it might not be bad for Commissioner Elkin to be one of the ten demonstration raingardens so that they can bring people by your house. It might be a good option.

Mr. Johnson stated the program also allows for a cost share if the participant signs an agreement that basically commits the participant to doing a certain amount of work and they get \$100 to buy native plants. The non-residential projects would be \$200. He stated there will be a media kick-off sometime in April, but they will be handing out a lot of brochures this weekend. He stated they will be creating a lot of demand and they don't have the resources to do much with it yet, but they are hoping to be gaining a larger grant.

The Commissioners thanked Mr. Johnson for providing this information.

The meeting adjourned at 10:36 a.m.

Attest:

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Kenneth M. Pearson  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner