

TERM OF COMMISSION: April Session of the April 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 1:30 p.m.

Purchasing

Tyson Boldan, Purchasing, was present on behalf of this item.

1. Bid Opening: 25-16APR09 – Old Highway 63 North Asphalt Overlay Project

The following bids were opened:

	Christensen Construction	Frech Paving	APAC Missouri
Bid Total	\$95,740.00	\$89,584.50	\$87,937.50

Prosecuting Attorney

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

2. VOCA Grant Application

Mr. Knight stated he is requesting approval to apply for a couple of grants through the Recovery Act. One of the grants is through the STOP Violence Against Women Act for \$235,899.00. He stated that money will fund an assistant prosecutor to handle domestic violence cases along with a domestic violence investigator. Other items the funds will pay for will be conference fees, telephones, computer equipment, a printer for the investigator, annual dues, and business cards.

Mr. Knight stated he is also asking for permission to apply for a grant through the Victims of Crime Act (VOCA) in the amount of \$54,057. Those funds will go toward salary and benefits for a victim’s specialist along with computer equipment, training, and business cards.

Mr. Knight stated the great thing about these grants is that there are no matching funds required at all from the County.

Commissioner Pearson asked if there would be any expectation that once the grant runs out that the positions will continue to be funded.

Mr. Knight stated that expectation for further funding would not be through the County. There may be other possibilities to obtain more grant funding. He stated if this is approved, he would be very up front with any people he hires about the fact that it would be likely that the position would be terminated after the grants run out. He stated there are still going to be people who apply because times are tough and people are looking for jobs.

Commissioner Pearson asked if there is any federal expectation to continue the position.

Mr. Knight stated there is no expectation on the federal end.

Commissioner Pearson stated that is an ongoing concern of the Commission when we get any of these grants because we don't want to get ourselves into something if funding is going to stop.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the VOCA Grant Application.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 171-2009**

3. Violence Against Women Act Grant Application

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Violence Against Women Act Grant Application.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 172-2009**

Court Administrator

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

4. STOP Grant Application for Domestic Violence Coordinator

Ms. Rushing stated there is a little bit of history to this grant request. Last year we applied for STOP Grant funds for the Batterer's Intervention Program. Originally that application also included funding for the position being requested in this application. We decided that we were not ready to take that position on or to fund the match, so we deleted that part of the request. She

stated we indicated in that application that we would be coming back this year for that position. With the funds that have become available from the federal government that doesn't require a match, we decided to apply at this time.

Judge Deborah Daniels stated she is here because this is her docket. She stated she would be happy to answer any questions.

Commissioner Pearson stated this grant is in the amount of \$81,463.00. He asked if there is any expectation that the funding for this position be continued.

Ms. Rushing stated there is no expectation that we would have access to further funding without a match. We did anticipate that we would be able to apply for funding towards fall and that would be a 25% match. She stated when the grant runs out, we will want to look at the possibility of applying with the match or finding other funding sources, or not having the position. She stated we will be very up front with applicants for the position that funding is only available for 22 months.

Commissioner Miller stated she doesn't want the courts to expect to continue the position if we are in the same economic downturn.

Ms. Rushing stated she doesn't expect the County to continue the funding unless economic conditions significantly improve.

Ms. Daniels stated she has been supportive of applying for this position because funding is available and she believes the need is there because of the number of domestic violence cases coming through the court system.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the STOP Grant Application.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 173-2009**

Sheriff's Department

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

5. American Recovery and Reinvestment Act Grant Application for Mid-Missouri Internet Crimes Task Force

Mr. Martin stated the Boone County Sheriff's Department, on behalf of the Mid-Missouri Internet Crimes Task Force, is requesting permission to apply for grant funds through the State

of Missouri to continue the internet crimes program. He stated he is requesting approval to apply for two grants. The first is to fund the continuance of the internet crimes program. The second is through the American Reinvestment and Recovery Act of 2009, which is almost identical to the first application. He stated the State of Missouri is acting as a pass-through for these funds. Both applications ask for the same personnel and training. This is due to the narrow time frame to get the applications in to the state for their review. The program start date for one of them is June 1, 2009, and the other is July 1, 2009. He stated the state has advised us to turn in the applications in these standards so they may choose how they want to fund the programs across the state. We have been told that if they choose the July 1, 2009, start date, they will allow us to turn in reimbursements for the month of June that will not be covered under the existing grant. He stated we will also have another possible funding source for the one month lag should that become necessary. Mr. Martin stated we have also been told that once the state decides how they will fund the program, we will most likely be asked to amend our application to accurately reflect how it will be funded.

Commissioner Pearson asked if the federal grant is the one that begins in July.

Mr. Martin stated the grant from the state is just a continuance of the grant that we already have. He stated the grant from the federal government has the July start date. He stated since it is a pass-through through the state, the state will be administering the funds. He stated he thinks they will probably combine these and then distribute them, but we will have to amend our application depending on what they decide.

Commissioner Miller stated one of the applications requires a \$57,000 local match.

Mr. Martin stated that is an in-kind match, which is actually Andy Anderson's salary that we are already paying.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the American Recovery and Reinvestment Act Grant Application for the Mid-Missouri Internet Crimes Task Force.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 174-2009**

6. Internet Cyber Crime Grant Application

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Internet Cyber Crime Grant Application.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 175-2009**

7. Public Comment on Recovery Act Grant Application

Mr. Martin stated this is an opportunity for public comment to fulfill the federal requirement. He stated he is here to answer any questions.

Commissioner Pearson stated this is for the Byrne Grant. It is a joint application that includes funding for the Sheriff's Department, the City of Columbia Police Department, and the Prosecuting Attorney's Office.

Commissioner Pearson asked for public comment.

There was no public comment.

Planning and Building

Stan Shawver and Bill Florea, Planning and Building, were present on behalf of this item.

8. Stream Buffer Ordinance (first reading)

Mr. Shawver stated this is the result of a lot of activity, discussion, review, and hard work. He stated the Commission is well aware of these regulations. They have been through public hearings with the Planning and Zoning Commission, which resulted in some suggested revisions.

Commissioner Miller stated she would like Mr. Florea to go over the comments that have come in from the development community and how they were addressed because that wasn't on the public round of hearings.

Mr. Florea stated the first revision deals with the term "minimal standards". There was some objection from those that feel that these aren't minimal standards. He stated we have done research and these are well in line with the Environmental Protection Agency's (EPA) guidelines for stream buffer widths. He stated there is also some independent research that recommends stream buffers between 30 and 300 feet. We are well within those limits; our narrowest limit is 30 and the widest is 100 feet. He stated perhaps what was meant was this is in the purpose section and it was intended to say "minimum standards" rather than "minimal standards" because that is what is typically used in ordinance language.

Mr. Florea stated the second revision is a clarification in the applicability section. There were some questions about preliminary plats and reviews plans that were approved prior to adoption of these regulations, so we added language to say that any development that is covered by an approved and unexpired preliminary plat or review plan is grandfathered in and does not have to

comply with the stream buffer regulations so developers won't have to go back and redesign a project that has already been approved.

Mr. Florea stated another revision is under the variances section. There was disagreement with the use of the Board of Adjustment as the body that could grant variances. He stated we checked with legal counsel about whether we could use some other body and the response was that the Board of Adjustment is identified in the statutes as the body that hears variances, so we stuck with that. He stated in looking at that, he realized that the criteria for granting a variance comes from a model ordinance in Topeka, KS, and has different language than variance language that we developed for our own stormwater regulations. He stated he suggested replacing the existing language with the language we are developing for the stormwater language so we have the exact same criteria for variances under both sets of regulations.

Mr. Florea stated under the definitions section, it was pointed out that the definition for "development" was inadequate, so we looked at our other regulations and found that we didn't really have a good working definition for development. He stated we drafted a new definition and are proposing to replace that language in the model ordinance with the new definition

Mr. Florea stated the Commission requested we remove all references to Director of Public Works and replace it with Director. In doing that, we also had to redefine "Director", so we defined it as the Boone County Director of Public Works or the Boone County Director of Planning and Building Inspection as designated by the County Commission, so the Commission has the ability to delegate administration to whomever they choose.

Mr. Florea stated there was a question on the requirement to place markers around the edge of a stream buffer when the property is being cleared. He stated it wasn't clear to the person who made this comment where or when those would have to be in place. The original language said "adjacent" to a stream buffer, but the question was what does adjacent mean. He stated we replaced that with more specific language that says "within 50 feet of the buffer or as shown on a land disturbance plan approved by Boone County".

Mr. Florea stated there was a concern that the regulations would prohibit the creation of a new lake or pond. There is existing language that allows creation of new lakes or ponds, and that is in the section that describes what kinds of uses are allowed.

Mr. Florea stated the final revision is on Table III, which is a table that shows graphically the two different zones within the stream buffer. Following the table is the same information in a textual format. He stated there was a comment made about how this is redundant and confusing. He stated we intended it to be redundant to an extent because there are people who respond better to tabular information rather than textual information, so we wanted to put it in both formats. He stated we added a note indicating Table III as being condensed from subsequent text.

Mr. Shawver stated this project goes back almost ten years, and it has had a lot of vetting over that period of time. There have been a lot of people involved in it; there have been various task forces and staff, but the one individual that has been dedicated to this and consistently working

on it and getting a good project is Mr. Florea. He is really to be commended for his hard work. He has strived to put the best possible product forward and answer any questions that anyone might have. He has shown a lot of dedication and sacrifice for this project.

Commissioner Miller stated she completely agrees. When that task force was started, it was very controversial and adversarial, and Mr. Florea weathered that storm very well and gained a lot of respect by all sides.

Commissioner Elkin stated with our proposed restructuring, the enforcement of these regulations may fall under the Director of Planning and Building's auspices. He asked Mr. Shawver if we have the resources to enforce and administer this program.

Mr. Shawver stated with development conditions like they are right now, we have the staff. If conditions get to how they were in 2006, we probably don't, but this is not a complete unknown for the development community. They are aware of these regulations; the City has similar regulations. He stated sales tax generation that would accompany new construction might cover new staff if we need it.

Mr. Florea stated we have resources in Design and Construction right now that we didn't have when we were developing these regulations. One aspect of starting a new program like this is education. Our stormwater educator and coordinator are already working on an educational program for the stream buffer ordinances so they can start educating people about what the requirements are and why we have them.

Commissioner Miller stated our Public Information Officer could be a great help in developing that also.

Commissioner Elkin stated when someone violates this regulation, it is a misdemeanor. A lot of effort has to be put into that. You can't just go into the Prosecuting Attorney's Office and say we have a misdemeanor; you have to build a case to take the violators to court if they violate it. He asked Mr. Shawver if he has given any thought to how we are going to handle that, because there are going to be a lot of violations.

Mr. Shawver stated education is really the key. When we adopted the building codes there were a lot of violations and we had to work with people on that for a period of time to explain to people what they need to do and why they need to do it. He stated most people want to do the right thing, and we will have to work with them for a while until they get used to it.

Mr. Elkin stated the public will probably want to know how long the grace period is if we are not going to hold people's feet to the fire.

Mr. Shawver stated he would hesitate to make a grace period of a certain amount of days. He stated he thinks it will need to be case by case. We would much rather work with people on it than just prosecute without any discussion.

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.

Public Works

John Watkins, Public Works, was present on behalf of this item.

9. Consideration of Lakewood Estates, Lakewood Villas and Valley Creek Neighborhood Improvement District

Mr. Watkins stated on behalf of the residents and owners who have signed the Petition to Create the Lakewood Estates, Lakewood Villas and Valley Creek NID, I would like to request that you accept the County Clerk's certification for the validity of the Petition and approve the advisability and order the establishment of the Lakewood Estates, Lakewood Villas and Valley Creek Neighborhood Improvement District.

The Lakewood Estates, Lakewood Villas and Valley Creek NID consist of five non county maintained roadways that total approximately 2,900 feet of drainage and roadway improvement. The roadways within this NID are Lakewood Drive, Pinehurst Lane, Aspen Circle, Villa Drive and Vail Court. 89 of the 122 owners within this district signed the petition, which gives the Petition an 86% by area and 73% by ownership.

The cost estimate for this improvement is \$741,029.24, with a not to exceed amount of 25% or \$926,286.55.

The proposed improvement will consist of a 24' wide roadway with concrete curb & gutter and an asphalt-driving surface. Minor storm sewer drainage will also be required. Mr. Watkins stated the main drag will be wider than the 24', which will be the collector section of the road. He stated there are no delinquent taxes for this area.

Commissioner Pearson asked what the requirements were for the percentages of area and ownership.

Mr. Watkins stated it is 67% for both.

Commissioner Miller asked Commissioner Elkin how long he has been working on this.

Commissioner Elkin stated they originally started talking about a NID here in 1998. He stated the roads out there are pretty bad.

Commissioner Miller stated she is very pleased to see the number of signatures.

Commissioner Miller asked what the next step is.

Mr. Watkins stated once the Commission authorizes the creation of the NID, he will request a public hearing for May 5 at 5:30 p.m. He stated he will put an ad in the paper and send out a notice of the hearing to all owners of the property stating what the cost will be and when the hearing will be. He stated at that time the Commission will listen to the public hearing and if it goes forward, he will be presenting the Commission with an order to give him the notice to proceed.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby create the Lakewood Estates, Lakewood Villas and Valley Creek Neighborhood Improvement District.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 176-2009**

Purchasing

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

10. C109053004 – Patrol Vehicles – Model Year 2009 – Southtown Dodge (first reading)

Mr. Boldan stated Purchasing and the Sheriff's Department request permission to utilize the State of Missouri cooperative term and supply contract C109053004 with Southtown Dodge of St. Louis, Missouri, for a Dodge Charger Police vehicle. Total cost is \$24,318.00 and will be paid from Department 2901 – Sheriff Operations – LE Sales Tax, Account 92400 – Replacement Auto/Trucks. \$184,800.00 was budgeted for replacement vehicles. \$157,787.00 will be used for the purchase of 2009 Crown Victorias, which leaves \$27, 013.00 for the Charger.

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. C206026001 – PC Prime Vendor Services (first reading)

Mr. Boldan stated Purchasing and the Sheriff's Department request permission to utilize the State of Missouri cooperative term and supply contract C206026001 with World Wide Technology of St. Louis, Missouri for PC Prime Vendor Services.

This is a term and supply contract. This order for the Sheriff's Department is for polycom teleconferencing equipment for a total purchase price of \$6,384.95. \$5,748.22 will be paid from Department 2901 – Sheriff Operations – LE Sales Tax, Account 91301 – Computer Hardware, and \$636.73 will be paid from 2901 – Sheriff Operations – LE Sales Tax, Account 60050 – Equipment Service Contract.

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.

12. Maximus Consulting Services, Inc. Agreement (first read on 4/14/09)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the agreement with Maximus Consulting Services, Inc. for the Cost Allocation Plan for the Auditor’s Office. 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 177-2009**

13. 13-16MAR09 – Snow Plow and Spreader (first read on 4/14/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award bid 13-16MAR09 – Snow Plow and Spreader to G.M. Supply Company, Inc. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 178-2009**

14. MM57 – Bituminous Material Term and Supply (first read on 4/14/09)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid MM57 – Bituminous Material Term and Supply by line item as follows:

Primary Supplier

Vance Brothers: MC-3000, MC-800, EA-90
Coastal Energy: CRS-2, SS-1, CRS2P, AEP, EA-90P

Secondary Supplier

Vance Brothers: SS-1, AEP
Coastal Energy: MC-3000, MC-800
SemMaterials: CRS-2, CRS2P, EA-90P, EA-90

It is further ordered the Presiding Commissioner is hereby authorized to sign said agreements.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 179-2009**

15. 10330 – Cisco Products and Support Services (first read on 4/14/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the utilization of the Kansas Department of Administration cooperative contract 10330 with Alexander Open Systems, Inc. for Cisco Products and Support Services. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 180-2009**

16. 3-081212 – Emergency Response Lighting (first read on 4/14/09)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the utilization of the MoDOT cooperative contract 3-081212 with Ed Roehrer Products for Emergency Response Lighting. 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 181-2009**

Information Technology

17. Budget Revision for Software Upgrade (first read on 4/14/09)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget revision for a software upgrade:

Department	Account	Department Name	Account Name	Decrease	Increase
2905	91302	LE/Judicial Info Sys-LESales Tax	Computer Software	\$600.00	
2905	92301	LE/Judicial Info Sys-LESales Tax	Replc Computer Hardware		\$600.00

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 182-2009**

18. Fixed Asset Emergency Replacement (first read on 4/14/09)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the request for fixed asset emergency replacement of PC Tag #16517 and PC Tag #14584.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 183-2009**

Miscellaneous

19. Wastewater Code Enforcement Cooperative Agreement (first read on 4/14/09)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Wastewater Code Enforcement Cooperative Agreement with the Village of Pierpont. 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 184-2009**

20. Authorize Closed Meeting 610.021(1)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Wednesday, April 22, 2009, at 1:30 p.m. The meeting will be held in Room 243 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by 610.021 (1) RSMo. to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 185-2009**

21. Commissioner Reports

There were no commissioner reports.

22. Public Comment

There was no public comment.

The meeting adjourned at 2:40 p.m.

Attest:

Kenneth M. Pearson
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner