

TERM OF COMMISSION: June 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 9:30 a.m.

### **Health Department**

Kala Gunier and Gerry Worley, Health Department, were present on behalf of these items.

#### **1. Order for Abatement – 8350 E. Highway OO, Hallsville**

Ms. Gunier stated she got a complaint on this property back in November. Mr. Macy has called for several extensions and he has been granted those, but there hasn't been any real change on the property. She stated she spoke with Mr. Macy outside and the plan, if approved, is to go ahead and get the order for abatement and then give them until the end of June to take care of the problem. She stated she discussed with them what needs to be removed. It would be pretty costly for us to remove it. The contractor would want to take a dumpster out there and that would cost between \$550 and \$700.

Commissioner Pearson asked about the vehicles on the property.

Ms. Gunier stated the vehicles are a different story. That case has been sent over to the County Counselor for prosecution. To tow a vehicle out is \$106 and there are 12 vehicles.

Mr. Worley stated we have to be careful with our budget.

Commissioner Elkin stated he has received complaints for a long time on this property. It was before November that he contacted the Macys and it just seems to be getting worse. He asked Mr. Macy if they can get it cleaned up by the end of June.

Mr. Macy stated they will make every effort.

Commissioner Elkin stated he returned Mr. Macy's phone call yesterday and left a message.

Commissioner Miller stated our process is once we have put it in the paper and posted it we always go ahead and order the abatement and then work with the land owner to give them time. That way if they don't meet the deadline it automatically goes into the abatement phase.

Mr. Worley stated the order would remain open until we close it.

Commissioner Miller stated people will pick up cars for the scrap metal. She asked Mr. Macy if there is some reason why he hasn't been able to get someone to come pick them up.

Mr. Macy stated some of them are collectible cars and those are the ones he wants to do something with.

Commissioner Miller asked if he had room in the barn to put them in.

Mr. Macy stated he does not yet. He stated the water has been a problem because he can't move the cars around without getting stuck.

Commissioner Pearson asked if this is a waterline problem.

Mr. Macy stated it is.

Commissioner Pearson asked if it is the Water District line or if it is Mr. Macy's.

Mr. Macy stated it is his. He stated he had a contractor come out and charge \$500 for fixing the leak and the next rain it was back again.

Commissioner Miller stated he can pick the trash up whether there is mud or not. She stated that is what we are here for today. She stated if that is not done by the end of June she doesn't have a problem bringing in a dumpster and hauling it all out of there.

Ms. Gunier stated she has worked with the County Counselor on the cars and she thinks he is going to file a suit on them.

Mr. Macy stated some of the collectible vehicles have been licensed.

Ms. Gunier stated they don't have a current license.

Mr. Macy stated they are over 25 years old so when you apply for a license it is a one time experience.

Ms. Gunier stated most of them are filled with trash and are being used as refuse containers. She stated they need a historical plate or current year tags.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the attached Finding of Public Nuisance and Order for Abatement of a public nuisance located at 8350 E. Highway OO, Hallsville (parcel #07-604-24-01-004.00 01).

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 254-2009**

## **2. Order for Abatement – 5407 Victoria Drive, Hartsburg**

Ms. Gunier stated this is a citizen complaint also. She stated it is a house that burned last year and it is now damaged. The notice was not signed for and the phone numbers in the book were both disconnected. It is pretty much just an abandoned property. The things that are out there are things that were discarded during the fire that they haven't tended to. She stated the bid for this was \$120.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the attached Finding of Public Nuisance and Order for Abatement of a public nuisance located at 5407 Victoria Dr., Hartsburg (parcel #24-802-27-01-002.00 01).

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 255-2009**

## **Boone County Regional Sewer District**

Andy Lister, Boone County Regional Sewer District, was present on behalf of this item.

## **3. Adopt W.B. Smith Sanitary Sewer NID Final Assessment Role, Corrected**

Mr. Lister stated we were here recently with the final assessment for the W.B. Smith Sanitary Sewer NID. There was an error in the tabulation with respect to bonding, so this is a revised final assessment. He stated the error was in favor of the property owners.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby compute the **revised** final cost of the sewer improvement project for the **W.B. Smith Sanitary Sewer** Neighborhood Improvement District as certified by the Auditor to be \$ 106,383.12.

The County Commission does hereby apportion the cost of said project equally by lot/tract of property within said district according to the provisions of 67.463.2 RSMO. (2007 Supp.) and petition approved by said Commission.

The County Commission further orders special assessments against the properties as described in

the attached Exhibit A and orders the Clerk to proceed with the notification and collection of said assessments pursuant to the statutory provisions of 67.463 RSMo.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 256-2009**

### **Purchasing**

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

#### **4. 18-13APR09 – Tilting Skillet (first reading)**

Mr. Boldan stated the bid for Tilting Skillet closed on April 13, 2009. Six bids were received. Purchasing and the Sheriff's Department recommend award to Burkett Restaurant Equipment for offering the lowest and best bid for Boone County.

A new Tilting Skillet will be purchased for the Boone County Sheriff's Department on this contract. The cost for the new tilting skillet is \$5,958.71 and will be paid from Department 1255 – Corrections, Account 92300 – Replacement Machines and Equipment. \$10,515.00 was budgeted for this replacement.

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.

#### **5. 27-01MAY09 – Pest Control Services Term and Supply (first reading)**

Mr. Boldan stated the bid for Pest Control Services Term and Supply closed on May 1, 2009. Three bids were received. Purchasing and the Facilities Maintenance Department recommend award to Ecolab, Inc. for offering the best bid for Boone County.

This is a term and supply contract. Contract will be paid from Department 6101 – Housekeeping, Account 60150 – Pest Control. \$5,400.00 is budgeted for this term and supply.

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.

### **Planning and Building**

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

## **6. Hinkson Watershed Project Staffing**

Mr. Shawver stated Scott Hamilton resignation has left a vacancy in the Hinkson Creek Watershed Project. He stated we have advertised to fill that position, but it is kind of a specialized position and the applicants have left something lacking. He stated Mr. Florea approached him initially about the possibility of us continuing to run the project in house using his time and other staff time to make the match and see if it would work. In the meantime, we have had an offer from the Public Works Department to utilize the Storm Water Educator, which is a ¾ time position, to help supplement that project for the time being. The person in that position is interested in bringing her time up to full time. He stated to proceed we would need an authorization from the County Commission to do that. He spoke with the Auditor about how that would work with the budget. She said it would probably be best, since we don't have a part time position in there, to make a budget amendment to change it so it would be a part time position. The Storm Water Educator is actually at a lower range than the Watershed Coordinator, so we would create a part-time position in the same range as the Storm Water Educator and we would work it out on how to do the payroll. He stated before he went any further he wanted to get an authorization and the Auditor felt like we should have a recommendation from Human Resources on that as well.

Commissioner Pearson asked what he would like the Commission to do today.

Mr. Shawver stated he would like an authorization to create a budget amendment to authorize the part-time position in the Hinkson Creek Watershed Project and give direction to the Human Resources Department to evaluate the classification of that position.

Commissioner Elkin stated Mr. Florea is going to be doing what Mr. Hamilton was doing with help from the other staff. He asked when this grant ends.

Mr. Florea stated it ends in June 2011.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Planning and Building Department to create a part-time position within the Hinkson Creek Watershed Project, to replace the full-time position authorized in the 2009 budget, and work through the Human Resources and administrative processes to evaluate the classification for said position.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 257-2009**

**Local Emergency Planning Committee**

Scott Olsen and Debby Lancaster, LEPC, were present on behalf of this item.

## **7. CEPF Grant Application**

Mr. Olsen stated each year the LEPC receives two grants: the HMEP grant, which is EPA funds, and the CEPF grant.

Commissioner Elkin asked what CEPF stands for.

Mr. Olsen stated it stands for Chemical Emergency Preparedness Fund. HMEP is the Hazardous Materials Emergency Preparedness fund. He stated those are the two grants the LEPC receives to expend on a variety of items. The CEPF is restricted to training and planning and some equipment related to training.

Commissioner Elkin asked if these are Homeland Security funds.

Mr. Olsen stated they are state funds. The CEPF funds are derived from tier 2 fees gained when companies report their hazardous materials. He stated the funds are used by the LEPC primarily for training purposes. The training in the last three years has taken the form of table top exercises with the industry partners in Boone County. We also did a transportation exercise with all the public safety jurisdictions. We essentially do a drill on a potential scenario that would occur based on the hazardous materials that exist in those major facilities in Boone County. He stated we propose to continue on that course. Last year we did a full scale exercise on the University of Missouri campus. They are planning on doing two such drills this next fiscal year. He stated they will also continue with their table tops. For the past several years we have done the training primarily in Boone County, so we want to try to start sending some of our people out to go to some national conferences.

Commissioner Miller asked what the dollar amount was.

Commissioner Elkin stated it is \$18,848.

Commissioner Miller stated what it amounts to is it is a limited pot and only this applicant can use the money, as it has to go through the LEPCs.

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

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 258-2009**

**Sheriff's Department**

Dwayne Carey, Chad Martin, and Warren Brewer, Sheriff's Department, were present on behalf of these items.

### **8. Recovery Act JAG Grant Award**

Mr. Martin stated we received notification of full award for the Recovery Act JAG Grant in the amount of \$327,978. He stated the first part of the acceptance is for the Commission to sign off on the certifications and agreement to terms.

Commissioner Miller asked what the terms are.

Mr. Martin stated there are too many to go over. This is us agreeing to the reporting requirement. He stated there is very little difference from any of the other JAG grants that we have gotten. The only change is that he is now required to report the financial reports 10 days after the quarter end instead of 3 or 4 weeks. That is part of the stimulus package transparency regulations. Other than that it is very similar to what we have been doing.

Commissioner Miller stated this is recognized as one-time funding and it is not an expectation to continue.

Mr. Martin stated it is a four year program, but we can do the drawdown all at once and expend the funds immediately.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Recovery Act Edward Byrne Memorial Justice Assistance Grant Award.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 259-2009**

### **9. Budget Amendment for Recovery Act Grant (first reading)**

Mr. Martin stated to try to stay ahead of the game on this while we are waiting for the drawdown to occur, we are going to push through the budget amendment. It is a carbon copy of the original grant application and includes a \$402 overage that we will pay out of 2901. The only change in this amendment will be the federal grant payment to sub-recipient. That has not been done in the past. It is part of the sub-recipient agreement; instead of just writing them a check when the money gets here we are going to log it as an expenditure and track it through the new account created for the Recovery Act. Other than that it is the same as all the other JAG grants.

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 10 day waiting period with an appropriate order for approval.

**10. 2009 Byrne JAG Grant Application**

Mr. Martin stated about a week ago we received notification that the FY 2009 Edward Byrne Memorial Justice Assistance Grant application was posted. As far as the requirements it requires governing body review 30 days before submission. The submission date is July 9, so today is the day we had to get this to the Commission.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Justice Assistance Grant Application.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 260-2009**

**11. Multi-Jurisdictional Cyber Crime Grant Application**

Mr. Martin stated when he was here earlier this year for stimulus grant applications, he submitted two at once for the Mid-Missouri Internet Crimes Task Force. At that time, one was applying for state funds and one was applying for Recovery Act funds. He stated he notified everyone that they were going to decide what they were going to use the money for and that we would probably have to reapply. That did occur and that is what this application is. This is almost identical to what the Commission gave authorization to apply for before. The only differences are grant numbers and dates.

Commissioner Miller asked what the CelleBrite UFED System was.

Mr. Martin stated CelleBrite is a device that allows you to read cell phone data. You can get number and contacts and transfer it to a computer.

Commissioner Miller stated if you had someone's cell phone you can extract everything on that cell phone.

Mr. Martin stated it is the same thing as when you go into a cell phone store and they transfer all of your information from your old phone to your new phone. This one is a forensic device that allows them to get in and look at stuff from an evidence standpoint.

Commissioner Pearson stated the amount is \$267,800.85.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Multi-Jurisdictional Cyber Crime Grant



Application.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 261-2009**

## **12. Behavioral Health Concepts Request**

Mr. Brewer stated there has been a change in personnel that has been hired by Behavioral Concepts to fulfill their contractual obligations with us. They are currently in year 2 of a 5 year contract renewal. Their psychiatric nurse practitioner that was doing most of the onsite prescribing left their employment, so they had to reevaluate their personnel. They brought on Dr. Drury who is doing the onsite work as well as oversight of the entire operation. They had some contractual salary differences. They have maintained the counseling status, but they have combined two positions at a different rate. He stated they are getting grief from Purchasing indicating that that is a violation of the contract. He stated he would note that the overall cost has not changed and the overall hours of service have not changed. They are merely utilizing different personnel resources within their organization to provide the service to us at a guaranteed price, but it is not specifically spelled out as the contract was, which indicated that there would be certain hours for a psychiatrist, certain hours for a nurse practitioner, etc. Dr. Holcomb, the CEO of Behavioral Health Concepts, submitted a letter indicating why they made the changes and stating they are providing the same service and the same hours as before. They just want permission to run their business like a business and still provide the service in the contract.

Commissioner Miller asked if he had spoken with the County Counselor about it. She stated she is not willing to sit here and overrule Purchasing without having our attorney look at it.

Mr. Brewer stated he has not spoken to Mr. Dykhouse because he feels that they have done their best to provide the same service.

Commissioner Miller stated we have to follow laws too.

Mr. Brewer stated he doesn't think the intent was to indicate for a private industry how they would operate their business.

Commissioner Miller stated to be on the safe side she thinks he ought to run it by Mr. Dykhouse and see what we need to do, and if we can't do it because he says no and Purchasing says no then we'll have to do something else.

Mr. Carey asked why we wouldn't be able to do it if the price is the same.

Commissioner Miller stated it is because Ms. Bobbitt is very good at her job, she keeps us out of

trouble, and for some reason she feels uncomfortable with this and she thinks Mr. Dykhoush needs to look at it. She stated Mr. Dykhoush might be able to show her that it is okay to do it based on same dollar amounts.

Mr. Brewer stated Ms. Bobbitt was comfortable with it for the first six months of 2008. She only became uncomfortable with it in January 2009, so he questions why she would be uncomfortable.

Commissioner Miller stated this is the first she has heard of it and she would like to talk to Ms. Bobbitt and Mr. Dykhoush before she could support this.

## **Public Works**

### **13. Roadway Maintenance Acceptance Certificate**

Commissioner Pearson stated this is to accept maintenance for the roads in The Woodlands Plat 5A. They are still supposed to try to grow grass between now and October 15.

Commissioner Miller stated if they don't we will call their bond.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby adopt the following Order of Roadway Maintenance Acceptance and Acceptance of Easements:

**Whereas**, the platted roadways of The Woodlands Plat 5A, Gopher Dr., Bobcat Court (Northeast), Bobcat (Southwest), Rabbit Run, and the extension and widening of Cottage Lane, as recorded in Plat Book 39, Page 75 of the Boone County, Missouri, records,

**Whereas**, the County finds that the above described roadways are acceptable as asphalt roadways and shall be accepted for road maintenance, as attested by the Roadway Maintenance Acceptance Certificate for said roadways,

**Now therefore it is ordered**, that the County Commission authorizes the Presiding Commission to sign the Roadway Maintenance Acceptance Certificate for said Gopher Dr., Bobcat Court (Northeast), Bobcat (Southwest), Turkey Trail Dr., Rabbit Run, and the extension and widening of Cottage Lane on behalf of the County Commission and further assumes responsibility for maintenance from and after the date of this order, and

It is also ordered that this order be certified by the County Clerk and be recorded in the Office of the Recorder of Deeds.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 262-2009**

**14. Change Order #1 – Big Timber Drive Asphalt Overlay & Drainage Improvements**

Keith Austin, Public Works, was present on behalf of this item.

Mr. Austin stated this is a change order in the amount of \$14,201.35. He stated we had an estimating error in the paving fabric. The fabric was originally figured in cubic yards instead of square yards, which changed things considerably. Due to the increase in fabric we were able to negotiate a cheaper price. He stated we had some minor overruns in some places and deductions in others. He stated we are still considerably under budget, and this is a final close-out.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve Change Order #1 for Big Timber Drive Asphalt Overlay & Drainage Improvements in the amount of \$14,201.35. It is further ordered the Presiding Commissioner is hereby authorized to sign said change order.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 263-2009**

**Miscellaneous**

**15. Appoint Andrew Comber to Board of Parks Commission**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint Andrew Comber to the Board of Parks Commission for an interim term beginning June 9, 2009, and ending September 30, 2010.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 264-2009**

**16. Commissioner Reports**

There were no commissioner reports.

**17. Public Comment**

There was no public comment.

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