

TERM OF COMMISSION: May Session of the February 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 Ashley Williams

The regular meeting of the County Commission was called to order at 1:35 p.m.

SUBJECT: Federal Forfeiture Funds

Sheriff Ted Boehm referred to his memo to the Commissioners dated April 23, 1997 and to his letter to Rebecca Tillman in the U. S. Attorney's Office regarding the possible compliance problem with the federal guidelines regarding the Sheriff's Department's use of federal forfeiture funds for officer salaries and benefits. Sheriff Boehm said that when the program was implemented in 1993 fifty percent of the expenses were paid for by the Sheriff's Department with the federal forfeiture funds and the other fifty percent was paid by the County. Overlooked, he said, was the fact that federal forfeiture funds can only be used for salaries for one year. His request is that the agreement be swapped and for the County to cover the expenses of the one employee and the federal forfeiture funds be used for the operation of the drug unit.

Commissioner Miller said she had asked Auditor June Pitchford if this would cause any consequences to the County budget. Ms. Pitchford had told her there would be some expense out of general revenue, but this was something that needed to be done in order to not jeopardize the federal forfeiture fund process. The difference came from the fact that salaries are a little higher than the operating costs.

Commissioner Miller moved that the County Commission of the County of Boone approve a budget revision that transfers the salary expenditures into the general revenue fund and transfers other operating expenditures into the federal forfeiture fund; allowing the federal forfeiture funds to be in compliance with federal regulations.

Commissioner Vogt seconded. Motion passed unanimously. **Order 168-97.**

SUBJECT: Jail Task Force Report

Chairman of the Jail Task Force Gary Oxenhandler introduced the members of the Jail Task Force present at the Commission meeting: Warden Warren Brewer, law student Valencia Broadus, Public Defender Rob Fleming, Sheriff Ted Boehm, Peckham & Wright Architects, Inc. Brad Wright and City of Ashland Mayor Mildred Knowles.

Mr. Oxenhandler said it was with great pleasure that the task force formally presented the report. He said that the first thing that struck the committee, as they began their work, was the source of the overpopulation problem in the County jail. Every time, he said, they squeezed at one end of the problem, three others sprung up.

Early on, he reported, the task force decided to create two committees: the Statistics and Trends Committee headed by Auditor June Pitchford and the Facilities and Alternatives Committee headed by Defense Bar Attorney Rusty Antel. The two committees worked simultaneously in determining if there was a problem and if so, how to solve it. Overcrowding, Mr. Oxenhandler clarified, has never been a problem in the County. Inmates were being out-housed, at an expense of almost \$40 a day per inmate, and that was the problem the Task Force faced.

The Jail Task Force held several meetings that were open to the public and conducted two additional evening public meetings. A public tour of the jail was also scheduled. The task force members relied on Sheriff Boehm and Warden Brewer in regards to dispensing public information and on Warden Brewer and Valencia Broadus for their report from the Planning Functional and Cost-Effective Jails and Correctional Facilities seminar held in Madison, Wisconsin.

Mr. Oxenhandler said that the report had been broken into three categories named Administration, Physical Facility and a combination category labeled Administration and Physical Facility. In each of those categories, issues were labeled Immediate (implementable within 90 days) and Not Immediate (implementable in more than 90 days). Those recommendations were based upon the criteria of speed of implementation and the impact on the jail population.

Mr. Oxenhandler thanked the County Commission administrative staff of Linda Sloan and Jane Watson for their help.

Mr. Oxenhandler said that the most fascinating aspect of the Jail Task Force was that on January 16 when the group met for the first time, the County was out-housing 27 inmates. Since April 3, he said, the County has not out-housed any inmates and is back in the business of renting space to other counties. How that happened, he said, eludes the Task Force. One of the recommendations of the Task Force was better communications between the necessarily autonomous law enforcement agencies. It was his feeling that the Task Force had created an exterior structure and that the agencies were looking hard at their own systems and beginning to change the process of handling inmates.

Mr. Oxenhandler requested that the County Commission consider the Jail Task Force as the appropriate group to monitor the implementation of the recommendations for another 90 days. His fear was if the baton was passed, the County might lose the ground it has gained. Mr. Oxenhandler said that the members of the Task Force went beyond his expectations and produced a great collective work, of which they were all very proud. He expressed his appreciation for their hard work and opened the floor for questions from the Commissioners.

Warden Brewer commented that to date there were 128 inmates and 8 on work release, creating 12 empty beds in the facility.

Ms. Broadus commented that the Jail Task Force had been comprised of people with varied backgrounds who came together to agree on the work that needed to be done in order to improve the current out-housing problem.

Sheriff Boehm said that within the last two weeks some of the recommendations had already been put into place. After a meeting with the Director of Court Services, recommendation number five is already a policy in writing and will be instituted next week.

Mr. Wright acknowledged that in his time on the committee he had learned that there were solutions, other than construction solutions, to problems.

Mayor Knowles reported that she had enjoyed working with the group and had been impressed by the professionalism and focus. She was also interested in the comments and questions from the citizens who turned out for the public tour of the jail.

Auditor June Pitchford thanked Mr. Oxenhandler for keeping the committee on task and said he had done a wonderful job. She also expressed her appreciation to the Commission for drawing the circle broad and including a large group of individuals and perspectives. She said that it was her opinion that construction had not been eliminated from the picture and that in the next 5-10 years the County would be faced with that possibility, and by implementing the recommendations today the County would have adequate time to plan carefully and wisely for those needs.

Commissioner Miller said she read the report from front to back and was amazed by the wide range of issues that had come from the report. She said that the report involved each department in the solution and was pleased to know that there was not one department causing the out-housing problem. Commissioner Miller told the committee that the Commission appreciated the work they had put into the report.

Commissioner Vogt said that unlike Commissioner Miller, she had only glanced through the report and said that the recommendations she looked at seemed reasonable. She questioned the 90 day placement of the Task Force and asked if it wouldn't be better if the Task Force be kept in place to review their recommendations every three months or so.

Mr. Oxenhandler said they hoped the Commission would create an on-going group to monitor the implementation of the recommendations. However, he said that the current Task Force did not want to be forever charged with that responsibility, concerned that it would be considered too egotistical and because it created a time frame that the committee members did not want to commit to.

Commissioner Vogt thanked the Task Force for their time and information.

Commissioner Stamper said that it had been an interesting experience and thanked Mr. Oxenhandler and other members of the Jail Task Force. It was only three months ago, he said, that the Commission had been scrambling to come up with the half a million dollars it was going to require to up-date the jail in order to house what appeared to be an ever-growing number of prisoners. The Task Force, consisting of citizens, some of whom had experience in that area, and some with expertise in other areas, stimulated a discussion that hadn't been held in a long time. The result, he said, is extraordinary. The Task Force recommendations will give the Commission a better handle on the situation and will move them toward more effective management. The Commission was with their back to the wall and could have been tempted to use a quick fix and sometimes, Commissioner Stamper said, that's no the optimum solution. He agreed that the recommendations would need to be monitored and appreciated the Task Force's willingness to continue with the project for another 90 days.

Commissioner Stamper said that the members of the Task Force could not be thanked enough. He said that the citizens were fortunate to have their input. This is a very big report, he said, that would allow the Commission to look at the way the issue is handled in an intelligent way. It had forced people to open their minds and to analyze what is valuable and what is not and that, he said, is the way government should work.

Commissioner Stamper moved that the County Commission of the County of Boone request that the Jail Task Force Committee continue for a 90-day time period, during which time they will monitor the progress being made as the recommendations of the report are implemented.

Commissioner Vogt seconded. Motion passed unanimously. **Order 169-97.**

The Commission took a ten minute break to personally thank the members of the Jail Task Force.

SUBJECT: Culvert Policy Revisions

Public Works Director Frank Abart submitted a copy of the culvert policy revision, forwarded for final action. The biggest change, he said, is that the culvert policy will no longer require the Public Works Department to install culvert pipes. That responsibility will now fall to the owners or contractors, upon the approval of the Public Works Department. That difference would impact the Public Works Department by freeing up their time, without creating an impact on the homeowners who currently have to buy the materials. This will reduce the time the Public Works Department spends on installation.

Commissioner Stamper moved that the County Commission of the County of Boone approve the proposed culvert policy as submitted by the Public Works Department and approved by the Road and Bridge Advisory Committee.

Commissioner Vogt seconded. Motion passed unanimously. **Order 170-97.**

SUBJECT: Amendment to the Pin Oak Collector Sewer System Neighborhood Improvement District Project

County Counselor John Patton reported on the cooperative agreement for the Pin Oak Sewer pilot project using Neighborhood Improvement District funds to finance sewer improvements in the neighborhood. Mr. Patton said that the agreement drafted a couple of years ago had been amended to reflect the realities of the project as they went through the process. Now at the real estate right-of-way acquisition phase, they were finding it simpler if the sewer district would

acquire the rights-of-way and bear the expense, rather than running it through the County's purchase requisition system.

The idea, he said, is for the sewer district to front all of the non-construction costs of the project and at some point, down the road, bill them back to the County. The idea would be to bill the County all at once. This amendment says that the sewer district will assume the responsibility for acquiring the rights-of-way and if condemnation is necessary, they would also bear those costs. The County would be responsible for reimbursing the sewer district upon 30 days of invoice and if an overage occurs on the project, meaning that the construction and non-construction costs exceed the statutory maximum permissible under the Neighborhood Improvement District, then the County and Sewer District would need to figure how they would make up that difference.

Mr. Patton said there would be some overage, although he didn't think it would be by much.

Commissioner Miller said that the project had been drawn out for so long that to expedite it was in the interest of future NIDs.

Commissioner Stamper said that he still believed in the project, but was uncomfortable as to how the bid might shake out.

Commissioner Vogt said the longer the project was stretched out, the harder it would be to complete it.

Mr. Patton said that improving the sewer services in an existing neighborhood is technically difficult because the services aren't always lined up where you want to put the sewer. He reminded them that in a NID project, the funding actually comes from the property owners.

Commissioner Miller moved that the County Commission of the County of Boone approve the third amendment to the cooperative agreement Pin Oak collector sewer system Neighborhood Improvement District project with the Boone County Regional Sewer District and authorize the Presiding Commissioner to sign the agreement.

Commissioner Vogt seconded. Motion passed unanimously. **Order 171-97.**

SUBJECT: Street Sign Acquisition Request

Mr. Abart said that six months ago the City of Columbia purchased a machine to make street signs. At that time the County ordered \$700 worth of signs to evaluate them against others they have used. The city also produced a billing so the County could solicit bids and compare pricing. Mr. Abart said the city was significantly lower and the street signs performed better in regards to visibility, than those the County had been using. This situation, he said, would be better for the County because they would be getting good or better signs in a faster turn around time.

Purchasing Director Beckie Jackson said they had submitted the item for bid, but received no responses from 17 vendors. In response to a question from Commissioner Stamper, Ms. Jackson said there was no opposition from the Mid-Missouri Public Purchasing Cooperative and they had agreed to amend the by-laws.

Commissioner Stamper moved that the County Commission of the County of Boone approve amendment #2, section 6, with the Mid-Missouri Public Purchasing Cooperative; with the attached street/road sign program price list, and authorize Purchasing Director Beckie Jackson to sign the agreements.

Commissioner Miller seconded. Motion passed unanimously. **Order 172-97.**

SUBJECT: Treasurer's Report for January, February and March

Treasurer Kay Murray reported on the reconciliation of bank statements for the months of January, February and March.

SUBJECT: Public Comment

Melanie Spradling, 1500 South Rustic Road, approached the Commission saying that she had had first hand experience, physically and emotionally, with a viscous dog. Five weeks ago she and her husband had been building a fence around their property, because their neighbor had brought home four pit bull dogs. While they were working on their fence line, one of the pit bulls got loose and Ms. Spradling was attacked and bitten in the left thigh by the dog. They called animal control who came and got the dog, kept it for ten days and then returned it to the owners.

Ms. Spradling was concerned because she has a family and runs a day care out of her home. She showed the Commissioners two recent *Columbia Daily Tribune* articles about a Kansas City boy who had been killed by a dog and asked them to implement a policy or ordinance outlawing pit bulls and Rottweillers in Boone County. She also asked for stronger penalties for non-compliance of current ordinances.

Ms. Spradling said she felt that she had been trapped in her own house. She and her husband, she said, had done the reasonable thing by fencing their yard and communicating with their neighbors. That hasn't worked, she said, and she asked the Commissioners for help for their problem.

Commissioner Miller said that as a liaison to the Health Department, she wanted to follow through with the complaint to find out what might have been done differently.

Commissioner Stamper said he had already made a call to Mr. Sanford, of the Health Department, and found that there were some oddities about the case. It was his understanding that the animal control officer had the right to hold the land owner responsible for the actions of the dog. Something wasn't working the way it should, he said, and regulating the presence of viscous dogs in the County was an immediate and long term concern.

Ms. Spradling asked to be included in any process the County might implement toward regulating viscous breeds.

Commissioner Stamper said they would continue their inquiry and ask for a report from Mr. Sanford. He also told Ms. Spradling if she had any more immediate concerns to call the Commissioners. He said he didn't want people living in fear and said he was sorry for what had happened to her.

Ms. Spradling said she was beginning to look at the attack by the viscous dog more positively, knowing that through her experience, she would now be able to help others.

Commissioner Miller said that not all of the individual dogs in those breeds were mean. She cited a local jeweler who kept a Rottweiler in his shop and never had any problems with the dog. She reiterated that she would meet with the Board of Health and would report her findings at the next meeting.

SUBJECT: County Fairgrounds Sound System Study

Planning and Building Inspections Director Stan Shawver reported that earlier in the month he had provided the Commissioners with copies of the background noise survey. The survey was performed by Shell Engineering and was an effort to quantify the noise levels at the fairgrounds. The information is only needed as a document to use in court to prove that sound levels were exceeded. Shell Engineering has proposed a map of the site, based on grid coordinates, and will create a sound modeling taking into consideration different factors. They can then use haybales, lower speakers or change the direction of the stage in order to better manage the levels of sound generated on the fairgrounds. Mr. Shawver said he needed the authorization to spend funds, not to exceed \$2,880 to continue the study. He also asked that they discuss the appropriate funding for the continued study.

Commissioner Vogt said it was a complicated issue that involved the County's statutory authority to support the fairgrounds with \$10,000 a year and the fact that the complaints they've received regarding sound had not been fair related. For less than \$3,000 it was her feeling the Commission should complete the process.

Commissioner Miller was concerned about the restrictions that had been placed on some properties and questioned the Commission's authority to readdress those issues. She said she hated to think that an individual could take another individual to court when simple highway traffic noise was a higher range than those allowed on some restricted property.

Mr. Shawver said that each site is different and each site needs to be studied and prepared on an individual basis. He reiterated that he could pay for the study with his professional services budget, but then will fall short when the department needs other professional services. At some point, he said, that issue would need to be addressed.

Commissioner Stamper said that a strong case could be made for asking the fair board to cost share or help pay for the study, but was unsure if they had any flexibility in their budget.

Commissioner Miller said it was her understanding that the Balloon Corporation would have to deal with the noise issue and that the fair board was exempt from the noise level requirements.

Auditor June Pitchford clarified that the County can legally support a particular not-for-profit corporation for up to \$10,000 through services or other funding. She also said that the Fair Board is exempt from noise levels when they hold their own events. Ms. Pitchford said she did not think that the County has any fiscal responsibility to the fair. The fair board, she said, enters into lease agreements for use of the property and that agreement needs to assign responsibility to the lessee for meeting the noise level requirements. She said it pained her a little bit to use County money to finance the activities of a not-for-profit organization in order for that group to achieve compliance with County regulations.

Commissioner Stamper responded to her concerns and said that the county was naive and uninformed in setting the original conditions on the fair property and are now trying to monitor something that is impossible to comply with. He said it would be good to revise the conditional use permit, but that requires data and information to do that. He didn't disagree with Ms. Pitchford's comments, except to say that the Commission had taken a noise level requirement figure out of the sky and put it on paper.

Ms. Pitchford asked then if no immediate corrective action needed to be taken because the noise level requirements would be adjusted and no correction would be necessary.

Commissioner Stamper said, no, there was a management problem on the site. He said he always believed there were things that could be done to reduce the levels of noise on the fairgrounds. He also said that they had an arbitrary number in the monitoring factor when passing traffic is as loud as the minimum noise requirement.

Commissioner Vogt said they needed to be cognizant of the fact that the citizens didn't complain to the Fair Board or Balloon Corporation, they came to their government to solve the problem. If the noise level requirement needs to be adjusted then the Commission needs to make an adjustment to that requirement. She said they needed information in order to change those requirements and that is what this process is about.

Commissioner Miller said the background study was only half of the information needed and she supports finishing the issue; that the Commission bears that part of the responsibility.

Commissioner Vogt said she did not realize that the noise level requirement figure had been pulled out of the air and remembered the process of zoning and recommendations they'd received during that process.

Commissioner Stamper asked if they could agree the method used to determine the requirement had been less than scientific.

Commissioner Miller suggested that Mr. Shell be given the opportunity to finish the report and to give the Commissioners an idea of an achievable standard. She asked Mr. Patton if they had the authority to change the conditional use permit to a reasonable level. She said that would be her goal.

Commissioner Stamper moved that the County Commission of the County of Boone authorize the additional expenditure, out of the Planning and Building Inspection Department's professional services budget, for an engineering services on-site sound study at the Boone County Fairgrounds and direct Commissioner Miller to discuss with the Fair Board and Commissioner Stamper to discuss with the Balloon Corporation the possibility of a partnership for the payment of the services; and authorize the Presiding Commissioner to sign the contract.

Commissioner Vogt seconded. Motion passed unanimously. **Order 173-97.**

Ms. Pitchford thanked the Commissioners for their clarification of the issue. She said she saw a difference between the County spending money to determine whether or not appropriate standards had been established; than the County obtaining information on behalf of an organization for further their own organizational goals.

SUBJECT: Cost Allocation Plan

Auditor June Pitchford explained that the cost allocation plan is generated by the Child Support Enforcement office as they recuperate indirect costs from the year. The state will only pay those costs if they have been identified according to federal guidelines. The document certifies the actual indirect costs for 1996 and then the Child Support Enforcement office settles with the state.

Commissioner Stamper moved that the County Commission of the County of Boone approve the cost allocation plan prepared and submitted by David M. Griffith & Associates and authorize the Presiding Commissioner to sign the plan.

Commissioner Miller seconded. Motion passed unanimously. **Order 174-97.**

SUBJECT: Appointments to the Road and Bridge Advisory Committee and the Planning & Zoning Commission

Commissioner Vogt moved that the County Commission of the County of Boone appoint Michael D. Hight to the Road and Bridge Advisory Committee for a four year term; and to appoint Keith Kirkpatrick to the Planning and Zoning Commission for a four year term.

Commissioner Miller seconded. Motion passed unanimously. **Order 175-97.**

SUBJECT: Reports from Commissioners

Commissioner Vogt reported that the Community Partnership meeting would be held following this meeting and encouraged the Commissioners to attend. She also reported on the Soil and Water Conservation meeting and said that the SALT project would be discussed on May 7.

Commissioner Miller said she wanted to schedule a time for the nuisance ordinance adoption.

Commissioner Stamper reported he had met with members of the Reality House board and talked about potential real estate. The Reality House has retained the services of an architectural firm and has asked for an evaluation of remodeling costs of the old Juvenile Justice Center and to compare the costs of building a pad and Butler building facility. They have asked the County if they would be interested in participating in the project.

Commissioner Stamper had also met with legal counsel for the rock quarry project, Mr. Craig Van Matre. He said they were close to an agreement, although they needed to research some of the questions.

Commissioner Stamper said they had received a plaque from the Ashland Area Chamber of Commerce with an outline of their goals. He also reminded everyone of the Regional AIDS Inter-Faith Network RAIN walk this weekend.

The meeting adjourned at 4:45 p.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