

TERM OF COMMISSION: April Session of the February Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

The meeting was called to order at 1:32 p.m.

Subject: Purchasing Department

Marlene Ridgway was present on behalf of these items.

A. Second Reading and Award of Bid 19-11MAR03 (Mobile 2-Way Radios)

Marlene Ridgway stated this is a recommendation for award to Mo Comm Electronics, for seven mobile 2-way radios, amplifiers, antennas and speakers for a contract price of \$8,179.50.

Commissioner Elkin moved to award bid 19-11MAR03 for Mobile 2-Way Radios to Mo Comm Electronics.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 204-2003**

B. Second Reading and Award of Bid 10-11MAR03 (Digital Copiers)

Marlene Ridgway stated this is a recommendation for award to Da-Comm of Mid-Missouri for a Kyrocera KM-4030 with the following alternates: Large Capacity tray, Puncher Unit, Saddle Stitch Finisher and Networking Connections for a purchase amount of \$8,829.00. She is also requesting the Commission to sign the maintenance agreement with Da-Comm of Mid-Missouri.

Commissioner Elkin moved to award bid 10-11MAR03 for Digital Copiers to Da-Comm of Mid-Missouri. The County Commission of the County of Boone authorizes the disposal of a Canon NP6030 (fixed asset tag #9309).

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 205-2003**

C. First Reading of Bid 16-18MAR03 (Deed Record and Index Books)

Marlene Ridgway stated the Recorder's Office and Purchasing Department have reviewed the above referenced bid and recommend award to Cott Systems, Inc for having the lowest and best bid meeting the minimum specifications. Total estimated cost per year is \$11,688.00 to be purchased from organization 2800 (Storage and Preservation), account 23000 (Office Supplies). This is a term and supply contract hence no purchase orders are required.

Commissioner Miller asked if this was contracted out in the past. Mrs. Ridgway stated last year was the first year the County bid out the books. This is more volume than what was purchased last year.

There was no further discussion on this item.

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

Subject: Public Works – First Reading of Agreement with Columbia COLT Railroad (Heller Road Storm Drainage Improvement Project)

David Nichols, Design and Construction Manager, was present on behalf of this item.

David Nichols stated this is an agreement with COLT for the Heller Road project. The way the drainage works for the project is that the water is carried underneath the railroad and discharges to the west. The Railroad will install a new pipe at their own expense. This agreement stipulates the arrangements of building from one box to another. This is a no-cost agreement.

There was no further discussion on this item.

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

Subject: First Reading of Budget Amendment (Fairgrounds Pavement Maintenance Project)

Commissioner Elkin requested this item be held until further notice to allow for more time to work on the budget amendment.

There was no objection to this request.

Subject: First Reading of Contract with Mitzel and Scroggs Architects, Inc and Budget Revision (JJC Building Project)

David Mink, Public Works Director, was present on behalf of this item.

David Mink stated this is the second phase of the JJC Building Project consulting design work with Mitzel and Scroggs Architects, Inc. This agreement is for \$56,400 with reimbursable expenses not to exceed \$3,725 for a total of \$60,125.00.

The budget revision will reduce the Administration Building Project budget by \$20,000 and increase the JJC Building Project by \$20,000.

Commissioner Miller noted the County has applied for a grant for architectural fees but it is unknown if the County will receive the grant. The grant would require the money be spent before December 31, 2003 and this is the reason this item is being moved forward at this time.

There was no further discussion on this item.

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

Subject: Adopt Findings and Conclusion for Green Valley Conditional Use Permit

Stan Shawver, Planning and Zoning Director, was present on behalf of this item.

Stan Shawver stated this will formalize the decision that has been made by the Commission.

Commissioner Elkin moved to adopt the Findings of Fact and Conclusions and Decision for the Conditional Use Permit request by C. T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club LLC.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 207-2003**

Subject: Establish Terms of Office for Huntsdale Board of Trustees

Commissioner Schnarre stated at the April 8, 2003 election, the Town of Huntsdale re-established their charter. A Trustee election was held but the terms were not established at that time. In discussion with the Board of Trustees, the Board has established themselves.

Commissioner Miller moved pursuant to the provisions of 80.040 RSMo., the County Commissioner of the County of Boone hereby establishes the terms of office for the Board of Trustees who were elected at the April 8, 2003 election in the Town of Huntsdale to be as follows:

Two Year Term

- Katherine J. McGee
- Debby Lancaster

One Year Term

- Walter H. Mensch
- Dallas E. Lancaster
- Ed McGee

Commissioner Elkin seconded the motion.

Commissioner Miller stated she will be paying the Regional Planning Commission dues for Huntsdale. They need the help of the Regional Planning Commission and the fees are \$10.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 206-2003**

Subject: First Reading to Adopt Local Emergency Management Regulations

Jim McNabb, Director of Emergency Management and Joint Communications, was present on behalf of this item.

Jim McNabb stated these regulations would bring the County into compliance with Missouri State Statutes, Chapter 44. These regulations will establish the structure and organization of emergency management operations in Boone County.

There was no further discussion on this item.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an

appropriate order for approval.

Subject: First Reading to Approve Bond Counsel Engagement Letter for Boone County Special Obligation Bonds

Commissioner Schnarre stated this letter is from Nancy Lear, Bond Counsel, with Gilmore and Bell. This will allow Gilmore and Bell to serve as Boone County's Bond Counsel and will authorize the issuance of approximately \$5,170,000 in Special Obligation Refunding and Improvement Bonds. The funds from this will be used to refinance the Government Center, on a 15 year note, and there is hope this will generate \$3.1 million net new money to be used for different construction projects. Bonds will be used for the Health Department construction, JJC construction, and the 3rd floor of the Government Center. None of these funds will be used for the Family Health Center construction. Cash will be used for the Family Health Center.

There was no further discussion on this item.

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

Subject: First Reading to Approve Financial Services Advisor Agreement for Boone County Special Obligation Bonds

Commissioner Schnarre stated this is an agreement with U.S. Bancorp Piper Jaffary and is a continuation of the selling of bonds.

There was no further discussion on this item.

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

Commissioner Reports

Commissioner Schnarre stated the Commission sends their sympathy to Commissioner Miller and her family as Commissioner Miller's grandmother passed away.

Public Comment

Darrell Foster, Executive Director of Minority Contractors Alliance, 410 N. 5th Street, Columbia, stated he is present before the Commission to discuss taxation representation and disenfranchisement.

Mr. Foster asked if the Commission had received the letter from Patricia Lensmeyer, Boone County Collector, as a follow-up to the letter he submitted to her. The Commissioners stated they have received the letter.

Mr. Foster stated based on a conviction, what he calls an injustice and buffoonery that Judge Conley let take place in his court room, he was convicted of a felony and was sent to the institution. He went to the institution on October 14, 1999. He was release from the Missouri Department of Corrections on December 27, 2002. He had a three year sentence, in which he served 27 months, as a first time offender. Based on this conviction this issue arises and this is taxation without representation and disenfranchisement. Once a person is in the Department of Corrections, they have been disenfranchised. They have no citizen's rights and no representation.

During the period of time Mr. Foster was locked up, he owed property taxes in the County of Boone. During that period of time, each month there was interest that accrued on those taxes while he was locked up. He is challenging that and requests Mrs. Lensmeyer to return his money. First he paid the taxes because he cannot get plates for his car and there are other driving things that he cannot do. He paid the taxes in good faith because he loves America and it takes taxes to run this country, and he is willing to pay them. However at the same time, he is not going to be taken advantage of. There was interest that accrued on those taxes during the time he was in the institution and there should have been an abatement or waiver of that interest.

Based on that information, Mr. Foster is requesting his money back from Mrs. Lensmeyer, Boone County Collector of Revenue, who he paid the taxes to. Not Mrs. Lensmeyer as a person because she has done a very good job.

Mr. Foster is unsure of the Commission's position on this issue but he does want the Commission to know that he is using this forum as a spring board to move further to the Attorney General or whoever else he has to move forward to. He has spoken with the County Attorney, John Patton, and he paid Mr. Foster no attention that is why he is here today. What Mr. Foster wants is his money back. If there are other people that want to get on this bandwagon, as he would call it that would be the Commission's problem because he tried to solve this from the initial stand point and now he is documenting it so he can move forward.

Commissioner Elkin asked Mr. Foster if he is requesting the entire tax or just the interest. Mr. Foster stated he is only requesting the interest that he paid on those taxes from October 14, 1999, when he turned himself in to the Department of Corrections, and that is when an abatement should begin and it should end December 21, 2001. That was 27 months of interest that was charged to Mr. Foster. We can solve this problem just that easily or it can be documented and move forward. He thanked the Commission for allowing him to come forward.

Mr. Foster added he has every intent to show that he operates and deals in good faith. He is planning on an investigation into the organization that he represents to make sure that things are straight and clear and he comes before the Commission so maybe they can discuss that. He is not ashamed. He does have integrity despite the conviction, which he believes was unjust; he is willing to have himself checked out to make sure that things are done right.

Commissioner Miller asked Mr. Foster what Mr. Patton had told him. Mr. Foster stated he caught Mr. Patton at a bad time, in the court room, practicing this business. Mr. Patton told Mr. Foster that he did not really have time to talk to him and that he worked for the County and could not give him any information. Mr. Patton was taking care of his business and he does not have a problem with that.

Commissioner Miller asked if an answer had been received on whether the Commission has any authority to refund any interest or not. Mr. Foster stated he is unsure.

Commissioner Schnarre stated he has had a conversation with Mr. Patton and in spending time with Tom Schauwecker, Boone County Assessor, and he had a chance to speak with Mrs. Lensmeyer this morning, there is no statute that allows the County Commission, Collector, or Assessor to forgive the penalty.

Commissioner Miller asked if it is similar to late fees not being waived. Commissioner Schnarre stated that is correct. The data he collected this morning, the 1997 taxes have been paid in full and asked if the 2002 taxes have been paid. Mr. Foster stated he has paid his taxes in full all the way to the time he needs additional plates.

Commissioner Schnarre stated there were fees waived in filing of the personal property tax because there was a problem with the residential address.

According to what Mr. Patton has told Commissioner Schnarre, the Commission has no authority to waive the penalty.

Commissioner Miller stated the Commission would have to receive legislative relief because the Commission only has the authority that the legislature gives them in which to act. Mr. Foster stated his position is to have this documented. He feels disenfranchisement starts upon conviction which changes the variables. He is documenting that he has come before the Commission, this is his position. He cannot solve problems for the Commission he can only solve problems for himself.

Commissioner Schnarre stated the Commission does not have any statutory authority to forgive the penalties of someone that has been or is in an institution.

Mr. Foster stated he knows the next step and he will proceed accordingly. He will try to get the minutes from the meeting and use it as a part of his documentation as he moves

forward. This is not personal, it is a question.

Commissioner Schnarre stated he understands but this is as far as the Commission can go.

There was no further public comment.

The meeting was adjourned at 1:59 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner