

TERM OF COMMISSION: July Session of the July Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Room 338

PRESENT WERE: Presiding Commissioner Edward H. Robb
District I Commissioner Karen M. Miller
Senior Environmental Health Specialist Kala Gunier
Project Manager Andy Lister
Buyer Tyson Boldan
County Counselor CJ Dykhouse
Captain Chad Martin
Deputy County Clerk Cameron Clarke

District II Commissioner Elkin was absent.

The meeting was called to order at 1:30 p.m.

Health Department

1. Abatement of property located at 6461 Gateview Drive, parcel #20-216-10-01-015.00 01 (first and second reading)

Senior Environmental Health Specialist Kala Gunier was present on behalf of this item. Ms. Gunier stated this property had been foreclosed on. Ms. Gunier stated the property was almost abated last year. Ms. Gunier stated the property is still in foreclosure. Ms. Gunier stated she has made several attempts to contact the mortgage company, but they have not returned her calls. Ms. Gunier stated the bid to clean the property is \$85.00.

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 6461 Gateview Drive (parcel # 20-216-10-01-015.00 01).

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 288-2011**

2. Abatement of property located at 4850 Leora Lane, parcel #12-204-10-03-001.00 01 (first and second reading)

Senior Environmental Health Specialist Kala Gunier was present on behalf of this item. Ms. Gunier stated the pictures are old, and don't do it justice. Ms. Gunier stated the owner does not live in the United States, and that he is always overseas.

Ms. Gunier stated the property has been abated numerous times in the past.

Commissioner Miller asked if anyone had asked CJ if the County could assess penalties for multiple nuisance abatements.

County Counselor CJ Dykhouse stated he is looking into that.

Ms. Gunier stated an abatement takes a lot of time and money. Ms. Gunier stated certified mail costs approximately \$6, and posting it in the newspaper uses taxpayer money. Ms. Gunier the bid for this project is \$150 because the contractor will have to do a lot of trimming.

Mr. Dykhouse stated this is the first of two abatements on this property. Mr. Dykhouse stated this is the weed abatement, and another one will follow to declare it a nuisance.

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 4850 E. Leora Lane (parcel # 12-204-10-03-001.00 01).

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 289-2011**

Resource Management

3. Agreement with Public Water Supply District #9 (first reading)

Commissioner Miller stated no one was present to discuss this item. Commissioner Miller stated this was for the Rolling Hills project. Commissioner Miller thought this most likely concerned moving the utilities.

Commissioner Robb 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.

4. Approve Adopt-A-Road application for Olivet Road (second reading, first read 7/26/2011)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Adopt-a-Road Application for Olivet Road - Adopted in Memory of Fred Barnes.

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 290-2011**

Sewer District

5. Final assessment roll for the Country Squire Neighborhood Improvement District (first and second reading)

Project Manager Andy Lister was present on behalf of this item. Mr. Lister stated he was here for the Commission to consider assessments on the properties. Mr. Lister stated there was a memo along with certified costs from the County Auditor. Mr. Lister stated the final costs have been tabulated by the County Auditor to be \$137,066.20. Mr. Lister stated the petition estimate was \$229,400, or \$6,200 per share. Mr. Lister stated the actual cost was \$3,807.39 per share.

Commissioner Miller stated the savings were impressive, but it was because of the ARRA money.

Mr. Lister stated when he added the certified costs and the ARRA money together, the project was still finished under the petition estimate.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby compute the final cost of the sewer improvement project for the Country Squire Sanitary Sewer Neighborhood Improvement District as certified by the Auditor to be \$137,066.20

The County Commission does hereby apportion the cost of said project according to the provisions of Section 67.463.2 RSMo and the terms of the petition approved by said Commission in Commission Order 478-2007; as amended by Commission Order 283-2011.

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 Section 67.463 RSMo.

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 291-2011**

6. Final assessment roll for the Brown Station Neighborhood Improvement District. (first and second reading)

Project Manager Andy Lister was present on behalf of this item. Mr. Lister stated the Brown Station NID was also completed. Mr. Lister stated the final certified costs are

\$103,927.22. Mr. Lister stated the per share cost from the petition was \$28,995.23 per parcel. Mr. Lister stated the actual cost was \$17,321.20 per parcel.

Commissioner Miller stated this project really needed the ARA funds because this is an expensive sewer.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby compute the final cost of the sewer improvement project for the Brown Station Sanitary Sewer Neighborhood Improvement District as certified by the Auditor to be \$103,927.22.

The County Commission does hereby apportion the cost of said project according to the provisions of Section 67.463.2 RSMo and the terms of the petition approved by said Commission in Commission Order 46-2010; as amended by Commission Order 284-2011.

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 Section 67.463 RSMo.

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 292-2011**

Purchasing

7. Cooperative Contract 71/2010 – Miscellaneous Electrical Services with Mid Missouri Electric (first reading)

Buyer Tyson Boldan was present on behalf of this item. Mr. Boldan read the following memo:

Purchasing and the Sheriff's office request permission to utilize the City of Columbia cooperative term and supply contract 71/2010 – Miscellaneous Electrical Services with Mid Missouri Electric of Columbia, Missouri.

This is a term and supply contract. Chad Martin with the Sheriff's office has requested that we get this contract in place to be used for work performed in the Boone County Sheriff's Annex installing wiring and power for the in-building cellular coverage solution. Mid Missouri Electric was the electrical contractor that wired the building when it was built. MME is also the City's electrical contractor that will be running wiring in the building to install the generator and wire the PSJC dispatch building being constructed next to the Annex. Since these projects are intertwined, the Sheriff's office needs to use the same electrical contractor as the

City.

I will also be giving a copy of this contract to our Facilities Maintenance department to use as a Term and Supply contract.

Commissioner Robb 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.

8. Bid award to Champion Brands LLC. for bid 30-29JUN11 – Shop Fluids Term and Supply (first reading)

Buyer Tyson Boldan was present on behalf of this item. Mr. Boldan read the following memo:

The Bid for Shop Fluids Term and Supply closed on June 29, 2011. Two bid responses were received, but only one response met with the Terms and Conditions required by Boone County. Purchasing and the Public Works Departments recommend award to Champion Brands LLC., for offering the lowest and best bid for Boone County.

This is a term and supply contract and will be paid from department 2040 – PW – Maintenance Operations, account 59050 – Engine Fluids. \$30,000.00 was budgeted for this Term and Supply.

Commissioner Miller asked why the other bidder was non-compliant.

Mr. Boldan stated they had a stipulation in their bid response page that allowed them to change the prices at will.

Commissioner Robb 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

9. Bid award to Hach Company for bid 31-06JUN11 – Portable Water Samplers (first reading)

Buyer Tyson Boldan was present on behalf of this item. Mr. Boldan read the following memo:

The Bid for Portable Water Samplers closed on July 6, 2011. One bid was received. Purchasing and the Boone County Resource Management Department recommend award to Hach Company, for offering the lowest and best bid for Boone County. Three Hach Sigma 900 Max Portable Water Samplers along with assorted optional equipment will be purchased for the Boone County Resource Management

Department on this contract. The total cost for these items is \$16,676.10 and will be paid from department 2140 – DNR 319 Urban Retrofit Grant, account 91300 – Machinery and Equipment.

Commissioner Robb 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

10. Amendment number one – MM58 – Bituminous Material (first reading)

Contract MM58 – Bituminous Material was approved by commission for award on March 15, 2011, commission order 102-2011 by split award by low bid by line item to Vance Brothers, Coastal Energy, and Missouri Petroleum. Due to proposed increases for this next renewal period, the primary and secondary suppliers have changed for the period July 1, 2011 through September 30, 2011. The amendments change the award as follows:

Vance

Primary Supplier: CRS-2; MC-3000; SS-1; CRS-2P; MC-800; EA-90; EA-90P, MC-30

Secondary Supplier: AEP, MC-800

Coastal Energy

Primary Supplier: PEP; AEP

Secondary Supplier: MC-3000; SS-1; MC-800, MC-30

Missouri Petroleum

Secondary Supplier: EA-90; EA-90P; CRS-2P, MC-30

These are Term and Supply contract and invoices will be paid from department 2040 - PW Maintenance Operations, account number 26400 - Road Oil.

Commissioner Robb 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. Bid award to Missouri Petroleum for bid 34-14JUL11 – Fog Seal Treatment (second reading, first read 7/7/2011)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 34-14JUL11 – Fog Seal Treatment to Missouri Petroleum. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Robb seconded the motion.

Commissioner Miller asked when the anticipated start date was.

The anticipated start date is within the next few weeks.

The motion carried 2 to 0. **Order # 293-2011**

County Counselor

12. Revised Revenue Distribution Policies (first and second reading)

County Counselor CJ Dykhouse was present on behalf of this item. Mr. Dykhouse stated the reason the order is so lengthy is because he wants to incorporate this order into the intergovernmental cooperative agreements. Mr. Dykhouse stated he changed the term “actual road and bridge property taxes collected and distributed” to “net road and bridge property taxes distributed.” Mr. Dykhouse stated this is the same concept. Mr. Dykhouse stated he also changed the term “road and bridge taxes that would have been collected if there was no rollback” to “road and bridge taxes that would have been distributed if there was no rollback”.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby enter this Commission Order restating the revised policies on the distribution of property and sales tax revenues to the special road district and the municipalities that are organized and existing in Boone County, Missouri, most recently addressed in Commission Order 249-2011:

WHEREAS, Boone County (hereinafter “the County” or “County”) collects certain property and sales taxes that are dedicated to the improvement and maintenance of roads and bridges; and

WHEREAS, the County collects road sales taxes pursuant to a 2007 voter-approved sales tax levy (10-year authorization of levy) of one half of one percent as authorized under RSMo §67.547; and

WHEREAS, the County collects road property taxes pursuant to a voluntarily-reduced levy under the provisions of RSMo §137.555; and

WHEREAS, the County had previously adopted policies and procedures for the distribution of road taxes (property and sales taxes) to the Centralia Special Road District and the municipalities that are organized and existing within the corporate limits of the County (hereinafter collectively referred to as “the Stakeholder Entities” or “Stakeholder Entities”) that based distributions from sales tax revenue on assessed valuation; and

WHEREAS, the County’s prior policies and procedures provided for a distribution of funds to the Stakeholder Entities that did not consider, among other things, the actual

sales tax revenue collections; and

WHEREAS, these prior policies and procedures lead to distributions that were unsustainable; and

WHEREAS, the County Commission has studied the issues and convened several meetings to discuss the situation with the Stakeholder Entities, and

WHEREAS, the County desires to promulgate a new set of policies and procedures that takes into consideration the primary funding source for such distributions – actual collections from the road and bridge sales tax levy – which will replace any and all existing road tax distribution polices and procedures; and

WHEREAS, it is anticipated that these policies and procedures will be implemented with the Individual Stakeholder Entities through one or more Intergovernmental Cooperative Agreements between the County and the Stakeholder Entities;

NOW, THEREFORE, the County Commission of the County of Boone hereby enacts this Order revising and restating its policies relating to the distribution of sales and property taxes dedicated to the maintenance and improvement of roads and bridges:

1. Stakeholder Entities: The Stakeholder Entities shall consist of all of the municipalities organized and existing in Boone County (as further set out herein) and the Centralia Special Road District. For purposes of these policies, the Stakeholder Entities shall be divided into three groups: Formula Entities, Application Entities and the Centralia Special Road District.
 - a. The following Stakeholder Entities shall be Formula Entities: Ashland, Centralia, Columbia, and Hallsville.
 - i. The Formula Entities shall be further subdivided into the following Groups:
 1. Formula Entities Group A: Ashland, Centralia, Columbia, Hallsville.
 2. Formula Entities Group B: Ashland, Centralia and Hallsville.
 - b. The following Stakeholder Entities shall be Application Entities: Harrisburg, Hartsburg, Huntsdale, McBaine, Pierpont, Rocheport, and Sturgeon.
 - c. The Centralia Special Road District shall be addressed separately in these policies.
2. Variables and Calculations: Certain variables to be used in the implementation of these policies will be determined as follows:
 - a. The **Road & Bridge Property Tax Levy Ceiling Rate** shall be that rate certified by the Missouri State Auditor as being the maximum permissible levy for Boone County's Road & Bridge tax levy under RSMo §137.555 for the relevant fiscal year.
 - b. The **Actual Road & Bridge Tax Levy Rate** shall be the rate actually levied by the Boone County Commission for its Road & Bridge Property Tax Levy under

RSMo §137.555.

- c. The **Road & Bridge Sales Tax Revenue** shall be the prior fiscal year's actual sales tax revenue collections from the voter-approved Road & Bridge Sales Tax Levy authorized under RSMo §67.547 as determined by the County Auditor.
 - d. The **Assessed Valuation as of December 31** shall be the actual assessed valuation for the relevant political subdivision as of December 31st of the relevant year as certified by the Boone County Clerk.
 - e. The **Total Property Tax Reduction Due to Voluntary Rollback** shall be determined as follows:
 - i. The Net Road & Bridge Property Taxes Distributed shall be divided by the Actual Road & Bridge Tax Levy Rate. That result shall then be multiplied by the applicable Road & Bridge Property Tax Levy Ceiling Rate to determine the **Road & Bridge Taxes That Would Have Been Distributed If There Was No Rollback**.
 - ii. The total of the Road & Bridge Taxes That Would Have Been Distributed If There Was No Rollback *less the* Net Road & Bridge Property Taxes Distributed is the Total Property Tax Reduction Due to Voluntary Rollback.
 1. The **Net Road & Bridge Property Taxes Distributed** figure shall be determined by the Boone County Collector and shall consist of the net road & bridge property taxes collected from the 1st day of March of the relevant year through the last day of February of the succeeding year (the Collector's Year), allocated as appropriate to the particular Stakeholder Entity whenever necessary to effectuate these policies. The net property taxes collected and distributed shall be determined by the Boone County Collector in accordance with then-applicable state and local law.
 2. The **Total Property Tax Reduction Due to Voluntary Rollback** figure shall be determined by the Boone County Auditor in coordination with the data provided by the Boone County Collector under the above-described formula.
 - f. The **Net Additional Sales Tax Revenue** shall be the Road & Bridge Sales Tax Revenue figure *less* the Total Property Tax Reduction Due to Voluntary Rollback figure.
3. Distributions – Net Road & Bridge Property Taxes: The County will, in compliance with state law, distribute the Net Road & Bridge Property Taxes to the Stakeholder Entities consistent with its obligations under RSMo §137.556 (1/4 of property taxes collected based on property assessed within the boundaries of cities, towns and villages) and RSMo §137.555 (4/5 of property taxes collected based on property assessed within the boundaries of the Centralia Special Road District). Each Stakeholder Entity shall use such funds only for the purpose of improving and maintaining roads and bridges within that Stakeholder Entity's corporate boundaries.
 4. Distributions – Sales Taxes Needed to Cover Property Tax Reduction Due to Voluntary Rollback: The County will exceed its obligations under the ballot language authorizing

- the Road & Bridge Sales Tax Levy under RSMo §67.547, which provides for the reduction of county property taxes levied for road purposes and an increase in the amounts paid from the county road and bridge fund to the cities and the special road district above that amount required by state law, by distributing to the Stakeholder Entities the theoretical loss of property tax revenues due to the voluntary rollback from the Road & Bridge Tax Levy Ceiling Rate to the Actual Road & Bridge Tax Levy Rate. These Distributions shall be referred to as the Sales Taxes Needed to Cover Property Tax Reduction Due to Voluntary Rollback. Each Stakeholder Entity shall use such funds only for the purpose of improving and maintaining roads, bridges and right-of-ways within that Stakeholder Entity's corporate boundaries.
5. Distributions – Net Additional Sales Tax Revenue: The distributions of the Net Additional Sales Tax Revenue shall be along the following percentages:
 - a. Retained by County Road & Bridge Fund for County use: 82.25%
 - b. Allocated to Application Entities: 1%
 - c. Allocated to Group A Formula Entities based on Assessed Valuation Percentages: 13%
 - d. Allocated to Group B Formula Entities based on Assessed Valuation Percentages: 2.25%
 - e. Allocated to the Centralia Special Road District: 1.5%
 - f. All of the above distributions shall be used by each Stakeholder Entity only for the purpose of improving and maintaining roads, bridges and right-of-ways within that Stakeholder Entity's corporate boundaries.
 6. Timing of Distributions:
 - a. Distributions of the Net Road & Bridge Property Taxes Distributed and the Sales Taxes Needed to Cover Property Tax Reduction Due to Voluntary Rollback to all Stakeholder Entities except the Centralia Special Road District shall occur one time per year, typically near the beginning of the fourth quarter. Distributions of these funds to the Centralia Special Road District shall be on a schedule determined by the County Commission.
 - b. Distributions from Net Additional Sales Tax Revenue to the Formula Entities, Groups A and B, and to the Centralia Special Road District, shall occur one time per year, typically near the beginning of the fourth quarter.
 - c. Distributions to Application Entities for application-based funding shall be as determined by the terms of the Cooperative Agreement between the County and the Application Entity which relates to an approved application-based project.
 7. Consultation on Projects: The County Commission reserves the right to consult with the Stakeholder Entities as to the priority of projects to be funded in whole or in part with Distributions under these policies.
 8. Annual Reports: It is contemplated that the Stakeholder Entities will provide report(s) to the County Commission, at least annually, as to the status of projects funded, or contemplated to be funded, in whole or in part, with Distributions under these policies.
 9. Economic Development Adjustment:
 - a. The County Commission reserves the ability to determine, on a case by case basis, any adjustments that should be made to Distributions as a result of any

economic development activities of the County or any of the Stakeholder Entities. This may be implemented by revising the Road & Bridge Sales Tax Revenue figure, the Assessed Valuation as of December 31 figure, or such other adjustments as may be equitable in the sole judgment and discretion of the County Commission. This reservation is necessary due to any number of unforeseen circumstances, including but not limited to the following, possible scenarios:

- i. Sales tax revenue, including Road & Bridge Sales Tax Revenue, that the County receives could be significantly reduced as a result of an economic development effort, such as the creation of a Tax Increment Financing District (TIF).
 - ii. The Assessed Valuation of a Stakeholder Entity may be drastically changed beyond normal growth patterns by the implementation of a Chapter 100 incentive package.
 - iii. The Net Road & Bridge Property Taxes Distributed may be significantly reduced by other economic development efforts or by the acquisition of property by a Stakeholder Entity which had a significant assessed value assigned to it.
10. Nonappropriation: Although this policy reflects the intention of the County Commission, the Distributions contemplated herein are conditioned upon there being a sufficient, unencumbered fund balance budgeted for that purpose. The County's obligations hereunder shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by the County, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the County beyond that which is specifically required by state law. Notwithstanding any provision of these policies, the decision whether or not to budget or appropriate funds, or to extend any Agreement based on said policies for any subsequent fiscal year, is solely within the discretion of the then-current governing body of Boone County.
11. Example Spreadsheet: A spreadsheet example showing pro-forma distributions to the Stakeholder Entities, (including a contemplated County Aid Road Trust Funds distribution to the Centralia Special Road District not contemplated in the foregoing policy) and the calculations upon which said distributions are made, is attached hereto as an Exhibit and incorporated herein by reference.

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 294-2011**

Sheriff's Department

13. **Permission to use existing funds-Mobile Data Terminal Docking Stations (first and second readings)**

Captain Chad Martin was present on behalf of this item. Captain Martin read the following memo:

The Boone County Sheriff's Department is requesting Commission approval to use approximately \$2,500.00 of savings from Department 2901 account 92300. We have an immediate need to purchase some replacement Mobile Data Terminal Docking Stations for our patrol cars. There is \$5,111.81 remaining in 2901/92300 after all FY11 purchases have been completed. The savings in this account came about due to a promotion we were able to purchase radios under that saved us several thousand dollars.

The immediate need for these docking stations is due to an increased failure rate. We started installing these items in 2004 and now that they are getting old, they are starting to fail at an alarming rate. These items are older technology and we are not able to repair them.

The Auditor's office has already reviewed this request, confirmed the funds are available and informed me to submit this memo for approval.

Commissioner Miller asked how much these cost.

Captain Martin stated they cost about \$625.00 a piece.

Commissioner Miller asked if they were going to purchase four of them.

Captain Martin stated that was correct.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Boone County Sheriff's Department to utilize \$2,500.00 of savings from 2901, account 92300 to purchase Mobile Data Terminal Docking Stations for patrol cars.

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 295-2011**

14. Request to Transfer above ATS John W Ennenbach

Captain Chad Martin was present on behalf of this item. Captain Martin stated the Sheriff's Department is requesting Commission approval for a request to transfer above the mid-point for John Ennenbach from Corrections Officer to Corrections Corporal. Captain Martin stated John has been with the department since 2003, and recently went through a promotion process. Captain Martin stated he was awarded the position, but the person vacating had not left yet. Captain Martin stated the Sheriff's Department wanted to make the promotion effective for the next pay period.

Commissioner Miller stated Betty approved this.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the proposal to hire above salary range for John William Ennenbach, into the position of Corrections Corporal position # 656 at 106% of Mid-Point.

Commissioner Robb seconded the motion.

The motion carried 2 to 0. **Order # 296-2011**

Commission

15. Public Comment

16. Commissioner Reports

The meeting adjourned at 2:05 p.m.

Attest:

Edward H. Robb
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner