

TERM OF COMMISSION: February Session of the February Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Melanie Stapleton

The meeting was called to order by Acting-Presiding Commissioner Linda Vogt at 1:30p.m.

Subject: Report from the Commission Intern (high school)-Kate Jeffries

Kate Jeffries stated that she was attempting to find a grant that would fund the purchase of the Fairgrounds property. She stated that there were a lot of limitations on grants. However, she stated that there was a non-profit organization that could perform a customized grant search for any given entity. She stated that this organization would send you the names of any organization that would be willing to allocate a grant to your organization. She stated that once the names of the organizations were received, it was up to the entity or the person wanting the grant to do the research for the grant. She stated that for the grant search, the County would need to give a 50-100 word description of the program, why they wanted to purchase land, etc.

Kate Jeffries stated that she had also found a program called Agro-Manitoba. She stated that this group would give a non-repayable grant to organizations that were helping the environment. She stated that the County would be eligible for this since it would be keeping the land from commercial development and maintaining it. She stated that there was not an application for this on the Internet site, and therefore she would have to call.

Kate Jeffries stated that there was also an AZH-preservation grant with an emphasis on plant preservation. She stated that she did not know if the County met the requirements for this grant. However she stated that the organization urged groups to go ahead and apply even if the group (applying for the grant) was not specific to plants. She stated that she had the application for this grant.

Kate Jeffries explained that some of the difficulties that she had in finding a grant had to do with a couple factors. She stated that most grants were specific to a given state, and she was not able to find anything specific to Missouri. She also stated that she had found a lot of grants that were specific to wetlands, and the Fairgrounds property did not qualify as wetlands.

Commissioner Vogt suggested that the County pursue the two possibilities (grant search and grant application). She recommended that Kate Jeffries continue with her search.

Commissioner Miller stated that she had no idea that there was a tool that would help someone find a grant. She stated that this would be of benefit to every office in government. She stated that perhaps an e-mail should be sent to the department heads in order to let them know about this.

Commissioner Vogt asked if they should speak with the Auditor about this first.

Kate Jeffries stated that on the grant search, she was not sure that this was not a service that was available only to Nevada residents.

Commissioner Vogt recommended that she check into that before they talked with the other department heads.

Subject: Community/Social Service Agreements for 1999

Commissioner Vogt stated that these were some of the agreements that the County had appropriated funds for in the 1999 budget.

Commissioner Miller stated that all of these were yearly programs with the exception of Star Team Program and the Community-University Partnership. She stated that John Patton had reviewed all of these programs and it was very clear what the County wanted out of these programs.

Commissioner Vogt stated that she had a meeting with John Patton and he had in fact read and signed all of the agreements.

Commissioner Miller moved to approve the Agreements between Boone County and the following organizations for calendar year 1999 as follows:

ORGANIZATION	FOR	IN THE CONTRACT AMOUNT OF
Mid-MO Coalition on Adolescent Concerns	Resources Mothers	\$1,635
Voluntary Action Center	Family Information, Referral, and Resource	\$750
Regional AIDS Interfaith Network (RAIN)	Compassionate Care for AIDS Patients	\$1,000
Central MO Humane Society	Animal Shelter and Related Services	\$9,308
Rainbow House	Emergency Shelter for Children and Crisis Care of Children	\$3,600
Family Health Center	Primary and Preventive Health Care	\$140,000
Star Prevention Inc.	Star Team Program	\$10,200
Big Brothers/Big Sisters Inc.	Big Brothers/Big Sisters: One-to-one Mentoring Services for At-Risk Youth	\$2,000
The Community-University Partnership	PEAK Project	\$162,250

Pursuant to this order the Acting-Presiding Commissioner is hereby authorized to sign the agreements.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt added for the record that Star Prevention Inc., Family Health Center, and The Community-University Partnership were all funded out of the Hospital Profitshare funds and the rest of the agreements were funded out of the General Revenue Fund.

Commissioner Miller added that these agreements were also out of the Community Services Advisory Commission recommendations.

The motion passed 3-0. **Order 61-99**

Subject: Agreements for Homemaker & Personal Care Services

Commissioner Vogt stated that she had reported about these agreements and an earlier meeting that she had with Phil Steinhaus. She stated that the agreements were available for the Commission to sign today. She stated that they would look for better ways to handle this in the future.

Commissioner Vogt moved to approve the Agreements for Homemaker & Personal Care Services between the following organizations:

ORGANIZATION	IN THE CONTRACT AMOUNT OF
Northeast Community Action Corp	\$11.94 per unit
Visiting Nurses Alliance, Inc.	\$11.94 per unit

Pursuant to this order, the Acting-Presiding Commissioner is hereby authorize to sign the agreements.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 61A-99**

Subject: Roadway Maintenance Acceptance Certificate for Trikalla Dr, Doulton Dr, and Limoges Dr

Frank Abart stated that these were streets in a fairly new subdivision. He stated that these streets (or portions of) were located north of St Charles Rd and west of Lake of the Woods Rd. He stated that this was the last of the connection on (part of) the plats that were done. He stated that they had run into some problems with the developer.

Commissioner Miller stated that they needed to get these roads under maintenance so that they could be kept up.

Commissioner Miller moved to authorize the Acting-Presiding to sign the Roadway Maintenance Acceptance Certificate for Trikalla Dr, Doulton Dr, and Limoges Dr as presented by the Public Works Director.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 62-99**

Subject: Road Improvement Agreement for Grant Lane

Frank Abart stated that this was an agreement between the city of Columbia and Boone County regarding the city's intent to make improvements on Grant Lane. He stated that the agreement stated that the city of Columbia would pursue the right of way and maintain the road after the work was completed. He stated that there was no obligation for funding on the part of the County.

Commissioner Miller stated that she had been working with the residents on Grant Lane along with the Public Works department to answer any questions they had about the design or different aspects of the project. She stated that in her last discussion with the residents; the residents stated that they felt like the city had listened to their comments.

Commissioner Miller moved to approve the Road Improvement Agreement between the city of Columbia and Boone County for improvements (as outlined) to Grant Lane.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 62A-99**

Subject: Boone County Road Improvement/Repair Cooperative Agreements for Columbia and Rocheport

Frank Abart stated that these were the standard agreements between Boone County and its cities for road improvements. He stated that these (agreements) were formally called grants to cities and were now called revenue sharing.

Commissioner Vogt stated that these agreements had been taken through the Road Policy Advisory Commission for recommendation. She stated that this phase was just to get the money to the cities.

Frank Abart stated that this was the final step in the process. He stated that this process was performed on an annual basis.

Commissioner Vogt moved to approve the Boone County Road Improvement/Repair Cooperative Agreement between Boone County and the following entities:

CITY	IN THE CONTRACT AMOUNT OF
Columbia	\$580,500
Rocheport	\$9,500

Pursuant to this order, the Acting-Presiding Commissioner is hereby authorized to sign the agreements.

Commissioner Miller seconded the motion.

Discussion: Commissioner Miller stated that these agreements helped the smaller cities a lot.

Commissioner Vogt stated that this was a very good program.

The motion passed 3-0. **Order 63-99**

Subject: Request for Reclassification of Programmer I position to Programmer II in Information Technology

Commissioner Vogt welcomed Mark Stone, Human Resources Director and Jim Petit, Programming Supervisor.

Jim Petit stated that this position (Programmer I) had been posted for on October 28, 1998. He stated that this position had been advertised in Mid-MO on eight different occasions. He stated that the advertisements had failed to draw the needed requisite skill-set to meet the requirement of the positions within its given salary range. He stated that in addition to this, on January 6, 1999, the position was posted on the computer industry web-page (of the Internet). He stated that subsequent attempts were also made to recruit recent graduates of the University of MO (Computer Science). He stated that both attempts had failed to produce any candidates.

Jim Petit stated that with the Y2K issue, programmers were in very high demand and salaries were getting higher. He stated that there had been recent turnovers in the department and they were losing two more experienced people. He stated that all of these factors made it necessary for the IT department to try to recruit experienced people in order to restore the needed level of service and support.

Mark Stone stated that this request fell under the County's practice as far as the job classification committee and the process that the Commission had approved over a year and a half ago.

Commissioner Miller stated that the State of MO was holding eight-week intensive courses in order to get their people trained for Y2K. She also stated that it behooved the County to hire for a Programmer II in order to get some with a higher level of expertise.

Commissioner Vogt asked if the State was training people because there were not enough individuals available at that level of expertise.

Commissioner Miller stated that the State was trying to get entry-level people trained because there were not enough bodies to fill the positions.

Commissioner Miller moved to approve the request to reclassify the Programmer I position in the Information Technology Department to a Programmer II position.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 64-99**

Subject: Copier Maintenance Agreement with IKON Office Solutions

Beckie Jackson stated that the Prosecuting Attorney’s Office was budgeted in 1999 to replace a copier. She stated that the specific equipment did not fall under one of the other contracts that the County had for photocopiers. She stated that in the other agreements, there were provisions for pro-rated discontinuance of a contract. She stated that with this agreement, there was not one. Therefore there was no mechanism for the Prosecuting Attorney’s Office to get a reimbursement on the prepaid maintenance once this piece of equipment had been replaced.

Beckie Jackson stated that the vendor had agreed to allow the Prosecuting Attorney’s Office a quarterly maintenance agreement. She stated that this amount was slightly higher than if the annual cost were divided into quarterly installments. She stated the expenditure level did not require County approval, however IKON did require a contractual agreement.

Commissioner Miller moved to approve the Copier Maintenance Agreement with IKON Office Solutions in the amount of \$2,221.71 for services as outlined in the agreement. And further ordered that the Acting-Presiding Commissioner be hereby authorized to sign the agreement.

Commissioner Vogt seconded the motion.

Discussion: Beckie Jackson stated that the prepared order incorrectly stated the annual amount of the maintenance contract rather than the \$565 per quarter to be billed quarterly until the new copier was on board.

Commissioner Miller amended her motion to read \$565 per quarter.

Commissioner Vogt seconded the amendment.

Discussion: Commissioner Miller stated that she appreciated Bonnie Atkins extra to get this worked out in order to save the County money.

The motion passed 3-0. **Order 65-99**

Beckie Jackson stated that she had received a call from the KI (furniture representative for the Government center). She stated that the Audrain County Sheriff’s department was working on a building project and wanted to tour the Government Center on Friday. She stated that she wanted to let them know that the group would be looking at the seating, filing in the County Clerk’s office, and the work zone in the Commission office.

Subject: Budget Revision for extended travel expenses

Commissioner Miller moved to authorize a Budget revision as follows:

AMOUNT	(from) ACCOUNT	(to) ACCOUNT
\$160	1121-60050 Equipment Service Contract	1122-37200 Seminars/Conferences/Meetings
\$414	1121-23050 Other Supplies	1122-37200 Seminars/Conferences/Meetings

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 66-99**

Subject: Courthouse Grounds Use for American Cancer Society

Commissioner Vogt moved to authorize the use of the Courthouse Grounds by the American Cancer Society for its Mammographers March for Life Rally (for Breast Cancer Awareness) to be held on Thursday, June 17, 1999 from 5-7:30p.m.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 67-99**

Commissioner Reports

Commissioner Vogt

Commissioner Vogt reported that hopefully within the month, the County would be able to start the El Chaparral construction. She stated that Schneiders had the contract and they were attempting to begin work.

Commissioner Vogt stated that Joe Crane had been visiting with people in the Government center about the vacation of Wilbert Lane. She stated that they could not figure out exactly what his concern was. She stated that he had sent certified letter to Tom Schauwecker (Assessor), Stan Shawver (Planning and Building Inspection), and David Piest (Public Works).

Commissioner Vogt reported that there was a NID on Martin's Crossing. She stated that she had visited this area a couple of years ago. She stated that the County maintained a portion of the road in this area, she stated that the southern portion had a huge drainage area that would be a major cost to work on. She stated that the residents wanted this area maintained. She also stated that there was a part, in the original order on the plat, that the developer had to put in a 5-year flood receptacle. She stated that this had not happened. She stated that the group from this area might want to appear before the Commission and that the Commission might need to involve Stan Shawver.

Commissioner Miller

Commissioner Miller reported that she participated in the *Getting A Grip on Growth Seminar* held by the League of Women Voters. She stated that she thought it went well and that there was a large crowd. She stated that there were a lot of realtors and builders (sponsors) present. She stated that it was obvious that the farm community was not represented and she asked that the next time that kind of forum were to be held, that the farm community be represented.

Commissioner Miller stated that the League of Women Voters was not against growth, however they felt that it should be managed better than it was being managed at present.

Commissioner Vogt stated that she felt that Commissioner Miller had done a good job at the forum.

Public Comment

Jerry L. Noah, Box 173 Creasy Springs Rd, stated that there were some very important issues that the County had left out on the discussion of St Charles Rd and Creasy Springs Rd. He stated that the County had given him the run around on what had been spent on the easements for these projects. He stated that he kept digging around and they finally gave him the records that he needed today. He listed some of the amounts that the County had given other residents in this area.

Jerry L. Noah stated that the County had offered him \$2300 on his property. He stated that there were several factors about his property that he did not feel that the County had taken into consideration. He presented a map of the "so-called right of way easement" that the County wanted from him. He stated that the County (at one corner of his property) had not measured from the center of the line outward. He stated that Gloria Gesztesy, Public Works had stated that they did not know where the center-line was in that area. He stated that he had done his homework and they (Public Works) knew where the center-line was all up and down those roadways.

Jerry L. Noah demonstrated where he believed the center-line was. He stated that they (Public Works) went approx. 4 ft from the shoulder inward and then measured their 33 ft right of way. He stated that he informed her that if he had not caught this, then the County would have had a major lawsuit again. He stated that they (Public Works) had also not taken into consideration his barn that was established. He showed that the right of way easement that the County wanted to construct took out the corner of his barn. He stated that therefore the County owned the corner of his barn.

Jerry L. Noah stated that the County had done another survey on his property, showing the right of way easement not quite up to the corner of his barn. He stated that they (someone from Public Works) had claimed that he was not at home the day that this survey was done. He stated that he did not know if this survey was legit or if they had shot some targets and put them in.

Jerry L. Noah stated that his land was like a lot of other people in the country; his lagoon was not up to standard at this time. He stated he could squeeze one in on his property, however if the County put the right of way in, then there would be no way that he could do this. He stated that this was why he had asked for additional money to upgrade and put a proper sewage system in on his property. He stated that he did not feel that the County had given a lot of consideration on this matter.

Commissioner Vogt asked Mr. Noah how long the County had been dealing with this matter.

Jerry L. Noah stated that the County had been negotiating for approximately a month to two months.

Commissioner Vogt stated that in 1994, the County had made its initial contact to request a right of way.

Jerry L. Noah stated that this was correct. He stated that instead of spending money on condemnation trials, the County should have offered that money in addition to what had been offered previously in order to settle this matter with him out of court. He stated that he sincerely felt that he could put a 900' lagoon in and get it to function property. He stated however, if the County got the right of way, then there was no way that he would be able to get the lagoon in.

Commissioner Vogt stated that the way that the County handled condemnation suits was to put them all together and take them to court that way, so that the County did not have one at a time going through court. She stated that this was done in order to spend as little as possible on the condemnation efforts. She stated that what Mr. Noah would get out of condemnation court was a fair and equitable judgement of what his property was worth.

Jerry L. Noah stated that he did not feel that a person would get a fair shake in any type of trial because he had just went through a \$3 million lawsuit and he had gotten a local attorney disbarred because the attorney had not represented him properly. He stated that if he appealed the County's decision, he would have to spend more for the cost of the attorney than the County had already

offered him. He wanted to know who made up the condemnation committee. He wanted to know if these were regular people.

Frank Abart stated that everything went to a district judge who then selected the people to be on the committee. He stated that they (the County and/or Public Works) had no say in the matter.

Jerry L. Noah asked if the judge made the final decision.

Frank Abart stated that this was correct.

Jerry L. Noah stated that there was a judge disbarred in this town a few years ago. He asked the Commission: why not try to work this thing out?

Commissioner Vogt stated that they had attempted to work it out since 1994. She stated that they had not come to a settlement, and now the matter would be going to condemnation court. She stated that if Mr. Noah had a settlement price for the County, he should state it right now.

Jerry L. Noah stated that his brother-in-law lived across the road and he was offered a total of \$1840. He stated that his land was three times the length of his brother's land and he was only offered \$2300. He stated that he had made a lot of improvements that would make the entire project easier for the County. He asked if the County had taken this into consideration.

Commissioner Vogt stated that she had informed Mr. Noah in a previous discussion that the County worked with appraisers on those properties and the appraisals determined what the property was worth. She stated that she guessed that his brother's property was worth more than his.

Jerry L. Noah wanted to know why his brother's property was worth more. He stated that the properties were in an angle, 30 yards apart. He stated that they both had a mobile homes on them that could be moved.

Frank Abart stated that all he could say was that the appraisal had apparently valued his brother's property higher than his property.

Jerry L. Noah asked for what reason?

Frank Abart stated that he did not have any idea. He stated that the appraisals were performed by two, independent agencies.

Jerry L. Noah asked if the appraisers worked for the County.

Frank Abart stated that they did.

Commissioner Vogt asked if the Commission worked for him.

Jerry L. Noah stated that apparently they did not. He wanted to know why the County did not get appraisers from another town that did not have anything to do with this come in and appraise these lands. He stated that this would make people feel like they were getting a fairer shake.

Commissioner Vogt asked if the County worked with about five different agencies.

Frank Abart stated that they did, but that they were all local agencies.

Jerry L. Noah stated that they were all in cahoots together.

Frank Abart stated that he felt that a person was more likely to get a realistic property value by using people who were local than by using someone from the outside who was accustomed to different property values.

Commissioner Vogt asked if they could agree on the fact that Mr. Noah did not believe that his property was worth what the County had offered him for it. She asked if this was true or false.

Jerry L. Noah stated that this was partially true.

Commissioner Vogt asked which part of this was false.

Jerry L. Noah stated that he felt that the County should offer a little more. He stated that he had offered the County to give him a signed document and a waiver if he sought to build a barn in the same location. He stated that he had also wanted a waiver on the lagoon.

Commissioner Vogt stated that if this were possible it would have been done.

Jerry L. Noah stated that if the County got the easement there was no way that he could put a barn in the other corner either.

Commissioner Vogt stated that she did not know this.

Jerry L. Noah stated that this was because she had not taken a tape measure to the area.

Commissioner Vogt stated that these were all the kinds of things that a judge would take a look at and make a decision on. She stated that she did not know why this concerned him so much because he was going to get a fair deal from the judge on what his property was really worth and what the public's disturbance of his property was worth to him.

Jerry L. Noah wanted to know why these matters could not be settled without the condemnation court.

Commissioner Vogt that stated this was because they had tried since 1994.

Jerry L. Noah stated that if you looked up through the area, there was other places like the Mauller's that had been given a total \$7300 for his property. He listed some other properties that were being given money. He stated that he had been told that the smaller a portion of land that a person had, the more it would be worth.

Commissioner Vogt stated that she was not willing to make an arbitrary judgement on what Mr. Noah's property was worth. She stated that when the court made the decision, the County would pay that amount.

Commissioner Miller stated that she wanted this road done. She stated that this was the first road that she chose to have done from her district the first year that she was in office.

Jerry L. Noah asked if Commissioner Miller's road was the first road that was done. He asked about a piece of property.

Commissioner Miller stated that she lived in the city and her road had been paved for a long time ago. She stated that she did not own any property on which a road had been worked on either.

Jerry L. Noah stated that the County claimed that they needed to take the corner of his barn off due to safety reasons in order to straighten the road out. He stated that he had lived out there for 35 years and there had never been a serious wreck on that curve.

Jerry L. Noah stated that the County needed to do something different when they came in and bought up right of ways from the public. He stated that when there were two places that close together and one was three times the length of the other, the County needed to have more realistic appraisals.

The meeting adjourned at 3:30p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner