

TERM OF COMMISSION: July Session of the July 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 Helen Sheehan

The meeting was called to order at 9:32 a.m.

**Subject: Space Needs Committee Final Report**

David Shorr, Space Needs Committee Chair, was present on behalf of this item.

A copy of the Boone County Space Needs Committee Final Report is available in the Boone County Commission office and the Boone County Clerk's office.

David Shorr stated the Commission appointed members of the Space Needs Committee on September 16, 2004. 19 members were appointed. For the most part, when a large group like this is appointed, the expectations for attendance are not high but this group was diligent in their attendance.

The committee began deliberations on September 29, 2005. Fifteen meetings followed to discuss space demands related to 13<sup>th</sup> Judicial Circuit and Boone County Courthouse and the Boone County Government Center.

The first efforts were focused on examining facilities and interviewing office holders to understand the demands of their jobs, their space concerns and evaluate those space concerns against the architectural reports that were provided. The architectural reports were reviewed by the Committee from Butler and Rosenbury for the Courthouse and Simon Oswald for the Government Center.

The evaluation of the space, in Mr. Shorr's opinion for a citizen's committee, was very extensive. The soul focus that the committee at the beginning, he believes, was to determine whether the space needs were over exaggerated. That was the presumption they began their exercise with. It was the unanimous conclusion at the end from the committee was the space needs was true, immediate and potentially understated in some cases. Mr. Shorr stated he believes all members of the committee saw there was a demand problem and it needed to be addressed.

Mr. Shorr stated in January 2005, the Commission advised the committee of acquisitions of real estate west of the existing Courthouse, which included the Guaranty Land Title

Building and significant portions of the block immediately adjacent to the west of the Courthouse bound by 6<sup>th</sup> Street, Ash Street, 7<sup>th</sup> Street and Walnut Street. The committee had to add that into their deliberations.

The committee's review and conclusions are presented in three resolutions in the final report. The first resolution addresses the Courthouse and adjacent properties. The second resolution addresses the Government Center. The final resolution addresses what is referred to by the committee as interim actions. No matter what course is taken by the Commission, there will be a period of time when there is a significant strain on space. They attempted to provide some insight.

The conclusions of the resolutions can be summarized as follows: space needs are accurately stated and the demand is legitimate. Mr. Shorr believes this is an important point.

The Courthouse clearly exceeds its capacity and requires expansion. In spite of the additional building built a few years ago, it is clear the Courthouse cannot continue to carry out the judicial functions if it continues to be the only facility available. With the acquisition of the new property, a master plan for the lay out of the Courthouse should be developed looking forward at least 35 years. It should be a three phase program with the initial phase immediately funded to accommodate expansion for the current need.

The committee's biggest dilemma with the acquisition of the property, as discussed at their last meeting regarding architectural services, was the fact that they have gone in a new direction. There is recognition by every committee member that this is a first class county and the court docket is accelerating significantly as a result of the growth. The committee believes that rather than spot change what is going on, a new master plan including all the properties be implemented. Their emphasis on a three phase plan was done largely because they recognize the citizens of Boone County have a presumption of limited tax expansion at this time. The first phase issue is genuine and the timing can be predicted, which is now. The other phases maybe the result of peaks and valleys of growth, court demand and changes in state law for example. The 35 years from the s point of significance was just a number. It was a timeline that looked forward on behalf of the community and could be agreed to by the committee.

Mr. Shorr stated a strong consideration should be given to the addition of a third floor to the existing Courthouse Annex to house an additional courtroom and jury selection area. This should be reviewed as part of the first phase of the Courthouse Master Plan. The committee tried to give direction to the architects but not limit the architects. Part of the reason for this item is that it was obvious in the committee's discussions with the Courts and attorneys on the committee that there is a tremendous need for a full jury courtroom in addition to the current third floor ceremonial courtroom. The size of the jury panels has increased over the last few years and the space is needed to handle the jury selection.

The committee encourages the architect developing the master plan to have a broad and open canvas which includes all new properties, the land presently occupying 7<sup>th</sup> Street and the land adjacent to the present Courthouse for consideration.

The committee did not mandate the vacation of 7<sup>th</sup> street. They said the architects should not have their hands tied in reviewing that as a potential option in the master plan. The resolution states the main item with regard to any new phase of the Courthouse is the ability to be connected to the existing Courthouse mainly for security reasons.

The other item came up was property located immediately adjacent to the Courthouse which is currently a parking lot. One committee member expressed interest in using this for possible expansion and wanted the architect to have this as an option.

The third floor of the Government Center should be developed consistent with the plan present by Simon Oswald, which is Option M with modifications as stated in the report's resolution #2.

Mr. Shorr discussed the financial situation for funding the third floor development.

The voter's should be requested to implement a sales tax in order to fund the first phase of the program for the Courthouse. The committee was impressed with the design of the sales tax that was done for the initial Courthouse annex because it had a set requirement for a sunset upon the financing being completed. It was attractive to the committee even to those who were cynical regarding taxation.

The sales tax should include the first phase building of the Courthouse expansion developed from the master plan. It should provide additional funds to modify the first and second floors of the Government Center in order to have additional space and redesign those two floors. The committee understands there are sufficient funds to complete the third floor of the Government Center.

Before going to the voters, the County should have a completed master plan for the Courthouse including a detailed description of the first phase plan to meet the objectives of the committee's resolution. The committee found that most Boone Countians would like to see what they will be paying for in the long run and believes it is in the County's best interest to do this.

The committee suggests there should be an architectural rendering of the Courthouse master plan and the first phase expansions. This will give the voter a chance to see, in context, what they are voting on and not just hear words from people who want to extend taxes.

Mr. Shorr stated finally, the committee recommends the third floor of the Government Center be completed utilizing funds so specified. In other words, begin this phase quickly.

The Commission should implement the interim plan. There is an interim plan included in the report and is \$100,000 to \$200,000. This would be a carry over plan to bring in the new judge that was added by the General Assembly to Boone County to carry more cases. That interim plan is small and includes changing the law libraries, moving some spaces. It is included in the plan and the committee recommends this move forward immediately. They did note to the voters that this is not a permanent fix.

Mr. Shorr stated he personally cannot emphasize the importance of moving forward with the third floor of the Government Center. The people he spoke with want to know what is going on with the third floor. It is important to utilize the third floor properly before going to the voters for funding of the Courthouse expansion.

Court dockets have increased significantly over the last few years. At one of the committee's meetings, Bob Perry, former Court Administrator, discussed this increase. With the exception of the traffic docket, which a significant portion was picked up by the municipal court, other dockets have increased 54% since the annex was built. By the time this expansion is complete, the docket load will be considerably higher. The people have a right to prompt and adequate justice. If there is no room to hear the case then there will be problems. Since the majority of this project will be the Courthouse, Mr. Shorr requested the judges and legal community be involved.

Mr. Shorr stated there is a lot of discussion in the community about taxation from transportation to school taxes. The citizens of Boone County, in his opinion, are becoming tax saturated. He believes this is a worthwhile project but the community needs to be informed about this to separate it from other projects and why this project has merit. The Court docket increases are the most compelling discussion for everyone he has spoken with, even those who are opposed to tax increases, but they understand the need for good judicial care in Boone County. They understand that it is only a matter of time before there is significant civil and criminal dockets that merit the first class county designation.

Mr. Shorr thanked the Commission for the opportunity to be on this committee.

Commissioner Elkin asked what new information came forward during the committee's meetings. Mr. Shorr stated the tours were compelling but there was still some who were cynical when they would go to the meetings. The committee interviewed many of the elected officials. The one thing that stood out for him was how competent and capable the elected officials are. There were also members of the local judicial community.

The third floor of the Government Center is still the most contentious issue and he suggests the Commission move forward with this.

Commissioner Miller stated the report only suggests one floor for the Courthouse Annex

and asked why not two floors. Mr. Shorr stated there were many people who did not want to go vertical at all. They viewed it as expensive. The annex is a narrow building and does not provide a wide floor plan for flexibility. The limestone façade is extremely expensive. The group wanted to cut costs as a general rule. There is also an issue of County Building Codes being such that changes to the underlying structure are problematic. The thing that swung the group, with regard to at least a third floor, was the ability to put a courtroom there, the ability to put jury selection and an inmate holding area. The committee did not mandate the third floor option. The committee had this as another option for the architects to take into consideration.

He discussed space in the Johnson Building also.

Mr. Shorr stated the Planning and Building Inspection Department is the only department that was discussed as being moved from the Government Center. This is a decision the Commission will ultimately make. The Guaranty Land Title building would be the most appropriate place for this department.

There were also concerns brought forward by Wendy Noren, County Clerk, regarding the Help America Vote Act (HAVA) and the possible space needed to store equipment, have continuous polling places and other issues.

Commissioner Miller asked about an interim solution for the Courthouse. Mr. Shorr stated there are limited options. The capacity for space in the Courthouse is gone. The only option that was interim, which the committee could not reach a conclusion on, related to Juvenile. That action is included in the resolution. If the Commission does not move forward with the architectural work and present this to the voters then it will all be irrelevant. The conclusion is move and move quickly. The committee had a negative view of moving Court functions into the Government Center.

Commissioner Miller stated the Johnson Building could be used as interim space if those offices are moved onto the third floor of the Government Center.

Mr. Shorr stated this is only advice and the only piece that could be agreed upon is to expand the Courthouse.

Commissioner Miller thanked Mr. Shorr and the Space Needs Committee for all of their work.

Mr. Shorr noted there has to be a cooperative discussion between the City and the County regarding future parking issues for both City and County proposed complexes. This was also discussed by the committee. This issue is not included in the committee's or either political jurisdictions discussions of their functions. He requested the Commission not let this fall below the radar and keep this discussion going.

Commissioner Elkin thanked Mr. Shorr for his outstanding job on this complex issue.

There was no further discussion on this item.

**Subject: Purchasing Department**

**A. Second Reading and Award of Bid MM44 (Dry Cleaning Services)**

Commissioner Elkin moved to award bid MM44 for Dry Cleaning Services to Robinson's Cleaners.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 269-2005**

**B. Second Reading and Approval of Request to Dispose of Surplus Property**

Commissioner Miller moved to authorize the disposal of surplus property as listed on the June 21, 2005 memo from the Purchasing Department.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 270-2005**

**C. Second Reading and Approval of Request to Dispose of Computer Equipment**

Commissioner Elkin moved to authorize the disposal of computer, monitors and printers as listed on the June 28, 2005 memo from the Purchasing Department.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 271-2005**

**Subject: Child Support – Second Reading and Approval of Cost Allocation Plan**

Commissioner Miller moved to authorize the Presiding Commissioner to sign the Certificate of Indirect Costs – A Cost Allocation Plan with Maximus.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 272-2005**

**Subject: Public Works**

**A. Second Reading and Approval of Agreement with Trabue, Hansen and Hinshaw (Boone Industrial Park Road Improvement Project, Additional Services)**

Commissioner Elkin moved to approve the Proposal for Consultant Services with Trabue, Hansen and Hinshaw, Inc. for the Boone Industrial Park Road Improvement Project – Additional Services.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 273-2005**

**B. First Reading of Petition to Create Hill Creek Sanitary Sewer NID**

John Watkins, Project Development Manager, was present on behalf of this item.

John Watkins stated on behalf of the residents and owners who have signed the Petition to Create the Hill Creek Sanitary Sewer NID, he requests that the Commission accept the County Clerk's certification for the validity of the petition and approved the advisability and order the establishment of the Hill Creek Sanitary Sewer Neighborhood Improvement District.

The Hill Creek Sanitary Sewer NID consists of providing public sanitary sewer improvements to all owners within the legal boundary. 64 of the 88 owners within the district signed the petition, which gives the petition a 73.39% by area and 72.73% by ownership.

The cost estimate for this improvement is \$1,652,980.60, with a not to exceed amount of 125% or \$2,066,225.75. This figures out to be \$18,783.87 per assessment with a not to exceed amount of \$23,479.84 per assessment.

Commissioner Elkin suggested there be a policy justifying 10 year NIDs and 20 year NIDs.

Commissioner Miller stated this is a 20 year NID because of the high cost and 20 year NIDs are only done for sewer.

Mr. Watkins stated this has been discussed in the past. There have been some road NIDs that have cost close to \$10,000 per lot but those were in wealthier neighborhoods. They have found that sewer NIDs cannot be done for under \$12,000 or \$13,000 per property.

Commissioner Miller stated this is the second sewer NID that has been done. Pin Oak NID was the first.

Commissioner Elkin asked if there are any undeveloped lots in this area. Mr. Watkins stated there are some undeveloped lots and they have been excluded from this NID.

Commissioner Miller moved to set a public hearing the creation of the Hill Creek Sanitary Sewer Neighborhood Improvement District on Tuesday, July 26, 2005 at 5:30 p.m. in the Commission Chambers.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 274-2005**

**Subject: Facilities Maintenance – Second Reading and Approval of Budget Revision**

Commissioner Elkin moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
6100-92400: Facilities Maintenance – Replacement Auto/Truck	\$709.00	
6100-92100: Facilities Maintenance – Replacement Furniture/Fixtures		\$709.00

Said budget revision is for the purchase of a new chair for the Facilities Maintenance administrative assistant.

Commissioner Miller seconded the motion.



There was no discussion and no public comment.

The motion passed 3-0. **Order 275-2005**

**Subject: Planning and Building Inspections – Second Reading and Approval to Name an Unnamed Road (Herman Nichols Road)**

Commissioner Miller moved to approve the request to name an unnamed road which is currently county maintained to Herman Nichols Road as described in the documentation from the Planning and Building Inspection Department.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 276-2005**

**Subject: Second Reading and Approval of Order for Abatement of Weed Nuisance (4850 Leora Lane)**

Commissioner Schnarre stated an abatement order had to be done last year for this property.

Commissioner Elkin moved to approve the order for Abatement of Weed Nuisance for 4850 Leora Lane, Columbia.

Commissioner Miller seconded the motion.

Commissioner Miller asked if the property owner paid their taxes last year. She suggested this issue be researched.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 277-2005**

**Commissioner Reports**

There were no Commissioner Reports.

**Public Comment**

There was no public comment.

The meeting adjourned at 10:21 a.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Keith Schnarre  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner