

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI

April 5, 2010 - 7:00 p.m.
Office of the City Clerk

CALL TO ORDER:

The Council of the City of St. Joseph, Missouri, met in regular meeting in the Council Chamber at City Hall, on Monday, April 5, 2010, at 7:00 p.m. The meeting was called to order at 7:00 p.m. by Mayor Shearin. Notice of said meeting had been established as every other Monday at 7:00 p.m. Further notice was provided by posting the regular meeting date and time in the City Clerk's office at City Hall, and by written notice (together with a tentative agenda) three days in advance in the City Clerk's office.

ROLL CALL:

Present were Councilmembers Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin, Starr--8. Absent, Baker--1. Total membership--9. Five members constitute a quorum.

Also present were City Manager Vincent J. Capell, City Attorney Lisa M. Robertson, Public Works & Transportation Director J. Bruce Woody, Police Chief Christopher Connally, Financial Services Director Carolyn Harrison, Human Resources Director Diana Slater, Fire Chief Michael L. Dalsing, Parks, Recreation & Civic Facilities Director Bill R. McKinney, Health Director Debra Bradley, Planning & Community Development Director Clint Thompson, Customer Assistance Director Samuel T. Barber, Property Maintenance & Technology Services Director Steve Hofferber, Asst. Public Works & Transportation Director Andrew Clements, Project Manager Chuck Kempf, Communications Manager Mary Robertson, Multi-media Coordinator Chris Clark, City Clerk Paula Heyde, Deputy City Clerk Rita K. Domini and Intern Justin Peacock.

Under the Council voting rotation system, Councilmember Starr voted first.

PLEDGE OF ALLEGIANCE:

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MINUTES:

36505 By general consent, the minutes of the regular meeting held March 22, 2010, at 7:00 p.m., were approved as transcribed in the office of the City Clerk.

SPECIAL RECOGNITIONS:

36506 Special Recognition Award – St. Joseph Census Complete Count Committee

[Councilmember LaBass arrived.]

ACCEPTANCE OF AGENDA:

36507 It was moved by Councilmember Boyer and seconded by Councilmember Bozarth that the Agenda be accepted as published with the addition of one bill for first reading being placed on the Agenda. Motion carried. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.

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PUBLIC HEARING ON ORDINANCES FOR REZONING & CONDITIONAL USE PERMITS:

36508 (G.O. 2377) A Bill (#1625-06) redistricting 4204 North Belt Highway from C-1 Neighborhood Shopping District to C-3 Commercial District requested by St. Joseph Cashways, LLC, Greg Lucas, agent, having been read the first time on March 22, 2010, was read the second time and passed. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.

CONSENT AGENDA:

36509 It was moved by Councilmember Boyer and seconded by Councilmember LaBass that Agenda Numbers 36510 through 36525 be passed by Consent Agenda. Motion carried. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.

Nominations and Appointments:

36510 Filed 3/23/10: The nomination by Councilmember Penland was approved, appointing Dr. Ronald G. Wade, 1117 N. 25th Street, as a member of the Parks & Recreation Board for a term expiring April 5, 2015; he is replacing Robert K. Purvis, whose term has expired.

Bills for Passage:

36511 (S.O. 7921) A Bill (#1620-06) amending the Police Department budget in the General Fund to recognize \$531.00 received from an insurance company for a damaged police vehicle, \$767.00 received from a citizen for damage to a police vehicle, and \$4,644.00 received from an insurance company for articles stolen out of a police vehicle, having been read the first time on March 22, 2010, was read the second time and passed.

36512 (S.O. 7922) A Bill (#1622-06) amending the Museum Fund budget in the amount of \$69,672.00 to provide for expenditures at the Wyeth-Tootle Mansion by St. Joseph Museums, Inc., having been read the first time on March 22, 2010, was read the second time and passed.

36513 (S.O. 7923) A Bill (#1623-06) amending the Parks, Recreation and Civic Facilities Fund budget to accept a donation from the Rotary Club of St. Joseph South Side in an amount not to exceed \$2,000.00 to be used to purchase materials for the replacement of shelter #3 at Hyde Park, having been read the first time on March 22, 2010, was read the second time and passed.

36514 (S.O. 7924) A Bill (#1629-06) amending the Aviation Fund budget in the amount of \$9,640.00 to provide for overtime expenses and unemployment claims, having been read the first time on March 22, 2010, was read the second time and passed.

36515 (S.O. 7925) A Bill (#1635-06) to amend the General Fund and CIP Sales Tax Fund budgets and authorize the purchase of a pre-engineered shade sail canopy from Terra Pad in the amount of \$21,285.00 for Phil Welch Stadium Renovations Phase 2, having been read the first time on March 22, 2010, was read the second time and passed.

36516 (S.O. 7926) A Bill (#1624-06) approving the final plat entitled "Amended Greystone Plat 1", a major subdivision consisting of 126 lots located east of North Woodbine Road, and north of Cook Road as submitted by Greystone Partners Land Development LLC., Don Clark, agent, having been read the first time on March 22, 2010, was read the second time and passed.

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Number CONSENT AGENDA: Bills for Passage: (Cont'd)

- 36517 (S.O. 7927) A Bill (#1627-06) to enter into a Housing Rehabilitation Contract with Philinda Deiter McCracken (owner) and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 1814 Sacramento in a total amount not to exceed \$42,313.00, having been read the first time on March 22, 2010, was read the second time and passed.

- 36518 (S.O. 7928) A Bill (#1628-06) to enter into a Housing Rehabilitation Contract with Susan J. Davis (owner) and Superior Exteriors of Northwest Missouri LLC (contractor) for a housing rehabilitation project at 2525 Faraon Street in a total amount not to exceed \$31,347.00, having been read the first time on March 22, 2010, was read the second time and passed.

- 36519 (S.O. 7929) A Bill (#1631-06) authorizing a price agreement with CR Lawns for the 2010 grass mowing for Water Protection Facilities for the amount of \$25,596.00, having been read the first time on March 22, 2010, was read the second time and passed.

- 36520 (S.O. 7930) A Bill (#1632-06) authorizing Change Order No. 1 to the contract with Loch Sand and Construction Company for the Roy's Branch Stormwater Consolidation Improvements Project-Phase 2 in the amount of \$21,685.00 and amending the Sewer Fund budget for costs associated with this change order, having been read the first time on March 22, 2010, was read the second time and passed.

- 36521 (S.O. 7931) A Bill (#1634-06) abating special tax bills for the Thousand Oaks Addition Plat No. 2 Lighting Neighborhood Improvement District (NID) for individual property owners who reside at 2208, 2210, 2212, 2214 and 2216 Sterling Street in the total amount of \$470.25 per address for Fiscal Year 2009/2010, having been read the first time on March 22, 2010, was read the second time and passed.

Resolutions for Adoption:

- 36522 (Resolution No. 36522 - 3067) A Resolution (#1644-06) renewing the Lease Agreement with Buchanan County, Missouri for the purpose of leasing space at the Buchanan County Courthouse for Municipal Court for an additional one-year period, was read and adopted.

- 36523 (Resolution No. 36523 - 3068) A Resolution (#1649-06) to express the City Council's gratitude to the Community Advisory Panel for its service in providing feedback relative to the development and final recommendations contained in the Combined Sewer Overflow Long Term Control Plan Update and the Eastside Facilities Plan, was read and adopted.

- 36524 (Resolution No. 36524 - 3069) A Resolution (#1656-06) sponsored by Councilmembers Bozarth, Penland, and Roach to approve and accept the final facilities plan relating to the Combined Sewer Overflow (CSO) Project to be submitted to the Missouri Department of Natural Resources and the Environmental Protection Agency, was read and adopted.

- 36525 (Resolution No. 36525 - 3070) A Resolution (#1660-06) accepting the renewal from Blue Cross and Blue Shield of Kansas City for group health insurance for city employees, was read and adopted.

***** END OF CONSENT AGENDA *****

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BILLS FOR PASSAGE:

- 36526 (G.O. 2378) A Bill (#1633-06) amending various portions of Chapter 30 "Vehicles for hire" relating to taxicab and limousine driver's license regulations, having been read the first time on March 22, 2010, was read the second time and passed. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.
- 36527 (S.O. 7932) A Bill (#1619-06) amending the Police Department budget in the General Fund in the amount of \$8,400.00 to provide funds for the shared electrical expenses at seven (7) communications tower sites, having been read the first time on March 22, 2010, was read the second time and passed. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.
- 36528 (S.O. 7933) A Bill (#1630-06) authorizing the submission and execution of a Federal Transit Administration Section 5307 Urban Area Formula Funds Grant to provide transit operating assistance in the approximate amount of \$1,187,378.00, having been read the first time on March 22, 2010, was read the second time and passed. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.
- 36529 It was moved by Councilmember Falkner and seconded by Councilmember LaBass to reissue an RFQ with an RFP (for the Whitehead Creek Stormwater Separation Conduit Design Project). Motion carried. Ayes, Starr, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--7. Nay, Boyer--1. Absent, Baker--1.
- 36530 It was moved by Councilmember Falkner and seconded by Councilmember Bozarth that a Bill (#1618-06) to authorize Work Order Number 7522-08 with Black & Veatch Corporation to provide engineering services for the design of the Whitehead Creek Stormwater Separation Conduit Design Project for the amount of \$1,946,226.00 pursuant to the Master Agreement previously executed, be withdrawn. Motion carried. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.
- 36531 It was moved by Councilmember Falkner and seconded by Councilmember Penland that a Bill (#1636-06) sponsored by Councilmember Falkner authorizing a contract with the International Association of Fire Fighters (IAFF), Local #77, be postponed for four weeks to the May 3, 2010 Council meeting and with the understanding that the President of the International Association of Fire Fighters (IAFF), Local #77 will meet with the Fire Chief and work out some of the issues concerning this contract and bring it forth. Motion carried. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.
- 35632 It was moved by Councilmember Boyer and seconded by Councilmember Roach that Bill #1637-06 be amended before consideration for passage by substituting a new ordinance and attachments in place of the ones originally filed. Motion carried. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.
- 37533 (S.O. 7934) A Bill (#1637-06) sponsored by Councilmember Falkner authorizing a contract with the Fraternal Order of Police (FOP), Lodge #3, having been read the first time on March 22, 2010, was read the second time and passed. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.

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BILLS FOR PASSAGE: (Cont'd)

- 36534 It was moved by Councilmember Starr and seconded by Councilmember Falkner that a Bill (#1638-06) sponsored by Councilmember Starr authorizing a change to the Local Area Government Employee Retirement System (LAGERS) for general employees from the L-3 Benefit Program to the L-6 Benefit Program in accordance with RSMo. Section 70.655, be postponed to the August 9, 2010, Council meeting. Motion carried. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.

EMERGENCY BILLS FOR PASSAGE:

None.

RESOLUTIONS FOR ADOPTION:

- 36535 (Resolution No. 36535 - 3071) A Resolution (#1659-06) authorizing a Consent Agreement to the assignment and transfer of rights and obligations under the city's Master Agreement for excavating & repairs in public right of way – unit price from Wales Contracting, Inc. to JD Bishop Construction, LLC, was read and adopted. Ayes, Starr, Boyer, Bozarth, Falkner, Penland, Roach, Shearin--7. Nay, LaBass--1. Absent, Baker--1.
- 36536 (Resolution No. 36536 - 3072) A Resolution (#1662-06) directing the City Manager to research options and costs related to pension benefits enhancements for all regular, full-time city employees, was read and adopted. Ayes, Starr, Boyer, Bozarth, Falkner, LaBass, Penland, Roach, Shearin--8. Absent, Baker--1.

BILLS FOR FIRST READING:

- 36537 A Bill (#1639-06) to amend the Parks, Recreation and Civic Facilities Fund budget in the amount of \$12,052.00 to accept a grant from South St. Joseph Progressive Association to be used to renovate shelters at Hyde Park, was introduced and read the first time.
- 36538 A Bill (#1640-06) amending the Municipal Golf Fund budget to accept a donation in the amount of \$378.00 received from the Fairview Men's Club to assist with the purchase of greens flags at Fairview Golf Course, was introduced and read the first time.
- 36539 A Bill (#1641-06) amending the Parks, Recreation and Civic Facilities Fund in the amount of \$8,859.00 to recognize monies received from insurance proceeds to be used to purchase materials to repair the columns at Corby Parkway and the tunnels at Krug Park, was introduced and read the first time.
- 36540 A Bill (#1642-06) amending the Parks, Recreation and Civic Facilities Fund budget in the amount of \$4,971.00 for the purpose of purchasing equipment to be used for maintenance of the Outdoor Nature Center (old Sister's Hospital lot) at 9th and Powell Streets, was introduced and read the first time.
- 36541 A Bill (#1643-06) amending Section 13-48 of the Code of Ordinances entitled "Costs, assessment, disposition" relating to Municipal Court, was introduced and read the first time.
- 36542 A Bill (#1645-06) amending the CIP Sales Tax Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in the amount of \$30,000.00 to be used to assist with the purchase of playground equipment for Hochman Park and Leonard Road Acres, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

- 36543 A Bill (#1646-06) amending the CIP Sales Tax Fund budget to accept a donation from the George Bode, Jr. Benevolent Trust in the amount of \$40,000.00 to be used to assist with the purchase of playground equipment for Hyde Park, was introduced and read the first time.
- 36544 A Bill (#1647-06) amending the Aviation Fund budget and entering into Amendment Number One (#1) to the State Block Grant Agreement to accept the 2009 Non-Primary Entitlement (NPE) Block Grant funds in the amount of \$150,000.00 from the Missouri Highway and Transportation Commission (MHTC) and to extend the deadlines for completing the Taxiway Alpha Rehabilitation Design and the Pavement Management Study at Rosecrans Memorial Airport, was introduced and read the first time.
- 36545 A Bill (#1648-06) amending the Mass Transit Fund budget to recognize revenue in the amount of \$1,258.90 received from an insurance company for damage to a transit bus, was introduced and read the first time.
- 36546 A Bill (#1650-06) authorizing the acceptance of the proposal from CIGNA for group long term disability insurance coverage for city employees, was introduced and read the first time.
- 36547 A Bill (#1651-06) authorizing the acceptance of the proposal from EMC National Life Company for group term life and accidental death & dismemberment (AD&D) insurance coverage for city employees, was introduced and read the first time.
- 36548 A Bill (#1652-06) authorizing master agreements with Ellison-Auxier Architects, Inc.; Goldberg, Sullivan & McCreery, Inc.; Creal Clark & Seifert A/E, Inc. and River Bluff Architects, Inc. for on call professional design services, was introduced and read the first time.
- 36549 A Bill (#1653-06) authorizing Work Order Number 2010-08 with Midland GIS Solutions to provide surveying work for the Water Protection Division of the Public Works & Transportation Department in the amount of \$41,855.50, was introduced and read the first time.
- 36550 A Bill (#1654-06) authorizing the purchase of foreclosed properties located at 1611 South 17th Street, 1919 South 20th Street, 1503 Pacific Street and 2612 Patee Street using Neighborhood Stabilization Program (NSP) Grant funds in the amount of \$240,000.00 received from the Missouri Department of Economic Development, was introduced and read the first time.
- 36551 A Bill (#1655-06) authorizing the acceptance of the proposal from Ameritas Group for group dental insurance coverage for city employees, was introduced and read the first time.
- 36552 A Bill (#1657-06) approving a Settlement Agreement and Binding Unilateral Agreement with Alltel Communications, LLC, and related entities regarding payment of business license taxes, was introduced and read the first time.
- 36553 A Bill (#1658-06) amending the Parks, Recreation and Civic Facilities Fund budget to accept a donation from the Senior Citizens Foundation, Inc. in an amount not to exceed \$273,765.00 and authorizing a contract with Brooner & Associates Construction, Inc. for the building addition to the Joyce Raye Patterson Senior Center, was introduced and read the first time.
- 36554 A Bill (#1661-06) authorizing a Settlement Agreement with the Missouri Department of Natural Resources and Attorney General's Office for landfill gas migration for the sum of \$2,500.00 and other considerations, was introduced and read the first time.

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BILLS FOR FIRST READING: (Cont'd)

36555 A Bill (#1663-06) sponsored by Councilmember Roach amending the General Fund and CIP Sales Tax Fund budgets and approving Change Order Number 1 for electrical additions for the Phil Welch Stadium Renovations – Phase 2 in the amount of \$12,223.00 with Brooner Construction & Crane, was introduced and read the first time.

REPORTS OF BOARDS & COMMISSIONS:

Filed 3/17/10: Minutes of the Senior Citizens Foundation, Inc. Board meeting held February 16, 2010, at 3:30 p.m., at the Joyce Raye Patterson Senior Center, 100 South 10th St.

Filed 3/23/10: Minutes of the Parks & Recreation Board meeting held March 18, 2010, at 4:03 p.m., at the Remington Nature Center, 1502 MacArthur Drive.

Filed 3/29/10: Minutes of the Housing Authority meeting held February 24, 2010, at 4:00 p.m., at 502 South 10th St.

Filed 3/29/10: Minutes of the Community Police Advisory Committee meeting held March 2, 2010, at the Rolling Hills Library, 1904 N. Belt Hwy.

Filed 3/29/10: Minutes of the Aviation Board meeting held March 3, 2010, at 7:00 p.m., in the Conference Room at Rosecrans Memorial Airport.

COUNCIL WORK SESSIONS & COMMITTEE MEETINGS – CITY CLERK'S OFFICE:

Filed 3/26/10: Minutes of the Council Landfill & Water Pollution Control Committee meeting held March 23, 2010, at 4:00 p.m., in the 4th Floor Conference Room at City Hall.

REPORTS & RECOMMENDATIONS OF THE CITY MANAGER:

Filed 3/19/10: Mayor and City Council Update, March 19, 2010.

Filed 3/26/10: Mayor and City Council Update, March 26, 2010.

DELEGATIONS, PETITIONS:

None.

COMMUNICATIONS:

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Bi-Monthly Board meeting held November 12, 2009, at 4:00 p.m., at 3406 Frederick Blvd.

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Personnel Committee Work Session held December 4, 2009, at 3406 Frederick Blvd.

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Policies, Procedures and Bylaws Committee meeting held December 11, 2009, at 10:00 a.m., at 3406 Frederick Blvd.

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Exhibits Committee meeting held January 11, 2010, at 4:00 p.m., at 3406 Frederick Blvd.

COMMUNICATIONS: (Cont'd)

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Annual Membership meeting held January 28, 2010, at 5:30 p.m., at 3406 Frederick Blvd.

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Fundraising Events Committee meeting held February 25, 2010, at 1:00 p.m., at 3406 Frederick Blvd.

Filed 3/17/10: Minutes of the St. Joseph Museums, Inc. Operations Advisory Committee meeting held March 9, 2010, at 3:00 p.m., at 3406 Frederick Blvd.

Filed 3/18/10: Memorandum from Andrew Clements, Public Works & Transportation Asst. Director, in re: Water Protection Program – Facilities Plan Executive Report.

Filed 3/18/10: Minutes of the Police Pension Board meeting held February 17, 2010, at 4:00 p.m., in the 1st Floor Conference Room at City Hall.

Filed 3/18/10: City Weekly, March 18, 2010.

Filed 3/18/10: Memorandum from Judy Hovey, Revenue Manager, in re: Disposition List.

Filed 3/19/10: Municipal Courier, March 2010, Volume 8, Issue 3.

Filed 3/19/10: St. Joseph Area Chamber of Commerce Weekly Board Report, March 19, 2010.

Filed 3/19/10: Memorandum from Chuck Kempf, Project Manager, in re: Phil Welch Stadium 2010 update – Phase II.

Filed 3/22/10: Memorandum from J. Bruce Woody, Public Works & Transportation Director, in re: Inquiry about Black & Veatch.

Filed 3/25/10: City Council Conference Report, March 24, 2010.

Filed 3/25/10: Memorandum from Councilmembers Falkner and LaBass in re: Bill #1618-06 – Black & Veatch Whitehead Creek Project.

Filed 3/25/10: City Weekly, March 25, 2010.

Filed 3/29/10: Memorandum from J. Bruce Woody, Public Works & Transportation Director, in re: Community Advisory Panel (CAP).

Filed 3/29/10: Memorandum from Carolyn Harrison, Financial Services Director, in re: City's GO bonded indebtedness.

Filed 3/30/10: St. Joseph Area Chamber of Commerce Weekly Board Report, March 26, 2010.

OTHER BUSINESS:

City Manager's Report - None.

Mayor Shearin said he is positively convinced that the sewer mandate is an unfunded mandate by the federal government and is a violation of the 10th Amendment to the US Constitution and he is very

OTHER BUSINESS: (Cont'd)

embarrassed that nobody is taking a stand to challenge it like other cities are. We should be challenging it and if the Missouri Dept. of Natural Resources (MDNR) puts that on us, it should be paying half of the cost of the sewer. Councilmember Bozarth asked if the letter had been sent to MDNR on that issue. City Manager Vincent J. Capell said he doesn't think so. Councilmember Bozarth said even if we don't get anywhere with it, it would put them on the spot to say "this is why it's not a violation of the 10th Amendment". He'd like to see their answer. Mr. Capell said they would get that out.

Shaun Henderson, city employee, said he would like to disclose something to the Council about some alleged conduct violations by the city manager that he feels he needs to inform the Council about. If he's not allowed to do that he will have to relinquish it to the public, which is not what he wants to do. Since 24 hours notice is necessary before closing a meeting, it was decided to hold a meeting on Wednesday to give the proper notice.

Virginia Weigum, 5113 Mockingbird Lane, thanked the members of the Council for their last four years of service. She asked what the process is for putting the federal government on notice for the 10th Amendment. She wants it started here and now before this Council leaves the chamber. Mayor Shearin informed Mrs. Weigum that she can do it just as good as the Council and suggested she contact her legislative delegation. He would like to see a citizens committee get behind this.

Councilmember Boyer said this is the last time that this Council will be together and she's been thinking all day of one of our Councilmembers who's not with us, who started with us, and that's Mike Hirter.

NOTES:

Agenda No. 36506 - Councilmember Falkner presented special recognition awards to the members of the St. Joseph Census Complete Count Committee and thanked them for their work on the Census.

Craig Best, Asst. Regional Census Manager of the Kansas City Census Office, also thanked the committee members for their hard work to insure a good count in St. Joseph.

Agenda No. 36508 - Mark Benson, 29201 Northeast 85th Circle, Camas, Washington, was present representing the applicant, St. Joseph Cashways. He showed some pictures of an old Home Depot site and old Payless facility site before and after they were redeveloped into Toyota Dealerships. They plan to move Toyota and Honda to this location. They are looking at alternatives to help Ryan's Restaurant with their access and they will be doing things to make circulation stronger than it currently is. They have visited with the neighbors on this issue.

Agenda No. 36529-30 - Public Works & Transportation Director J. Bruce Woody gave some background information on the RFQ process used for this project. He said he is concerned that advertising an RFQ will result in a 21-25 week delay.

Dick Kaufman, Associate Vice-president of Black & Veatch, said this contract is important to his firm and to the city and a lot of the discussion is centered around costs. This is a costly program and one that deserves diligent oversight by the elected body. The city's management selected them a year and a half ago and they were hired to do the work. He spoke about bringing the city value for the money it spends on the plan. He said They delivered a plan at a cost of approximately \$20 an acre based on size and that is well below that of other combined sewer overflow cities. Kansas City spent more than \$1,100 an acre and Omaha spent about \$1,000 an acre. Black & Veatch spent less than half

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a million dollars on the city's long term control plan; Kansas City spent \$42 million and Omaha spent \$25 million on theirs. They believe that, as they go along with the city. it is Black & Veatch's obligation and the things they want to do to make sure they do continue to save the city money. They are well within the ASE cost curves on percentage of construction. They saved almost \$400 million on redoing some of the recommendations that they put forth from the high end of the long term control plan (LTCP) and facilities plan down to much more workable numbers.

Bill Cunningham, Vice-president/Principal of the Larkin Group, said he is teamed with Black & Veatch on this project. He wanted to bring to the Council the face of a smaller firm that takes this project very seriously. This project is very important to his firm and they are dedicated to giving the city a high quality project.

Reba Hebert, 4207 St. Joseph Avenue, said she has worked with Black & Veatch on the LTCP as a member of the Community Advisory Panel for the past year. She thinks they were paid about \$8 million for the LTCP and that's fine and that's what the RFQ was for; they did a great job. She provided the Council with copies of Article XII "Procurement Policy" of the City Code and RSMo Sections 8.285 and 8.298. She said he RFQ that was issued was for the LTCP and she would hope that it would look way different than the RFQ that we would use for the Whitehead project. The Council has the fiduciary duty to make sure that the prices are fair and reasonable. We do have time to do an RFQ and she hopes the Council supports Councilmember Falkner's motion to issue an RFQ. She read the fine schedule that is attached to the LTCP.

Virginia Weigum, 5113 Mockingbird Lane, said the state statute says anything of \$2,500 or more should be put out for bid. Because you didn't do it, you do it now; you follow the law. You are not the exception to the law. It's her taxpayer dollars and the money saved will far exceed any fines. She wants her tax dollars spent correctly and she wants it done correctly.

Agenda No. 36531 - Travis Owens, President, International Association of Fire Fighters (IAFF), Local #77, asked if this was just going to involve lawyers or is it just going to be us? Councilmember Falkner said it's just going to be you guys and the Fire Chief getting together and taking care of it and then going before the committee and going through it. Mr. Owens said he thinks they can get this thing worked out.

Agenda No. 36532-3 - Michael Hardin, President of the Fraternal Order of Police (FOP), speaking on behalf of the FOP membership, said he would like the City Council to recognize the hard work in the negotiations by both the city and FOP over the past year and a half. They believe they've come to an agreement that both sides can agree to. He asked the Council to vote yes on the contract and put it into service. He said it helped them a great deal having the two Councilmembers in the negotiations and allowed them to take the next step. The Council should be a part of future contract negotiations so there are no miscommunications between city staff and the Council.

Agenda No. 36534 - Reba Hebert, 4207 St. Joseph Avenue, said that she did a comparison using a firefighter's salary of \$40,000 annually and based on the current L-3 plan, their pension would be \$1,500 per month and with L-6 it would be about \$2,400 monthly. It's pitiful where they're at now and if there's anyway that can be budgeted, we need to really try.

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ADJOURNMENT:

36556 By general consent, the Council adjourned.

The meeting adjourned at 8:52 p.m.

Paula Heyde, CMC, City Clerk