

City of Lake Lotawana

Board of Aldermen Meeting Minutes

November 15, 2011

I. Call to order

Mayor, Howard Chamberlin, called to order the meeting of the Board of Aldermen at 7:00 pm on November 15, 2011 in the Board Chambers of the Municipal Building.

II. Roll call

City Clerk, Rhonda Littrell, conducted a roll call.

Mayor Howard Chamberlin - Present

Alderman David Welsh – Present

Alderman Scott Miles – Present

Alderman Terry Reed – Present

Alderman Carl Calcara – Present

Alderman David Needles – Present

Alderman Chuck Falkenberg – Present

City Clerk, Rhonda Littrell, declared a quorum was present for the meeting to proceed.

III. Approval of Minutes – Regular Meeting October 18, 2011; Work Session November 1, 2011

Alderman Welsh made a motion to approve the October 18, 2011 regular meeting minutes as submitted. The motion was seconded by Alderman Miles. Alderman Needles – I didn't bring mine but at the beginning of public speaks you have it as Dave Wagner speaking and it's Stephen B. Wagner. The minutes were approved with the name correction with the following votes:

Alderman Welsh – Aye

Alderman Miles – Aye

Alderman Reed – Aye

Alderman Calcara - Aye

Alderman Needles – Aye

Alderman Falkenberg – Aye

Alderman Calcara made a motion to approve the November 1, 2011 work session minutes as submitted. The motion was seconded by Alderman Welsh. Alderman Reed – I have a discussion that I had with Rhonda, Dave Welsh, and also Chuck Falkenberg. I believe that this maybe a mute point based on what Dave has told me has developed. When I entered into the discussion about entering into an agreement of having the Bluhm family hold us harmless for the repair of the sewer and drainage area on that lot. It was my intention to focus on any damage that had occurred prior to the repair not during the repair. Rhonda has told me that this is what was actually on the tape. I just wanted to go on the record to say that that was not my intent. My intent with my argument was for the Bluhm family to hold us harmless for any damages that had occurred over the years as a result of the drainage situation on their lot. Alderman Welsh – How does that effect the way the minutes are written? Alderman Reed – I don't know. Mr. Davis – I'm sorry are you addressing that to me? Alderman Reed – I was not addressing it to anybody. I was addressing it for the record. Alderman

Needles – Do you have something to add? Mr. Davis – I did take that at your direction and talked to our City Attorney about that after our last work session. I explained to him to the best of my ability your intent. The intent of the motion. I talked to Mr. Campo again this afternoon explaining to him your concerns as of our conversation this morning that perhaps the wording in the motion made at the work session wasn't to your satisfaction as far as what you wanted to see. As we talked about it, I thought your wording expressed the intent. I expressed to Mr. Campo today that your intent went beyond what Alderman Falkenberg's motion was at the work session. I encouraged him to try to get further elaboration from the Board particularly you as to what you would like to see since you are the one that expressed concern about the situation. I have deferred to Mr. Campo and I would like to defer any other questions about that to Mr. Campo since I am not an attorney and he is our Attorney. I understand what you're saying as far as your intent but I think Mr. Campo the expert in the legal department here. I defer to him on that question. Alderman Reed – I don't know where we really go with this. Mr. Campo – I wasn't at the last meeting. I haven't been provided with a copy of the minutes, so I don't know what the language of the motion was. I was actually going to say something in the closed session to get some direction from you all regarding what you wanted to do. I did talk with Mr. Bluhm, I will be happy to discuss it with you and I am here to get some direction and guidance on how you want me to respond to Mr. Bluhm in light of his comments. Alderman Reed – I just wanted to go on the record that this was not what I thought we were agreeing to. The November 1, 2011 Work Session minutes were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

IV. Consideration Of October 2011 Financials

Alderman Falkenberg presented the financial report to the Board. Part of the plan this year to keep everyone updated on year to date compared to last year to date it probably would be easiest in general terms to go to the combined statements of Operations and the Sewer Department. Our total revenues versus total expenditures in 2011 we have an excess of \$134,489. To put this into perspective, last year to date December 31, 2010 we had \$123,689. It probably could be reconciled why we are ahead this year is we had approximately \$12,000 more revenue coming into the General Fund than we did last year. We are tracking right on the budget. Alderman Welsh has the next year's budget which I believe will be approved. We appear to be on track with everything at this point. Alderman Welsh made a motion to accept the October 2011 financials as published. The motion was seconded by Alderman Miles. The October 2011 financials were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

V. Approval of Disbursements for October 11, 2011 thru November 10, 2011

Alderman Falkenberg made a motion to approve disbursements from the General Fund in the amount of \$76,488.36, Check Numbers 38033 thru 38097. The motion was seconded by Alderman Calcara. Alderman Falkenberg – I would like to ask Ms. Littrell a question regarding the General Fund. I don't recall what Symbol Arts is. There is a payment of \$620. Chief Rogers – It is a badge company. Alderman Falkenberg – Okay which we discussed at the last meeting. The General Fund disbursements were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Falkenberg made a motion to approve disbursements from the Sewer Fund in the amount of \$137,421.25, Check Numbers 24508 thru 24553. The motion was seconded by Alderman Welsh. Alderman Falkenberg – A couple of questions again and these are just things that I see that that I can't remember what they were. Keith, what is the FTC Equipment? Mr. Herzberg – That is the company that works on the lift stations and supplies pumps. Alderman Falkenberg – It seems like we had four entries one of \$15,000, another one at \$5,800. Mr. Herzberg – I am ordering some spare pumps so we have some here the \$15,000 is for two pumps and I ordered some more today. If we have a problem, we just load it up take out and fix. Aldermen Falkenberg – So you had the money in the budget. Mr. Herzberg – Yes. Alderman Falkenberg – The other is I saw a couple entries for KCP&L Greater Missouri Operations. I don't remember seeing these, is that simply electrical for the sewer system. Ms. Littrell – That is the electrical company, KCP&L. Alderman Falkenberg – It looks like we had two entries, we had paid twice. We had two statements one for \$2,500 and one for \$3,000. Do we pay a bill twice a month? Ms. Littrell – We just pay them once a month, it probably was just been a timing issue. The Sewer Fund disbursements were approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Ay
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

VI. Department Reports:

- A) The Administration report was presented by City Clerk, Rhonda Littrell. The Public procedures/form was sent to Skip to be placed on the website. It is on the front page of the website under a section that states “Would you like to address your Mayor and Alderman? We would like to hear from you ... click below.” There is a link which brings up the public speaks form and under the link it states “Adopted by the Lake Lotawana Board of Aldermen on October 18, 2011.” 183 business license renewal notices went out on November 7, 2011. With the 6 business license renewal notices that went out with the liquor license renewals on October 3, 2011, there were a total of 189 business license and 6 liquor license renewals sent out. For the month of October there were 11 business licenses issued for a total of 192 business/liquor licenses. Compared to 17 business licenses were issued in October of 2010, for a year to date total of 200 business/liquor licenses. The sewer billings and past due notices were mailed out.

There were 13 disconnects for past due sewer bills this month. I have already received around 10 business license renewal applications and payment for 2012.

- B) The Planning & Zoning report was presented by Frank Davis. Our inspections for the period 9-10-11 through 11-9-11 the inspections division completed 130 site visits, 23 property inspections, issued 24 new permits, closed 32 permits, issued 19 stop work orders, and resolved 12 of those stop work orders. Those, as you know from the last Board meeting, from the approvals from the Lake Association that we had in our files that hadn't been acted upon that we decided to take action on. Most of those have been resolved. As of 11-9-11 we had 50 open permits which include 6 sewer repair permits. Cumulative totals from May 25, 2011 are, 479 site visits, 134 property inspections, 31 stop work orders issued, 4 processed complaints for weeds through the Police Department, again we thank the Police Department for their help there, and 124 new permits issued. There has been no significant action at all on the Pipes annexation up to this point. The department has received plan sets for review at Z-35 which is a home remodeling, a new garage at T-135, and T-131 which is a garage that passed through the Board of Zoning Adjustments last month. Issue required for advice from the City Attorney included proposed addition to the City Code for licensing industrial uses within the City. Litigation, we're not involved in any litigation issues at this time. I would be happy to take any questions you may have at this time. Alderman Falkenberg – I have one, do you know off hand if there is a permit over at I believe at either L-203 or L-204? It is not a full foundation, in the back of the house they had a bobcat and they were scraping a foot or two into the ground, flattening it out. It looked a patio. It is on or the other L-203 or L-204, second tier on the south side of Bandit Bay. Mr. Davis – I don't have any personal knowledge of it. I'll look into it. Alderman Falkenberg – Just have someone drive by and look into it. Mr. Davis – I would just say so all of you would know, now that Charles is on board getting comfortable with our Code Book, working with Thomas, I'm leaving Charles pretty much in charge of major plan reviews, major inspections situations and things of that nature. He lets me know of the ones that he thinks are important. I value his judgment in that area and I trust his judgment in that area. That leaves me free to pursue more of the planning activities that the Board has indicated that they would like me to pursue in the last few months. That's what my major concentration has been on. I have instituted a regular staff every week or two depending on the number of cases involved and/or sensitive issues that may have arisen depending on a weekly basis. I don't have any information on it, if it's a minor issue, all you have to do is call me anytime and I would be happy to look in on it. I will look in on this one and I will get back to you tomorrow. Alderman Reed – Mr. Evans had an ICC Certificate that was up for renewal, do you know if that was accomplished? Mr. Davis – That has been accomplished and all of his ICC certifications are good through 2012 and I've got copies of them in the file. He is fully qualified and up to date. Alderman Reed – Thomas passed his first test I understand. Mr. Davis – He did and we are just waiting for the certificate to make a copy for his file. We will go forward from there. We're making progress.

- C) The Public Works report was presented by Keith Herzberg. We repaired 15 manholes off of our list now. I have done some talking with Olsson about doing some video camera-ing. They are saying about \$4 per foot so I am looking into some areas to see how many feet we can do. They are talking about \$26 per foot to come in and do the Instiform's repairs. Once we get some videoing done we will know what areas we will be doing and then have an idea of what it is going to cost to have some of them repaired. If you pass the ordinance tonight, we plan on doing the street cut at F-3, and then next week we will start digging to install the new storm water drain. Frank and I have made contact with Kristi Savage DNR in response from the Department enforcement section. Right now they are looking at the Kansas City Regional office to review the information that Olsson Associates has sent them. They said they would go through that and if they need any more information, they would write us a letter telling us what they need and that is where we stand on that for now. Right now we are just waiting on them to review the information and send Olsson a letter back. Alderman Welsh – Is that in response to that letter from October 28th? Mr. Herzberg – Yes, we made that 15 day by making a phone call, that's all that they required. Alderman Reed – We have heard nothing back from our submission? The work session submission that we came up with a time frame. That we had to submit by the 28th, I believe it was. Mr. Herzberg – That is part of the information they are going through now. Alderman Reed – That is what they are working on now? Mr. Herzberg – Yes. Mr. Davis – When we called them to meet their 15 day requirement they hadn't received a lot of information that was pertinent to that letter we received stamped on the 28th of October. After talking to Kristi down at Jeff City, she informed us that they didn't have a copy of Olsson's plan, they didn't have a copy of our updated I&I's repairs, they didn't have a lot of information we thought that was pertinent to the situation at hand. We talked to her about that we felt that that was major concern and we expressed to her our desire for her to get all the pertinent information on this situation instead of having letters crossing back and forth in the mail. She agreed that that was a good idea. She has been getting that information from our files to Olsson's and everybody else involved. She is gathering that information now, they're absorbing that. They're going to send us back a letter in response to our conversations over the phone. Letting us know what their concerns are at that point once they have once they have all of that information, then we can respond in time once we know what they're really concerned about. Once they have all of the information they need. We feel that she has got a good attitude about it. How DNR feels on the compliance side in general, who knows, you know it is all up in the air but we're making a good faith effort to try and supply that information to them, work with them, meet with them, do whatever we need to do to try to make sure they have current information on which they are making their judgments on and proceeding forward from there, hand in hand if you will with what their goals are and our goals are, which really aren't that different. It's just a matter of getting everybody on the page to reach those goals. That's where we are at with that. Alderman Reed – I sent an email out to the Aldermen and I maybe I cc-ed you on it. I did meet with

Oak Grove this week because they were in a similar circumstance that we are in right now. They were very informative and want to be helpful in any way that they maybe. Their City Administrator is more than willing to meet with you, the Mayor or anybody else that would like to have a meeting with him. It was interesting that what I learned was they were able to not, even though they were being fined, they did not have to actually pay the fines. They were able to escrow those, roll them over in a good faith commitment to build a new facility. Mr. Davis – It's quite possible we could be fined as well. Through our discussion with Kristi there are means to litigate that at staff level to try and reduce/eliminate fine that may be contingent upon actions to this date depending on their regulations, how they look at things, and the information that they do or do not have. What we are trying to do is establish a level playing field for all parties involved so that we can all start from this same place. Stop swapping information back and forth not knowing what the other side is doing. I would be happy to talk to any other cities and I am sure Keith would be to; I don't want to be talking out of turn here. You know it is a pretty common practice. However, regardless of how many cities we talk to, DNR is still going to be the people that we need to get on the same page with and that is what we are trying to establish right now. Once we get to that point and then any other parties we need to talk to might be able to provide us assistance, obviously we would like to do that. Alderman Miles – Did that enter into a consent decree with them? Alderman Reed – Yes they did. Mr. Davis – They would have to if they were in a bind. Alderman Miles – They wouldn't have to. Mr. Davis – Well, they don't have to. Mayor Chamberlin – How long does that process take? Mr. Davis inserted – But it is a lot more expensive than not to. Alderman Reed – They built their new facility in early, I think it was 2002 to 2004. Their fines kicked on, I believe they told me, in 2000. They were fined while they were under construction. They never really moved out of that predicament. Since they were showing the good faith effort and they had to, as we've discussed, Howard, they did the SRF funding through the hardship funding through DNR. Even then they fell shy of their budget and had to go back for voter approval for an additional two million dollars to finish off the construction. Now it's all fine, they are up and running. Alderman Miles – They entered into a consent decree and they were still fined with that decree in place? Alderman Reed – Yes, because they had discharge continuously throughout that time frame. Mayor Chamberlin – They didn't have a plant or they plant they had wasn't large enough? Alderman Reed – They had a plant that was totally under capacity. They've grown so fast they couldn't keep up. They also did do the expensive plant that has been proposed to us. I don't if you have ever toured that Keith, but they certainly come on down and they will give you a tour of their facility. I am sure you've seen. Mr. Herzberg – It will be worth looking into to see what they have. Mr. Reed – They are very proud of it and they claim it runs itself. That is something that would be nice to have. The report that I sent everybody here shows that we are being held as a standard of the highest cost facility in the region. It's something that we don't need to be too proud off but is certainly it's something that might qualify us for hardship funding. The fact that we've set a new standard for cost of sewer per capita. I'll send you that report.

Mr. Davis – You mean charges to citizens for their bills? Mr. Reed – Yes, if our graph goes any higher, we will need a second page to properly reflect. Mr. Davis – Nobody said it was going to be easy. Alderman Reed – It does put us in a class. A class distinction that might qualify for a hardship argument. Especially since we have a facility that we bought in good faith that never performed. We discussed that with their team and several of the people were there when they were going in for their SRF funding. Alderman Needles – Do you know what the average household income is in Oak Grove? Alderman Reed – No, I don't. Alderman Needles – I think ours is too high. Alderman Reed – I really don't know. They have some really high end projects. I have a warehouse operation as you probably know but I don't know. They have a very extensive report that they have compiled that they stay on top of monthly to show operating costs throughout this region. In fact they printed me off this month's which clearly shows that we're still in the number one spot. Alderman Needles – It seems when we talked to them our sewers bills would have to be even higher than they are now to qualify for that SRF. Mr. Herzberg – Because of our average income for this town. Alderman Needles inserted – That is average household income. Mr. Herzberg – We are at 1.78% and they want us at 2% so we would need to raise it 12%, our sewer rates. Alderman Miles – We are talking about raising them 12%. Mr. Herzberg – That is what they want to see and we might be able to get the hardship that way too. Mr. Davis – It is possible that we might be able to kill two birds with one stone if that actually come into play. There are a lot of options that we're looking at. Frankly after talking with Keith about it I think we are in total agreement that the very first thing we need do is to get on board with DNR in Jeff City in the compliance situation. Let's look at apples to apples and not apples to oranges and not play the swap information game without everybody not knowing what's going on and proceed from there. What we asked for was let's get you all the information you need. Let's get on the same playing field. Let's let everybody have time to absorb that information. We've met our 15 day requirement in two phone calls, she has acknowledged that. They're going to absorb the information that we're getting to them now. Which still won't be complete because they don't have all of the I&I repair list for example but that gets us a lot closer to talking to them about what we have done in the past, where we are now, and what they really want to see in the future based on that information. That's our number one goal right now. Alderman Reed – The question I have, Frank, is the data that Olsson was providing, was it deficient? Mr. Davis – We have no idea. They've never seen it before. Alderman Reed – This is something else we ought to talk about. We can do it in a work session but Mr. Campo's law partner was held up as a high standard of cooperation with DNR. They always ran all their communication through their City Attorney. They thought maybe that was a problem in our approach of using our engineering firm as primary communications vehicle. Now that you are taking more into that role that's probably good. Mr. Davis – Well, I'm not really in charge. This is Keith's department first and foremost. Alderman Miles – Have you guys talked to Olsson as to why they didn't have those materials? Mr. Davis – I'm sorry? Alderman Miles – Have you spoken with Olsson. Why didn't the State have

those materials? Mr. Herzberg – We sent it off October 28th to this office and they sent their information to us. Mr. Davis – Prior to submission deadline, they crossed in the mail. That is one of the things we talked to them about. We had until October 31st for that submission deadline. They sent us out a letter prior to that deadline, stamped the same day. Our number one thing was, give us the time to get you the information which you stated that you would. They said that they would cooperate with us in that matter. What you're saying Terry may very well be right. I've never worked for a City where that's been the case, where that information goes to the law department first then back to staff. I've always worked in a situation totally opposite of that. That is nothing against Paul or his firm at all in anyway shape or form. We are the staff, boots on the ground, working with this and we need to be the ones that are in constant communication with them first, in my opinion and that's only my opinion. You all may agree or disagree. We need to be on the same page with them what they want, what we're trying to accomplish, how that's all coming about and negotiate with them appropriately. For whatever its worth to you and Paul, if Paul needs to be involved in this then that's certainly policy that can be dictated by the board. I would say right now that we have no problem whatsoever calling Paul if we needed legal assistance from our attorney. At this point my personal feeling and Keith if you disagree, please let me know, I don't think we need Paul involved in this at this point. We are at staff level negotiation with these people. We are dealing with their staff, they're dealing with us. We need to get all of our facts and figures together, straightened out at the same starting point. We need to go visit with them, sit down across the table and say okay here we are, this is what you got, tell us what you got, what you're thinking. Tell us what you think. Let us tell you what we think. Then we can come back and report to the Board in work session preferably and let you know exactly where we stand. Whether we think Paul needs to be involved. At this point, pardon the pun; I don't think we need to lawyer up right now. I just don't think we have reached that point. There is a place and time for cities to have attorneys involved in situations and frankly I don't think we're at that point at this juncture with this problem with DNR in particular. Alderman Miles – Where I'm confused is I thought that is what we engaged Olsson for. Mr. Davis – That is what we apparently engaged Olsson for. I think that they have done their due diligence. The problem was DNR hadn't received that information. Alderman Miles – Why don't we just talk to Olsson? Mayor Chamberlin – They crossed in the mail. They sent us that letter at the same time they were getting the information from Olsson. On the same day. Until they then process that I think we have to wait. Then they say okay it's finally we've contacted them, now they are going to process it and then we are going exchange more if we need to. At that point and time we can then address what we need to do next. They actually got in a rush as I see it sending the letter ahead but I don't think we need to get in a rush and get the lawyers involved yet. Until we know where we stand with them because they didn't have that information. Alderman Miles – My question is - are we creating two communication conduits here? The response from Mr. Davis and Mayor Chamberlin was no, not at all. Mr. Davis – No those correspondences crossed in

the mail, Scott. What Keith did was have Olsson email them a copy of the report that you all received that has been discussed the last couple of work sessions. Now they have that information and I think we sent them a hard copy too, did we not? Mr. Herzberg – Yes. Mr. Davis – We are going to give them a little time to digest that. Based on our conversation with them this morning they're going to do that. They're going to send us a letter outlining their concerns probably in bullet point fashion. Then, I think at that point, we're going to digest what they've sent to us. We're going to bounce it off of the appropriate members of the board. We will probably go to Jeff City and talk to them. Just sit down with them and say, here's where we are, let's make sure we're all on the same page. Let's all start from the same place and work forward to get this done from here on out. I really don't know how else you can do it. It's not going to work with everybody swapping things jumping the gun doing this. We're totally on the defensive at this point because they are being aggressive as the Mayor just said. They're not waiting for our correspondence. We're trying to establish a base line of communication right now so that the information can be swapped, absorbed, and reacted upon appropriately by everybody involved in concert with DNR. Not fighting against the postal officer or whatever the situation is. That's how we're approaching it. Kristi seemed to be on board with that, more than on board than that actually if I read her right. I think that is where we are right now. I think we are making progress as far as the communication lines are concerned. Good faith effort and relationships goes along ways in these kinds of situations. What we want to do is to make sure we have that good relationship with them at least starting out. Before we have to throw things to Paul and say go, it's out of control. I don't think it's out of control at this point. Mayor Chamberlin – I think we can hold it at the staff level now, its best. Then if it doesn't look like it, then we'll call a special meeting to discuss what we want to do. Then go from there.

- D) The Police Department report presented by Jeff Rogers. Currently all of the storm sirens are working. Some a little too well. The one at Goat Hill went off about 4:00 am a couple of weeks ago. Blue Valley tells me that occasionally transient radio signals can trigger those things. The hope is that when we have to narrow band those radio receivers, it will require a more specific radio signal to trigger them. Then maybe some of those will go away. In so far as the sirens activating when you much the button to activate them, they are working. I met with Alderman Welsh and Greg Rudder one morning. We examined the siren sights recommended by Blue Valley. A couple of places where it could be put that would provide the coverage that we're looking for and electricity is available without extensive work to get it to the pole. I think that that is a positive thing. Last month I hosted a meeting with the fire chiefs from Lotawana Fire District, Prairie Township and Lone Jack. They're all fire districts that serve parts of the City. In addition the Sheriff was there, the Lone Jack Police Chief was unavailable because he was in Jeff City. Originally, because I had talked with the Mayor, my intent was just to get the other fire districts on board with us to see if we could reach some agreement with Lotawana Fire District since they serve the bulk of our population to provide emergency management service for us. In

talking with everybody, every one of those entities is in the same boat that we are in that they are legally charged with having emergency management director and plan but nobody has the resources to do it. From that we discussed the possibility of all of these entities cooperating together to perform for lack of a better name the South Eastern Jackson County Emergency Management Association or whatever you might want to call it. The chiefs were all in agreement that would probably be the best way to go because if we had any type of large scale emergency here, we're going to drawing on the resources of these other people as well as they are of us if they have a problem. I should mention that this included the Sheriff too who is limited in money but has offered space to provide an emergency operation center at his facility. The basic background on this is that the County has an emergency management director, but his office is up on 24 Highway in Independence. By the time all of the necessary people arrived at that emergency operation center for something that happened out in the area it would probably already be resolved. That's not very practical but Sheriff can provide a place for us be. He also provides a radio service for us and Lone Jack Police Department as well as his own people so we share common radios. He is also in a position where his dispatchers can talk to the fire districts involved as well. My point is that we all agree we should come back and talk with our respective boards about this concept. Then have a follow up meeting, it's tentatively scheduled for December 12, 2011 at 1:00 at Prairie Townships fire station over at Langsford and Milton Thompson just because they have a facility large enough to accommodate everybody. Representatives from you all are welcome to attend for your input so that we can come up with a workable plan. This is something that everybody has struggled with for years and this isn't anything that we are going to have operational within a month or two. I think we are going in the right direction by using this approach to come up with a comprehensive plan that is going to work for everybody. In that way we can share the cost a little bit rather than each entity having to come up with their own plan and figure out a way to fund it. The SEMA and FEMA are both more receptive to providing grants and other types of resources to combined entities rather than having to provide the same thing over and over to each individual entity. I think there are a lot of advantages to this and certainly it is a way for us to get done what we're legally obligated to do in the most cost effective manner. City Attorney – Along the lines of what the Chief was saying. Chapter 44 covers emergency management. It provides that political subdivisions can come together to cooperate to form an emergency management agency. Not too far from here, the Cities of Lake Tapawingo, Blue Springs, Grain Valley, and CJC have done just that. We represented Lake Tapawingo so Jeff there is a form of an agreement. Mr. Rogers – I've got a copy of it. City Attorney – You've got that, okay, we drafted it and it's a starting point. It lays out exactly what Jeff was saying. Somebody for JCJ, I think was designated. Mr. Rogers – Deputy Chief Todd Farley is their emergency management director for all the cities and the rest of the area included in the fire district. City Attorney – Everybody chips in a little money and there was a budget put forth. I would be happy to send it to you. Mr. Rogers – As I understand it, since you drafted it, you know better than I, each City has representation on an oversight board that

meets monthly to discuss things, to formulate a budget and have some oversight into what actually goes on. It's not like we're losing our identity, we still have some input as to what happens. City Attorney – That was important to insure from Lake Tapawingo's perspective relatively smaller community that they weren't left out so they've got a seat at the table too. Mr. Rogers – Since we had this meeting and in a subsequent meeting I was at, I was discussing this with Lone Jack Fire Chief, the Greenwood Fire Chief even expressed, I mean not the Fire Chief, the Police Chief, expressed some interest in their City getting involved in this as well. The way I look at it the more we can spread out the cost, the better off we are on this deal. We'll just see how it develops. Officer Miller is the next officer up to go to CIT training. That training is scheduled every three months. He is next up to go and he will go the first week in December at the Academy, I believe it's at the Academy this time. Once again that's \$50 for a week's worth of training so it is very cost effective. It puts us in a position to better serve all of the people we encounter on a regular basis. A couple of weeks ago I was invited to test drive the new Ford police cars. As you guys know they no longer make the Crown Vic. Because I think there was a lot of trepidation on the part of just about every law enforcement agency in the country, Ford put on a big PR push to a lay people's fears about the product that is replacing it. At the driving track at the Police Academy up on 70 Highway they provided several cars on several different courses including the skid pan as well as a couple of driving courses. They allowed all of us and encouraged us to just drive the heck out of them. I left pretty impressed frankly. Both their sedans as well as their utility vehicle are all wheel drive. Because of all of the concerns everybody has in switching over, they've gone to a 5 year 100,000 mile warranty to perhaps get you over the hurdle of trying something new. One of the other things they have done in their case is that both their sedan and the utility vehicle are built on the same frame with the same parts, while it doesn't affect us, larger agencies that may have a combination of both the cars and utility interceptors, it is the same brakes, the same tires, the same engine parts, and all the mechanical stuff is the same so it is more cost effective for them. From what they told me all cars, new cars, by law now have to be equipped with electronic stability control program. The one for police cars is a little more aggressive than for the average car sold to a person. I can tell you they encouraged us to do some things that I really wouldn't want me or the guys to do while we're on patrol. It gets you out of trouble. I accelerated and tried to make a pretty sharp turn. It automatically powers down the engine. I was turning left. It breaks the left rear wheel while it powers the right front wheel and you just go right on around the curve. It was pretty aggressive. Along that same vein, October 31st the State released the new state contract for buying all police vehicles for the coming year. I have that available when the time comes for you. One other thing that is not on the report but I would mention is that the Mayor had received some complaints about feral cats at some unimproved property over in L Block. We examined it. Mayor Chamberlin – It was S Block. Mr. Davis – No it was R Block. Mr. Rogers – I'm sorry it was R Block. We went over there and there were a lot of feral cats. We also determine, though in talking to some of the neighbors that they had trapped eight of them and had them spayed or neutered.

So at least eight of them were not reproducing. The condition of the, what would call that Frank, a shed or sheds that were on that property? Mr. Davis – Yea, it was kind of a continuation. Mr. Rogers – It was kind of in a dilapidated condition so I got with Frank. I want to thank him for getting on this. He inspected the property from a building safety point of view. Then got a hold of the property owners. They have cleaned it up a little bit. The upshot is that, I believe they have reached an agreement with the Association to deed the property to the Association who owns property that adjoins it. The Association will come in and finish tearing down and hauling off the rest of those structures. The attractive part of the nuisance that gave the cat's shelter and a place to stay will be gone. That will go a long way toward remediating the problem. Mayor Chamberlin – Then we do have the major crime activities and all of that in the report. Mr. Rogers – Yes, you have the regular monthly report that you can look at whenever it is convenient for you. Alderman Falkenberg – Chief what was the major crime? Mr. Rogers – There was a party in H Block. A non-lake resident was unruly. When he was asked to leave, he brandished a knife at some other people. That is a big no-no.

VII. Public Speaks

Steve Wagner of G-4 addressed the Mayor and Board of Aldermen. This is regarding the status on the investigation that I had requested at the last meeting. I would like to know what the status of that investigation is. Mayor Chamberlin – Is that all you have to say? Mr. Wagner – Well it depends upon the answer. Mayor Chamberlin – We will discuss it in closed session. We agreed to do that in the work session meeting. It will be discussed and from that you will get a response. I'm open if you want to add anything to what you have written. Mr. Wagner – So this whole thing will be held in executive session? Mayor Chamberlin – Yes. Mr. Wagner – Well, that concerns me, frankly. The Board of Aldermen has already admitted in released documents that you gave to Graham that executive session has been misused and items other than what are allowed to be discussed in there have been discussed. I'm kind of in a hard place right now. You're asking me to trust that situation when you guys have already admitted your selves that you've abused. I'm not understanding what's going on here. Mayor Chamberlin – Anything else? Mr. Wagner – Yes, I guess I don't have any other choice. I will serve Mr. Campo with some letters all addressed to each of you about the next step we will be taking.

VIII. Alderman Concerns

Alderman Welsh – I just want to report that at the West Branch Sni-A-Bar Creek Watershed Consortium most recent meeting last week, passed the amendments to the bylaws that we had been working on for the last three to five months to open the membership in such a way that it encourages volunteer participation. That is why the accomplishment of the re-wording of the bylaws has been finished and the group passed and approved the document. Shortly thereafter a legislative were nominated and approved. Those people are, Greg Rudder is the new president, Ken Murphy who is the

planning director at Grain Valley is the vice president, local resident Kimberly Cutler is the treasurer and I am the secretary. There are on the Board of Directors positions for three at large members. Cezar Yanes from Blue Springs is one of those members. We are trying to recruit someone from Jackson County who we used to have as a member and we will be looking for a third member. This is a milestone for the group and it means after the first of the year we will be getting started on projects. We're working on a report that will be in the Lotawana News. Not in the November 29th issue but the following one. Greg is provided great leadership and we are going to get started. I think this is a turning point for the group and I think it's really good. I just wanted to let everybody know that we've made progress. It's a good thing and it's important.

Alderman Reed – I need to ask Mr. Rudder a question. I need to see some firewood. I understand you're going to be taking some trees out in the near future? Mr. Rudder – We have a contractor that is dropping 48 trees around the lake. Alderman Reed – Is that going on right now? Mr. Rudder – Yea, it has been going on for a couple of weeks. Alderman Reed – Are they taking them over to? Mr. Rudder – The Avis property when we pick them up.

IX. Mayor's Comments

The Mayor had no comments.

X. Unfinished Business

There was no unfinished business

XI. New Business

Alderman Needles – Is there any way we could flip the new business? We talk about a lot of things up to the point where the last thing on the list is the sewer repair project at F-3. If we could get that done we might send Keith home. He's got to be back here early in the morning. Mayor Chamberlin – I don't think we need Keith for any of what we're talking about here because all of it deals with your issues you are involved in. We probably don't even need the Chief here. Alderman Needles – Neither one of them need to be here. These guys don't need to sit through all of this when they have to be here early in the morning.

a. Consideration and approval of the Lone Summit Ranch Catering 2012 Liquor License.

b. Consideration and approval of the Gibson General Store 2012 Liquor License.

Alderman Calcara made a motion to approve the Lone Summit Ranch Catering 2012 Liquor License and the Gibson General Store 2012 Liquor License. The motion was seconded by Alderman Needles. Alderman Reed – I have a question, Frank, maybe you know about it. I was at Oak Grove and they indicated that we had called them trying to find somebody to inspect the gas station. Is that relevant to this? Alderman Calcara – This is just approving the Liquor License. Alderman Reed – Well I understand but did we do that? Was that combined with this for

some reason? Mr. Davis – I have no knowledge of it. One of the guys may have called out there asking for an inspection for a certain situation. I don't have anything to give you, sir. Alderman Reed – The only reasons I ask, Carl, is I noticed that there is a section here on gas pumps, propane and all of that type of thing. I didn't know if approving their license had something to do with the safety issues. Alderman Needles – Not unless they drink gas. Alderman Reed – So why are they declaring that they have propane storage? City Clerk – That is on the business license application. Alderman Calcara – Yes, that is on the business license. Mayor Chamberlin – Let's have Frank check into that but in the meantime let's stay on the subject. The subject matter is do we know anything at all in regards to their liquor license. I know nothing and I don't think we've added anything. Mr. Davis – Do they have a propane tank? Mayor Chamberlin called for the roll. The 2012 Liquor License for Lone Summit Ranch Catering and Gibson General Store was approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

c. **Consideration and approval of the Mayor's recommendation to appoint Art Van Hook to the Board of Adjustments**

Alderman Needles made a motion to approve the appointment of Art Van Hook to the Board of Adjustments. The motion was seconded by Alderman Falkenberg. Alderman Miles – Does he know that he is nominated? Mayor Chamberlin – Yes. Mr. Davis – He did very well at the last meeting. I think he will be a very good asset. Mayor Chamberlin – He is knowledgeable in a lot of things, especially in that. Seeing and hearing nothing further call the roll. Art Van Hook was appointed to the Board of Adjustments with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Nay	Alderman Falkenberg – Aye

d. **First Reading of Bill 1046 an ordinance adopting the 2012 budget**

Alderman Welsh made a motion to approve the First Reading of Bill 1047 as submitted. The motion was seconded by Alderman Miles. Alderman Welsh – I would just like to point out that if you look through this number one, there is a budget message which is a required part of this process. You can read the number details in it if you want to. The budget itself is a slight increase over last year for the General Fund. The same thing is true for the Sewer Department. Their budgets are balanced. They are very conservative. I think we're safe for another year. Mayor Chamberlin called for the roll. The First Reading of Bill 1046 as submitted was approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

e. **First Reading of Bill 1047 an ordinance amending Exhibit 41-A of the Municipal Code of the City of Lake Lotawana, Missouri regarding supplemental conditions and business regulations for asphalt plants**

Mayor Chamberlin – I have to announce to the Board and I think most everyone knows that we have received a letter from the attorney. Frank, you want to maybe fill us in on where that stands. Mr. Davis – Certainly. Alderman Needles – Whose attorney? Mr. Davis – From Barber & Sons attorney. We had it slated as an item on the agenda for Planning Commission meeting last Thursday. Hoping to get it passed through and to the Board for the appropriate reading prior to the end of the year. In a fashion that all the Aldermen have expressed to me that they would like to see. However, once we sent it out to run it by the businesses in the quarry district, I think it was misinterpreted as to the meaning, what the new proposed regulations were for. What we are trying to do is establish a mechanism to license the businesses within the district and provide guidelines for businesses that weren't grandfathered in prior to annexation and for new businesses that may come into the quarry operation area after this legislation is passed. We supplied a copy of the proposed code change you all have with our invitation. We instantaneously received correspondence the next day. Once received from Mr. Barber's Attorney in St. Louis, I talked to him and explained to him the situation as far as Barber & Sons aggregates and any other businesses in the quarry district. This is basically total benign action on the behalf of the City. There is no requirement for them to comply, them being the businesses that are grandfathered in prior to the annexation. Once we talked about it, he understood, agreed then called me back a couple of days ago stating that Mr. Barber didn't get his copy of the proposed code change. I emailed it to him, he said thanks and I'm going to call him in a couple of days. Let him have time to absorb it. I'm sure he's going to fine. I didn't get anything from him one way or the other saying that was going to be an issue. However, because of their reaction we thought it would be prudent to table and I recommended to the Planning & Zoning Commission that they table it at that meeting until we could report to the Board the actions and everything that is going on. We will reschedule this for the Planning Commission in December and hopefully we can get a double reading at the December Board meeting. To get this approved and made a part of the code book so we can license these businesses at the start of the year. It is not imperative that that happens but it would be nice to start things out on the calendar year right away. That is our intent. I don't perceive after talking to Mr. Barber's lawyer that this is going to be anything other than they just flatly did not understand what was going on. I'll go on record as saying I take the responsibility for that. I probably was not specific enough in my correspondence to those businesses in elaborating to them something that I assumed that they already knew. However, I did compliment Mr. Barber's Attorney for his ability to respond in time so quickly. We had a nice pleasant conversation and I think we're all on the same page. I don't perceive any problems with this going forward unless they come up with something that I am not aware of at this point. Right now our plan is to get it back to P&Z in December. Hopefully bring it back to the Board, schedule it the same way we have this time as being on your agenda

before the Planning & Zoning Commission meets because of scheduling with getting the packets out to you all prior to when the Planning & Zoning Commission meets. They meet on the second Thursday; your regular meeting is on the third Tuesday. Rhonda needs the information by the end of the day on Wednesday prior to the P&Z meeting. That is why it's on your agenda even though it was tabled. We will probably try to duplicate our efforts again next month. Alderman Miles – So to get this cranked up by January, are you going to have both readings on this in December? Mr. Davis – If you want it passed by January. That's totally up to the Board's discretion. You want to give it a first reading in December and another one in January that's fine. We're not making a recommendation, we are trying to accommodate what other Board members have indicated to us what they would like to see. Mayor Chamberlin – I like the idea to try to get them on board without them coming at us with some lawsuit over this issue. Mr. Davis – There's really nothing there for them to. Alderman Miles – This one is a topic that has. I don't want to give the appearance that we're trying to smash it through. I want to follow all processes as defined. Mr. Davis – The staff absolutely has no problem with that whatsoever. We're just trying to accommodate the Board as it has been indicated to us as to how they want us to accommodate them. If you would like to do two readings we're comfortable with that. Just for the record I want to throw a thank you out to Paul and his staff for coming up with the initial draft. Working with me on tweaking this just a little bit. I think Jennifer did an excellent job, Paul. I want to thank you for that, for her effort, I wish you would pass that along to her and communicate with her that we appreciate it. Again I don't perceive anymore problems other than just. Alderman Welsh – What about the grandfather question? Mr. Davis – Right now we're looking into that. Alderman Welsh – It is my understanding it is Superior Bowens that is the only one that is grandfathered. Mr. Davis – I would tend to disagree with you on the surface. This maybe something I need to talk to Paul about. However after looking at the businesses that have been permitted. Alderman Welsh – Do you still have that email that I gave you that has the history, the timeline history of the whole thing? Mr. Davis – That is the history that I researched sir. I do believe that based on that research, that Idecker is probably the only business that actually will be subject to the new regulations. That is for two reasons, one – they came after the annexation undoubtedly. After looking at business licenses that were issued to other businesses within the district, they were all issued business licenses in 2006 or 2007. I need to establish a timeline for the annexation period. Idecker is certainly is going to be subject to this. Alderman Welsh – But Idecker is leaving, right? Mr. Davis – That is another matter of contention that I don't think is appropriate to talk about right now, Mr. Mayor. Alderman Welsh – Why not? Mayor Chamberlin – We have been contacted by a lawyer from Idecker. We will discuss that as potential litigation. Mr. Davis – I can answer it this way; they obviously came after the annexation period. They are a site specific permitted facility by DNR. It's not determined yet whether they are actually with all way, partially, or even at all within our, being the City's overlay district. All of those three things have to be determined from this point going forward. I'll be talking to their attorney

probably tomorrow. Got some research I requested from Rhonda tomorrow that I will be looking at then contacting their attorney to find out what their intention is. I found out before the Planning Commission meeting sensitive subject matter that probably appropriate matter to discuss right now. Alderman Welsh – As far as the grandfathering, if you read the City’s agreement with Barber for the gravel district, it mentions Superior Bowen. It does not mention the other two companies. The other two companies were granted business licenses but that was all they were granted was business licenses in a district that wasn’t zoned for those businesses. Mr. Davis – That may very well be. I haven’t established that as a fact for myself. I will defer to Paul on that because his staff actually did the research on it as far as the agreement between the City and the impact of our proposed code change. Now, I don’t think that Jennifer necessarily looked at the annexation timelines but I did give her a copy of the agreement that you’re referring to. She found no real problems or expositions within those two documents that would prevent the City from going forward with the proposed code change. City Attorney – Let’s be clear about the Code change. It is not specific to any business. Like we’ve talked about going back to January this year. All it does is create a conditional is permit category for asphalt/concrete plants. You might recall back at the beginning of the year actually late last year, the issue about are they properly zoned came up. When you look in the zoning code there is no use category that covers asphalt or concrete plants. The first thing that you have to do is irrespective of lawfully nonconforming use by ordinance or grandfather, the first thing you have to do, this what we did back in January and we’re still doing it, is amend the zoning ordinance to provide the conditional use category for asphalt/concrete operations. I think that is where Mr. Helphrey’s misunderstanding of the ordinance because it doesn’t do anything to end the business. Once that’s in place then the Zoning Administrator will be in charged with determining whether the uses are lawful nonconforming or unlawful nonconforming. The lawful nonconforming use is a use that when established was lawful not in violation of any implacable zoning laws. Frank has to visit each four of those businesses that exist, treat each one independently and make his own determination of who will work with him, what was established, what wasn’t established and most importantly under what authority, under what rules wasn’t established then make the determination for each one. I don’t recall Superior Bowen being mentioned by those words in the 2004 settlement agreement. Just to clarify when the was put together it, like we talked about going back to January, was, is and will be always subject to the normal rules of grandfather that apply now. Mayor Chamberlin – For now let’s just table it in order to try to get those attorneys on board so that we don’t end up in some lawsuit on something that we did. City Attorney – Right now you don’t have any choice to table it because the Planning Commission did not take any action. Mr. Davis – I might add to Paul’s explanation too, that Mr. Barber’s attorney hadn’t even seen the proposed code change when I talked to him. I had to email it to him yesterday. We’re going to give him a couple of days to look at it to pass it on to Mr. Barber who also never claimed to get a copy of it even though it was sent out with the invitations but that’s okay. We want everyone to be comfortable with it. We want everybody to

understand it. Frankly, I think it was just a knee jerk reaction in response to what Paul just said and they just didn't understand what we were trying to do. We will get that all straightened out before the Planning Commission in December.

Alderman Welsh made a motion for the tabling of the first reading of Bill 1047 by title only. The motion was seconded by Alderman Miles. The first reading of Bill 1047 was tabled with the following votes:

Alderman Welsh – Aye

Alderman Calcara - Aye

Alderman Miles – Aye

Alderman Needles – Aye

Alderman Reed – Aye

Alderman Falkenberg – Aye

f. First Reading of Bill 1048 an ordinance by the Board of Aldermen of the City of Lake Lotawana, Missouri revising Chapter 500 section 500.110 – allowing special and third party inspections

Alderman Miles made a motion approve Bill 1048 by title only. The motion was seconded by Alderman Reed. Alderman Welsh – First question I have has the City Attorney read this and does, do you approve it? City Attorney – I haven't seen it, I don't have a copy of it. Mr. Davis – We didn't forward a copy to Paul because this is pretty much standard policy for most cities. If you like we could table it until Paul has a chance to review it. However, it's researched to a point that I would be amazed if he did have any problems with it but if you would feel more comfortable with that. Alderman Welsh – This idea came from Alderman Reed so Mr. Reed you need to tell us based on my question if that is a concern or not. Alderman Reed – I read Blue Springs, I don't know where you guys got this, but it looks pretty much like what Blue Springs and Kansas City has. In essence it's liability water plate for the City. I think we've needed it for a long time. It certainly gives the inspection staff and Frank's office the ability to have the builder, homeowner or whoever to pull in a third party inspector in the circumstance in which we either do not have the expertise to determine when the procedure or process meets standards. Basically it causes an individual when they are licensed or has a certificate to perform the inspection to come in as a third, disinterested party to certify that the work meets a particular code. I think we have needed that for a long time considering some of our wall litigation and what-not that we have experienced. I think that it's a good ordinance. I've read it, I liked it. Alderman Welsh – Okay that is all I wanted to know. Mayor Chamberlin – It is quite extensive honestly and I think it's been put together well. Alderman Reed – I don't think it will be abused, I know there were concerns expressed here among ourselves and citizens that this was somehow was going to put great burden on them. If you're going to build and there are questionable procedures or processes going on, this is the type of insulation that one certainly needs in today litigious society. Mr. Davis – A couple of things, if I may, just to follow up on your elaboration of it, Mr. Reed, frankly I don't think it doesn't put a burden on the applicant, I think it protects the applicant more than it puts a burden on them. Secondly I would like some clarification from the board because we have a couple of similar type of ordinances for submittal requirements for building and permitting subcontractors in the building process coming up in the work session for December. Would it be the Board's pleasure that we send these things on to

the City Attorney prior to bringing them to the Board in a formal manner or would you like to see them in a work session, have them then forwarded to the City Attorney, or do you want to go with staff recommendation? How would you like to do this? Alderman Welsh – You should consult with the Mayor about that. Alderman Miles – Absolutely. Mayor Chamberlin – Why don't we do this, we can vote on the first reading tonight. In the meantime then we will forward it to the City Attorney between now and the second reading. That way we can get any discussion from him on the issue if any. Will that work? Several Aldermen indicated that that would work. Mayor Chamberlin – Form now on let's just run them by the City Attorney. Mr. Davis – Not a problem. Alderman Welsh – I still think it would be a good idea if he ran them by you first because there could be situations that you would know doesn't need to go to the City Attorney for some reason. That's just a suggestion. Mayor Chamberlin – I don't want to be left with the final authority here. Alderman Welsh – Then that's your choice to say, okay send it to the City Attorney. Mayor Chamberlin – I'm comfortable with it for now for the first reading. Then for the second reading we can change/alter or whatever by giving it to Paul in the meantime. We'll give him a month to do it. Mayor Chamberlin called for the rolls. The first reading of Bill 1048 was approved with the following votes:

Alderman Welsh – Aye

Alderman Calcara - Aye

Alderman Miles – Aye

Alderman Needles – Aye

Alderman Reed – Aye

Alderman Falkenberg – Aye

g. First and Second Reading of Bill 1049 adopting Ordinance 939 an ordinance awarding an emergency contract for the sanitary sewer collection system repair project at F-34

Alderman Welsh made a motion to approve the First Reading of Bill 1049 as submitted. The motion was seconded by Alderman Needles. Mayor Chamberlin – This is a project we talked about before. Do you want to fill us in on the details? Mr. Davis – I will Mr. Mayor. We did discuss this in some detail at the work session. This is pretty much aside from the fact that it is being done in an emergency procedure, because of the nature of the project, identical to what we did over at L-22. We are using a contractor that we have used before that's performed adequately. We are justifying this is an emergency because it is a severe I&I problem with the sanitary sewer collection system. We know that it has been an ongoing problem of a long, long time at this property. We feel that correcting this problem is going enhance our position with DNR considering the ongoing situation we have with them. We would like to get it done before the winter months hit us hard and get this corrected so that we won't have to live with this as a I&I problem until late spring. Mayor Chamberlin – I see in the back of the room here we do have Mr. Greg Rudder with the Association. The Association I believe and it is my understanding that they are involved in this project as well as us. We have been promised \$5,000 from the property owner themselves. Is that correct? Mr. Davis – Right. Mayor Chamberlin – Be happy to speak, Greg if you're do disposed as to anything. Is the Association on board to move in this fashion? Mr. Rudder – Yes. Mayor Chamberlin – There is two

other people out here probably don't know what happened. Unidentified Citizen – We actually happened to be here a year ago when Olsson described it. Mayor Chamberlin – We're trying to button that hole up if we can and keep it from getting a lot of water every time it rains. Mr. Davis – We are going to button it up permanently. Just for the record, I would like to thank the Association and Mr. Rudder and the Association involvement in this. They are going to come out and do all of the major trenching to relay the storm line and reroute the storm line. They are also going to help us with street improvements in the driveway area and the around the original area inlet. I would also like to thank the property owners themselves for contributing \$5,000 to make this project happen and to keep the cost to the City and everybody involved. Of course what you are looking at here is our contractor who I think has done a pretty good job of coming up on the spot calculations and helping us out in a time of an emergency for this project.

Alderman Reed – I thought Paul was going to share with us your comments with the owner's son. The comment was made that that would be in closed session.

Alderman Miles – How does that qualify as closed session? City Attorney – Negotiations on this release document that you all talked about at you last session. Apparently from Terry's reading of the minutes, I guess you all talked about that in the open session anyway.

Alderman Reed – We discussed, it was a work shop, right? Alderman Miles – Yes. Alderman Reed – We discussed it in a work shop.

City Attorney – What don't we talk about it now; I don't think it's any huge secret. I did have a conversation with Mr. Bluhm. I spoke with Frank after your meeting, the work session. We looked at his understanding from that line about what was desired of the Bluhms for a release for past, present and future liability. I had a conversation with Mr. Bluhm and he was a little unclear about why he should have to release anything in the future. Especially if the project is not done correctly. He indicated that he would be willing to grant a release for any past damage and he noted that there had been significant damage in the past. At that point I wasn't, in talking to Frank I really wasn't sure since I wasn't here what the pleasure of the Board was or what the final intent was. I'm just here asking for direction and guidance on how you would like me to respond back to Mr. Bluhm. How important the future release is and certainly the City should get the past release. You all apparently discussed and I was just looking for direction.

Alderman Calcara – Being a home owner, I'm not sure I would sign a release for the future not knowing what's going to be done and how it's going to be done. It's like if you buy something and getting a warranty of some sort.

City Attorney – Mr. Bluhm was very non adversarial, he was very graceful, maybe somewhat surprise but very grateful that the project was going to be started. He seemed very satisfied with that. He was very grateful to you all for doing this project. I guess his Mom lives there or something.

Mr. Davis – I would add onto that, I totally agree with Paul is saying. I would add that Keith and I met with Mr. Bluhm and his Brother-in-law I think it was who is an architect. We walked through the project at the site from A to Z explaining to them exactly what we were going to do, what our intent, what the benefits were to them and to us in totally honesty. They seemed very pleased and it met very possibly that he had perceived with the property there as far as storm water runoff. I think we've done everything we can

possibly do to let them what we are doing, why we are doing it, how it benefits them and the City. He brought his own architect out there and we've gone over the project with them. I am not sure what else we can possibly do. Other than go ahead and do the project. Alderman Needles – Does the maintenance bond not give them some sort of two year guarantee on the workmanship, materials and what-not? Mr. Davis – It should as far as our contractor is concerned. Alderman Do you something in there contradictory to that? Alderman Needles – Exhibit E, No, that's what I am pointing out. Mr. Davis – That is from our contractor. Alderman Reed – Who is assuming responsibility for the design? Mr. Davis – We had Olsson's come out and look at it. We gave you guys a GIS aerial map showing where the sewer line runs where the proposed storm lines would run. We decided to drop a new inlet box up stream in the runoff area to the east side. Alderman Miles – Who is signing off on the design, who is taking responsibility for the design? Mr. Davis – The design? Well, we are as the City; we're taking the responsibility for the design of actually what is taking place there. That is what happens when a City does a project nine times out of ten. We're responsible for the project. We're initiating the project. We're creating a situation that resolves a I&I situation. It's our contractor. It's our deal. Alderman Reed – Back to the release, maybe I didn't make myself clear in the work shop, Paul but that is what I was wanting. I was looking for past. Thinking that a lot of mistakes have been made on that property as I understand it. Chuck and I were talking about it today, questioning why they were allowed to build there on top of the sewer to begin with. If we can clean that up, I would take all I can get as quickly as I could get it. Alderman Falkenberg – I want to limit the hold harmless to past. Then we accept the responsibility for our design. Alderman Welsh – That shouldn't have an effect in passing this tonight, right? Several Board members state no. Mayor Chamberlin called for the roll. The First Reading of Bill 1049 was approved with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Miles made a motion to approve the Second Reading of Bill 1049. The motion was second by Alderman Welsh. Mayor Chamberlin called for the roll.

The Second Reading of Bill 1049 was approved with the following votes;

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

Alderman Miles made a motion to adopt Bill 1049 as Ordinance 939. The motion was seconded by Alderman Welsh. Mayor Chamberlin called for the roll.

Ordinance 939 was adopted with the following votes:

Alderman Welsh – Aye	Alderman Calcara - Aye
Alderman Miles – Aye	Alderman Needles – Aye
Alderman Reed – Aye	Alderman Falkenberg – Aye

XII. A vote to close the meeting pursuant to Section 610.021.1, 610.021.3, and 610.021.13, RSMo.

Alderman Calcara made a motion for the Board to go into executive session concerning employee relations and litigations. The motion was seconded by Alderman Welsh. The Board went into executive session at 8:45 pm with the following votes:

Alderman Welsh – Aye
Alderman Miles – Aye
Alderman Reed – Aye

Alderman Calcara - Aye
Alderman Needles – Aye
Alderman Falkenberg – Aye

XIII. Adjournment

Alderman Welsh made a motion to adjourn the meeting. The motion was seconded by Alderman Miles. The meeting was adjourned at 9:40 pm with the following votes:

Alderman Welsh – Aye
Alderman Miles – Aye
Alderman Reed – Aye

Alderman Calcara - Aye
Alderman Needles – Aye
Alderman Falkenberg – Aye

Minutes submitted by: _____
City Clerk Rhonda Littrell

Minutes approved by: _____
Mayor Howard Chamberlin