

In the Common Council Chambers held on October 21, 1976, at 7:30 p.m. in the Municipal Building with Councilpresident Blume presiding over a regular session.

REGULAR SESSION
COMMON COUNCIL
October 21, 1976

Present: Councilmembers Blume, Kinzer, Middleton, Morrison, Olcott, Richardson, De St. Croix, Towell and Young.

ROLL CALL

Absent: None

Present: Jim Wray, Director of Transportation; Fire Chief Gose; Debbie Mantell, Mayoral Aide; Pat Patterson, Director of Redevelopment; Pat Gross, City Controller; Norman Perry, City Engineer; Eve Berry-Brigl, Human Resources Program Coordinator; Jean Strohm, Executive Secretary, Board of Public Works; Marie Harlan, Convenor of the Traffic Commission; Steve Richardson, City Attorney; Michael Corbett, Council Administrator.

CITY OFFICIALS
PRESENT

Councilpresident Blume then gave the agenda summation. For Second Reading, Ordinance 76-62, To Amend Zoning Maps re: SR 46 & SR 37 RE to BA; Ordinance 76-63, To Amend Zoning Maps re: 2700 block of Vernal Pike RL & ML to ML; Appropriation Ordinance 76-20, Cumulative Capital to Board of Public Works and Federal Revenue Sharing to Fire Department; Ordinance 76-67, Budget Transfer for Redevelopment Department; Ordinance 76-68, Traffic Amendments; Ordinance 76-70, To Amend Zoning Maps re: Old SR 37 near Fairfax Road RE to ML; Ordinance 76-64, To Require Submission of the Controller's Report and Mayor's Recommendation on the Budget by the First Day of July, and Resolution 76-39, Temporary Loan to Police and Fire Pension Fund. (Resolution 76-40, re: Creation of a Council Committee for the Future of Downtown Development, was introduced after the agenda was amended). For First Reading, Ordinance 76-72, To Amend Zoning Maps re: SI to RM on 17th Street on northside, Walnut Grove on eastside, 13th Street on southside and Woodlawn on westside; Ordinance 76-73, To Amend Zoning Maps re: 1435 Jackson RL to RH; Ordinance 76-74, To Amend Zoning Maps re: Strip of land between First and Second Streets RS to SM; Ordinance 76-75, To Amend Zoning Maps re: SE corner of SR 45 and 37 Bypass RS to BL; Ordinance 76-76, Traffic Amendments; Ordinance 76-51, Salary Ordinance for Utility Employees for 1977; Appropriation Ordinance 76-21, 1977 Water and Wastewater Utility Budget; Appropriation Ordinance 76-22, To Appropriate Funds from the General Fund to the Police Department; Ordinance 76-77, Budget Transfers for Animal Control, City Clerk and Court, Engineering and Transit. (Ordinance 76-78, to Amend the Petition for the Solid Waste Disposal District was also introduced at first reading after the agenda was amended).

AGENDA SUMMATION

Debbie Mantell then gave Messages from the Mayor, noting the Mayor is requesting the Council's approval of a resolution approving the application for Public Works Grant of five applications: Kirkwood Mall, W. Sixth Street, the Winslow Sports Complex, Smith Road, and Cascades Park.

MESSAGES FROM
THE MAYOR

Councilmember Morrison asked that the NW Watershed Project be added as the sixth project. Debbie Mantell agreed that she would look into it.

Councilpresident Blume asked what criteria were used for choosing the projects.

Debbie Mantell answered that the engineering plans had to be far along enough so that the application could be submitted in complete form within a short period of time.

Howard Young asked if engineering plans are far enough along for installation of curbs and sidewalks.

Debbie Mantell answered yes, but that they would have to submit \$100,000 worth of the project with locations

stated and environmental impact statements for all projects.

Council president Blume noted that at its committee meeting, it voted not to include the Kirkwood Mall on its list of projects, while the Mayor's Office has already listed it as an application.

Debbie Mantell answered that getting approval for the project does not mean you have to build the project. She said the Mayor would like to see more community hearings on it, and if they do not want it, then it can be sent back. She assured the Council that it would not mean that the monies would be taken from other areas if the Kirkwood Mall project is not approved.

Councilmember Morrison asked where they are planning to put the required parking for the Kirkwood Mall project.

Debbie Mantell replied that they are now working on plans for parking in the area, but they are not finished.

Councilmember Morrison answered that they are completed plans for Kirkwood parking from seven years ago; two on Sixth Street and one lot on Fourth Street.

Councilmember Towell moved that Resolution 76-40 be included on tonight's agenda. Councilmember De St. Croix seconded the motion. Resolution 76-40, To Establish a Committee of the Council to Study Future Downtown Developments, was placed on the agenda as number nine by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

MESSAGES FROM
COUNCILMEMBERS
Amend Agenda for
inclusion of Resolu-
tion 76-40 for second
reading

Councilmember Middleton noted that the County Council passed the Solid Waste District Petition. They asked that the Petition be modified by adding to Section 5, subsection (c) and (d), the words "exclusive of the city of Bloomington". They also added in Section 5, subsection (e), "and an employee, faculty member or administrator of Indiana University". He then moved that the Ordinance 76-78 be placed on the agenda for first reading. Councilmember De St. Croix seconded the motion. The agenda was amended to include Ordinance 76-78 by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Amend Agenda for
inclusion of Ordi-
nance 76-78 for first
reading

Councilmember Richardson commented that he had received several complaints from residents regarding truck traffic through residential neighborhoods, and noted that there will be a hearing on Wednesday, October 27 at 7:00 p.m. in the Engineering Conference Room at the Traffic Commission meeting. Secondly, he thanked the Mayor's Office and I.U. Officials for the very productive meeting they had with the Council and added that he hoped it is the first step towards continued cooperation between these different groups.

Council president Blume noted that Ordinance 76-65 was tabled in the Planning/Community Development Committee meeting on October 14, so will not be on the agenda tonight. He also said that Paul Coulter, Director of Utilities, had sent a letter to the Council regarding approval of the Black & Veatch Contract (he then read the letter for approving the \$525,000 contract for the location of the new sewage treatment plant on Dillman Road). The Council voiced a unanimous vote of approval of the contract (letter attached).

Councilmember De St. Croix stated that he has ridden his bicycle down Seventh Street since they have removed parking and he is convinced it is now much safer for bicyclists, despite his earlier opposition to removing parking on Seventh.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-62 by title only.

ORDINANCE 76-62
Amend Zoning re: SR
46 & SR 37 RE to BA.

Clerk Higgins read Ordinance 76-62 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-62.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-62.

Councilmember Morrison then gave the committee report from Planning/Community Development, noting a unanimous Do Pass recommendation.

Ordinance 76-62 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-63 by title only.

ORDINANCE 76-63
To Amend Zoning re:
2700 block of Vernal
Pike RL & ML to ML

Clerk Higgins then read Ordinance 76-63 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-63.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-63.

Councilmember Morrison then gave the committee report from Planning/Community Development, noting a Do Pass recommendation. He said the area is ideal for mini-warehouses.

Ordinance 76-63 was then adopted by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 76-20 by title only.

APPROPRIATION
ORDINANCE 76-20
Appropriate Funds
from Cum. Capital
to Board of Works
and FRS to Fire Dept.

Clerk Higgins then read Appropriation Ordinance 76-20 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Appropriation Ordinance 76-20.

Councilpresident Blume then read the legislative synopsis for Appropriation Ordinance 76-20.

Councilmember Middleton moved and Councilmember De St. Croix seconded a motion to divide Appropriation Ordinance 76-20 to separate the Federal Revenue Sharing Fund from the Cumulative Capital section and that the Federal Revenue Sharing Fund section be approved.

Councilmember Morrison then gave the committee report from Planning/Community Development. He said the committee discussed the ordinance in depth, particularly the West First Street area. He noted that the committee felt they did not have enough information to spend \$24,000 on an engineering study, and set up a meeting on Tuesday morning with the Board of Works and the residents of the West First Street area to make sure they want to spend the funds on the study, since he contended there was improper planning and engineering that caused the flooding in the first place.

Appropriation Ordinance 76-20 was then divided and Federal Revenue Sharing section approved by a ROLL CALL VOTE of Ayes: 8, Nays: 0. Absent: Councilmember Kinzer.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to amend the \$8,600 to \$8,100, since LP gas may be used for the library at a lower cost.

The amount under cumulative capital was then approved at \$8,100 by a ROLL CALL VOTE of Ayes: 6, Nays: 2. Nays: Councilmembers Olcott and Richardson. Absent: Councilmember Kinzer.

Councilmember De St. Croix moved and Councilmember Kinzer seconded

a motion to adopt Appropriation Ordinance 76-20 as amended.

Appropriation Ordinance 76-20 was then adopted as amended, with \$8,100 under cumulative capital (the \$24,000 for the drainage study tabled), by a ROLL CALL VOTE of Ayes: 6, Nays: 2. Nays: Councilmembers Olcott and Richardson. Absent: Councilmember Kinzer.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-67 by title only.

ORDINANCE 76-67
Budget Transfer
Redevelopment Dept.

Clerk Higgins then read Ordinance 76-67 by title only.

Councilmember De St. Croix moved and Councilmember Middleton seconded a motion to adopt Ordinance 76-67.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-67.

Councilmember Morrison then gave the committee report from Planning/Community Development, noting a Do Pass recommendation.

Ordinance 76-67 was then adopted by a ROLL CALL VOTE of Ayes: 8, Nays: 0. Absent: Councilmember Kinzer.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-68 by title only.

ORDINANCE 76-68
Traffic Amendments

Clerk Higgins then read Ordinance 76-68 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-68.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-68.

Councilmember Morrison then gave the committee report from Planning/Community Development, noting a Do Pass recommendation.

Councilmember Towell said he disagreed with several things in the ordinance, commenting that there are too many stop signs in Bloomington, and before he would see one additional sign put in, he would have two removed from Seventh Street.

Marie Harlan of the Traffic Commission commented that the Commission initially did not approve of the stop sign, but when they got the police reports on the number of accidents at the intersection, caused by cars speeding down Seventh Street, they decided that the stop sign should be installed. She continued that Jeff Richardson collected quite a number (53) of signatures on a petition by residents of the neighborhood stating that they would like the stop sign at Seventh and Lincoln.

Councilmember Towell questioned whether the accidents would have occurred if there had not been other problems at the intersection, noting that it is difficult to see when you go down Lincoln Street onto Seventh because of the trees and the parked cars going up to the intersection.

Councilmember Richardson commented that the people that signed the petition were very enthusiastic about getting the stop sign, noting that only a handful opposed it. He said there are not enough stop signs between Walnut and Indiana in the campus area, continuing that it is one of the most densely populated areas in the city.

Councilmember Morrison agreed with Councilmember Towell, stating that he thinks parking should be moved back twenty-five to thirty feet from the corner so you can see down Seventh Street.

Councilmember Richardson responded that you would lose parking that way, and that he would prefer simply to slow down the traffic.

Councilmember De St. Croix indicated that he agreed with Councilmember Richardson that there should be a stop sign at Seventh and Lincoln, but that the City is reaching a point of diminishing returns in the use of stop signs for slowing people down. He suggested that the Traffic Commission also look at the removal of stop signs in certain areas.

Marie Harlan commented that without a throughfare plan it is difficult to determine where to remove stop signs. She added that they have been expecting the plan for over a year from the Plan Commission.

Councilpresident Blume noted that Tom Crossman stated to the Council, Mayor and I.U. officials several nights ago that the thoroughfare plan is not something that will be one report and that's it, but that it is a continuing program and the information needed is available now.

Councilmember Towell moved and Councilmember De St. Croix seconded a motion to delete Section III. from Ordinance 76-68.

Councilmember Richardson repeated that fifty-three residents in the area think the stop sign is important, the Traffic Commission supports it, and the Council should take these things into consideration.

The amendment to delete Section III failed by a ROLL CALL VOTE of Ayes: 2, Nays: 6. Nays: Councilmembers Morrison, De St. Croix, Middleton, Olcott, Blume and Richardson. Absent: Councilmember Kinzer.

Ordinance 76-68 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 1. Nay: Councilmember Towell.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-70 by title only.

ORDINANCE 76-70
Amend Zoning re:
Old SR 37 near Fairfax Road RE to ML

Clerk Higgins then read Ordinance 76-70 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-70.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-70.

Councilmember Morrison then gave the committee report from Planning/Community Development committee. The committee gave a unanimous Do Pass recommendation for Ordinance 76-70, noting that the property is being rezoned back to the way it was originally zoned.

Ordinance 76-70 was then adopted by a ROLL CALL VOTE of Ayes; 7, Nays; 1. Absent: Councilmember Kinzer. Nay: Councilmember Richardson.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-64 by title only.

ORDINANCE 76-64
Re: Submission of Budget by 1st day of July

Clerk Higgins then read Ordinance 76-64 by title only.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Ordinance 76-64.

Councilpresident Blume then read the legislative synopsis for Ordinance 76-64.

Councilmember Middleton then gave the committee report for Ordinance 76-64. He then read the amendments suggested by Councilmember De St. Croix and moved that the amendments be adopted. Councilmember De St. Croix seconded the motion. (Amendments attached - next page).

1. Amend title to read: An Ordinance Concerning the City Budget and Capital Improvements

2. Delete Section I.

New Section I to read:

Section I. Definitions: as used in this ordinance, the following words and phrases shall have the meanings given them by this section:

"Capital Improvements Program" shall mean a detailed outline of public works and related equipment to be built or purchased by the City of Bloomington and the manner of financing such projects over a period of years. The first year of the multi year program becomes the annual capital budget for the current year. The program should be updated each year, revised where necessary and extended one year in the future.

"Capital Improvements" or "Public Improvements" are major projects requiring the expenditure of public funds, over and above annual operating expenses, for the purchase, construction, or replacement of the physical assets of the City of Bloomington.

3. Renumber Section II to be Section IV.

4. New Section II to read:

Section II. The proper officers of the City of Bloomington to give notice to taxpayers of the estimated budget and proposed tax rate and tax levy, as required by IC 6-1.1-17-3, shall be the Mayor, Controller and the Common Council.

5. New Section III to read:

Section III. The City of Bloomington Plan Commission shall advise the Common Council as to the consistency of the Annual Capital Budget with the City's Master Development Plan and Capital Improvements Program, in accordance with IC 18-7-5-37. All Capital Improvements undertaken by the City of Bloomington shall comply with the provisions of this section.

Councilmember De St. Croix spoke to the committee's feeling that by deleting the July 1 deadline, the purpose of the ordinance would be defeated. He noted (and read) Steve Richardson's (City Attorney), opinion to Mayor McCloskey stating that the July 1 deadline is invalid and is not authorized or supported by state statute, as July 1 is not set out in the statutes and also the Mayor often does not have the assessed valuation for the city by the date upon which the tax rate is based. He said it should be deleted for another reason, that the Mayor may veto it since his legal department's opinion is that the ordinance is invalid. If the Council overrides the veto, the Council can expect the filing of a declaratory judgment with the courts, which he said would hinder the Council's efforts to develop a sound and reasonable budgetary process. He then went through the reasons for the creation of the budget, noting the Council does not sign-off the budget, the budget is not submitted soon enough, there is no capital improvement budget, etc. He then suggested that the Council create a committee called the Council "Budget and Fiscal Review Committee", which would be a committee of the whole and would set up its own procedures and rules with its own priorities. It then could plan the budgetary timetable process.

Councilmember Towell noted that many of the things Councilmember De St. Croix said sounded as though they support his position in favor of the original ordinance with the July 1 deadline. He said the Council needs sixty days to review the budget, noting that if they

wait for the official assessed valuation, then there is no time for discussion at all. He said any time the administration wants to stonewall on something, they label it illegal, noting the instance where the City Attorney's opinion was that the Council's payroll staff had to be a lawyer, when in fact they did not have to be a lawyer.

Councilmember De St. Croix answered that the opinion is not merely the City Attorney's the the Indiana Association of Cities and Towns and other legal sources to get opinions. He noted he would like to avoid the legal hassle, especially when the same results could be achieved by creating their own committee to set timetables and procedures.

Councilmember Middleton moved and Councilmember Kinzer seconded a motion to table Ordinance 76-64 until the next meeting.

Steve Richardson began extensive discussion of the sites and research he has done to arrive at his opinion, noting that there are many more than are sited in his opinion.

After discussion regarding the legality of the ordinance, Ordinance 76-64 was tabled by a ROLL CALL VOTE of Ayes: 9, Nays: 0.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Resolution 76-39.

RESOLUTION 76-39
Temporary Loan
Police/Fire Pension
Fund

Clerk Higgins then read Resolution 76-39 in entirety.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Resolution 76-39.

Councilpresident Blume then read the legislative synopsis for Resolution 76-39.

Councilmember Kinzer then gave the committee report for Utilities/Public Facilities, noting a No Recommendation, since the vote was two to two. The negative report was concerned not with the need for the loan, but where it was coming from. She said the Local Road and Street Fund is often used as a source for loans. She noted that the administration was not present at the committee meeting to answer questions and that the minutes give more detail on the recommendation.

Pat Gross contended that she was not notified of the meeting.

Councilmember Middleton questioned the procedure of having the Council Office notify the Mayor's Office, and then the Mayor's Office notifying the departments of committee meetings, noting that they should not have to go through the Mayor's Office.

Pat Gross explained that there is often an excess of cash in Local Road and Streets since they cannot begin paying the bills until the construction is underway. She reminded the Council that the funds will have to be repayed by December of 1976.

Resolution 76-39 was then adopted by a ROLL CALL VOTE of Ayes: 7, Nays: 1. Nay: Councilmember Towell. Absent: Councilmember Young.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to read Resolution 76-40.

RESOLUTION 76-40
Create Council Committee for Future
Development of Downtown
Bloomington

Clerk Higgins then read Resolution 76-40 in entirety.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to adopt Resolution 76-40.

Councilpresident Blume then read the legislative synopsis for Resolution 76-40.

Councilmember Towell noted that he has sent a letter to the Mayor asking for his help and cooperation with the Resolution,

and his ideas for downtown. He added that he will have a statement ready next week on this resolution. He said the future of Bloomington as a community depends on a healthy downtown. Councilmember Olcott agreed with Councilmember Towell, adding that the downtown business people think this resolution is in the right direction, and one they would like to proceed with.

Resolution 76-40 was then adopted by a unanimous voice vote.

Councilpresident Blume noted that he will appoint Councilmember Towell as the Chairman of the Downtown Committee. He then asked for Petitions and Communications from the audience, and being none, asked for first readings.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-72 by title only. Clerk Higgins read Ordinance 76-72 by title only.

ORDINANCE 76-72
Amend Zoning SI to RM
17th, Walnut Grove,
13th, Woodlawn

Councilpresident Blume read the legislative synopsis for Ordinance 76-72.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-73 by title only. Clerk Higgins read Ordinance 76-73 by title.

ORDINANCE 76-73
Amend Zoning re:
1435 Jackson RI to RH

Councilpresident Blume read Ordinance 76-73's legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-74 by title only. Clerk Higgins read Ordinance 76-74 by title.

ORDINANCE 76-74
Amend Zoning between
1st & 2nd RS to SM

Councilpresident Blume read Ordinance 76-74's legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-75 by title only. Clerk Higgins read Ordinance 76-75 by title only.

ORDINANCE 76-75
Amend Zoning SR 45 &
37 Bypass RS to RL

Councilpresident Blume read the legislative synopsis for Ordinance 76-75.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-76 by title only. Clerk Higgins read Ordinance 76-76 by title.

ORDINANCE 76-76
Traffic Amendments

Councilpresident Blume read the legislative synopsis for Ordinance 76-76.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-51 by title. Clerk Higgins then read Ordinance 76-51 by title only.

ORDINANCE 76-51
1977 Utilities Salary
Ordinance

Councilpresident Blume read the the legislative synopsis for Ordinance 76-51.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 76-21 by title only. Clerk Higgins read Appropriation Ordinance 76-21 by title only.

APPROPRIATION ORDINANCE 76-21
1977 Utility Budget

Councilpresident Blume read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Appropriation Ordinance 76-22 by title only. Clerk Higgins read App. Ord 76-22 by title.

APPROPRIATION ORDINANCE 76-22
From General Fund
to Police Department

Councilpresident Blume read the legislative synopsis.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-77 by title only. Clerk Higgins read Ordinance 76-77 by title.

ORDINANCE 76-77
Budget Transfers

Councilpresident Blume read the legislative synopsis for Ordinance 76-77.

Councilmember De St. Croix moved and Councilmember Morrison seconded a motion to introduce and read Ordinance 76-78 by title only. Clerk Higgins read Ordinance 76-78 by title.

ORDINANCE 76-78
To Amend the Petition
for Establishment of
a Solid Waste District

Councilpresident Blume read the legislative synopsis for Ordinance 76-78.

Councilpresident Blume explained that the Rosehill Cemetary Annual Report will not be given tonight, noting it is a "dead issue".

The meeting was then adjourned at 10:35 p.m.

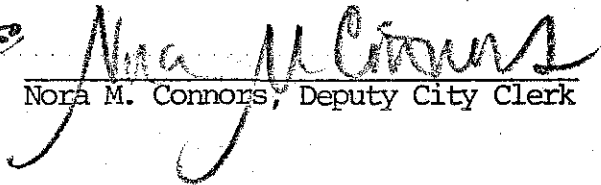
ADJOURNMENT

APPROVE:



Clem J. Blume, President
Bloomington Common Council

ATTEST:



Nora M. Connors, Deputy City Clerk

CITY OF BLOOMINGTON UTILITIES

Interdepartmental Memo

Paul K. Coulter

TO: Clem J. Blume FROM: Paul K. Coulter
DEPT.: President, Common Council DEPT. Director of Utilities
SUBJ. Black & Veatch Contract DATE: October 20, 1976
Amendment

The Council approved on September 22, 1976 a contract with Black & Veatch Consulting Engineers for design work on the new sewage treatment plant to be located in the Dillman Road area. The contract amount was \$525,000.

The approved contract was submitted to the Indiana Stream Pollution Control Board and the Environmental Protection Agency as a part of the Step II Grant Application. This was done immediately after local approvals.

Since the EPA is currently changing all of its provisions regarding Consulting Engineering Agreements, the attached supplement to the contract is now necessary. Personally, this supplement tightens up the contract and, if anything, takes away some of the concerns expressed by Councilmember Kinzer at the September 22 meeting. These changes are:

1. No additional work will be compensated unless ordered in writing.
2. The engineer had to state that the work would be performed in Kansas City.
3. Instead of monthly payments, there will be only four payments when the percentages of work completed reach 33, 66, 90 and 100.
4. There is absolutely no change in the original contract price of \$525,000.

The Utilities Service Board approved the supplement at its October 19 Board Meeting. The Mayor's approval will be obtained after the Council has approved these minor changes.

Your cooperation and support in the recent two months has been excellent and we are most appreciative.

PKC:mss

att.

Voice Approval 9-0 10-21-76