



CITY COUNCIL MEETING
April 20, 2020 6:00 p.m.
Public Telephone Conference
(816) 743-4875 - Conference ID: 423 742 418#

The meeting can be viewed live on Blue Springs Comcast Channel 7 and AT&T Channel 99 and www.bluespringsgov.com/CityMeetingsLive

PLEASE NOTE:

Pursuant to Jackson County Executive Order dated March 22, 2020 requiring residents to stay at home and limiting public gatherings, this Work Session will be conducted by taking safe social distancing measures as required by the Order. For this meeting, the public may attend via telephone conference **(816-743-4875, Conference ID: 423 742 418#)** as provided in Section 610.020(4) RSMo.

Members of the City Council will be participating in person at Blue Springs City Hall, via video-conference and/or telephone as provided in Section 610.020(1) RSMo.

1. Call meeting to order
2. Pledge of Allegiance
3. Consent Agenda

All matters under Item 3, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council.

- a. Minutes of the April 4, 2020 City Council Meeting
 - b. Resolution No. 39-2020 approving Contract for 2020 Street Program
 - c. Resolution No. 40-2020 authorizing implementation of employee insurance and other benefit programs
 - d. Resolution No. 41-2020 approving temporary changes to liquor license renewal and liquor sales
4. Introduction and readings of Bill No. 4745 repealing Section 220.560 - Vagrancy of the Code of Ordinances
 5. Introduction and readings of Bill No. 4746 adding Section 110.195 - Acting Mayor to the Code of Ordinances
 6. Mayoral Announcements
Thoughts to Ponder
 7. Visitors – Please complete [Speaker Appearance Form](#) on the City's website
 8. Adjourn

Miscellaneous Items

Planning Commission Meeting – Monday, April 27, 6:30 PM – Council Chambers – Public Safety Building, 1100 SW Smith

City Council Meeting – Monday, May 4, 6:00 PM – Council Chambers – Public Safety Building, 1100 SW Smith

Park Commission Meeting – Tuesday, May 5, 6:00 PM – Administration Conference Room – Blue Springs Fieldhouse, 425 NE Mock

Planning Commission Meeting – Monday, May 11, 6:30 PM – Council Chambers – Public Safety Building, 1100 SW Smith

Public Art Commission Meeting – Wednesday, May 13, 3:30 PM – Administration Conference Room – Blue Springs Fieldhouse, 425 NE Mock

Board of Adjustment Meeting – Wednesday, May 13, 6:30 PM – Council Chambers – Public Safety Building, 1100 SW Smith

Land Bank of Blue Springs Meeting – Monday, May 18, 3:00 PM – Administration Conference Room 225 – City Hall, 903 W Main

City Council Meeting – Monday, April 20, 6:00 PM – Council Chambers – Public Safety Building, 1100 SW Smith

Agenda was posted at City Hall and on the City's website on Thursday, April 16, 2020.

Sheryl Morgan, City Clerk



TO: Mayor, City Council,
Department Directors, and Press

FROM: Eric Johnson
City Administrator

DATE: April 16, 2020

SUBJECT: Agenda Explanations

Item 3b – 2020 Street Program

Adopt a Resolution approving a contract in the amount of \$2,697,681.44 with Superior Bowen Asphalt Company, L.L.C. for the 2020 Street Program. This project is approved as CIP ST-06 Street Rehabilitation Program. Refer to Council Information Form from Chris Sandie, Director of Public Works, for additional information.

Item 3c – Employee Insurance Programs

Approve a Resolution implementing the City's annual insurance programs for health, dental, vision, life and other employee benefit programs for the insurance plan year that begins July 1, 2020. Refer to Council Information Form from Assistant City Administrator Christine Cates for additional information.

Item 3d – Temporary Changes to Liquor License Renewals and Liquor Sales

Adopt a Resolution approving temporary changes to the enforcement of the Code of Ordinances, City of Blue Springs, Missouri related to Emergency Waivers issued by the Missouri Division of Alcohol and Tobacco Control. Refer to Council Information Form from Interim Director of Community Development, Mike Mallon, for additional information.

Item 4 – Repeal Section 220.560 - Vagrancy

Passage of a Bill amending Section 220 of the Code of Ordinances, City of Blue Springs, Missouri, to repeal Section 220.560 Vagrancy. Refer to Council Information Form from City Attorney Jacqueline Sommer for additional information.

Item 5 – Add Section 110.195 - Acting Mayor

Passage of a Bill adding a new Section 110.195 Acting Mayor in Absence of Both Mayor and Mayor Pro Tempore to the Code of Ordinances, City of Blue Springs, Missouri, to provide for an Acting Mayor in the event the Mayor and Mayor Pro Tempore are unable to perform the functions and duties of their positions. Refer to Council Information Form from City Attorney Jacqueline Sommer for additional information.

**CITY OF BLUE SPRINGS, MISSOURI
MINUTES OF COUNCIL MEETING
APRIL 6, 2020**

A meeting of the City Council of the City of Blue Springs, Missouri, was held on Monday, April 6, 2020, 6:00 p.m. with Mayor Carson Ross presiding.

A State of Emergency for Jackson County, Missouri was declared on March 12, 2020 and subsequent amendments by Jackson County Executive Order requiring residents to stay at home and limiting public gatherings to reduce the spread of the COVID-19 virus. As provided in Sections 610.020(1) and 610.020(4) RSMo., the City Council participated in this meeting via video-conference and telephone to ensure safe social distancing measures were taken. The public was able to attend via telephone conference.

COUNCILMEMBERS IN ATTENDANCE

Jerry Kaylor
Chris Lievsay
Ron Fowler

Galen Ericson
Kent Edmondson
Susan Culpepper

Also present were City Administrator Eric Johnson, Assistant City Administrator Christine Cates, City Attorney Jacqueline Sommer, and City Clerk Sheryl Morgan.

CALL MEETING TO ORDER

Mayor Ross called the meeting to order at 6:00 p.m. and led in the Pledge of Allegiance.

CONSENT AGENDA

Councilmember Edmondson requested Item 3b – 2020 Fireworks Permits be pulled from the Consent Agenda for separate consideration. Councilmember Edmondson moved to approve the following Consent Agenda items and the motion was seconded by Councilmember Ericson.

- **Minutes of the March 16, 2020** City Council Meeting and **March 30, 2020** City Council Work Session
- **Resolution No. 33-2020** approving the disposition of Information Technology and Law Department records which have met the required retention period as prescribed by the Blue Springs Records Retention, Management, and Destruction Policy dated November 28, 2016 and in accordance with the Missouri Secretary of State's records retention guidelines
- **Resolution No. 34-2020** approving a contract in the amount of \$150,000.00 with Jackson County Community Backed Anti-Drug Tax for Drug Abuse Resistance Education funding
- **Resolution No. 35-2020** approving a contract in the amount of \$100,000.00 with TREKK Design Group, LLC for on-call professional services related to Sanitary Sewer Evaluation Study
- **Resolution No. 36-2020** – authorizing the City Administrator to bind insurance rates with Travelers Property Casualty Company of America for property insurance, for the 2020-2021 insurance plan year, ahead of the Spring storm season to avoid higher rates should the city have property damage between now and the insurance plan year that begins July 1, 2020

The above Consent Agenda items were approved with the following vote:

Kaylor – Aye
Lievsey – Aye
Fowler – Aye

Ericson – Aye
Edmondson – Aye
Culpepper – Aye
Mayor Ross – Aye

APPROVAL OF 2020 FIREWORKS PERMITS

Blue Springs Citizens Police Academy Alumni Association is one of the applicants for a 2020 Fireworks Permit. Councilmember Edmondson advised that he serves as Second Vice President of the association and is in charge of its fireworks tent and would be abstaining from the vote. Councilmember Culpepper moved to approve the 2020 Fireworks Permits and the motion was seconded by Councilmember Kaylor and carried with the following votes:

Lievsey – Aye
Fowler – Aye
Ericson – Aye

Edmondson – ABSTAIN
Culpepper – Aye
Kaylor – Aye
Mayor Ross – Aye

MAYORAL ANNOUNCEMENTS

Mayor Ross gave an update on COVID-19 and how the City and County are working to minimize its impact.

Thoughts to ponder:
“May you live every day of your life.”
(Jonathan Swift)

CLOSED SESSION

At 6:07 p.m., Councilmember Kaylor moved for the Council go into closed session pursuant to Section 610.021(2), Revised Statutes of Missouri, for the purpose of privileged communications between a governmental body or its representative and legal counsel relating to real estate, and that any minutes, documents and other records discussed or taken during the closed session remain closed, and that the special meeting of this body stand adjourned at the completion of such session. Motion seconded by Councilmember Ericson and carried with the following votes:

Fowler – Aye
Ericson – Aye
Edmondson – Aye

Culpepper – Aye
Kaylor – Aye
Lievsey – Aye
Mayor Ross – Aye

ATTEST:

CITY OF BLUE SPRINGS

Sheryl Morgan, City Clerk

Carson Ross, Mayor

**CITY OF BLUE SPRINGS
 CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: March 23, 2020

SUBMITTED BY: Chris Sandie

DEPARTMENT: Engineering

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Adopt a Resolution approving a contract in the amount of \$2,697,681.44 with Superior Bowen Asphalt Company, L.L.C. for the 2020 Street Program. This project is approved as CIP ST-06 Street Rehabilitation Program.

BACKGROUND/JUSTIFICATION

Staff advertised for the annual Street Program on the City's website, as well as the plan rooms of AGC/Builders Association, ePlan, Construction Market Data Group L.L.C./Construction Connect. Bids were received from three contractors as follows:

Superior Bowen Asphalt Company, L.L.C.	\$2,797,681.44
J. M. Fahey Construction	\$2,892,968.10
Metro Asphalt	\$3,022,152.48
Engineer's Estimate	\$2,699,606.21

The Public Works – Engineering Department recommends the contract for the 2020 Street Program be awarded to the lowest bidder, Superior Bowen Asphalt Company, L.L.C. This company has successfully executed the contracts for the 2008-2019 Street Programs, the 2009 overlay of Adams Dairy Parkway, and numerous residential asphalt projects around the Kansas City metro area. The contractor owns several local asphalt plants and has extensive residential street milling and overlay experience with similar types of projects in other cities. All references for this contractor are favorable.

The City has overlaid 162 miles of streets in twelve years. It is anticipated this year's program will take the total to 168 miles of 242 total miles or 69% of the City's street network. The contract bid amount was reduced by \$100,000 to remain within the City's funding.

This project includes 107,000 SY cold milling, 12,000 tons asphalt paving, 7,600 LF curb replacement, 89 ADA curb ramps, 8,700 SF sidewalk replacement, 5,000 tons of asphalt patching, 30,000 LF thermoplastic permanent markings, 27 hot tape markings, and 6 traffic loop detectors. This project addresses the priorities reflected in the Citizen Survey and the City's ongoing efforts to maintain critical infrastructure.

FINANCIAL IMPACT

Contractor:	Superior Bowen Asphalt Company, L.L.C.	
Amount of Request/ Contract:	\$2,697,681.44	
Amount Budgeted:	\$2,697,681.44	
Budget Year:	FY 2019-20	
Funding Source/Account #:	310.72000.530270.000	
Account Balance:	\$2,495,861.20 – Budget Amendment	Date: 4/13/2020

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
Spring, 2020	Summer, 2020

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	N/A
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ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Resolution with contract attached as Exhibit "A".

REVIEWED BY

Requesting Director: Chris Sandie	Budget: Lori Turner
Legal: Jacqueline A. Sommer	City Administrator: Eric Johnson

**SUPPORTING DOCUMENTS:
(FOR CONTRACT ITEMS ONLY)**

Document	Attached	If not attached, explain
Secretary of State:	<input checked="" type="checkbox"/>	
Certificate of Insurance:	<input checked="" type="checkbox"/>	
E-Verify Affidavits:	<input checked="" type="checkbox"/>	
E-Verify proof of enrollment:	<input checked="" type="checkbox"/>	
Bond:	<input checked="" type="checkbox"/>	
Wage Order, by reference	<input checked="" type="checkbox"/>	Wage Order Number: 26
IRS Form W-9:	<input checked="" type="checkbox"/>	
Bid/RFP/RFQ: (submit all)	<input checked="" type="checkbox"/>	
Bid/RFP/RFQ Tabulation:	<input checked="" type="checkbox"/>	
Bid Waiver: (less than three bids)	<input type="checkbox"/>	
Contractor address and email:	<input checked="" type="checkbox"/>	Superior Bowen Asphalt Company, L.L.C. 520 W. Pennway ST Suite 300 Kansas City, MO 64108
Project Exemption Certificate needed:	<input checked="" type="checkbox"/>	
Other:	<input type="checkbox"/>	

A RESOLUTION APPROVING A CONTRACT WITH SUPERIOR BOWEN ASPHALT COMPANY, L.L.C. FOR THE 2020 STREET PROGRAM

WHEREAS, OSHA requirements under Section 292.675, RSMo 2009, require:

a. Any contractor for any public body for purposes of construction of public works and any subcontractor (any person entering into a subcontract with a contractor for construction of public works which employs "on-site employees" for purposes of completion of the contract) to such contractor shall provide a ten-hour Occupational Safety and Health Administration (OSHA) construction safety program for their on-site employees which includes a course in construction safety and health approved by OSHA or a similar program approved by the department which is at least as stringent as an approved OSHA program, unless such employees have previously completed the required program. All employees who have not previously completed the program are required to complete the program within sixty days of beginning work on such construction project.

b. Any employee found on a work site subject to this section without documentation of the successful completion of the required course shall be afforded twenty days to produce such documentation before being subject to removal from the project.

c. The contractor to whom the contract is awarded and any subcontractor under such contractor shall require all on-site employees to complete the above referenced ten-hour training program or such employees must hold documentation of prior completion of the program. Said contractor and subcontractor(s) shall comply with Section 292.675, RSMo 2009, in all respects as required in relation to work done pursuant to this contract.

d. The contractor shall forfeit as a penalty to the public body on whose behalf the contract is made or awarded, two thousand five hundred dollars plus one hundred dollars for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. The penalty shall not begin to accrue until the time period referenced in subparagraphs a and b above have elapsed.

e. The public body awarding the contract shall withhold and retain therefrom all sums and amounts due and owing as a result of any violations of this section when making payments to the contractor under the contract. The contractor may withhold from any subcontractor sufficient sums to cover any penalties the public body has withheld from the contractor resulting from the subcontractor's failure to comply with the terms of this section. If the payment has been made to the subcontractor without withholding, the contractor may recover the amount of the penalty resulting from the fault of the subcontractor in an action maintained in the circuit court in the county in which the public works project is located from the subcontractor.

f. "On-site employees" are defined as laborers, workmen, drivers, equipment operators, and craftsmen employed by contractors and subcontractors to be directly engaged in construction at the site of the public works. "Directly engaged in construction" shall mean work performed in the actual erection of the structure or completion of the improvement constituting the public works. In addition, employees working at a nearby or adjacent facility used by the contractor or subcontractor for construction of the public works shall be deemed "on-site

employees." Persons engaged solely in the transportation of materials, fuel, or equipment to the site of the public works shall not be deemed to be "directly engaged in construction;" and

WHEREAS, not less than the prevailing hourly rate of wages for work of a similar character in this locality, as established and amended at any time by the Department of Labor and Industrial Relations of the State of Missouri, shall be paid to all workers performing work under this Agreement; and

WHEREAS, the Engineering Department prepared specifications and advertised the project on February 24, 2020 on the City of Blue Springs website, as well as the plan rooms of AGC/Builders Association, ePlan and Construction Market Data Group, LLC/Construction Connect; and

WHEREAS, the Department received three bids and now recommends that the City award a contract to Superior Bowen Asphalt Company, L.L.C. for 2020 Street Program in the amount of \$2,697,681.44.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

Section 1. The City Administrator has the authority and is hereby authorized to enter into a contract with Superior Bowen Asphalt Company, L.L.C., 520 W. Pennway Street, Suite 300, Kansas City, MO 64108 for the 2020 Street Program (CIP ST-06). A copy of the Contract (Without Bid documents, General Conditions, Supplementary Conditions, Specifications, & Drawings, which are incorporated by reference and are available in the City Clerk's Office for review) is attached as Exhibit "A" and incorporated herein.

Section 2. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

Section 3. City staff is directed to perform all tasks necessary to implement said contract.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 20th day of April 2020.

CITY OF BLUE SPRINGS

ATTEST:

Carson Ross, Mayor

Sheryl Morgan, City Clerk

**SECTION VI
CONTRACT AGREEMENT
FOR
2020 Street Program
Project No. 19-10-01
The City of Blue Springs**

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between the City of Blue Springs, Missouri acting through its City Administrator thereunto duly authorized, Party of the First Part and hereinafter called the OWNER, and Superior Power Asphalt Company, L.L.C., a _____ Party of the Second Part and hereinafter called the CONTRACTOR.

WITNESSETH:

THAT WHEREAS, in accordance with law, the Owner has caused contract documents to be prepared and an Advertisement calling for bids to be published, for and in connection with the **2020 Street Program, Project No. 19-10-01.**

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined, and canvassed the bids submitted, and has determined the aforesaid contractor to be the lowest or best bidder for the work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the contractor's bid, a copy of the Bid Form being attached to and made a part of this contract:

NOW, THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreements herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself, and its successors, and the Contractor for itself, himself, or themselves, its, his or their successors, assigns, executors and administrators, as follows:

ARTICLE I That the Contractor shall furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services, and facilities; furnish all supplies and equipment specified and required to be incorporated in and form a permanent part of the completed work; provide and perform all necessary labor in a good, substantial, and workmanlike manner and in accordance with the requirements, stipulations, provisions, and conditions of the Contract Documents as defined in the attached General Conditions and Supplemental Conditions, said documents forming the contract and being as fully a part thereof as if repeated verbatim herein.

ARTICLE II That the Contractor shall comply in all respects with provisions of the Contract Documents regarding Equal Employment Opportunity, handicapped facilities, non-segregated facilities, and **prevailing wage rates as determined by the Division of Labor Standards of the State of Missouri.**

- A. **Not less than the prevailing hourly rate of wages, as set out in the wage order attached to and made part of the specification for work under the contract, must be paid to all workers performing work under the contract. (See Section 290.250, RSMo, enclosed in the laws section.)**

- B. The contractor will forfeit a penalty to the contracting public body of \$100 per day (or portion of a day) for each worker that is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor. (See Section 290.250, RSMo, enclosed in the laws section.) For detailed information on rules and occupational titles, see 8CSR 30-3.010 through 3.060 (enclosed in the laws section, Code of State Regulations-Prevailing Wage rules.)
- C. The contractor and all subcontractors to the contract must require all on-site employees to complete the ten-hour safety training program required under Section 292.675, RSMo, (enclosed in the laws section), if they have not previously completed the program and have documentation of having done so.
- D. The contractor will forfeit a penalty to the contracting public body of \$2,500 plus an additional \$100 for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. (See Section 292.675, RSMo, enclosed in the laws section.)
- E. During periods of excessive unemployment (any month immediately following two consecutive calendar months during which the level of unemployment in the state has exceeded five percent as measured by the United States Bureau of Labor Statistics) only Missouri laborers (persons who have resided in Missouri for at least thirty days and intend to become or remain Missouri residents) and laborers from non-restrictive states (persons who are residents of a state which has not enacted state laws restricting Missouri laborers from working on public works projects in that state, as determined by the Labor and Industrial Relations Commission) (see Excessive Unemployment section), may be employed under the contract, except that other laborers may be used when Missouri laborers or laborers from nonrestrictive states are not available, or are incapable of performing the particular type of work involved, if so certified by the contractor and approved by the contracting officer. (See Sections 290.550 through 290.580, RSMo, enclosed in the laws section.)
- F. Every transient employer, as defined in Section 285.230, RSMo, Enclosed in the laws section, must post in a prominent and easily accessible place at the work site a clearly legible copy of the following: (1) The notice of registration for employer withholding issued to such transient employer by the director of revenue; (2) Proof of coverage for workers' compensation insurance or self-insurance signed by the transient employer and verified by the Department of Revenue through the records of the Division of Workers' Compensation; and (3) The notice of registration for unemployment insurance issued to such transient employer by the Division of Employment Security. Any transient employer failing to comply with these requirements shall, under Section 285.234, RSMo, enclosed in the laws section, be liable for a penalty of \$500 per day until the notices required by this section are posted as required by that statute. (See list of transient employers, and Missouri Department of Revenue form 3032, enclosed in the forms section.)

ARTICLE III That the Owner will pay the Contractor for the performance of the Agreement, in current funds, subject to additions and deductions as provided for in the Contract Documents, *Two million six hundred & ninety seven thousand six hundred eighty one 4/100* Dollars (\$2,697,681.44) for all work covered by and designated in the bid. Payment shall be made in the manner and as specified in the GENERAL CONDITIONS and SUPPLEMENTARY

CONDITIONS. Five percent (5%) of partial payments shall be retained until all work is accepted.

ARTICLE IV That the contractor will commence work within ten (10) days after receiving written Notice to Proceed from the Owner and will complete all work covered by this Contract within (75) consecutive calendar days from and after said date of execution. ARTICLE V In conformity with the GENERAL CONDITIONS and SUPPLEMENTAL CONDITIONS of the specifications, the amount of liquidated damages for this contract shall be \$1500.00 per calendar day.

ARTICLE VI Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

ARTICLE VII That the Contractor will provide a Performance, Payment and two-year Maintenance Bond in an amount equivalent to one-hundred percent (100%) of the Contract Price for a period of one calendar year after the date of final acceptance for one hundred percent (100%) of all work.

ARTICLE VIII If this contract awarded to a business entity is in excess of five thousand dollars, the business entity, and any subcontractors of the business entity, shall, by sworn affidavit and provision of documentation, affirm its or their enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Every such business entity, and any subcontractors of the business entity, shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. A federal work authorization program is any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, under the Immigration Reform and Control Act of 1986 (IRCA), P.L.99-603. A business entity is any person or groups of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood. The term business entity shall include but not be limited to self-employed individuals (except it shall not include a self-employed individual with no employees), partnerships, corporations, contractors, and subcontractors.

IN WITNESS WHEREOF, The OWNER has caused this Agreement to be executed, and the CONTRACTOR has executed six (6) counterparts of this contract in the prescribed form and manner, the day and year first above written.

<u>City of Blue Springs</u>	<u>Superior Bowen Asphalt Co. LLC</u>
Party of the First Part (Owner)	Party of the Second Part (Contractor)
By: _____	By: <u>WTS</u>
Title: City Administrator	Title: <u>Vice President</u>
ATTEST: _____	ATTEST: <u>[Signature]</u>
Title: _____, City Clerk	Title: <u>P. M.</u>

Approved as to legal form and legal adequacy according to the Law.
_____, City Attorney

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: April 13, 2020

SUBMITTED BY: Christine Cates

DEPARTMENT: Administration

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Approve a Resolution implementing the City's annual insurance programs for health, dental, vision, life and other employee benefit programs for the insurance plan year that begins July 1, 2020.

BACKGROUND/JUSTIFICATION

CBIZ, Inc. prepared and evaluated the bids for the City's insurance programs. Based upon the savings indicated below, the City withdrew its membership from the Midwest Public Risk of Missouri by the passage of Resolution 31-2020 on March 16, 2020. The total expected savings for all health-related plans for the plan year is \$537,897. Humana is also offering the City the Total Health Contract that allows the City to manage future rate increases by providing discounts based upon actual claims experience and through the use of Go365 Engagement program. This program provides discounts when employees participate in health management programs.

Insurance Type	MPR/Lincoln	Humana/MetLife	Savings	Savings %
Health	\$ 3,543,365	\$ 3,068,455	\$ 474,910	13.40%
Dental	\$ 204,925	\$ 185,615	\$ 19,310	9.40%
Vision	\$ 44,473	\$ 36,578	\$ 7,895	17.8%
Life	\$ 83,661	\$ 47,879	\$ 35,781	44.00%
Total	\$ 3,876,424	\$ 3,338,527	\$ 537,897	13.88%

The savings in the health benefits programs will be distributed between the City and the employees as follows:

Insurance Type	Savings	Employer	%	Employee	%
Health	\$ 474,910	\$220,091	46%	\$254,819	54%
Dental	\$ 19,310	\$ 14,006	73%	\$ 5,304	27%
Vision	\$ 7,895	\$ 5,372	68%	\$ 2,523	32%
Life	\$ 35,781	\$ 35,781	100%	\$ 0	0%
Total	\$ 537,897	\$275,250	51%	\$262,646	49%

The pricing for the programs offered will be detailed in the annual benefit bulletin for enrollment in May. Additional approvals for property, liability and workers compensation insurance will be requested in May or June.

FINANCIAL IMPACT

Contractor:	Various
Amount of Request/ Contract:	\$ 3,338,527
Amount Budgeted:	\$3,338,527
Budget Year:	FY2019-20 & FY2020.21
Funding Source/Account #:	Various

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
July 1, 2020	June 30, 2021
Years and Months Contract in effect	Number of times renewable
1 year	

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	N/A
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ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Resolution implementing the City's annual insurance programs.
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REVIEWED BY

Requesting Director: Christine Cates	Budget: Christine Cates
Legal: Jacqueline A. Sommer	City Administrator: Eric Johnson

A RESOLUTION IMPLEMENTING THE CITY'S ANNUAL INSURANCE PROGRAMS FOR HEALTH, DENTAL, VISION, LIFE AND OTHER EMPLOYEE BENEFIT PROGRAMS FOR THE INSURANCE PLAN YEAR THAT BEGINS JULY 1, 2020

WHEREAS, as a result of increasing costs for insurance coverage, the City of Blue Springs researched other options and costs in the marketplace through a contract with CBIZ Inc.; and

WHEREAS, CBIZ Inc. obtained bids for the City's insurance for that will result in significant savings as compared to the renewal rates from Midwest Public Risk of Missouri (MPR) and staff recommended withdrawal of membership from MPR; and

WHEREAS, on March 16, 2020, by Resolution 31-2020, the City authorized the withdrawal from membership in Midwest Public Risk of Missouri for all lines of insurance; and

WHEREAS, staff recommends implementing the City's annual insurance programs for health, dental, vision, life and other programs as bid and recommended by CBIZ, Inc. for the insurance plan year that begins July 1, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

- Section 1. The City Administrator is hereby authorized to implement the City's annual insurance programs for health, dental, vision, life and other employee benefit programs for the insurance plan year that begins July 1, 2020.
- Section 2. Staff is directed to perform all tasks necessary to implement the City's annual insurance programs.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 20th day of April 2020.

CITY OF BLUE SPRINGS

Carson Ross, Mayor

ATTEST:

Sheryl Morgan, City Clerk

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: April 15, 2020

SUBMITTED BY: Mike Mallon

DEPARTMENT: Community Development

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Adopt a Resolution approving temporary changes to the enforcement of the Code of Ordinances, City of Blue Springs, Missouri related to Emergency Waivers issued by the Missouri Division of Alcohol and Tobacco Control.

BACKGROUND/JUSTIFICATION

The Missouri Division of Alcohol and Tobacco Control ("ATC"), in response to COVID-19, has issued two Industry Circular Emergency Waivers. One extends deadlines and expiration dates for liquor license renewals, and the second temporarily waives restrictions to permit sales of retailer-packaged alcoholic drinks. The Waivers are set to expire on May 15, 2020.

To mirror the Missouri Division of Alcohol and Tobacco Control Emergency Waivers, the Community Development Department will allow liquor license renewals to be submitted until June 30, 2020 and be approved by Council in July. Normally, the Department requires all documents to be submitted by May 30 to allow for Council approval in June prior to the license expiration date. This will allow businesses an extra month to submit their application and payment. The Department will also be allowing customers to make online credit card payments rather than requiring certified funds this year. All processing fees will be passed back to the business owner.

The Community Development Department will allow, and will not enforce restrictions in the City's Code of Ordinances, for the sale of retailer-packaged alcoholic drinks in compliance with the ATC Emergency Waiver.

FINANCIAL IMPACT

Contractor:	N/A
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PROJECT TIMELINE

Estimated Start Date	Estimated End Date
April 15, 2020	June 30, 2020
Years and Months Contract in effect	Number of times renewable
2 months	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	N/A
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ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Resolution with Emergency Waivers attached as Exhibits A and B.
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REVIEWED BY

Requesting Director: Mike Mallon	Budget: N/A
Legal: Jacqueline A. Sommer	City Administrator: Eric Johnson

A RESOLUTION APPROVING TEMPORARY CHANGES TO LIQUOR LICENSE RENEWALS AND LIQUOR SALES

WHEREAS, the Missouri Division of Alcohol and Tobacco Control (“ATC”) has issued two Emergency Waivers concerning liquor in response to the COVID-19 crisis; and

WHEREAS, on March 26, 2020, ATC issued an Industry Circular Emergency Waiver—Liquor License Renewal that extended liquor license renewal deadlines and expirations set out in Section 311.240 RSMo by two months; and

WHEREAS, on April 14, 2020, ATC issued an Industry Circular Emergency Waiver--Retailer-Packaged Alcohol that temporarily suspends the portion of the definition of “original package” in 11 CSR 70-2.010(5) so that patrons purchasing a meal can also purchase retailer-packaged alcoholic beverages under certain restrictions; and

WHEREAS, the City wishes to adopt the ATC’s temporary Emergency Waivers by suspending enforcement of any and all of the Code of Ordinances, City of Blue Springs, Missouri that are impacted by the Waivers, including but not limited to Sections 600.060, 600.100, and 600.120; and

WHEREAS, should the two ATC Emergency Waivers be extended, or additional ATC Emergency Waivers be issued, the City wishes to further adopt those waivers, and if necessary, suspending enforcement of affected Code sections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

1. City Staff is directed to perform all tasks necessary to implement and adopt any and all Missouri Division of Alcohol and Tobacco Control Emergency Waivers issued in response to the COVID-19 crisis, including suspending enforcement of affected sections of the Code of Ordinances, City of Blue Springs, Missouri including, but not limited to, Sections 600.060, 600.100, and 600.120. Copies of the March 26, 2020 and April 14, 2020 ATC Emergency Waivers are attached hereto and incorporated herein as Exhibits A and B.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 20th day of April 2020.

CITY OF BLUE SPRINGS

Carson Ross, Mayor

ATTEST:

Sheryl Morgan, City Clerk

DIVISION OF ALCOHOL AND TOBACCO CONTROL

Michael L. Parson
Governor

Sandra K. Karsten
Director, Public Safety



Dorothy E. Taylor
State Supervisor

INDUSTRY CIRCULAR

Emergency Waiver – Liquor License Renewal

Issued March 26, 2020

The Division has received approval from the Governor's Office to proceed with an emergency waiver to extend deadlines, set out in RSMo. 311.240, for fiscal year 2021 liquor license renewals by two months as follows:

- Renewals that are due by May 1, 2020 will now be due by July 1, 2020 to avoid a late fee.
- Renewals that are received between July 2 and July 31, 2020 will incur a \$100 late fee per license.
- Renewals that are received between August 1 and August 31, 2020 will incur a \$200 late fee per license.
- Renewals that are received between September 1 and September 30, 2020 will incur a \$300 late fee per license.
- Fiscal year 2020 liquor licenses that are set to expire on June 30, 2020 will now extend until August 31, 2020. This is an extension of your current active license. **The division will not reissue licenses to reflect the extended expiration date.** All active liquor licenses with an expiration date of June 30, 2020 shall remain displayed and recognized as valid through August 31, 2020, and can be verified on the Reports page of our website. <https://atc.dps.mo.gov/reports/>
- After August 31, 2020, licensees who have not completed the renewal process are required to cease alcohol-related business until their renewal has been processed and the renewed license(s) is posted on the premises.

1738 E. Elm, Lower Level, Jefferson City, MO 65101

P.O. Box 837, Jefferson City, Missouri 65102-0837

Voice 573-751-2333; FAX 573-526-4369

<http://www.atc.dps.mo.gov>

<http://www.facebook.com/atcmogov/>

Issued: March 26, 2020

- The fiscal year 2021 liquor license renewal season will officially close on September 30, 2020. All renewals must be postmarked by and/or received at the central office on or before this date in order to be considered for processing. Licensees applying for renewal after this date will instead be required to submit a new license application.
- ATC encourages licensees to submit their completed annual liquor license renewal application timely as they will be processed in the order in which they are received. ATC will mail liquor licenses for the next fiscal year to licensees who have renewed by May 1 in the first week of June, and daily thereafter.

DIVISION OF ALCOHOL AND TOBACCO CONTROL

Michael L. Parson
Governor

Sandra K. Karsten
Director, Public Safety



Dorothy E. Taylor
State Supervisor

INDUSTRY CIRCULAR

Emergency Waiver – Retailer-Packaged Alcohol

Issued April 14, 2020

The Division has received approval from the Governor's Office to proceed with an emergency waiver to temporarily suspend the portion of the definition of "original package" in 11 CSR 70-2.010(5) that requires utilizing the manufacturer's original container, to the extent necessary to allow retailer-packaged alcoholic beverages under the following conditions:

1. The alcohol container must be durable, leak-proof, and sealable, and meet the minimum size requirements outlined in [11 CSR 70-2.010\(5\)](#);
2. The patron must have ordered and purchased a meal simultaneous with the liquor purchase;
3. The licensee must provide the patron with a dated receipt for the alcohol beverage(s); and
4. The sealed alcohol container must either be:
 - a. Placed in a one-time-use, tamperproof, transparent bag which must be securely sealed; or
 - b. The container opening must be sealed with tamperproof tape;

The change does not allow liquor licensees to sell mixed drinks in 'to-go' plastic or Styrofoam cups with straws or loose covers.

This suspended definition will expire at the end of the Governor's emergency declaration, which is May 15, 2020.

1738 E. Elm, Lower Level, Jefferson City, MO 65101
P.O. Box 837, Jefferson City, Missouri 65102-0837
Voice 573-751-2333; FAX 573-526-4369

<http://www.atc.dps.mo.gov>
<http://www.facebook.com/atcmogov/>

Issued: April 14, 2020

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: March 9, 2020

SUBMITTED BY: Jacqueline Sommer

DEPARTMENT: Law

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Passage of a Bill amending Section 220 of the Code of Ordinances, City of Blue Springs, Missouri, to repeal Section 220.560 Vagrancy.

BACKGROUND/JUSTIFICATION

The City Attorney and City Prosecutor have determined Section 220.560 of the existing Code of Ordinances regarding vagrancy is outdated and some portions may be unenforceable. They are recommending that the Vagrancy code section be repealed. Illegal activity that may have previously been prosecuted under the Vagrancy section can be charged under various other offense sections.

FINANCIAL IMPACT

Contractor:	N/A
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PROJECT TIMELINE

Estimated Start Date	Estimated End Date
April 20, 2020	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	N/A
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ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

- | |
|--|
| <ol style="list-style-type: none"> Current Code Section 220.560 Bill repealing Section 220.560 of the Code of Ordinances |
|--|

REVIEWED BY

Requesting Director: Jacqueline A. Sommer	Budget: N/A
Legal: Jacqueline A. Sommer	City Administrator: Eric Johnson

Section 220.560. Vagrancy. [R.O. 1996 § 220.560; CC 1968 § 14-152.7; Ord. No. 1147 § 1, 4-12-1982]

A. The following persons shall be deemed vagrants:

1. Every person who may be found loitering around within the City, without any visible means of support.
2. Every person who shall attend or operate any gambling device or apparatus.
3. Every person who shall engage in any unlawful calling whatever.
4. Any able-bodied married man who shall neglect or refuse to provide for the support of their family.

Introduced by Councilmember _____

BILL NO. 4745

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 220 OF THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI, TO REPEAL SECTION 220.560 VAGRANCY

WHEREAS, City staff is committed to bringing forward amendments to the Code of Ordinances, City of Blue Springs, Missouri as needed; and

WHEREAS, the existing code section regarding vagrancy is outdated and some portions may be unenforceable; and

WHEREAS, City staff recommends the repeal of Section 220.560 Vagrancy of the Code of Ordinances, City of Blue Springs, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

Section 1. Section 220.560 of the Code of Ordinances, City of Blue Springs, Missouri, relating to vagrancy, is hereby repealed.

Section 2. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 20th day of April 2020.

CITY OF BLUE SPRINGS

Carson Ross, Mayor

ATTEST:

Sheryl Morgan, City Clerk

1st Reading: _____

2nd Reading: _____

**CITY OF BLUE SPRINGS
CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: April 13, 2020

SUBMITTED BY: Jacqueline A. Sommer

DEPARTMENT: Law

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

Passage of a Bill adding a new Section 110.195 Acting Mayor in Absence of Both Mayor and Mayor Pro Tempore to the Code of Ordinances, City of Blue Springs, Missouri, to provide for an Acting Mayor in the event the Mayor and Mayor Pro Tempore are unable to perform the functions and duties of their positions.

BACKGROUND/JUSTIFICATION

The current COVID-19 global pandemic has brought about concern for the necessity of a third person for Mayoral succession after the Mayor Pro Tempore. Staff recommends that, in the event that both the Mayor and the Mayor Pro Tempore are unable to perform the functions and duties of Mayor, the next person in line to temporarily sit as Mayor should be the "Acting Mayor". The Acting Mayor would be elected from among the remaining members of the Council.

The vote would be either taken at the next regularly scheduled Council meeting, or at a Special Meeting called by either the City Administrator or two Councilmembers. The City Administrator would conduct the meeting until the Acting Mayor is elected, then would step aside for the Acting Mayor to assume the duties of Mayor. The Acting Mayor would hold that position until either the Mayor or the Mayor Pro Tempore is able to assume their duties. The compensation of the Acting Mayor will be the same as for the Mayor Pro Tempore.

Staff recommends adoption of new Section 110.195 Acting Mayor in Absence of Both Mayor and Mayor Pro Tempore.

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
N/A	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	N/A
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ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Bill

REVIEWED BY

Requesting Director: Jacqueline A. Sommer	Budget: N/A
Legal: Jacqueline A. Sommer	City Administrator: Eric Johnson

AN ORDINANCE AMENDING CHAPTER 110 ARTICLE I OF THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI, ADDING SECTION 110.195 ACTING MAYOR IN ABSENCE OF BOTH MAYOR AND MAYOR PRO TEMPORE

WHEREAS, in light of the recent global pandemic, the City Council recognizes the need for a plan adding a third position in Mayoral succession after the Mayor Pro Tempore; and

WHEREAS, it is in the best interest of the City to amend Chapter 110, Article I of the Code of Ordinances, City of Blue Springs, Missouri, to add a new Section 110.195 Acting Mayor in Absence of Both Mayor and Mayor Pro Tempore; and

WHEREAS, under Section 110.195, in the event that both the Mayor and the Mayor Pro Tempore are unable to perform the functions and duties of their positions, the City Administrator will conduct a regular or special meeting at which an Acting Mayor will be elected by the remaining members of the Council; and

WHEREAS, the Acting Mayor will serve until the Mayor or Mayor Pro Tempore is able to resume their position.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS ~~STRICKEN~~. Sections and Subsections not set out herein are not amended or changed.

Section 1. That the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended by adding a Section, to be numbered 110.195, which said Section reads as follows:

Section 110.195 Acting Mayor in Absence of Both Mayor and Mayor Pro Tempore

- A. In the event that both the Mayor and the Mayor Pro Tempore are unable to perform the functions and duties of their positions due to absence, incapacitation, or disability, a majority of the remaining City Council members in attendance at the next regular meeting, or at a special meeting as set forth in Section 110.195.B, shall elect an Acting Mayor to temporarily perform all functions of the Mayor until the Mayor or Mayor Pro Tempore is able to resume their position. The City Administrator or their designee shall call the meeting to order and preside at the meeting until the Acting Mayor is elected. For the first order of business, the City Administrator or their designee shall call for nomination of an Acting Mayor, who shall immediately preside at the meeting after elected.
- B. A special meeting of the City Council to elect an Acting Mayor may be called by the City Administrator or their designee, or by two of the remaining City Council members, for a time not earlier than twenty-four (24) hours after notice is given to all remaining members

of the City Council then in the City. The City Administrator or their designee shall call the meeting to order and preside at the meeting until the Acting Mayor is elected. For the first order of business, the City Administrator or their designee shall call for nomination of an Acting Mayor, who shall immediately preside at the meeting after elected. The special meeting of the City Council may also be held with less than twenty-four (24) hours notice by the consent of all remaining members of the City Council then in the City, and such consent may be given either prior to or during the special meeting.

C. The monthly salary of the Acting Mayor shall be the same as the Mayor Pro Tempore as set out in Section 110.200.

Section 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

Section 4. That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 20th day of April 2020.

CITY OF BLUE SPRINGS

Carson Ross, Mayor

ATTEST:

Sheryl Morgan, City Clerk

1st Reading: _____

2nd Reading: _____