

MISSOURI CLEAN WATER COMMISSION TELECONFERENCE MEETING
Lewis and Clark State Office Building
LaCharrette Creek Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri

June 10, 2009

MINUTES

Present

Ron Hardecke, Chair, Missouri Clean Water Commission (Via Telephone)
Jan Tupper, Commissioner, Missouri Clean Water Commission (Via Telephone)
William A. Easley, Jr., Commissioner, Missouri Clean Water Commission (Via Telephone)
Sam Hunter, Commissioner, Missouri Clean Water Commission (Via-Telephone)
Frank L. Shorney, Commissioner, Missouri Clean Water Commission (Via Telephone)
Sam Leake, Commissioner, Missouri Clean Water Commission

Earl Pabst, Acting Director of Staff, Missouri Clean Water Commission
Jennifer Frazier, Counsel, Missouri Clean Water Commission
Malinda Overhoff, Secretary, Missouri Clean Water Commission

Joe Boland, Department of Natural Resources, Jefferson City, Missouri
Mark Bockstruck, Department of Natural Resources, Jefferson City, Missouri
Doug Garrett, Department of Natural Resources, Jefferson City, Missouri
Steve Goehl, D. A. Davidson & Company, Kansas City, Missouri
Bart Hager, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Ron Houseman, Taney County, Forsyth, Missouri
Susanne Medley, Department of Natural Resources, Jefferson City, Missouri
Davis Minton, Department of Natural Resources, Jefferson City, Missouri
Rob Morrison, Department of Natural Resources, Jefferson City, Missouri
David Potthast, Department of Natural Resources, Jefferson City, Missouri
John Reece, Little Blue Valley Sewer District, Independence, Missouri (Via-Telephone)
Byron Shaw, Department of Natural Resources, Jefferson City, Missouri
Dan Schuette, Department of Natural Resources, Jefferson City, Missouri
Eugene Spears, P.E., City of Tipton, Joplin, Missouri
Phil Walsack, MPUA, Columbia, Missouri (Via Telephone)
Steven C. Whelan, Laborers' Union, Hannibal, Missouri
Charlie Zitnik, D. A. Davidson, Kansas City, Missouri

CHAIR HARDECKE: This is Ron Hardecke, Chair of the Missouri Clean Water Commission. I would like to thank everyone for taking the time to either call in or come to Jefferson City to participate in this meeting today. I would like to begin by each of the Commissioners who are on the phone to identify themselves. I believe Sam Leake is in attendance in Jefferson City. I'll open it up to the Commissioners to identify themselves.

COMMISSIONER TUPPER: This is Jan Tupper.

COMMISSIONER EASLEY: This is Bill Easley.

COMMISSIONER HUNTER: Sam Hunter.

COMMISSIONER SHORNEY: Frank Shorney.

CHAIR HARDECKE: Okay. I want to welcome each of you and thank you for taking the time to call in. Earl would you want to introduce those there in Jefferson City?

MR. PABST: Sure, I would be happy to. We have Malinda Overhoff the Commission Secretary, Sam Leake one of the Commission members is here, Jenny Frazier, the Commission's Legal Counsel from the Attorney General's Office.

We have staff from the Water Protection Program and from the Director's Office, Susanne Medley and Davis Minton.

We have other guests with us here also Ron.

CHAIR HARDECKE: Okay, thank you. Should we have the others that are on the phone identify themselves?

MR. PABST: Yes, please.

CHAIR HARDECKE: Who else do we have on the phone besides the Commission?

MR. PABST: John Reece, do we have anyone else besides John Reece?

MR. PHIL WALSACK: Phil Walsack, MPUA.

CHAIR HARDECKE: Okay, we thank you and we'll go ahead and get started.

The first **item on the agenda is the approval of the May 6th Clean Water Commission minutes** and Malinda tried to get those to everyone. Did everyone either get them in hard copy or by email?

COMMISSIONER TUPPER: Yes, I received mine on email.

COMMISSIONER SHORNEY: Email.

COMMISSIONER EASLEY: This is Bill Easley, I didn't get them on either unless they came in this morning I have not checked my email this morning.

CHAIR HARDECKE: Okay.

COMMISSIONER HUNTER: This is Sam Hunter, I got them in hard copy.

CHAIR HARDECKE: Do we have any comments or corrections?

MR. WALSACK: We do, this is Phil Walsack with MPUA. I sent Malinda my two comments. They are typos but fairly interesting ones. On page 165, line 15 the word "ballistically" is printed and I think the word I was trying to say was "holistically." And again on page 165, the printed word is "permutes" and I believe I was trying to say the word "permittees." Malinda already has copies of those to references and those two locations but I wanted to pass those by the Commission.

CHAIR HARDECKE: Okay, thank you for catching those. Are there any others?

I have two or three here on, it was in email attachment 1B Malinda and there Trent Stober was testifying and down on page 21 and 22 they went from naming him from Trent Stober to Trent Stover. There are several places where that needs to be corrected, just a typo.

Then in Tom Herrmann's comments on page 23, I don't have these in front of me I just made a note, there was something in there to do with the stream I wrote down and then on page 42 the comments between Robert Brundage and Kristin Perry, there was one that is contributed from me and I believe it's should be from Robert. So if you want to check that please.

MS. OVERHOFF: On page 42?

CHAIR HARDECKE: Yes. And then in emails section 1C, line 16, Commissioner Perry and John Rustige were speaking, I think there should have been another heading in there. I think Commissioner Perry responded and then he went ahead and spoke and it wasn't differentiated.

Any other comments or corrections on the minutes?

MS. OVERHOFF: Yes Phil Schroeder had some comments and I thought he was going to be here today to make those corrections but he is not in attendance. He sent those to me in an email but I do not have those with me at the moment but they were just typos like the others we had today.

CHAIR HARDECKE: Okay, that will be fine, if you have the transcript just go ahead and make those changes also.

MS. OVERHOFF: Okay, it didn't change the meaning of the sentence or anything just words that were misspelled if I remember correctly.

CHAIR HARDECKE: Okay, that will be fine, thank you. Okay any others? If not I'll entertain a motion to accept the minutes as corrected.

COMMISSIONER SHORNEY: This is Frank Shorney, I so move.

COMMISSIONER TUPPER: Second, Jan Tupper.

CHAIR HARDECKE: Malinda would you take the vote?

MS. OVERHOFF: Commissioner Easley?

COMMISSIONER EASLEY: Yes.

MS. OVERHOFF: Commissioner Shorney?

COMMISSIONER SHORNEY: Yes.

MS. OVERHOFF: Commissioner Tupper?

COMMISSIONER TUPPER: Yes.

MS. OVERHOFF: Commissioner Hunter?

COMMISSIONER HUNTER: Yes.

MS. OVERHOFF: Commissioner Leake?

COMMISSIONER LEAKE: Yes.

MS. OVERHOFF: Chair Hardecke?

CHAIR HARDECKE: Yes.

Okay, thank you. We'll move on to **agenda item number two, it is the approval of the May 27th Clean Water Commission minutes**. Are there any corrections on those minutes? If not I'll entertain a motion.

COMMISSIONER EASLEY: This is Bill Easley, I move that we approve the minutes as submitted.

COMMISSIONER TUPPER: Second, Jan Tupper.

CHAIR HARDECKE: Okay, Malinda would you call for the vote?

MS. OVERHOFF: Commissioner Shorney?

COMMISSIONER SHORNEY: Yes.

MS. OVERHOFF: Commissioner Tupper?

COMMISSIONER TUPPER: Yes.

MS. OVERHOFF: Commissioner Hunter?

COMMISSIONER HUNTER: Yes.

MS. OVERHOFF: Commissioner Leake?

COMMISSIONER LEAKE: Yes.

MS. OVERHOFF: Commissioner Easley?

COMMISSIONER EASLEY: Yes.

MS. OVERHOFF: Chair Hardecke?

CHAIR HARDECKE: Yes.

Okay now **to item number three**. This is to give **final approval to the Transform Missouri Clean Water State Revolving Fund Intended Use Plan**. We'll start off with staff presentation, is that Joe or Doug?

MR. BOLAND: This is Joe Boland, I'll go ahead and start off. I don't have a whole lot to say other than I'd like to recap the dates we have here. We developed the initial draft in late April and that Intended Use Plan was put on public notice on April 27, 2009. We held a public meeting to take comments on May 27, 2009. The comment period ended on June 3rd. Most of those comments dealt with project schedules and application amounts. And based on those comments received the IUP was revised and we made the necessary adjustments. Anybody that fell off the Fundable List is obviously still eligible for our base program funding. But on the Clean Water Intended Use Plan we came out pretty good. Anybody that was on the Fundable List for the draft version that did not voluntarily remove themselves remain on the

Fundable List. So it had a pretty good outcome. And with that, that's about all I had to add other than I do have one, the City of St. Clair had submitted an application which I personally misplaced so I'm taking full responsibility for this but, I would ask you at this time to allow us to put this on the Contingency List. Looking at their application the status it would have achieved if we would have incorporated it before would only have made it to the Contingency List, so I do ask for your indulgence on that. It does not affect the Fundable List. They do deserve to be on the Contingency List. So with that revision we ask for the Commission to approve this final IUP.

MR. PABST: Mr. Chairman?

CHAIR HARDECKE: Yes.

MR. PABST: We do have one card for a Mr. Steven Whelan who would like to speak to the Commission.

CHAIR HARDECKE: Okay, that would be fine if he could come up and speak at this time.

MR. WHELAN: My name is Steve Whelan, I represent the Laborer's Union. On June 3rd I submitted a written request that we have implemented into this the Missouri State Prevailing Wage language along with the Davis-Bacon language due to discrepancies with the Davis-Bacon.

CHAIR HARDECKE: Yes we did get a copy of that letter and I think all the Commissioners received a copy. Do you have any other comments about that letter?

MR. WHELAN: Not at this time unless you have questions concerning it.

CHAIR HARDECKE: Okay, does any of the Commissioners have questions?

COMMISSIONER LEAKE: I would like to ask a question Mr. Chairman.

CHAIR HARDECKE: Yes.

COMMISSIONER LEAKE: Steve, on the request how do other state agencies handle prevailing wage?

MR. WHELAN: Most generally the state agencies always handled the prevailing wage with their State prevailing wage. What the problem is with the Davis-Bacon that covers solely federal monies but when there are any state monies then you put your state prevailing wage into it. What the problem is with the Federal Davis-Bacon, they only do a survey for the wage rates once every ten years. The last time the federal government asked for the wage survey was in 2005. We finished that up and completed that in April 2006. To date they have not gone through and updated those wages. So there are counties out there that are far under what our wages are for the State of Missouri and it should and will mostly likely have a bearing for these projects.

COMMISSIONER LEAKE: Under the Davis-Bacon what years are you working with now then if they didn't enact 06? Are you working with 2000, 2002 or 2004?

MR. WHELAN: Yes most likely yes, the early 2000's.

COMMISSIONER LEAKE: Okay, thank you.

MR. WHELAN: Thank you Sam.

CHAIR HARDECKE: Any other questions? Okay, thank you.

MR. WHELAN: I would like to thank the Commission.

CHAIR HARDECKE: Okay, are there any other comments or anything there Earl?

MR. PABST: No Mr. Chairman, that's all we had.

CHAIR HARDECKE: Does the Commission have any other questions about the revised final proposal?

If not I would entertain a motion to adopt the proposal.

COMMISSIONER HUNTER: Mr. Chairman, this is Sam Hunter, I move that the Clean Water Commission approve the Transform Missouri Clean Water State Revolving Fund Intended Use Plan as presented today.

COMMISSIONER TUPPER: Second, Jan Tupper.

CHAIR HARDECKE: Okay, any other discussion? Malinda you want to take the vote?

MS. OVERHOFF: Commissioner Tupper?

COMMISSIONER TUPPER: Yes.

MS. OVERHOFF: Commissioner Hunter?

COMMISSIONER HUNTER: Yes.

MS. OVERHOFF: Commissioner Leake?

COMMISSIONER LEAKE: Yes.

MS. OVERHOFF: Commissioner Easley?

COMMISSIONER EASLEY: Yes.

MS. OVERHOFF: Commissioner Shorney?

COMMISSIONER SHORNEY: Yes.

MS. OVERHOFF: Chair Hardecke?

CHAIR HARDECKE: Yes. Okay, thank you.

I guess that concludes our agenda, the next meeting will be July 1, 2009 in Cape Girardeau.

MR. PABST: Mr. Chairman, could I ask one other question please?

CHAIR HARDECKE: Yes.

MR. PABST: Malinda reminded me we need to check with the Commission on the Finding of Necessity, and find out where we are with that.....

CHAIR HARDECKE: Okay, I missed that, could you please repeat?

COMMISSIONER TUPPER: I didn't hear that either.

MR. PABST: I'm sorry, we just wanted to follow-up on the Finding of Necessity.

MS. OVERHOFF: For the SRF Rule.

MR. PABST: Yes the SRF Rule.

CHAIR HARDECKE: Is that the form that Malinda has been mailing around?

MS. OVERHOFF: Yes. The last I knew Commissioner Easley had sent it to Commissioner Shorney.

COMMISSIONER SHORNEY: Yes, and I got it and signed it and sent it to Ron on Monday.

MS. OVERHOFF: Okay, thank you.

CHAIR HARDECKE: Very good. I did not receive it yesterday and I haven't gotten the mail yet today so I will check on it.

MS. OVERHOFF: Ron, I believe you are the last Commissioner that needs to sign it and once you've signed it if you could please mail it back to me?

CHAIR HARDECKE: Okay, yes I can do that.

MS. OVERHOFF: Thank you.

MR. PABST: Thank you Mr. Chairman.

CHAIR HARDECKE: Okay, if there is nothing else to come before the Commission at this meeting I would entertain a motion to adjourn.

COMMISSIONER EASLEY: I move that we adjourn, this is Bill Easley.

COMMISSIONER SHORNEY: Second, Frank Shorney.

CHAIR HARDECKE: Malinda?

MS. OVERHOFF: Commissioner Hunter?

COMMISSIONER HUNTER: Yes.

MS. OVERHOFF: Commissioner Leake?

COMMISSIONER LEAKE: Yes.

MS. OVERHOFF: Commissioner Easley?

COMMISSIONER EASLEY: Yes.

MS. OVERHOFF: Commissioner Shorney?

COMMISSIONER SHORNEY: Yes.

MS. OVERHOFF: Commissioner Tupper?

COMMISSIONER TUPPER: Yes.

MS. OVERHOFF: Chair Hardecke?

CHAIR HARDECKE: Yes.

I want to thank everyone for taking the time call in or come in and participate. So we'll see you next time.

MR. PABST: Thank you Mr. Chairman and thank everyone for attendance today as well.

[Meeting Adjourned]

Respectfully Submitted,

Earl Pabst
Acting Director of Staff