

November 3, 2008

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, November 3, 2008 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Alan Gustin, Jenny Hayes and Dan Holt. Staff members present were Jim Eldridge, Shirley Zimmerman, Ryan Marcotte and Eric Marshall.

The Mayor opened the meeting with the Pledge of Allegiance.

### **CONSENT AGENDA**

The following items were submitted for the Board of Aldermen to approve:

- Minutes for October 20<sup>th</sup> and October 28<sup>th</sup> meeting
- Bills presented for payment
- Christmas decorations for downtown poles, \$3,622.75

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes to approve the Consent Agenda as presented. The motion carried unanimously.

### **ADMINISTRATOR'S REPORT**

#### **FRANK WEATHERFORD, TRANSYSTEMS, DISCUSSION OF 19<sup>TH</sup> AND I-35 INTERCHANGE ACCESS JUSTIFICATION REPORT**

Frank Weatherford, Transystems, presented a scope of services proposal. He said they recommend that the City complete the Access Justification Report, the Environmental Process and the Concept Plan. He said the Concept Plan would be very preliminary at this time and simply be a foot print showing the land needed.

Mr. Weatherford said this process is slow. He said if we kept moving it would take approximately five years from now to time of construction. He said this project could be as much as fifteen years away at the best.

Alderwoman Hayes asked why we would do these studies now if this project could be fifteen years away. Mr. Weatherford said this would get this project in front of MoDOT if funds would become available. He said these studies would only need to be updated with change in growth. He said the Access Justification Report has no shelf life and the Environmental Process would only need to be refreshed every seven years or so.

Mayor Dane asked if we would currently have MoDOT blessing if we submitted these plans. Mr. Weatherford said they are on board to look at these plans. They are okay with an interchange being at one mile. They have indicated they would consider a half diamond or full diamond interchange.

Mayor Dane said there has been some talk of a governmental stimulus package for bridge and road work. He asked if Mr. Weatherford had heard about this and how quickly would that money be available.

**FRANK WEATHERFORD, TRANSYSTEMS, DISCUSSION OF 19<sup>TH</sup> AND I-35 INTERCHANGE ACCESS JUSTIFICATION REPORT-CONT**

Mr. Weatherford said he had heard some talk of doing something similar to the WPA that President Roosevelt started during the depression. He said everyone isn't on board with this at this time. He said if they pass this they would want things to happen quickly to stimulate the economy.

Alderman Gustin asked where 92 Highway would stand with MoDOT if funds became available. Mr. Weatherford said 92 Highway is considered a regional route. He said in our district it would be high on the list, like one, two or three. He said when you compare the entire State it wouldn't fair near as well because it is a regional route.

Mayor Dane said we as a City have to raise the awareness bar with 92 Highway and the 19<sup>th</sup> Street Interchange in the event funds do become available.

Mayor Dane said he would now open the floor to the public if anyone had questions in regard to the 19<sup>th</sup> Street Interchange.

John Snyder, 1816 Paddock Drive, asked how many studies Transystems has done in regard to the 19<sup>th</sup> Street Interchange. Mr. Weatherford said Transystems did one in 2005 and HNTB had done one earlier.

Mr. Snyder asked what the cost was for the 2005 Study and did the City get any credit for that Study. Mr. Weatherford said the cost was \$40,000 and credit would be given to the City for any items done in the previous study.

Mayor Dane said the City will enter into an Intergovernmental Agreement with MoDOT and we will be given credit for any money spent on studies as a part of our share of cost for the project.

Mr. Snyder asked if we do the 19<sup>th</sup> Street Interchange, how long it would be able to handle the traffic. Mayor Dane said the current interchange at I-35 and 92 Highway is rated as a "C" now and is projected to be rated as a "F" by 2013. The Study will be for twenty years. Most of the projected growth for the City is projected to be to the South and West of the City.

Mr. Snyder said the current land use map shows most of the current growth to be North of 92 Highway so why would we go to the South for another interchange. Mr. Weatherford said there will be an outer road going to the interchange and people will use it because most of them are going South anyway.

Mr. Snyder said the City should consider that the 19<sup>th</sup> Street Interchange would be taking the people away from downtown and the local merchants. He also wanted to know if anyone was considering the safety issues of using 19<sup>th</sup> Street with the railroad tracks there. Mayor Dane said 19<sup>th</sup> Street would be improved along with this project.

Mr. Snyder wanted to know what exemption was used to get by the two miles between interchanges with MoDOT. Mr. Weatherford said that guideline is for rural and they now consider Kearney as suburban.

**FRANK WEATHERFORD, TRANSYSTEMS, DISCUSSION OF 19<sup>TH</sup> AND I-35 INTERCHANGE ACCESS JUSTIFICATION REPORT-CONT**

Mr. Snyder asked what species would be involved with the Environmental Process. Mr. Weatherford said there are usually Indiana bats in areas like this but they work around that.

Mr. Snyder asked why the City is limiting the Study to 19<sup>th</sup> Street. He said in 1993 they showed Massey Road as a possible site. Mayor Dane said there isn't enough space for an interchange at 33 Highway and I-35. The site at 136<sup>th</sup> Street to the South would be extremely expensive due to the terrain and there is no infrastructure in place in that area for commercial growth. Another site had been 172<sup>nd</sup> Street but there has been no growth to the North.

Steve Wood, 1811 Paddock Drive, asked about a time frame and what would be the shortest time frame. Mr. Weatherford said it would take five years to go from now to construction if funding was available. Three years would be the shortest time frame if everything was on a fast track.

Mr. Wood asked if he understood right that if we built the interchange now it would be good for twenty years. Mr. Weatherford said that was correct.

Steve Raye, 14610 West 147<sup>th</sup> Street, said he was here on behalf of his father who lives on Paddock Drive. He said Clay County has just surfaced 144<sup>th</sup> Street and he wondered if Clay County was involved in this process. Mr. Weatherford said they aren't at the present time but would be involved in the future.

Mr. Raye asked if this was approved by MoDOT and the Federal Highway Department would it never be revoked. Mr. Weatherford said the plans wouldn't have a shelf life but it's hard to say that it couldn't ever be revoked.

Mr. Raye asked who would do the traffic study to figure the configuration of the interchange. Mr. Weatherford said Transystem would do that along with MoDOT and the Federal Highway Department.

Mr. Raye said when the Hunt Midwest project was approved they were to make improvements on Nation Road when they had built so many houses. He wanted to know if this would change their cost for Nation Road. Staff said that would be revisited when someone brought plans back in for that property.

Courtney Snyder, 1816 Paddock Drive, said she is only eleven years old and she knows children and animals usually can't say anything about things like this. She said she is concerned about the red wolf, wood frogs and butterflies that are in this area and will be disturbed.

There being no further comments from the public, the floor was closed.

Mayor Dane said before we do a contract with Transystems, Staff needs to negotiate with MoDOT to find out where they stand with this. We will need to do an Intergovernmental Agreement.

**FRANK WEATHERFORD, TRANSYSTEMS, DISCUSSION OF 19<sup>TH</sup> AND I-35 INTERCHANGE ACCESS JUSTIFICATION REPORT-CONT**

A motion was made by Alderman Couchman and seconded by Alderman Gustin directing City Staff and Mayor Dane to meet with MoDOT and negotiate an Intergovernmental Agreement to begin a Study on the 19<sup>th</sup> and I-35 Interchange. The motion carried unanimously.

**AQUATICS CENTER** Mayor Dane said he would like some direction from the Board of Aldermen on what they want to do with the Aquatics Center.

Alderman Gustin said he would be interested in just building an outdoor swimming pool at this time. He said we could begin with an outdoor pool as a first step and build it so it could be enclosed or we could build a Center but cut back on extras.

Mayor Dane said we have to decide how to pay for this. He said a pool would cost approximately two million and an Aquatic Center would cost four and one half million. He said he and Staff will be meeting with Dr. Belcher, Kearney School Superintendent tomorrow.

Mayor Dane said a one half cent sales tax would build an outdoor pool and operate it but it would only be used about four months a year. He said this wouldn't support the School District swim team or those needing aquatic exercise for health reasons, etc. He said one way of helping support a pool is membership and an outdoor pool won't have as large of a membership.

Alderman Gustin said he really likes the idea of a sales tax. He said we should get together with the community swim groups and see what they want. We need to see if other entities will help pay for a pool.

Alderwoman Hayes said Liberty joined with the School District to build their pool. She said the School District is so involved in the usage that the community doesn't get much use of the pool. She asked how much usage the School District would need for the swim teams. Kyle McCawley, Larkin Associates said the boys swim during the fall sports season and the girls during the winter sports season. He said they usually practice about two hours after school.

Alderman Holt said if we decide to do the minimum now and only build a pool we might have to look at a different location. He said if it's not indoor the School District might not be willing to allow us to use School property.

Mayor Dane said if we start with only an outdoor pool we would need to have a long range plan in place.

Alderman Gustin said he really liked the idea of using the School property and then the parking lot, concession stand, etc. could be used by both the City and the School District.

Mayor Dane asked the Board of Aldermen if they want to be a part of the Community Center and do they want the Aquatic Center to be part of that Community Center. It was a general consensus of the Board of Aldermen that they want to be part of the Community Center, which would include an Aquatic Center.

**AQUATICS CENTER-CONT** Mayor Dane said before we would do a sales tax he wants to talk to the businesses. He said it would raise our sales tax to 7.6. He said Smithville is 7.1, Excelsior Springs is 7.6, North Kansas City is 6.8 and Kansas City is 7.4.

Alderman Couchman said if we are going to do this with the School District we should enclose the pool. He said from his experience with the pool in Shadowbrook Subdivision, the biggest cost is the opening and closing of the pool.

Alderman Gustin asked if the building would be turned over to the School District or the City would own the building. Mayor Dane said that is something we would have to discuss with the School District.

Mayor Dane said he would like the Board of Aldermen to approve he and City Staff meeting with the School District to discuss what to build and how to operate a pool or aquatic center.

Alderman Couchman said we should talk with Eric Marshall to see who he works with in regard to the City using School District facilities. Mr. Marshall said he used to do everything through the Athletic Director but now he works with the Principal of each building.

Alderwoman Hayes asked if we should involve Molly McGovern to work on this. Mayor Dane said she is currently working with TIF. There is no grant money to build aquatic centers.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve City Staff to meet with the School District and discuss plans for a pool and aquatic center. The motion carried unanimously.

### **PUBLIC REQUESTS & PETITIONS**

#### **BILL SHULL, MANAGING OFFICER OF SHELL FOOD MART LIQUOR LICENSE**

Staff presented an application for Bill Shull to be designated as managing officer of the Shell Food Mart liquor license. Staff said pursuant to ordinance, an investigation has been completed showing Mr. Shull to be in good standing with the law.

Alderman Couchman said the application says Mr. Shull will only be doing a daily walk thru. Mayor Dane said the owner will be there at least once a week and talks on the phone to them every day.

A motion was made by Alderman Holt and seconded by Alderman Couchman to approve Bill Shull to be designated as managing officer of the Shell Food Mart liquor license.

Alderman Gustin said he had some concern about the fact that Mr. Shull won't be at the business. He asked who sells the beer or oversees problems. The current manager of the store said she and the owner would be in charge of beer sales. She said the one before was both the manager and managing officer of the liquor license but she had resigned. She said she didn't want to be the managing officer of the liquor license so they were hiring Mr. Shull to do that.

**BILL SHULL, MANAGING OFFICER OF SHELL FOOD MART LIQUOR LICENSE**

Alderman Couchman said since Mr. Shull isn't here maybe we should table this application. Alderman Holt said he would withdraw his motion.

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes to table the application for Bill Shull to be designated as managing officer of the Shell Food Mart liquor license until the next meeting. The motion carried unanimously.

Alderwoman Hayes asked if they could continue to sell liquor without a managing officer. Mayor Dane said they could.

**NEW BUSINESS**

**MARC HHW CONTRACT RESOLUTION NO. 25-2008** A Resolution, authorizing the Mayor to sign an Intergovernmental Agreement between the MARC Solid Waste Management District and the City of Kearney relating to Regional Household Hazardous Waste Collection Program, was presented and read by Title only.

Staff said in addition to hosting a bi-annual pick up site, Kearney residents are permitted to take household hazardous waste items to the Kansas City recycling site on Deramus Street.

Alderman Couchman asked if we know that Kearney residents use this. Staff said they do.

A motion was made by Alderman Gustin and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign an Intergovernmental Agreement between the MARC Solid Waste Management District and the City of Kearney relating to Regional Household Hazardous Waste Collection Program. The motion carried unanimously.

**ALDERMEN DISCUSSION**

**ALDERMAN HOLT** Alderman Holt asked Staff if they had contacted MoDOT about the speed limit at Clear Creek Bridge on 92 Highway. He said it is entirely too fast to be coming up on a one lane bridge. Staff said they will contact them because we can't do anything about the speed limit on the State highway.

**MAYOR DANE** Mayor Dane said we hope to meet with MoDOT about the light at Pilot by December 15<sup>th</sup>. Pilot has told the local newspaper that they are in favor of a light and would help pay for it.

**ADJOURNMENT** There being no further business on the agenda, a motion was made by Alderman Couchman and seconded by Alderman Holt to adjourn. The motion carried unanimously.

The following bills were presented for payment at the November 3, 2008 meeting:

ORG/VENDOR NAME	WARRANT: 110308	AMOUNT
<b>* 1996 REVENUE REFUNDING BD</b>		
UMB BANK, N.A.		574.75
<b>* 1996 SRF REV BD Expense</b>		
UMB BANK		5,323.29
<b>* 2001 SRF Rev Bd Expense</b>		
UMB BANK		14,692.63
<b>* Cap Improv Sales Tax Exp.</b>		
CHRIS' LAWN CARE AND		270.48
<b>* City Hall Expenses</b>		
CINTAS CORPORATION #690		115.17
COLE PRINTING		160.00
CORPORATE EXPRESS		40.32
BILLY R DANE		175.00
MSC-410526		31.50
JIM ELDRIDGE		51.23
KEARNEY CHAMBER OF		50.00
KRAMER HARDWARE		18.76
<b>* Community Development Dir</b>		
CINTAS CORPORATION #690		30.58
CONOCO		78.44
KRAMER HARDWARE		13.58
DAVID PAVLICH		22.94
<b>* Court &amp; Legal Expenses</b>		
LARRY BUTCHER		24.90
<b>* General Admin. Revenues</b>		
CITY OF KEARNEY-TAX COLLECTION		79.51
<b>* Meter Deposit Expenses</b>		
AARTECH HOMES		41.98
RICK BYRD		64.88
JIM CARLSON CONSTRUCTION		48.31
JARETT ENGELS		95.88
LINDSEY FORBES		24.88
KAREN GICANTE		55.88
HEATHER HAYWOOD		55.88
ASHLEY HOYT		23.13
KEVIN JEFFERS		4.97
LADERACH HOMES		34.85
JEFF MATTSON		5.65
STANLEY MCCRACKEN		64.88
KEVIN PRATT		11.27
PREMIER TRANSMISSION		64.88
BENJAMIN PRUIKSMA		55.13
CHARLES RILEY		64.88
JIMMY STARNES		6.99
<b>* Park Fund Expenses</b>		
BOB BALDWIN		33.00
CINTAS CORPORATION #690		14.96
COLE PRINTING		38.50
CONOCO		525.38
CARLY COULSON		200.00
ABBY COURSEN		60.00
DEVAN CROW		90.00
SHELBY FORMAN		320.00
FRIES LAWN & LEISURE INC		80.25

SYDNEY HAASE	165.00
JENNI HARTZLER	150.00
STEPHANIE HATTEY	75.00
JAMIE JACKSON	80.00
KEARNEY LAWN &	184.00
KRAMER HARDWARE	155.06
KYNDAL LAWRENCE	165.00
METAL CUT TO LENGTH	989.18
MID-AMERICA REG. COUNCIL	278.00
MISSOURI ASSOCIATION OF	178.00
WHITNEY NORTON	45.00
PLATTE CLAY ELECTRIC	1,959.06
PORTER'S BUILDING CENTER	144.81
PUBLIC WATER SUPPLY	152.10
QUALITY HILL PLAYHOUSE	385.00
KATIE SHEARRER	45.00
BROOKE THUSTON	105.00
WINNERS CIRCLE	139.50
<b>* Police Dept. Expenses</b>	
THE ARMORY	79.95
PAUL B. CARROLL	600.00
CINTAS CORPORATION #690	133.79
CONOCO	1,307.45
CORPORATE EXPRESS	40.32
CSE, INC	788.00
DELTA INNOVATIVE SERVICES, INC	3,523.75
J & K AUTO REPAIR	85.75
KRAMER HARDWARE	20.26
MONARCH INDUSTRIES, INC.	126.45
ORSCHELNS CARD CENTER	139.64
PUBLIC AGENCY TRAINING COUNCIL	275.00
<b>* Pooled Cash</b>	
AFLAC/REMITTANCE	41.94
BLUE CROSS BLUE SHIELD OF KC	16,778.24
FAMILY SUPPORT	1,224.00
ING FINANCIAL ADVISERS,LLC	2,181.33
MISSOURI LAGERS	14,668.82
METLIFE SMALL BUSINESS CENTER	1,416.30
MHM BUSINESS SERVICES, INC.	285.00
MO DEPT. OF REVENUE	5,322.00
VISION SERVICE PLAN (IC)	422.80
<b>* Sewer Plant Expenses</b>	
ALLIED WASTE SERVICES	96.93
BRINK'S HOME SECURITY	31.95
CII LABORATORY SERVICES	22.00
CINTAS CORPORATION #690	24.42
HD SUPPLY WATERWORKS	279.88
HOTSY EQUIPMENT CO	106.25
JOHN'S SUPER	148.68
KRAMER HARDWARE	90.76
PLATTE CLAY ELECTRIC	8,401.85
WATER POLLUTION BIOLOGY	570.00
<b>* Solid Waste</b>	
DEFFENBAUGH INDUSTRIES	23,148.50
<b>* Street Department Expense</b>	
CINTAS CORPORATION #690	87.30
CONOCO	1,287.92



DEAN MACHINERY CO	835.66
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	108.42
HUNTS CAR CARE CENTER	255.30
KRAMER HARDWARE	50.80
METRO ASPHALT	67,567.49
NEWMAN TRAFFIC SIGNS	656.40
PAVING MAINTENANCE	2,037.05
PERFORMANCE TRUCK AND SUV	283.49
PLATTE CLAY ELECTRIC	303.06
PORTER'S BUILDING CENTER	43.47
<b>* W &amp; S Admin. Expenses</b>	
CINTAS CORPORATION #690	101.52
CITY OF KEARNEY	26,296.17
CONOCO	682.72
EMBARQ COMMUNICATIONS, INC.	4.45
JERRY HEARNE	9.50
MO DNR-DMS RECEIPT &	571.80
ORSCHELNS CARD CENTER	7.98
U.S. POSTAL SERVICE	2,280.00
<b>* W &amp; S Oblig. Expenses</b>	
UMB BANK	3,430.93
<b>* Water Cap. Imp. Expenses</b>	
WALKER'S TREE SERVICE, INC.	450.00
<b>* Water Plant Expenses</b>	
BRENNTAG MID-SOUTH, INC	1,444.76
BRINK'S HOME SECURITY	63.90
C.H. ROBINSON COMPANY, INC.	816.50
CINTAS CORPORATION #690	26.00
KRAMER HARDWARE	39.44
ORSCHELNS CARD CENTER	168.41
PLATTE CLAY ELECTRIC	1,161.33
SEW EURODRIVE	432.90
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<b>TOTAL</b>	<b>223,120.88</b>

APPROVED: \_\_\_\_\_  
 Billy R. Dane, Mayor

ATTEST: \_\_\_\_\_  
 Joan H. Updike, City Clerk