

April 20, 2009

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, April 20, 2009 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Jenny Hayes, Dan Holt and Alan Gustin. Staff members present were Jim Eldridge, David Pavlich and Eric Marshall.

The Mayor opened the meeting with the Pledge of Allegiance.

ACCEPTANCE OF CERTIFIED ELECTION RESULTS A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to accept the Certified Election results from the Clay County Election Board, as follows:

Kearney Ward 1

Jeff Couchman 427 votes

Kearney Ward 2

Alan Gustin 190 votes

Bruce Sprague 163 votes

OATH OF OFFICE The oath of office was administered to Alderman Couchman and Alderman Gustin.

ELECTION OF BOARD PRESIDENT Alderman Holt nominated Alderman Gustin to be President of the Board. No other nominations offered, vote for Alderman Gustin was unanimous.

APPOINTMENT OF ALDERMAN REPRESENTATIVE TO PARK BOARD Mayor Dane recommended the re-appointment of Alderman Couchman as Board representative to the Park Board. A motion was made by Alderman Gustin and seconded by Alderman Holt to approve the Mayor's appointment. Motion carried unanimously.

APPOINTMENT OF ALDERMAN REPRESENTATIVE TO PLANNING AND ZONING

Mayor Dane recommended the re-appointment of Alderman Holt to the Planning and Zoning Commission. A motion was made by Alderman Gustin and seconded by Alderman Couchman to approve the Mayor's appointment. Motion carried unanimously.

CONSENT AGENDA

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

- Minutes for March April 6th meeting
- Bills presented for payment
- **Resolution No. 09-2009** Halloween Hallows Contract with Dan Withee, \$5,000
- Police Equipment – 4 Digital In Car Camera Systems, Digital Alley \$15,980
Video Camera System for Police Station, \$4,000, Graff Technology
8 X26 Tasers and Cartridges, Taser International, \$6711.20

2 Moving Radar Guns, Midwest Radar \$3,990

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

MAYOR'S REMARKS

RECOGNIZATION OF WATER AND SEWER PERSONNEL Water and Sewer Superintendent Jay Bettis reported the Sewer Department received a recognition award from the Missouri Water and Sewer Conference for their biosolids handling plan which reduced sludge hauling costs from \$84000 to \$4500 annually. He also reported receiving an award from the National Safety Council for over 13,000 hours of safe operation without an accident.

Mayor Dane presented the awards and they were congratulated by he and the Board.

JESSE JAMES PARKING FOR SOCCER PRACTICE Mayor Dane reported finding numerous illegal parked cars along the entrance road at Jesse James Park and witnessed two instances of children coming out between parked cars and having close contact with moving cars.

The Board agreed by unanimous consent to have cable installed along the North side of the entrance road to further deter parking along side the park road.

ADMINISTRATOR'S REPORT

STREET REPAIR RECOMMENDATIONS Staff presented proposed street maintenance projects to be completed in FY2010. The significant project in the list is a mill and overlay of Meadowbrook Drive, from 33 Highway to Glenside. This section of road carries substantial bus traffic to South Campus and the condition of the road is rough. The Road District Commissioners voted to commit their funding to the Meadowbrook mill and overlay.

The Board of Aldermen's approval will enable staff to bid the improvements.

A motion was made by Alderman Gustin and seconded by Alderman Holt to approve the proposed street repairs and overlays as prepared by Staff and recommended by the Special Road District Board. Motion carried unanimously

MPO BOUNDARY MEETING It was reported Kearney has requested a meeting with MARC concerning the MPO (Metropolitan Planning Organization) boundary. A meeting has been scheduled for April 30th with Kearney, Excelsior Springs, Smithville, Clay County and Platte City to discuss the merits of becoming a part of the MPO, which receives substantially more urban road funds than the rural areas of MoDOT District 4.

This has been discussed in years past, however, the recent distribution of stimulus money omitting Kearney and these other entities from eligibility, has prompted renewed attention.

33 HIGHWAY OVERLAY It was also reported MoDOT is commencing on the scheduled 33 Highway overlay from Washington Street North to Highway PP in Holt. There was concern that MoDOT's budget crisis could cause the project to be put on hold.

PUBLIC REQUESTS & PETITIONS

BILL SHULL FIREWORKS PERMITS Bill Shull, 1805 Paddock Drive, requested a fireworks permits to host his annual neighborhood display on July 3rd, and an additional permit to discharge fireworks in Jesse James Park for the National Marketing picnic on June 5th.

A motion was made by Alderman Holt and seconded by Alderman Couchman to authorize fireworks permits as requested. Motion carried unanimously.

ESTABLISH ENHANCED ENTERPRISE ZONE BOARD

ORDINANCE NO. 1111-2009 Economic Development Specialist Molly McGovern explained the Enhanced Enterprise Zone process which requires the adoption of an ordinance creating an Enhanced Enterprise Zone board.

She also gave the Board handouts explaining the process and maps showing possible areas that are eligible to be designated as enhanced enterprise zone districts.

Mayor Dane pointed out the areas that now are eligible may lose that designation with the 2010 Census, so it is important the City consider this opportunity.

Bill No. 10-2009, a proposed ordinance amending Chapter 120, Boards, Commissions and Committees of the Code of Ordinances to add a new article 3, entitled: Enhanced Enterprise Zone Board, was presented and Title read in full.

A motion was made by Alderman Couchman and seconded by Alderman Holt to pass said bill on its first reading. The motion carried unanimously

A motion was made by Alderwoman Hayes and seconded by Alderman Gustin to place Bill No. 10-2009 on its second and final reading. Said Bill was thereupon read and considered, and was duly passed by the following roll call vote: Voting for the Motion: Couchman, Hayes, Gustin and Holt. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1111-2009.**

MAYOR'S APPOINTMENTS TO ENHANCED ENTERPRISE BOARD Mayor Dane recommended the appointment of Jim Brown, Wade Maupin, Chuck Davis, Lee Meyer and Ken Meinart to serve on the Enhanced Enterprise Board--all are currently serving on the TIF Commission. Pursuant to the ordinance concerning staggered terms, as follows:

- 1 year term Jim Brown
- 2 year term Wade Maupin
- 3 year term Chuck Davis
- 4 year term Lee Meyer
- 5 year term Ken Meinart

MAYOR'S APPOINTMENTS TO ENHANCED ENTERPRISE BOARD-CONT A motion was made by Alderman Couchman and seconded by Alderman Gustin to approve the Mayor's appointments to the Enhanced Enterprise Zone Board as presented herein. Motion carried unanimously.

CVS SIGN AND TRASH ENCLOSURE APPROVAL The Board considered recommendations from the Planning and Zoning Commission concerning the CVS Sign and Trash enclosure, which had been referred back at the Board's April 6th meeting.

At the request of Doug Merritt, representing the Sign Company for CVS, the Board again referred the sign request back to Planning and Zoning to consider CVS' request for a larger monument sign, which would require an amendment to the sign ordinance.

Mayor Dane stated he was not supportive of amending the sign ordinance as it would create unhappiness for prior sign applicants who did follow the law. He said he would appear at the Planning and Zoning Commission meeting in opposition to such a proposed change.

A motion was made by Alderwoman Hayes and seconded by Alderman Couchman to approve the relocation of the trash enclosure as recommended by the Planning and Zoning Commission at their April 13th meeting. Motion carried unanimously.

WAYNE RICKEL, RICKEL BUSINESS CENTER FINAL PLAT It was reported by staff that Wayne Rickel has renewed his permit for completion of 606 South Grove, and paid his fees, requesting 180 days for completion, which was relative to the Rickel Business Center Plat.

Mr. Rickel explained the past year's delay on completing the project was due to negotiations involving the possible sale of the property to CVS. He also acknowledged that his "bull-headedness" concerning disagreements on the building's use kept him from completing the building earlier.

Alderman Couchman asked how the City could be assured that the 606 S. Grove project and the Studio 92 projects will be completed in a timely fashion. He asked what kind of a trigger mechanism could be put in place to insure the work would be completed.

Mr. Rickel said his tanning business would move into the Studio 92 building after its relocation and he does not want a business interruption. The 606 S. Grove project will be completed within 120 days. CVS will extend their option to July 1st.

Mayor Dane suggested Mr. Rickel could put up a performance bond to guarantee completion, and proposed a special meeting be held when details are worked out. Mr. Rickel was agreeable to such an arrangement and would work with David Pavlich to set the amounts for the performance bonds.

A motion was made by Alderman Holt and seconded by Alderman Gustin to table the final Plat until such time as details for performance bonds are worked out with staff, and to hold a special

WAYNE RICKEL, RICKEL BUSINESS CENTER FINAL PLAT-CONT meeting as soon as practical to consider approval of the final plat in order to expedite the project. Motion carried unanimously.

KEARNEY CROSSROADS COMMUNITY CHURCH LEASE AGREEMENT

RESOLUTION 10-2009 Staff reported that Kearney Crossroads Community Church has submitted a sign permit to install a sign at their entrance which is actually a section of right-of-way.

The city attorney has prepared a lease agreement which would then allow the church to install the sign at the proposed location. At the April 13 P & Z meeting, the P & Z made recommendation to approve the lease agreement.

Minister Brett Toole was present to make the request.

A motion was made by Alderman Holt and seconded by Alderman Hayes to approve Resolution 10-2009, entering into a lease agreement with the Kearney Crossroads Community Church. Motion carried unanimously.

ALDERMAN DISCUSSION

STREET LIGHTS ON WASHINGTON Alderman Gustin asked if the street lights on Washington Street were to be grouted by the contractor. The City Administrator advised it was not a part of the contract and the City was working with a local individual to complete the work, which had been delayed by the winter weather.

TREE TRIMMING AND TREE MAINTENANCE Alderman Gustin asked who was responsible for trimming the trees, noting that many had unattractive tree suckers needing to be removed. The Street Department would be asked to complete the work.

TRASH ON SOUTHBROOK LAKES Alderman Holt asked who was responsible for picking up trash on the Southbrook Lakes. The City has offered in the past to pick up collected trash, if volunteers take the initiative to walk the shoreline.

AGENDA AMENDMENT FUTURE ACTIONS Mayor Dane proposed the agenda be changed to track the progress of action items identified by the Board.

ADJOURNMENT No further business appearing, meeting adjourned.

The following bills were presented for payment at the April 20, 2009 meeting:

ORG/VENDOR NAME	WARRANT: 042009	AMOUNT

* Cap Improv Sales Tax Exp.		
HOUSEWORTH LAWN CARE		180.00
* City Hall Expenses		
BIG V SUPERMARKET		20.07
CINTAS CORPORATION #690		151.22

CLAY COUNTY EDC	200.00
CORPORATE EXPRESS	122.20
BILLY R DANE	113.24
DEFFENBAUGH INDUSTRIES	20.00
JIM ELDRIDGE	51.96
FRANKLIN COVEY	31.96
GAYLORD BROS., INC.	19.57
R. BRIAN HALL, PC	4,275.00
HOUSEWORTH LAWN CARE	37.50
MISSOURI GAS ENERGY	382.57
MO DEPT OF REVENUE	35.00
TCOM INC	300.00
TRASH AND TREASURE	12.00
UNISOURCE, INC	200.00
THE UPS STORE	89.00
CARD SERVICES (VISA)	257.25
* Community Development Dir	
CINTAS CORPORATION #690	15.29
UNISOURCE, INC	115.00
CARD SERVICES (VISA)	451.35
* Court & Legal Expenses	
R. BRIAN HALL, PC	2,310.00
RAY COUNTY SHERIFF/TREASURER	225.00
* Economic Development	
KEARNEY AREA DEV COUNCIL	22,500.00
* General Admin. Revenues	
GERALD BINDEL	100.00
NEIL DODD	58.83
* General Fund Balance Acct	
MO DEPT OF PUBLIC SAFETY	134.00
MO DEPT OF REVENUE-CVC	954.75
SYNERGY SERVICES INC	268.00
* Park Fund Expenses	
ARROW STAGE LINES	520.00
BARHAM CATTLE & FENCE CO	250.00
CHRIS' LAWN CARE AND	399.00
CINTAS CORPORATION #690	7.48
DEFFENBAUGH INDUSTRIES	84.00
FRIES LAWN & LEISURE INC	889.03
FTC EQUIPMENT, LLC	963.37
SAM GORE	400.00
HOUSEWORTH LAWN CARE	540.00
KEARNEY LAWN &	189.48
NPG NEWSPAPERS INC	170.40
PORTER'S SERVICE	19.00
STITCH OF THE TIME INC	52.80
THE UPS STORE	57.90
CARD SERVICES (VISA)	29.00
WESTERN EXTRALITE COMPANY	1.20-
DANIEL WITHEE	5,000.00
* Park Special Projects	
FORM-TECH INC.	333.89
GTC ENTERTAINMENT, INC.	1,750.00
* Police Dept. Expenses	
THOMAS R. CAREY	2,548.92
CINTAS CORPORATION #690	179.11
CLAY CO SHERIFF'S DEPT	5,003.40

DEFFENBAUGH INDUSTRIES	20.00
INTERNATIONAL POLICE	78.84
JOE KANTOLA	29.99
LEADSONLINE	1,068.00
MISSOURI GAS ENERGY	157.80
O'REILLY AUTOMOTIVE INC	133.68
SHELL	657.74
SPRAY AWAY INC	105.00
THE UPS STORE	97.95
* Pooled Cash	
FAMILY SUPPORT	909.50
ING FINANCIAL ADVISERS,LLC	1,671.33
* Sewer Plant Expenses	
CINTAS CORPORATION #690	24.42
DEFFENBAUGH INDUSTRIES	20.00
FTC EQUIPMENT, LLC	134.84
JOHN'S SUPER	165.19
MIDWEST LABORATORIES INC	462.07
SUPERCO SPECIALTY PRODUCTS	336.86
WESTERN EXTRALITE COMPANY	22.56-
* Street Department Expense	
CINTAS CORPORATION #690	54.75
CITY OF LIBERTY	84.00
DEFFENBAUGH INDUSTRIES	30.00
DEFFENBAUGH DISPOSAL	2,100.00
HOUSEWORTH LAWN CARE	33.00
THE LARKIN GROUP	1,341.25
DAN LEWELLEN CONSTRUCTIO	5,266.63
O'REILLY AUTOMOTIVE INC	25.75
PAVING MAINTENANCE	3,195.10
PLATTE CLAY ELECTRIC	6,412.95
PORTER'S SERVICE	36.75
TOOLS PLUS INDUSTRIES	631.39
* W & S Admin. Expenses	
BIG V SUPERMARKET	12.77
CINTAS CORPORATION #690	50.31
CORPORATE EXPRESS	34.82
EMBARQ	166.07
MISSOURI SALES TAX	1,610.17
NPG NEWSPAPERS INC	38.08
THE UPS STORE	8.67
* W & S Oblig. Expenses	
ASSESSMENT MAINT. FUND	5,081.04
* Water Plant Expenses	
AMERICAN BACKFLOW	72.00
BNSF RAILWAY COMPANY	90.75
BRENNTAG MID-SOUTH, INC	1,622.26
C.H. ROBINSON COMPANY, INC.	644.00
DEFFENBAUGH INDUSTRIES	20.00
HOUSEWORTH LAWN CARE	56.25
KCMO WATER SERVICES	10,078.62
KEARNEY FEED & SUPPLY	8.00
DAN LEWELLEN CONSTRUCTIO	4,853.20
MISSISSIPPI LIME CO	4,725.00
MISSOURI GAS ENERGY	706.32
SUPERCO SPECIALTY PRODUCTS	336.86
THE UPS STORE	40.34

WEST KEARNEY WINNELSON	4.08
WESTERN EXTRALITE COMPANY	45.65

TOTAL	108,583.82

APPROVED: _____ **ATTEST:** _____
Billy R. Dane, Mayor Joan H. Updike, City Clerk