

July 20, 2009

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, July 20, 2009 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Dan Holt and Alan Gustin. Alderwoman Hayes was absent. Staff members present were Jim Eldridge, Shirley Zimmerman, David Pavlich 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 June 29th meeting
- Bills presented for payment
- Low Bid Replacement of sewer line East of North Grove, Deckers, \$16,810
- Proposed contract Akin Gordon Cowger Engineer for Hwy 33 Decel Lane

Staff said the City is recommending Akin Gordon Cowger as the most qualified to design the decel lane on Highway 33 at Jesse James Park because they developed the Jesse James Park. If the Small Urban Cities Program approves this it will be brought back to the Board of Aldermen for final approval.

Alderman Holt asked if the sewer line replacement involved lateral fields. Staff said this is a collector line and we will do a directional bore so yards shouldn't be torn up as much.

Alderman Gustin asked if the one thousand dollar refund to fireworks stands was a separate check or part of the \$1500 payment. Staff said this is a separate check which we refund if they clean up their site.

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

MAYOR'S REMARKS

ROAD DISTRICT Jim Thomas, member of the Kearney Special Road District, said they are working on getting petitions signed to expand the boundaries of the Road District to include the present City limits.

Mr. Thomas said they need thirty-five signatures inside the District and thirty-five signatures outside the District. He said they would then submit it to the County Commission for approval to be on the ballot, hopefully in April. He asked the Board of Aldermen to sign his petition.

Alderman Gustin asked if they have continued to reduce the amount to the cities. Staff said that is correct. Some of the larger cities are in litigation with the County but we have chosen to stay out of the litigation at this time.

SWIM POOL QUESTION ON WATER BILLS Mayor Dane said he wants to gather information on how the community feels about a sales tax to build a community swimming pool.

This month there will be a message on the front of the bill telling people to look at the back of their bill to vote. They will be asked if they would support a ½ cent sales tax for a swim pool. They can circle yes or no and return with their bill or go to the City website and vote there.

ADMINISTRATOR'S REPORT

KEARNEY ENHANCED ENTERPRISE ZONE APPROVED Staff presented a letter from the Missouri Department of Economic Development approving the Kearney Enhanced Enterprise Zone.

Staff said the City, with the assistance of the Kearney Area Development Council, will immediately commence marketing the Enhanced Enterprise Zone to its existing businesses and to business prospects.

Alderman Holt asked if you can have a TIF project inside the Enterprise Zone. Staff said they thought you could.

PUBLIC REQUESTS & PETITIONS

DAN COLT, JESSE JAMES FESTIVAL, QUICK DRAW EVENT Dan Colt, President of Jesse James Festival, said the Festival is seeking approval from the Board of Aldermen to have a Cowboy Fast Draw competition sponsored by Cowboy Fast Draw L.L.C.

Mr. Colt said for \$5 they get ten shots to see how fast they are and how accurate they are at hitting the target. They use wax bullets that won't penetrate plywood. If they smell alcohol on you, you won't be allowed to shoot.

Alderman Couchman asked where this would be done. Mr. Colt said close to the carnival area, where people can see it.

Alderman Holt asked if this is the same as the one at the Jesse James Farm. Mr. Colt said it is similar but done by a different company.

Jim Thomas, The Armory, asked if each shooter would sign a harmless agreement. Mr. Colt said he didn't know about that, but the company is insured by NRA.

Alderman Gustin asked if this had gone to the Park Board. Alderman Couchman said it hadn't, but because it involves weapons it must be approved by the Board of Aldermen.

Mayor Dane asked exactly where this would be located. Mr. Colt said it will be to the West and South of the rodeo arena and behind the carnival. They will be shooting to the East and inside an enclosed area. There will be plywood sides and back to the enclosure. He said the bullets will be no more than six grains and won't go out of the area.

DAN COLT, JESSE JAMES FESTIVAL, COWBOY QUICK DRAW-CONT A motion was made by Alderman Couchman and seconded by Alderman Holt to authorize the Jesse James Festival to have the Cowboy Quick Draw competition and authorize discharge of firearms according to Section 210.225 subject to requiring waivers signed by participants. The motion carried unanimously.

PUBLIC HEARINGS

AMENDMENT PROHIBITING PARKING OF VEHICLES Bill No. 15-2009, an **ORDINANCE NO. 1116-2009** ordinance regulating parking and storage of vehicles and equipment on City streets by amending Chapter 405 of the Municipal code, was presented and read by Title only.

Staff said as requested by the Board of Aldermen, the Planning and Zoning Commission drafted a better description of the front lot line, in determining the location of permissible off street parking for RV's and boats. Their language states, "at least five feet from the edge of the street and at least one foot back from any sidewalk".

The floor was opened to the public.

There being no comment from the public, the floor was closed.

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

A motion was made by Alderman Gustin and seconded by Alderman Holt to place Bill No. 15-2009 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, Gustin and Holt. The motion carried by a three to zero vote. The Bill was then duly numbered **Ordinance No. 1116-2009**.

NEW BUSINESS

SETTLEMENT AGREEMENT WITH AT&T Bill No. 16-2009, an ordinance approving **ORDINANCE NO. 1117-2009** a settlement agreement with AT&T/SBC landline, was presented and read by Title only.

Staff said the St. Louis Circuit Court has given preliminary approval of the settlement on the AT&T landlines lawsuit that dealt with the revenue base of the local gross receipts tax on telephone companies. The City's share of back taxes is \$422.26.

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

SETTLEMENT AGREEMENT WITH AT&T A motion was made by Alderman **ORDINANCE NO. 1117-2009** Couchman and seconded by Alderman Holt to place Bill No. 16-2009 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, Gustin and Holt. The motion carried by a three to zero vote. The Bill was then duly numbered **Ordinance No. 1117-2009**.

AMEND 230.020 CONCERNING WHAT IS UNLAWFUL IN PARKS Bill No. 17-2009, **ORDINANCE NO. 1118-2009** an ordinance to amend Section 230.026 of the Municipal Code concerning what is unlawful in public parks and recreation areas, was presented and read by Title only.

Staff said the proposed ordinance is amending the City park rules to permit contractual sale of alcohol in the City parks, which simply amends the rules to reflect current practices already approved and sanctioned by the Park Board.

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

A motion was made by Alderman Gustin and seconded by Alderman Holt to place Bill No. 17-2009 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, Gustin and Holt. The motion carried by a three to zero vote. The Bill was then duly numbered **Ordinance No. 1118-2009**.

ALDERMEN DISCUSSION

ALDERMAN GUSTIN Alderman Gustin said he had taken complaints about Prospect Street settling where we had done street cuts. Staff said we will check it out.

Alderman Gustin said the new sidewalk looks nice on Washington Street but he was concerned about gravel being put down. Staff said they aren't done with the project at this time but they will keep an eye on the project.

ALDERMAN HOLT Alderman Holt said he attended the Car Show downtown on Sunday and it was well attended.

Alderman Holt said some people attending the show, asked him what the stench was down in the area of Variform, Kearney Feed Store and the Water Plant. Staff said at this time of the year in particular sometimes the raw water has a smell like rotten eggs.

Alderman Holt asked what the status was with Wayne Rickel on the 606 South Grove property. Staff said he has been working on it and contacting the City for inspections.

ACTION FOLLOW UP

Grouting Street Lights Staff said we are in the process of getting a bid from Stan Lees to do the grouting of the street lights on Washington. If we don't get a good price, then we will do the work ourselves.

Damaged Building Proceeds Staff said we passed an ordinance for damaged building proceeds when we did the codification update. We hadn't filed it with the Department of Insurance, but we have now filed it.

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

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

ORG/VENDOR NAME	WARRANT: 072009	AMOUNT
* 1996 SRF REV BD Expense		
UMB BANK		5,324.35
* 2001 SRF Rev Bd Expense		
UMB BANK		22,479.42
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		360.00
* City Hall Expenses		
BIG V SUPERMARKET		54.72
CINTAS CORPORATION #690		120.41
BILLY R DANE		264.28
DE LAGE LANDEN FINANCIAL SERVICES		60.00
DEFFENBAUGH INDUSTRIES		5,918.00
JIM ELDRIDGE		44.80
275-FAIRPOINT COMMUNICATIONS		430.08
R. BRIAN HALL, PC		4,935.00
HOUSEWORTH ENTERPRISES		780.00
KEARNEY CHAMBER OF		50.00
KRAMER HARDWARE		50.71
MISSOURI GAS ENERGY		76.84
MISSOURI RURAL SERVICES		176.00
NPG NEWSPAPERS INC		194.06
TCOM INC		600.00
UNISOURCE, INC		200.00
UNITED RENTALS INC		120.01
THE UPS STORE		7.05
CARD SERVICES (VISA)		124.24
WEST KEARNEY WINNELSON		251.83
* Community Development Dir		
CINTAS CORPORATION #690		29.85
CONOCO		60.91
DE LAGE LANDEN FINANCIAL SERVICES		31.00
MISSOURI RURAL SERVICES		715.00
UNISOURCE, INC		115.00
* Court & Legal Expenses		
LARRY E BUTCHER		950.00
R. BRIAN HALL, PC		1,575.00
RAY COUNTY SHERIFF/TREASURER		1,400.00
* General Admin. Revenues		

BIG RED'S FIREWORKS LLC	1,000.00
DAN BUNJER	1,000.00
HEDRICK CONST. CO. LLC	737.20
JAMES HOLLIWAY III	1,000.00
NORTH KANSAS CITY MGMT INC	125.88
RISING STARS ACRO	1,000.00
BURT SMITH	1,000.00
BREE ANN SWITZER	1,000.00
TNT FIREWORKS	1,000.00
* General Fund Balance Acct	
MO DEPT OF PUBLIC SAFETY	104.00
MO DEPT OF REVENUE-CVC	741.00
SYNERGY SERVICES INC	208.00
* Park Cap Imprvmt Revenue	
HEDRICK CONST. CO. LLC	308.75
* Park Fund Expenses	
ARROW STAGE LINES	511.00
CHRIS' LAWN CARE AND	399.00
CINTAS CORPORATION #690	18.51
CONOCO	662.16
DEFFENBAUGH INDUSTRIES	84.00
DIRECT SPORTS, INC.	763.56
PAT FLORA	600.00
FRIES LAWN & LEISURE INC	11.82
JEFF GARTON	570.00
HOUSEWORTH ENTERPRISES	1,080.00
J & M DISPLAYS, INC	20,000.00
KEARNEY LIONS CLUB	48.50
KRAMER HARDWARE	142.07
METRO SPORTSWEAR LLC	361.00
MISSOURI RURAL SERVICES	678.00
NICHOLSON FIREWOOD	150.00
NPG NEWSPAPERS INC	113.60
PENCE PLUMBING & HEATING	165.00
PORTER'S BUILDING CENTER	61.15
PORTER'S SERVICE	119.09
PUBLIC WATER SUPPLY	25.86
QUICK STOP	1,580.00
STERN-WILLIAMS COMPANY, INC.	2,210.00
YATES ELECTRIC CO.	264.50
* Park Special Projects	
A 1 WHEELS	450.00
AME, INC.	750.00
BARCODE GIANT	1,044.00
BIG V SUPERMARKET	278.80
DISAPPEARING INC	3,501.12
DEAN FOLTZ	1,000.00
GTC ENTERTAINMENT, INC.	1,797.60
JESSICA HORN	784.00
KCFX-FM 101.1	1,500.00
KEARNEY ROTARY CLUB	400.00
CHRIS LARSON	550.00
VAN MCELVAIN	176.40
MISSOURI DEPT OF REVENUE	45.00
NPG NEWSPAPERS INC	673.08
SOUND CHECK ENTERPRISES, INC	4,750.00
SWANK MOTION PICTURES, INC	271.00

* Police Dept. Expenses	
AMERICAN PRIDE EXPRESS LUBE	29.95
BIG V SUPERMARKET	441.52
BLUE VALLEY PUBLIC	651.31
BOARD OF POLICE	65.70
CINTAS CORPORATION #690	156.01
CLAY CO SHERIFF'S DEPT	5,003.40
CONOCO	1,311.79
DEFFENBAUGH INDUSTRIES	20.00
ED ROEHR SAFETY PRODUCTS	5,302.90
275-FAIRPOINT COMMUNICATIONS	570.10
FORM-TECH INC.	69.00
GRAFF TECHNOLOGY SOLUTIONS	569.98
HUNTS CAR CARE CENTER	411.00
KRAMER HARDWARE	35.02
KWIK LUBE	69.90
MIDWEST RADAR & EQUIP.	57.44
MISSOURI GAS ENERGY	40.53
MISSOURI RURAL SERVICES	3,084.00
MPH INDUSTRIES, INC	498.65
PORTER'S SERVICE	163.24
SHELL	1,149.42
THE UPS STORE	99.03
CARD SERVICES (VISA)	262.63
* Pooled Cash	
AFLAC/REMITTANCE	221.46
BLUE CROSS BLUE SHIELD OF KC	17,076.29
FAMILY SUPPORT	909.50
ING FINANCIAL ADVISERS,LLC	1,691.33
* Sewer Cap. Imp. Revenue	
HEDRICK CONST. CO. LLC	1,453.50
* Sewer Plant Expenses	
AMERICAN PLUS INC	80.68
CII LABORATORY SERVICES	22.00
CC ENVIROKLEAN, INC.	4,095.00
DECKER CONSTRUCTION	600.00
DEFFENBAUGH INDUSTRIES	20.00
EVERETT QUARRIES	605.32
HOUSEWORTH ENTERPRISES	172.50
J-R ELECTRICAL SUPPLY	129.68
KRAMER HARDWARE	21.63
MIDWEST LABORATORIES INC	496.15
O'REILLY AUTOMOTIVE INC	11.99
WESTERN EXTRALITE COMPANY	132.41
* Solid Waste	
DEFFENBAUGH INDUSTRIES	20,998.75
* Street Department Expense	
CINTAS CORPORATION #690	85.20
CITY OF KEARNEY-PETY CSH	25.00
CONOCO	920.07
JIM COX	266.33
DEAN MACHINERY CO	1,795.63
DEFFENBAUGH INDUSTRIES	30.00
DEFFENBAUGH DISPOSAL	1,400.00
275-FAIRPOINT COMMUNICATIONS	50.23
FLEET TESTING SERVICES, INC	400.00
FRIES LAWN & LEISURE INC	54.75

HOUSEWORTH ENTERPRISES	133.50
KEARNEY LAWN &	26.39
KEARNEY FEED & SUPPLY	57.00
KRAMER HARDWARE	182.45
THE LARKIN GROUP	989.00
LONG VET CLINIC	210.00
MFA OIL COMPANY	1,008.16
MISSOURI RURAL SERVICES	1,512.00
O'REILLY AUTOMOTIVE INC	26.76
PAVING MAINTENANCE	109.97
PLATTE CLAY ELECTRIC	6,422.79
PORTER'S BUILDING CENTER	125.88
PORTER'S SERVICE	2,211.81
TOOLS PLUS INDUSTRIES	129.50
* W & S Admin. Expenses	
AMERICAN PRIDE EXPRESS LUBE	32.65
CINTAS CORPORATION #690	139.56
CITY OF KEARNEY	26,296.17
CITY OF KEARNEY-PETY CSH	25.00
CONOCO	825.85
DATA POINTE SOLUTIONS, INC	599.00
EMBARQ	169.19
275-FAIRPOINT COMMUNICATIONS	124.83
J & K AUTO REPAIR	109.22
KRAMER HARDWARE	10.78
MISSOURI RURAL SERVICES	1,501.00
MISSOURI SALES TAX	1,510.83
PORTER'S SERVICE	585.86
THE UPS STORE	70.97
CARD SERVICES (VISA)	55.11
* W & S Oblig. Expenses	
UMB BANK	3,840.77
* W & S Oblig. Revenue	
NORTH KANSAS CITY MGMT INC	10.95
* W & S Revenue Receipts	
HEDRICK CONST. CO. LLC	2,337.00
* Water Plant Expenses	
ATCO INTERNATIONAL	154.40
BRENNTAG MID-SOUTH, INC	1,120.00
BRINK'S HOME SECURITY	31.95
C.H. ROBINSON COMPANY, INC.	575.00
CINTAS CORPORATION #690	11.00
DEFFENBAUGH INDUSTRIES	20.00
HACH CHEMICAL	827.58
HOUSEWORTH ENTERPRISES	330.50
J-R ELECTRICAL SUPPLY	68.58
KCMO WATER SERVICES	12,293.52
KEARNEY FEED & SUPPLY	4.00
KRAMER HARDWARE	137.42
MISSISSIPPI LIME CO	4,725.00
MISSOURI GAS ENERGY	51.66
MISSOURI ONE CALL SYSTEM, INC.	142.80
PORTER'S BUILDING CENTER	33.95
SENSUS TECHNOLOGIES	176.00
TOOLS PLUS INDUSTRIES	128.51
WESTERN FIRST AID & SAFETY	66.58
WESTERN EXTRALITE COMPANY	764.23

YATES ELECTRIC CO.	2,573.86
* Wireless Cap Imp Exp-Park	
BNSF RAILWAY COMPANY	10,000.00

TOTAL	264,767.62

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