

December 7, 2009

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, December 7, 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 Shirley Zimmerman.

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 the November 16th meeting
- Bills presented for payment
- Dental bid with Delta Dental low bid for \$1370.26
- Backhoe tires, Cross Midwest low bid, \$1134.38

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

PROCLAMATION RECOGNIZING FOOTBALL TEAM Mayor Dane said the City drafted a Proclamation recognizing the Kearney High School Football team's State Championship. He said City Staff attended the School assembly recognizing the team and presented the School the Proclamation.

Mayor Dane said it was mentioned about renaming 19th Street to Bulldog Boulevard. He said we will discuss that at a later date.

MICHELLE WOLF LETTER Mayor Dane read a letter that Michelle Wolf had sent to the TIF Commission meeting since she was unable to attend opposing the TIF project. He said it wasn't read in its entirety at the TIF Commission so he wanted to read it tonight.

PROPOSAL COOK FLATT STROBEL ENGINEERS A Resolution, authorizing **RESOLUTION NO. 30-2009** the Mayor to sign a proposal with Cook Flatt Strobel Engineers to study Regency Drive traffic relative to the TIF Plan, was presented and read by Title only.

Staff said the Engineer will meet with the Shadowbrook Homes Association on Wednesday evening, December 9th at City Hall so he might hear their concerns first hand.

Staff said Sabin Yanez, the engineer, worked on 33 Highway with us and helped secure funds from MoDOT.

PROPOSAL COOK FLATT STROBEL ENGINEERS Sabin Yanez said he will **RESOLUTION NO. 30-2009** look at the two studies already done and then do some traffic counts, etc. on his own. He said he will be fair in evaluating this and hopes to be done by January 1st.

Mayor Dane said we will have a report back and be on the Agenda for the January 4th meeting.

Alderwoman Hayes said school will be out the last two weeks in December so the traffic counts should definitely be done before that time.

Alderman Gustin asked if they would be studying pedestrian traffic on Regency Drive. Mr. Yanez said that wasn't planned but it could be looked at in the calming effect measures.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign a proposal with Cook Flatt Strobel Engineers to study Regency Drive traffic relative to the TIF Plan for a maximum amount of \$8,790 and to be completed by January 1, 2010. The motion carried unanimously.

PUBLIC REQUESTS & PETITIONS

SHOPPES AT KEARNEY TAX INCREMENT FINANCING PLAN Staff presented a copy of the approved Resolution of the TIF Commission recommending approval of the TIF plan subject to conditions. The minutes of their meeting were presented to the Board of Aldermen.

Staff said the following changes were made to the TIF Plan as recommended by the TIF Commission:

- 1) To require an annual capital contribution to the Kearney R-1 School District in an amount consistent with the formula proposed by the City's financial consultant to provide reimbursement to the District for additional capital costs incurred as a result of the Plan.
- 2) To require the investigation of traffic issues on Regency Drive from 19th Street to 92 Highway and, if necessary, recommend traffic calming measures along and on Regency Drive to be provided by the Developer.
- 3) To require that additional project costs that would extend the life of the TIF be prohibited without an amendment to the TIF Plan after public hearing by the TIF Commission.

Presentation by Developer Chase Simmons, Polsinelli Law Firm, said he represents Star Acquisition, LLC. He said he will make a brief presentation but can give a full presentation if the Board of Aldermen feels it is necessary.

Presentation by Developer-cont Mr. Simmons said when they started looking at this project over a year ago there were two problems. There was no traffic infrastructure in place and storm water was a big concern.

He said they began looking into TIF because the cost of fixing these problems was cost prohibitive to making the project be financially feasible. He said these are issues of concern for the residents in the area as well and they can be fixed with TIF money. He said these issues fall under the definition of blight for a TIF project.

City Staff Report Rich Wood, City’s legal council, said the TIF Commission had a public hearing in regard to this TIF Plan. They adopted a Resolution to approve the Plan with the following four additions:

1. Compensate School District for additional students
2. Traffic on Regency Drive
3. Insure long term storm water issues work
4. Additional projects not added without coming back to the Commission

Mr. Wood said once the TIF Commission Public Hearings are closed the Board of Aldermen has ninety days to introduce the TIF Plan. There are two ordinances that need to be presented but don’t have to be adopted tonight. One creates the financing and approves the developer and the other one creates the redevelopment plan.

Mr. Wood said to adopt the ordinance for the TIF Plan the City needs to be sure that blight and the “but for” test are met. The fact that this Plan won’t happen without TIF funds meets the “but for” criteria.

Mr. Wood said the Development Agreement will cover many of the issues that come from the TIF Commission.

Mayor Dane asked if we would be fine by introducing the ordinances tonight and then tabling them until we get the information from the traffic study and input by the citizens. Mr. Wood said that would be fine.

Board discussion There was no discussion from the Board of Aldermen so Mayor Dane said they would present the two ordinances recommended for approval by the TIF Commission.

APPROVING SHOPPES AT KEARNEY TIF PLAN, MAKING FINDINGS RELATING TO THE PLAN, ESTABLISHING THE SHOPPES AT KEARNEY SPECIAL ALLOCATION FUND, ESTABLISHING A REDEVELOPMENT AREA, DESIGNATING THE REDEVELOPMENT AREA AS A BLIGHTED AREA, AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND DESIGNATING STAR ACQUISITION, LLC AS THE DEVELOPER

Bill No. 24-2009, an ordinance approving Shoppes at Kearney TIF Plan, making findings relating to the Plan, establishing the Shoppes at Kearney Special Allocation Fund, **APPROVING SHOPPES AT KEARNEY TIF PLAN, MAKING FINDINGS RELATING TO THE PLAN, ESTABLISHING THE SHOPPES AT KEARNEY SPECIAL ALLOCATION FUND, ESTABLISHING A REDEVELOPMENT AREA, DESIGNATING THE REDEVELOPMENT AREA AS A BLIGHTED AREA, AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS AND DESIGNATING STAR ACQUISITION, LLC AS THE DEVELOPER-cont** establishing a Redevelopment Area, designating the Redevelopment Area as a Blighted Area, authorizing certain actions by the City Officials and designating Star Acquisition, LLC as the Developer, was presented and read by Title only.

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 Alderwoman Hayes and seconded by Alderman Couchman to table the second reading until January 4th. The motion carried unanimously.

APPROVING REDEVELOPMENT PROJECT AND DESIGNATING A REDEVELOPMENT PROJECT AREA FOR THE SHOPPES AT KEARNEY TAX INCREMENT FINANCING PLAN AND ADOPTING TAX INCREMENT FINANCING Bill No. 25-2009, an ordinance approving Redevelopment Project and designating a Redevelopment Project Area for the Shoppes at Kearney Tax Increment Financing Plan and adopting Tax Increment Financing, was presented and read by Title only.

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 Alderman Gustin and seconded by Alderman Holt to table the second reading until January 4th. The motion carried unanimously.

Citizen comments Mayor Dane said the City isn't required to hold a public hearing at this meeting but we will seek more information from citizens. He said each person speaking should be presenting new information. He said each person will be allowed two minutes to speak and the City won't be supplying any answers tonight.

John Roe, attorney representing Dennis Carter of Pour Boys, said he had concerns with the Blight Study. He said the factors have to relate to economics, safety and morals of area. He said the current use of the land is agricultural.

Mr. Roe said due to the time limitations he couldn't present all his comments, etc. He presented Exhibits 1 thru 8 and asks that they be reviewed.

Tim Brannlund, 800 Regency, said he wanted to request that Alderman Couchman not be allowed to vote because of his position with the Shadowbrook Homeowners Association

Citizen comments and being a Board of Aldermen. He said he felt this could lead to future personal gain. He said he also thought the commercial street in the Plan shouldn't go through to 19th Street.

Joe Elmore, 807 Regency, said he has water issues behind his house. He said he wanted to make sure that this Plan isn't allowed to cause anymore storm water issues. He said he has traffic concerns but believes the City is looking at those.

Shannon Knee, 412 West 10th Street, said he would like to see it written into the TIF Plan to where they have to provide a sound barrier wall where they join residential areas. He said he wanted it to be written to where they have to maintain maintenance of the wall and the cost not be passed to the Homeowners Association. He said he also would like to make sure the lighting is to where it doesn't shine towards the homes.

Eric Shumate, 1204 Regency, said he appreciates the additional traffic study being done. He said the best solution of this would be if MoDOT did the 19th Street interchange. He said he thought the extension of the commercial drive to 19th Street should be looked at rather than using Regency Drive. He said maybe we need to break Regency Drive again like it used to be.

Mayor Dane said Alderman Couchman on his own has asked about his ability to function legally as a Board of Alderman. After talking to the City Attorney, he was told he has no conflict of interest and should continue with the process.

OLD BUSINESS

**AUTHORIZING LEASE/PURCHASE FINANCING NEW POLICE STATION
ORDINANCE NO. 1125-2009** Bill No. 26-2009, an ordinance authorizing the lease/purchase financing for the new police station, was presented and read by Title only.

Staff said this will authorize a lease/purchase agreement with the Northland Development Corporation (KADC) to facilitate financing with the Kearney Trust Company for the purchase of the Kearney Branch Bank.

Staff said much in the same fashion as an Industrial Development Authority, KADC is the intermediary to hold the real estate interest in the property, during the 15 year lease period. Banks are not permitted to own the real estate upon which they provide financing.

Alderman Gustin asked if there are any costs to do this, this way. Staff said there will be fees of \$9,000 for Gilmore Bell, the bond council. There will be no fees for KADC.

Alderman Holt asked if there would be a fee such as \$1 to KADC at the end of the deal. Staff said that is possible.

**AUTHORIZING LEASE/PURCHASE FINANCING NEW POLICE STATION
ORDINANCE NO. 1125-2009** A motion was made by Alderman Holt and seconded by Alderwoman Hayes to pass said bill on its first reading. The motion carried unanimously.

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes to place Bill No. 26-2009 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, Hayes and Holt. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1126-2009**.

Mayor Dane said we will be closing on the building December 10th. He said the police will be holding their holiday dinner and a showing of the plans for the building at the site December 12th.

NEW BUSINESS

PAYCOR PAYROLL Staff said as part of the City's need to upgrade its accounting software, we are recommending the acceptance of a proposal from PayCor at a cost of \$4,343 annually. This is actually a less expensive alternative than upgrading the City's payroll software.

We had budgeted to upgrade but if we do the upgrade it will cost us \$5,700 just to host the site so this is cheaper. They will be preparing the quarterly reports, etc and keep up on all the tax tables. This will also have direct deposit.

Alderman Holt asked if this would be for everyone or only the full time employees. Staff said everyone would be on this system.

Alderman Couchman asked what duties this would free up. Staff said we will still have to do the entries but we don't have to worry about keeping up on anything new or worry about keeping data. Staff said this will cut the cost of updating the accounting software in half.

Alderman Gustin asked if we would pay scorekeepers, etc. with this system. Staff said they are all treated as contract labor and we would still do that in the future.

A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to accept the proposal from PayCor for \$4,343 annually to do payroll. The motion carried unanimously.

**APPROVE 2010 REGIONAL HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM WITH MARC** A Resolution, authorizing the Mayor **RESOLUTION NO. 31-2009** to sign a contract with MARC Solid Waste Management District for \$8,083.06 for the Household Hazardous Waste Program, was presented and read by Title only.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign a contract with MARC Solid Waste Management District for \$8,083.06 for the Household Hazardous Waste Program. The motion carried unanimously.

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 December 7, 2009 meeting:

ORG/VENDOR NAME	WARRANT: 120709	AMOUNT
* 1996 SRF REV BD Expense		
UMB BANK		5,250.91
* 2001 SRF Rev Bd Expense		
UMB BANK		14,775.02
* City Hall Expenses		
CINTAS CORPORATION #690		120.41
CLAY COUNTY EDC		230.00
BILLY R DANE		175.00
275-FAIRPOINT COMMUNICATIONS		386.14
GRAFF TECHNOLOGY SOLUTIONS		60.00
R. BRIAN HALL, PC		3,075.00
ICMA		689.23
KEARNEY CHAMBER OF		50.00
KRAMER HARDWARE		3.16
GARY LAWSON		42.83
MO DEPT OF REVENUE		35.00
NEWCUMBS WINDOW SERVICE		50.00
NPG NEWSPAPERS INC		63.67
PITNEY BOWES		78.98
SAM'S CLUB		680.66
STAPLES ADVANTAGE		24.95
UNISOURCE, INC		82.00
CARD SERVICES (VISA)		3,900.15
* Community Development Dir		
CINTAS CORPORATION #690		19.90
CONOCO		61.02
UNISOURCE, INC		82.00
VERIZON WIRELESS		74.64
* Court & Legal Expenses		
R. BRIAN HALL, PC		1,560.00
RAY COUNTY SHERIFF/TREASURER		420.00
* General Admin. Revenues		
CLAY COUNTY COLLECTOR		796.03
JENNIFER RICH		9.00
* Meter Deposit Expenses		
WILLIAM BARBER		66.15
JEFF HALL		53.17
HEDRICK CONST. CO. LLC		55.59
WANDA KNIGHT		64.79
ROBIN MC CLUEY		23.41

JOEY MEADE	17.78
MISTY O'CONNOR	14.41
DIANE WINGER	14.41
ROBERTSON CONSTRUCTION,LLC	63.41
ANDREW SLOAN	6.92
CARRIE WAGENKAECHT	10.00
REBECCA WALKER	12.48
CAREN WARNER	23.41
* Park Fund Expenses	
CHRIS' LAWN CARE AND	399.00
CINTAS CORPORATION #690	12.34
CONOCO	371.87
CROSSROADS TOURS	6,000.00
NANCY DANIELS	15.00
MSC-410526	18.00
FRIES LAWN & LEISURE INC	2.40
JEFF GARTON	610.00
IRONMIKE'S WELDING	60.00
KRAMER HARDWARE	118.07
KRAMER HARDWARE	33.49
METAL CUT TO LENGTH	587.04
NEW THEATRE RESTAURANT	932.00
ORSCHELNS CARD CENTER	47.88
PLATTE CLAY ELECTRIC	1,288.20
PORTER'S BUILDING CENTER	421.24
PORTERS OF MOSBY	955.65
PUBLIC WATER SUPPLY	20.17
STITCH OF THE TIME	583.00
VERIZON WIRELESS	108.26
CARD SERVICES (VISA)	89.00
WEST KEARNEY WINNELSON	159.61
YATES ELECTRIC CO.	94.50
* Park Special Projects	
FUNGUN COMPANY INC	1,599.00
* Police Dept. Expenses	
ALLMED	262.08
THE ARMORY	30.95
BOARD OF POLICE	40.38
CINTAS CORPORATION #690	156.01
CONOCO	1,324.22
275-FAIRPOINT COMMUNICATIONS	511.86
GINO'S ITALIAN CUISINE	523.87
HUNTS CAR CARE CENTER	689.70
KRAMER HARDWARE	21.48
KWIK LUBE	29.95
MO VOCATIONAL	21.41
STAPLES ADVANTAGE	42.10
VERIZON WIRELESS	235.56
WILLIAMS SPURGEON KUHL & FRESHNOCK	6,045.28
* Pooled Cash	
AFLAC/REMITTANCE	245.56
BLUE CROSS BLUE SHIELD OF KC	16,235.94
FAMILY SUPPORT	666.00
ING FINANCIAL ADVISERS,LLC	1,306.33
MISSOURI LAGERS	14,049.78
METLIFE SMALL BUSINESS CENTER	1,442.07

MO DEPT. OF REVENUE	4,538.00
VISION SERVICE PLAN (IC)	416.80
* Sewer Plant Expenses	
ALLIED WASTE SERVICES	105.18
AMERICAN INDUSTRIAL	396.41
BROADVIEW SECURITY	31.95
CINTAS CORPORATION #690	21.75
COLDREN CONSTRUCTION,LLC	225.00
EVERETT QUARRIES	611.14
KRAMER HARDWARE	36.71
MAYES PLUMBING, INC	250.00
PLATTE CLAY ELECTRIC	7,612.09
USA BLUE BOOK	568.08
YATES ELECTRIC CO.	184.00
* Solid Waste	
DEFFENBAUGH INDUSTRIES	21,001.75
* Street Department Expense	
CHRIS' LAWN CARE AND	8,800.00
CINTAS CORPORATION #690	56.80
CLAY COUNTY AUTO PARTS	71.45
CONOCO	893.45
CROSS MIDWEST TIRE	1,134.38
DEFFENBAUGH DISPOSAL	1,225.00
EHARAS SERVICES AND SOLUTIONS	4,000.00
IRONMIKE'S WELDING	515.00
KEARNEY LAWN &	116.47
KEARNEY BODY SHOP	53.08
KEARNEY FEED & SUPPLY	8.00
KRAMER HARDWARE	55.92
ORSCHELNS CARD CENTER	23.18
PLATTE CLAY ELECTRIC	318.92
TRANSYSTEMS CORP	1,308.00
VERIZON WIRELESS	95.67
* W & S Admin. Expenses	
BARCO MUNICIPAL PRODUCTS	31.95
CENTURYLINK COMMUNICATIONS, INC	3.08
CINTAS CORPORATION #690	78.64
CITY OF KEARNEY	26,296.17
CONOCO	454.32
275-FAIRPOINT COMMUNICATIONS	125.56
HOTSY EQUIPMENT CO	57.25
KEARNEY BODY SHOP	1,430.50
MO DNR-DMS RECEIPT &	2,456.40
ORSCHELNS CARD CENTER	27.94
PITNEY BOWES	78.97
U.S. POSTAL SERVICE	2,000.00
VERIZON WIRELESS	171.12
* W & S Oblig. Expenses	
UMB BANK	3,782.18
* Water Plant Expenses	
ACCO UNLIMITED CORP	1,226.00
BRENNTAG MID-SOUTH, INC	1,392.50
BROADVIEW SECURITY	63.90
CINTAS CORPORATION #690	11.00
FERRELLGAS, INC.	172.20
FTC EQUIPMENT, LLC	520.19

KRAMER HARDWARE	180.20
MICRO-COMM INC	273.41
MISSOURI ONE CALL SYSTEM, INC.	105.60
ORSCHELNS CARD CENTER	98.75
PLATTE CLAY ELECTRIC	1,321.81
PORTER'S BUILDING CENTER	35.93
THE LAMB LOCKSMITH, LLC	527.00
USA BLUE BOOK	318.98
WEST KEARNEY WINNELSON	52.83
YATES ELECTRIC CO.	462.50

TOTAL	190,058.94

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