

March 1, 2010

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, March 1, 2010 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Dan Holt, Jenny Hayes and Alan Gustin. Staff members present were Jim Eldridge, David Pavlich, Shirley Zimmerman, Gary Lawson, Jay Bettis, Tom Carey, Eric Marshall and Ryan Marcotte.

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 February 15<sup>th</sup> meeting
- Bills presented for payment
- **Resolution No. 02-2010** Larkin \$5,000 Proposal for testing & report for Groundwater Rule Evaluation required by MoDNR
- Picnic Tables and Grills for new shelters, \$2,525, Miracle Playground
- New tires for field gymmy, \$10,431, Wingfoot low bid
- **Resolution No. 03-2010** Approval of proposed Amphitheater Agreement with Jesse James Festival, \$7,000
- Platte Clay Electric proposal to install street lighting in Innovation and Centerville Avenue, \$10,625

Mayor Dane asked when the tires were last replaced on the Field Gymmy. Jay Bettis said they were replaced in 2005.

Mayor Dane asked if the Amphitheater Agreement with Jesse James Festival was approved by the Park Board. Eric Marshall said it was unanimously approved by the Park Board.

Alderman Holt asked if the picnic tables and grills would match the other shelters. Mr. Marshall said they will be the same.

Alderman Couchman asked if street lighting in Innovation Park and Centerville Avenue shouldn't have been done by the developer rather than the City. Staff said that is correct, but it wasn't done at time of development so we now need to take care of it.

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**

**CERTIFICATE OF COMMENDATION** Chief Larry Pratt, Kearney Fire and Rescue District, said his department and the Police Department work very closely together. He

**CERTIFICATE OF COMMENDATION-CONT** said they have what is called a Code Save, which means the victim doesn't necessarily survive but arrives at the hospital with a pulse.

Chief Pratt said when the call came in the fire department was out on a fire call in the County. Kearney Police Officers Marnie Irsik and Alan Hale were the first on the scene and immediately began CPR. He said due to their quick response and action this was the 28<sup>th</sup> Code Save for the Fire District.

Chief Pratt read a Certificate of Commendation and presented certificates to Officers Irsik and Hale.

### **ADMINISTRATOR'S REPORT**

**POLICE STATION PRE-CONSTRUCTION MEETING** Staff reported that there was a preconstruction meeting held for the police station renovation on February 25<sup>th</sup>. The work has already begun. They have a completion date of July 1<sup>st</sup>.

Staff said the safe company has removed the night depository. The Architect has indicated that he will soon have plans for a second stairway. We hope to negotiate a price with the general contractor and seek a change order to be approved by the Board of Aldermen.

**I-35 CONSTRUCTION** Staff said Greg Stervinou, MoDOT, came in today and said traffic on I-35 will all be shifted to the northbound lanes on I-35 starting March 15<sup>th</sup> from Holt exit to Fishing River.

Mr. Stervinou said they have incentives in place for the project to be completed by November 15<sup>th</sup>. They will be resurfacing the lanes and working on the bridge decks.

Mayor Dane said they are supposed to add an additional lane to the exit ramp for Northbound traffic on I-35 at the Kearney exit.

### **PUBLIC REQUESTS & PETITIONS**

**DOGWOOD ELEMENTARY 5<sup>TH</sup> GRADE LEGO LEAGUE, SKATE PARK**  
JoAnn Rennack, Dogwood Lego League Sponsor, said her students had a presentation that they would like to do for the Board of Aldermen.

The ten students made a presentation and presented a scale model plan of a skate park layout they had designed.

Alderwoman Hayes asked them how much this would cost. They said they thought around \$100,000.

**DOGWOOD ELEMENTARY 5<sup>TH</sup> GRADE LEGO LEAGUE, SKATE PARK-  
CONT**

Mayor Dane asked them how long they had been working on this project and how did they come up with the idea of a skate park. They said they had been working on it since September. They considered several projects but thought this would provide a safe place for skate boarders in our City.

Mayor Dane explained to them that this would go back to the Park Board. They would work on this and if they thought it was feasible they would bring it back to the Board of Aldermen.

The children said that two of the civic groups they had made a presentation to say they would help if the City decided to do it. Alderman Holt said the Rotary Club said they would make a monetary donation if the City decided to do this.

**MISSOURI CVS PHARMACY, LLC PACKAGE LIQUOR/SUNDAY SALES**

Staff presented an application for CVS Pharmacy for package and Sunday sales in their new location. Joseph Farrar is the managing officer and he has complied with all ordinance requirements pertaining to his position.

Alderman Gustin asked if we have a limitation on the number of package liquor permits we issue. Staff said there is no limitation on the number of permits.

Mayor Dane asked when they would be opening their new facility. Mike Cirrito, District Manager, said they would open April 11<sup>th</sup> and do the demolition of the old building on April 19<sup>th</sup>.

Mike Cirrito said they are very strict in regard to liquor sales. He said they card anyone who looks under forty. He said liquor sales usually are about five percent of their sales.

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to approve the application for CVS Pharmacy for package and Sunday sales in their new location. The motion carried unanimously.

**OLD BUSINESS**

**WEST WASHINGTON BEAUTIFICATION BID AWARD** Staff presented a memo from David Pavlich recommending acceptance of the lowest and best bid from Musselman & Hall contractors for \$91,565.30 for sidewalk improvements on West Washington Street, utilizing a \$100,000 MoDOT Stimulus Grant.

Staff said the lowest bidder didn't comply with the stipulation that thirty five percent of the work has to be done by the General Contractor.

Musselman & Hall knows how to do the sidewalk on the South side so it matches East Washington. The North side will be stained and a fence put up so it matches East Washington. There will also be antique street lights.

**WEST WASHINGTON BEAUTIFICATION BID AWARD-CONT** Staff said we will want to mill and overlay West Washington down to the railroad tracks. This isn't part of the contract.

Alderman Holt asked if the beautification only went to the West side of the building with Bea's Floral Shop. Staff said that was correct.

Alderman Couchman asked if we were sure we can match the sidewalk on the East side. Staff said this is the contractor who did that so we are sure it will be fine.

Alderwoman Hayes asked if this was the contractor who did it right. Staff said that is correct.

A motion was made by Alderwoman Hayes and seconded by Alderman Gustin to accept the lowest and best bid from Musselman & Hall Contractors for \$91,565.30 for sidewalk improvements on West Washington Street, utilizing a \$100,000 MoDOT Stimulus Grant and contingent upon approval by the State and Federal officials. The motion carried unanimously.

Alderwoman Hayes said the last time we did an ad in the newspaper etc. for the stores letting people know they were open. Staff said the contractor is in contact with the three businesses affected and hopefully there will be very little interruption.

**REPLACEMENT OF SKID STEER LOADER** Staff presented the bids for the replacement and trade in of the City's skid steer loader as was approved at the last Board meeting.

Staff said we had set the bid opening for Thursday, February 25<sup>th</sup> and opened the bids that day. On Friday, February 26<sup>th</sup> KC Bobcat showed up with a bid and we went ahead and honored his bid because the newspaper did say February 26<sup>th</sup>. He was the lowest bid but it wasn't the same machine.

Jay Bettis, Water Superintendent, said KC Bobcat never contacted him in advance and his machine isn't the best machine. He said the John Deere is the best for what we will be doing. He said it is a higher hydraulic piece of equipment, has bigger cab and is pressurized and has higher ground clearance. It said it has a much better tip angle than the Bobcat.

Mayor Dane said for the reasons pointed out by Mr. Bettis we wouldn't consider the Bobcat to be the best. He asked if the Hertz Rental is the same Bobcat. Mr. Bettis said it is similar to what we want but they don't allow for a trade in.

Mr. Bettis said it is also a great advantage to have the dealer a block and a half from the water plant. He said we don't lose any time for repairs or getting a loaner piece of equipment in the event we have trouble.

**REPLACEMENT OF SKID STEER LOADER** Alderman Couchman asked how many hours were on the machine we would be trading in. Staff said it had 303 hours on it.

Alderman Couchman asked how many years this would last and would we need a bigger machine in the future. Mr. Bettis said he would expect this machine to last at least fifteen years. He said this is the biggest machine they make at this time and it should be good for us for a long time.

Alderman Gustin said he had a former employer that didn't like the bigger skid steer loader. Mr. Bettis said from watching Tom Decker work he thinks we need the widest machine we can get.

Alderman Gustin said maybe we should do a demo on the John Deere and the Bobcat so we could compare them.

It was the general consensus of the Board of Aldermen to have both machines brought to Kearney for a demo and then the Board would approve the purchase at the March 15<sup>th</sup> meeting. This would permit it to still happen in this budget year.

### **NEW BUSINESS**

**PROHIBITING BRANDISHING OF WEAPON** Bill No. 02-2010, an ordinance **ORDINANCE NO. 1128-2010** prohibiting the brandishing of a weapon within the City limits, was presented and read by Title only.

Staff said this ordinance got left out when we did the codification and this will simply restore the ordinance.

Alderwoman Hayes asked what a dirk is in Section 1 b. Staff said it is similar to a dagger.

A motion was made by Alderman Holt and seconded by Alderman Gustin to approve the ordinance as read on the first reading. The motion carried by a vote of four to zero.

A motion was made by Alderwoman Hayes and seconded by Alderman Holt to place Bill No. 02-2010 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: Gustin, Hayes, Couchman and Holt. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1128-2010**.

**PROPOSED FY2011 BUDGET** Staff made a presentation of the FY2011 Budget. Staff said sales tax revenue has declined eleven percent from the prior Fiscal Year (FY2009). This budget forecasts a two percent growth in sales taxes over actual collections.

**PROPOSED FY2011 BUDGE-CONT** Staff said we are going to keep the Street Department Maintenance Budget fully funded for this year to try and maintain our streets. We did pull out the fifty/fifty sidewalk replacement program. We will have to do a mill and overlay on West Washington from 33 Highway to the railroad tracks.

We will be doing the sound system for the Amphitheater through the Wireless Capital Improvement Fund. We have authorized to spend up to \$157,000 for entertainment for the Amphitheater season.

We will be raising the water and sewer rates by ten percent for the FY 2011. Staff said they will be coming to the Board of Aldermen in the future to do a long term maintenance for our towers. It will be below \$60,000 per year. They will take the standpipe down and repair and paint it and paint the I-35 tower.

We will have a new Fund 61 which will be the Police Department renovation.

Fund 65 which is the Wireless Fund will become earmarked for a new Street Department building if we settle the T Mobile case.

Staff said over 2 million dollars of the budget is for labor and salaries. We have eliminated three positions which were unfilled positions and will fill one position for the Police Department. There were no raises or salary grade increases last year. This budget will provide for a two percent salary increase for full time salaries under \$40,000 and salary step increases to those employees at Step 5 or below. This will affect sixteen of the thirty two full time personnel.

Alderman Hayes asked if there was a line item for the new TIF project. Staff said we don't anticipate anything happening in this budget year.

Mayor Dane said if anyone has any questions or concerns please contact Staff over the next two weeks and we will approve the budget at the March 15<sup>th</sup> meeting.

**CONTRACTS WITH ARTISTS FOR AMPHITHEATER** Bill No. 03-2010, an **ORDINANCE NO. 1129-2010** ordinance authorizing the Mayor to sign contracts with the artists performing at the City Amphitheater and related Amphitheater contracts for an amount not to exceed \$157,000, was presented and read by Title only.

Staff said this is the same as last year and prevents us from having special meetings when these contracts come in.

A motion was made by Alderman Holt and seconded by Alderman Gustin to approve the ordinance as read on the first reading. The motion carried by a vote of four to zero.

**CONTRACTS WITH ARTISTS FOR AMPHITHEATER** A motion was made by **ORDINANCE NO. 1129-2010** Alderwoman Hayes and seconded by Alderman Holt to place Bill No. 03-2010 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: Gustin, Hayes, Couchman and Holt. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1129-2010**.

**ALDERMEN DISCUSSION**

**ALDERMAN GUSTIN** Alderman Gustin said there continues to be pot holes on 92 Highway. Staff said the State is cold patching them but they don't last over a day or two. There's really nothing that can be done until the weather settles down.

**ALDERMAN HOLT** Alderman Holt said the lights South of 92 Highway on 33 Highway go off and on. He said there are four in a row that go off in the area of Southbrook Parkway. He said there is also one by the Elementary School.

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

The following bills were presented for payment at the March 1, 2010 meeting:

ORG/VENDOR NAME	WARRANT: 030110	AMOUNT
<b>* 1996 SRF REV BD Expense</b>		
UMB BANK		5,107.00
<b>* 2001 SRF Rev Bd Expense</b>		
UMB BANK		14,955.44
<b>* City Hall Expenses</b>		
CINTAS CORPORATION #690		120.41
CLAY COUNTY EDC		180.00
CRETCHER HEARTLAND INCORPORATED		130.00
BRUCE D CULLEY CPA PC		10,000.00
BILLY R DANE		175.00
GOIN' POSTAL		8.62
KEARNEY CHAMBER OF		50.00
MO CITY MANAGMENT ASSOC.		200.00
MO DEPT OF REVENUE		35.00
NPG NEWSPAPERS INC		33.82
PAYCOR PAYROLL SERVICES		36.26
PENCE PLUMBING & HEATING		99.00
PITNEY BOWES		52.65
GERRI SPENCER		1,185.47
STAPLES ADVANTAGE		53.76
TCOM INC		450.00
<b>* Community Development Dir</b>		
CINTAS CORPORATION #690		29.85
TURN-KEY MOBILE, INC.		39.75
<b>* Court &amp; Legal Expenses</b>		
CLAY COUNTY DETENTION		93.00
RAY COUNTY SHERIFF/TREASURER		75.00

<b>* General Admin. Revenues</b>	
BAC TAX SERVICES CORPORATION	141.06
MONTE L MCCLARAN	2.32
ROYAL CLEANERS	30.00
<b>* General Fund Balance Acct</b>	
AFLAC/REMITTANCE	245.56
BLUE CROSS BLUE SHIELD OF KC	11,712.38
DELTA DENTAL OF MISSOURI	1,063.47
ING FINANCIAL ADVISERS,LLC	1,196.33
MISSOURI LAGERS	9,012.51
PAYCOR PAYROLL SERVICES	27,012.79
VISION SERVICE PLAN (IC)	305.57
<b>* Meter Deposit Expenses</b>	
MARY SUE ASKEY	35.00
MICHAEL HICKS	29.30
DANNY MADISON	39.82
PAUL OLDHAM	23.41
R & R HOMES LLC	117.24
PAULA VERAGUTH	22.74
RANDALL WALL	41.70
<b>* Park Fund Balance Acct</b>	
BLUE CROSS BLUE SHIELD OF KC	2,031.42
DELTA DENTAL OF MISSOURI	152.23
MISSOURI LAGERS	1,088.51
PAYCOR PAYROLL SERVICES	2,659.27
VISION SERVICE PLAN (IC)	43.83
<b>* Park Fund Expenses</b>	
ARROW STAGE LINES	545.00
CINTAS CORPORATION #690	18.51
COLE PRINTING	324.00
GRAINGER	612.72
KEARNEY LAWN &	988.54
MANNECO INC	3,435.00
NEW THEATRE RESTAURANT	25.00
ORSCHELNS CARD CENTER	26.99
PITNEY BOWES	52.65
PLATTE CLAY ELECTRIC	1,417.20
RELIABLE MECHANICAL SERVICES, INC.	6,485.50
<b>* Police Dept. Expenses</b>	
ALLMED	541.33
BOARD OF POLICE	180.13
THOMAS R. CAREY	42.78
COURTYARD BY MARRIOTT	88.69
ELKHOUND RANCH KENNELS	186.00
INTERSTATE BATTERIES	397.50
J & K AUTO REPAIR	338.21
KHRA INC	250.00
MIDWEST GUN EXCHANGE	1,785.00
PLATTE CLAY ELECTRIC	213.84
UNISOURCE, INC	88.00
<b>* Police Station Debt</b>	
KEARNEY TRUST COMPANY	7,524.01
<b>* Police Station Expenses</b>	
WILLIAMS SPURGEON KUHL & FRESHNOCK	401.00
<b>* Sewer Plant Expenses</b>	
ALLIED WASTE SERVICES	105.51



AMERICAN INDUSTRIAL	266.21
BIG STATE INDUSTRIAL SUPPLY INC.	275.85
BROADVIEW SECURITY	31.95
FTC EQUIPMENT, LLC	593.92
HACH CHEMICAL	448.55
THE LARKIN GROUP	4,000.00
ORSCHELNS CARD CENTER	44.74
PLATTE CLAY ELECTRIC	7,378.73
SUPERCO SPECIALTY PRODUCTS	240.92
YATES ELECTRIC CO.	819.00
<b>* Solid Waste</b>	
DEFFENBAUGH INDUSTRIES	24,762.25
<b>* Street Department Expense</b>	
CINTAS CORPORATION #690	85.20
DEFFENBAUGH DISPOSAL	1,980.63
FERRELLGAS, INC.	645.75
ORSCHELNS CARD CENTER	65.25
PLATTE CLAY ELECTRIC	441.90
WINGFOOT COMMERCIAL TIRE	1,397.56
<b>* W &amp; S Admin. Expenses</b>	
AMERICAN PRIDE EXPRESS LUBE	29.95
CINTAS CORPORATION #690	110.46
CITY OF KEARNEY	26,296.17
MO DNR-DMS RECEIPT &	2,514.64
MO WATER & WASTEWATER	115.00
ORSCHELNS CARD CENTER	118.84
PITNEY BOWES	52.65
<b>* W &amp; S Oblig. Expenses</b>	
UMB BANK	3,664.60
<b>* W &amp; S Oblig. Revenue</b>	
BAC TAX SERVICES CORPORATION	12.16
MONTE L MCCLARAN	.20
<b>* W&amp;S Revenue Balance Acct</b>	
BLUE CROSS BLUE SHIELD OF KC	2,976.47
DELTA DENTAL OF MISSOURI	281.05
ING FINANCIAL ADVISERS,LLC	160.00
MISSOURI LAGERS	2,927.32
PAYCOR PAYROLL SERVICES	8,385.91
VISION SERVICE PLAN (IC)	86.42
<b>* WEST I-35 OUTER ROAD</b>	
COOK, FLATT & STROBEL	8,645.50
<b>* Water Plant Expenses</b>	
AMERICAN INDUSTRIAL	266.20
BIG STATE INDUSTRIAL SUPPLY INC.	275.85
BROADVIEW SECURITY	31.95
C.H. ROBINSON COMPANY,INC.	713.00
CINTAS CORPORATION #690	11.00
FERRELLGAS, INC.	315.78
MO WATER & WASTEWATER	150.00
ORSCHELNS CARD CENTER	499.97
PLATTE CLAY ELECTRIC	1,571.97
SUPERCO SPECIALTY PRODUCTS	240.93
YATES ELECTRIC CO.	452.50
	-----
<b>TOTAL</b>	<b>220,574.50</b>

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