

April 19, 2010

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, April 19, 2010 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Dan Holt, Jenny Hayes, Alan Gustin and Tom Patterson. Staff members present were Jim Eldridge, David Pavlich, Shirley Zimmerman, Jay Bettis, Ryan Marcotte, Eric Marshall and Tom Carey.

The Mayor opened the meeting with the Pledge of Allegiance.

RECOGNITION OF DAN HOLT A Resolution, recognizing Dan Holt for his years **RESOLUTION NO. 08-2010** of service as an Alderman, was presented and read in its entirety.

Mayor Dane said he much appreciated Dan Holt for his years of service and being actively involved in City government. He said he hoped he would continue to be involved.

Alderman Gustin said Dan Holt has been an asset to the City with his years of service.

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes to approve the Resolution recognizing Dan Holt for his years of service as an Alderman. The motion carried unanimously.

Dan Holt said his years of service have been a very special time for him. He said he has enjoyed helping create many things in the community. He said this Board is a special Board which wants to make Kearney a better place to live.

Police Chief Tom Carey presented Dan Holt a letter of appreciation for his help with the remodel of the new police station and a small gift from the Police Department.

CERTIFIED ELECTION RESULTS Staff presented the certified results from Clay County Board of Election Commissioners for the April 6th election as follows:

<u>Alderman, Ward 1, 2 year term</u>	
Jenny Hayes	219
<u>Alderman, Ward 2, 2 year term</u>	
Dan Holt	144
Tom Patterson	154

A motion was made by Alderman Holt and seconded by Alderman Couchman to accept the certified election results from the Clay County Board of Election Commissioners for the April 6th election. The motion carried unanimously.

OATH OF OFFICE Jim Eldridge, City Administrator, administered the Oath of Office for Alderwoman Hayes and Alderman Patterson.

ELECTION OF BOARD PRESIDENT A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to elect Alan Gustin as Board President. The motion carried unanimously.

ELECT P & Z/PARK BOARD REPRESENTATIVE Mayor Dane said he would like to recommend the appointment of Jeff Couchman to the Park Board and Jenny Hayes to be representative to the Planning and Zoning Commission.

A motion was made by Alderman Gustin and seconded by Alderman Patterson to appoint Jeff Couchman as representative to the Park Board and Jenny Hayes as representative to the Planning and Zoning Commission. The motion carried unanimously.

CONSENT AGENDA

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

- Minutes for the April 5th meeting
- Bills presented for payment
- Declare 2000 Chevy Impala used by Building Inspector/Park as surplus
- **Resolution No. 09-2010** Grant application for DWI Overtime, \$3,147, Grant for Video Camera Equipment-\$9,225 (City match \$3,147), Aggressive Drivers Enforcement, \$3,934
- **Resolution No. 10-2010** Theater in the Park Contract, \$4,000
- **Resolution No. 11-2010** Fireworks Contract with J & M Displays, \$20,000

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

AMEND AGENDA—CHANGE ORDER STAIRWAY POLICE RENOVATION

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to amend the agenda to consider a change order for the police station renovation project. The motion carried unanimously.

Staff presented a proposal for Glen Rogers to do the stairway at the police station renovation project.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to authorize Staff to proceed with the change order to do the stairway at the police station renovation project. The motion carried unanimously.

CLAY/PLATTE MEETING ON REGIONAL RADIO UPGRADES Staff said they, Police Chief Tom Carey and Fire Chief Larry Pratt attended a Clay and Platte County meeting convened on April 15th at the Gladstone Community Center to discuss the FCC Narrow Bandwidth Rule required to be implemented by January 1, 2013. This deadline

CLAY/PLATTE MEETING ON REGIONAL RADIO UPGRADES has been moved back since 1997, although, it was declared final in 2004 and again in 2007.

Most of the City's radios are narrow bandwidth capable. They estimate the conversion costs for Clay County to be \$19 million to implement a digital narrow bandwidth compliant system – going to the ultra narrow bandwidth of 6.25 Khz which is tentatively set to be required in 2018.

Clay County performs the City's dispatching as well as the Fire District and we will need to coordinate our changes with them.

Alderman Hayes asked if the \$19 million cost would come on down to the City. Staff said that is correct. We will have to budget for this but not at this time.

UV DISINFECTION REPORT FILED WITH MoDNR Staff presented a copy of the cost estimate of \$600,000 from the Larkin Report the City has filed with the Missouri Department of Natural Resources, as required by the City's NPDES permit.

Staff said the cost is much higher than we thought but Larkin estimates are always on the high side and would be good for the 2013 budget year.

Mayor Dane said we hope we will be able to pay as we go with this and not have to go in debt for it.

BLACK AND WHITE PATROL CAR Staff reported that approval had been given to the Police Department to repaint Officer Pete Lopata's patrol car black and white, signifying the vehicle as a traffic enforcement car. Cost of the paint is under \$200 and they have a volunteer to perform the work in a professional manner.

PUBLIC REQUESTS & PETITIONS

ROD WILL, KEARNEY HOLT COMMUNITY THEATER MARKETING PLAN
Rod Will, Kearney Holt Community Theater, presented a marketing plan to help improve attendance at their theater production this year.

Mayor Dane asked how much it costs for the rights to a show. Karen Ash, KHCT President, said somewhere between \$1200 and \$1400 a show.

Mayor Dane asked if they were moving the production to Lion's Park. Ms. Ash said yes. Rod Will said with the new policy at the Amphitheater they would have to pay someone to run the sound system out of the \$4,000 so they decided to save that cost by going back to Lion's Park.

Alderman Hayes said it is always a good idea to have flyers put in grocery sacks at Big V and John's Super. She said this will give them more freedom and time to build the crowds in Lion's Park.

ROD WILL, KEARNEY HOLT COMMUNITY THEATER MARKETING PLAN

Mayor Dane said it believes they have a good marketing plan now. He said it is good to attract as many people as possible.

PUBLIC HEARINGS

AMENDMENT TO RURAL RESIDENTIAL ZONING TO PERMIT HORSES

Bill No. 09-2010, an ordinance amending Chapter 405 of the Municipal Code by allowing horses in the R-R (Rural Residential) Zoning District, was presented and read by Title only.

Staff said Michele Downey, 1700 Paddock Drive, had submitted an application seeking the restoration of horses to be a permitted use in Rural Residential (the use was removed with the adoption of the 2007 Zoning Ordinance).

The Planning and Zoning Commission voted three to one to recommend approval at their April 7th meeting.

Staff said we used to allow farm animals but this was all removed in 2007. This would only allow horses.

The floor was opened to the public.

Michele Downey, property owner of 1700 Paddock Drive, said she believes this would add value to her property to be able to have horses. She said she didn't realize it had been removed by the City.

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

Mayor Dane said letters were sent to twenty neighbors living in the subdivision and nine responded in favor and one was against it. He said it bothers him to have a resident against it and Ms. Downey doesn't live in the neighborhood any longer.

Mayor Dane said he would like to table the ordinance until May 17th and contact the nine residents that didn't respond back.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to table the ordinance amending Chapter 405 of the Municipal Code by allowing horses in the R-R (Rural Residential) Zoning District until May 17th. The motion carried unanimously.

Alderman Couchman said he thought we should also contact the people with adjoining property to this subdivision.

Mayor Dane said this does open the door to other requests for animals such as chickens. We have to be careful about how we handle this.

AMENDMENT TO RURAL RESIDENTIAL ZONING TO PERMIT HORSES

Mayor Dane said we will have this on the agenda for comments on May 3rd and then take action or not on May 17th.

AMEND ZONE ORD BY ALLOWING RESIDENTIAL UNIT AS PART OF C-P ORDINANCE NO. 1135-2010

Bill No. 10-2010, an ordinance amending the Zoning Ordinance by allowing residential units as part of C-P, was presented and read by Title only.

Staff said this initiated the application because it had been approved in 2003 by Ordinance No. 974-2003 but was inadvertently excluded from the City codification, effectively repealing it from the books.

Alderman Gustin asked why we can't just re-insert it in the ordinances. Staff said when you do the codification it repeals it from the previous Ordinances.

Alderwoman Hayes asked if this was only in C or C-P. Staff said it will be in C-P and the Downtown Overlay District and it would have to come before the Board of Aldermen for approval.

The floor was opened to the public.

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

A motion was made by Alderman Gustin and seconded by Alderman Patterson 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 Alderman Couchman and seconded by Alderwoman Hayes to place Bill No. 10-2010 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 Patterson. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1135-2010**.

MULTI JURISDICTIONAL ENTERPRISE ZONE Bill No. 11-2010, an ordinance **ORDINANCE NO. 1137-2010** adopting an abatement policy of the City of Kearney, Missouri, with respect to ad valorem taxes for certain qualified new improvements within those portions of the City also located within the Eastern Clay County Enhanced Enterprise Zone, was presented and read by Title only.

Molly McGovern said this Enterprise Zone would include Excelsior Springs, Prathersville, Mosby, portion of Kearney and Clay County. She said when Kearney did their Enterprise Zone we couldn't include the airport area, but this would allow that area to be in an Enterprise Zone.

MULTI JURISDICTIONAL ENTERPRISE ZONE ORDINANCE NO. 1137-2010 Ms. McGovern said everyone must adopt the same Ordinance. She said each governmental entity may choose what type of businesses they want to be eligible. Mosby and Excelsior Springs have approved the Ordinance. Clay County has it on their agenda for next week and Prathersville will approve it tomorrow night.

Mayor Dane asked if the City of Kearney would set their own abatements. Ms. McGovern said that is correct. He said this is a great opportunity to help get business to the airport area.

Ms. McGovern said Clay County is joining so this will work for the Cities.

Alderman Couchman asked if there is a downside in this for Kearney. Ms. McGovern said there is none. She said the City will control what businesses come to their area. She said there are no zoning changes with this and nothing can go in the City without the City's approval.

The floor was opened to the public.

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

A motion was made by Alderwoman Hayes and seconded by Alderman Couchman 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 Alderman Gustin and seconded by Alderman Patterson to place Bill No. 11-2010 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 Patterson. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1136-2010**.

OLD BUSINESS

FRIENDS OF KEARNEY Alderwoman Hayes reported that the Friends of Kearney is a group working with organizations, etc. in Kearney that will be collecting donations. The money will be deposited with the Kearney Community Foundation since they are 501 C3. This will allow people to get tax credits for their donations.

She said she would be reporting back on the proposal for the old police station at the May 3rd meeting.

NEW BUSINESS

ADOPTING MARC REGIONAL NATURAL HAZARDS MITIGATION PLAN RESOLUTION NO. 12-2010 A Resolution, adopting the MARC Regional Natural Hazards Mitigation Plan, was presented and read by Title only.

ADOPTING MARC REGIONAL NATURAL HAZARDS MITIGATION PLAN RESOLUTION NO. 12-2010 Staff said in order for the City and its residents to be eligible for Federal Emergency Management funds for tornados and other natural disasters, the City must have adopted a Natural Hazards Mitigation Plan.

A motion was made by Alderman Gustin and seconded by Alderman Patterson to approve the Resolution adopting the MARC Regional Natural Hazards Mitigation Plan. The motion carried unanimously.

SETTING FEES FOR OBTAINING RECORDS FROM POLICE DEPARTMENT ORDINANCE NO. 1137-2010 Bill No. 12-2010, an ordinance setting the fees for obtaining records from the Police Department, was presented and read by Title only.

Staff reported that this ordinance was prepared by the City Attorney, which establishes fees for police records. We are receiving increased requests from attorneys for copies of video records of traffic stops and arrests. This is a time consuming task that currently has no fee.

Staff said this doesn't have to be voted on by the public.

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes 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 Alderman Gustin and seconded by Alderman Couchman to place Bill No. 12-2010 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 Patterson. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1137-2010**.

ALDERMEN DISCUSSION

MAYOR DANE Mayor Dane presented the Missouri Certified Site plaque which the City received for Innovation Business Park. He said there were only three sites receiving this in Missouri this year.

Molly McGovern said businesses used to have up to eighteen months to gather information about a site. Today they don't want to spend any more than six months in the process. This moves us to the top of site selections because a lot of that information is already available for them.

ALDERMAN PATTERSON Alderman Patterson said he was concerned about the walking trail crossing on 19th Street by the tennis courts. He said the signage is for bikes. He wondered if there could be a sign saying to yield to pedestrians in the crosswalk.

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

The following bills were presented for payment at the April 19th meeting:

ORG/VENDOR NAME	WARRANT: 041910	AMOUNT
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		180.00
* City Hall Expenses		
BIG V SUPERMARKET		140.40
CHRIS' LAWN CARE AND		65.00
CLAY COUNTY INFORMATION SERV		585.49
BILLY R DANE		25.60
DEFFENBAUGH INDUSTRIES		20.00
R. BRIAN HALL, PC		3,705.00
HOUSEWORTH ENTERPRISES		390.00
MISSOURI GAS ENERGY		324.95
MO MUNICIPAL LEAGUE		95.00
NPG NEWSPAPERS INC		232.08
PAYCOR PAYROLL SERVICES		152.66
STAPLES ADVANTAGE		217.67
SULLIVAN PUBLICATIONS, INC.		180.00
TCOM INC		900.00
TEK-COLLECT		63.04
UNISOURCE, INC		134.00
CARD SERVICES (VISA)		576.69
* Community Development Dir		
CINTAS CORPORATION #690		29.85
CITY OF KEARNEY-PETY CSH		30.00
DAVID PAVLICH		109.80
STAPLES ADVANTAGE		44.64
UNISOURCE, INC		134.00
CARD SERVICES (VISA)		418.02
* Court & Legal Expenses		
R. BRIAN HALL, PC		1,845.00
RAY COUNTY SHERIFF/TREASURER		105.00
* General Admin. Revenues		
PLATTE CLAY ELECTRIC		180.52
JEREMY OR TARA THOMPSON		3.82
* General Fund Balance Acct		
ING FINANCIAL ADVISERS,LLC		1,196.33
MO DEPT OF PUBLIC SAFETY		114.00
MO DEPT OF REVENUE-CVC		812.25
PAYCOR PAYROLL SERVICES		13,746.93
SYNERGY SERVICES INC		228.00
* Park Fund Balance Acct		
PAYCOR PAYROLL SERVICES		1,443.65
* Park Fund Expenses		
ARROW STAGE LINES		845.00
CHRIS' LAWN CARE AND		694.00
CINTAS CORPORATION #690		18.51
DEFFENBAUGH INDUSTRIES		84.00
DEFFENBAUGH DISPOSAL		354.86

FRIES LAWN & LEISURE INC	24.80
FRY & ASSOCIATES	176.00
HOUSEWORTH ENTERPRISES	540.00
KEARNEY HOLT COMMUNITY THEATER	4,000.00
MISSOURI MULCH	3,556.80
NPG NEWSPAPERS INC	170.40
RELIABLE MECHANICAL SERVICES, INC.	447.40
CARD SERVICES (VISA)	269.06
WESTERN EXTRALITE COMPANY	425.82
* Park Fund Revenue	
CHERYL EPPERSON	45.00
* Park Special Projects	
FORM-TECH INC.	814.49
GRAINGER	284.40
THE UPS STORE	217.00
CARD SERVICES (VISA)	22.34
* Police Dept. Expenses	
ALLMED	104.01
ALTERATIONS AND	77.50
THE ARMORY	171.90
THOMAS R. CAREY	341.90
CINTAS CORPORATION #690	109.01
CLAY CO SHERIFF'S DEPT	5,003.40
DEFFENBAUGH INDUSTRIES	20.00
GUTH LABORATORIES INC	123.40
HUNTS CAR CARE CENTER	414.92
KWIK LUBE	29.95
LEADSONLINE	1,068.00
MISSOURI GAS ENERGY	254.46
O'REILLY AUTOMOTIVE INC	23.96
SHELL	1,219.56
SIRCHIE FINGER PRINT	54.46
SPRAY AWAY INC	115.00
STAPLES ADVANTAGE	31.32
CARD SERVICES (VISA)	73.06-
* Police Station Debt	
KEARNEY TRUST COMPANY	7,524.01
* Sewer Plant Expenses	
CINTAS CORPORATION #690	21.75
DECKER CONSTRUCTION	1,506.18
DEFFENBAUGH INDUSTRIES	20.00
HOUSEWORTH ENTERPRISES	86.25
MATTISON'S DIRT WORK	400.00
CARD SERVICES (VISA)	396.57
WESTERN EXTRALITE COMPANY	220.55
WINGFOOT COMMERCIAL TIRE	10,432.05
* Street Department Expense	
AKIN, GORDON & COWGER	7,081.41
AMERICAN PRIDE EXPRESS LUBE	142.60
CARTER WATERS	157.00
CINTAS CORPORATION #690	85.20
DEFFENBAUGH INDUSTRIES	30.00
EVERETT QUARRIES	1,292.95
HOUSEWORTH ENTERPRISES	66.75
IRONMIKE'S WELDING	876.00
LONG VET CLINIC	30.00
MFA OIL COMPANY	815.08

PAVLICH INC	6,903.70
PERFORMANCE TRUCK AND SUV	544.49
PLATTE CLAY ELECTRIC	6,528.19
CARD SERVICES (VISA)	351.23
* W & S Admin. Expenses	
CENTURYLINK	176.14
CINTAS CORPORATION #690	108.96
COLE PRINTING	95.50
HOTSY EQUIPMENT CO	57.25
MFA OIL COMPANY	1,166.17
MISSOURI SALES TAX	1,580.14
O'REILLY AUTOMOTIVE INC	20.17
CARD SERVICES (VISA)	216.00
* W & S Oblig. Expenses	
ASSESSMENT MAINT. FUND	5,026.74
* W & S Oblig. Revenue	
PLATTE CLAY ELECTRIC	15.69
JEREMY OR TARA THOMPSON	.33
* W&S Revenue Balance Acct	
ING FINANCIAL ADVISERS,LLC	160.00
PAYCOR PAYROLL SERVICES	4,101.08
* Water Plant Expenses	
BNSF RAILWAY COMPANY	90.75
BRENNTAG MID-SOUTH, INC	2,485.94
CINTAS CORPORATION #690	22.00
DEFFENBAUGH INDUSTRIES	20.00
EVERETT QUARRIES	1,413.91
HOUSEWORTH ENTERPRISES	165.25
KCMO WATER SERVICES	9,946.26
KEARNEY FEED & SUPPLY	220.00
MISSOURI GAS ENERGY	534.22
THE UPS STORE	92.03
CARD SERVICES (VISA)	71.47

TOTAL	123,806.92

APPROVED: _____
 Billy R. Dane, Mayor

ATTEST: _____
 Joan H. Updike, City Clerk

