

May 17, 2010

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, May 17, 2010 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Jenny Hayes, Alan Gustin and Tom Patterson. Staff members present were David Pavlich and Shirley Zimmerman.

The Mayor introduced Sarah Piburn, Kearney School District student, who would be his assistant for tonight.

Sarah Piburn 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 May 3rd meeting
- Bills presented for payment
- **Resolution No. 15-2010** Colony Drive Storm Pipe, Clay County Sanitary and Ditching, Low Bid of \$10,925.10
- **Resolution No. 16-2010** Slurry Seal, Vance Brothers for \$74,024.42
- **Resolution No. 17-2010** Asphalt Cut & Patch, Calvert's Paving for \$95,428.03
- **Resolution No. 18-2010** Concrete Cut & Patch, Dan Lewellen for \$43,768.73
- **Resolution No. 19-2010** West Washington Street Beautification, Musselman & Hall for \$91,565.30

Alderman Patterson asked if we are familiar with Clay County Sanitary and Ditching. Staff said they have done work for us before and always did a good job.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to approve the Consent Agenda as presented. The motion carried unanimously.

MAYOR'S REMARKS

SARAH PIBURN PROCLAMATION Mayor Dane said he had donated a Certificate for dinner with the Mayor at La Fuente Restaurant and see what the Mayor does at a Board of Aldermen meeting. The winner at the auction was Sarah Piburn, a Kearney School District student.

Shirley Zimmerman read a Proclamation declaring May 17th as Sarah Piburn Night. Mayor Dane presented a framed copy of the Proclamation to Sarah Piburn.

ADMINISTRATOR'S REPORT

SPECIAL BOARD MEETING Mayor Dane said we will be opening the bids for the pavilions at Jesse James Park on May 27th. He said if we can have a special meeting on

SPECIAL BOARD MEETING-CONT May 28th it would allow us to get them ordered immediately. It was decided to meet at noon on May 28th at Kearney City Hall.

PUBLIC REQUESTS & PETITIONS

MCDONALD'S ADDITION-COMMERCIAL SITE PLAN REVIEW Staff presented an application from McDonald's , located at 500 West 92 Highway, proposing an approximately 600 square foot building addition, façade changes to update the look of the store and a modification of the existing drive-thru for a second order station.

Staff presented a memo dated May 14, 2010 and recommended approval with the conditions noted by the Planning and Zoning Commission. Staff said Planning and Zoning recommended approval contingent upon them using signs and/or paint striping to prevent people from parking along the drive aisle in front of the Red Box. They have agreed to the signage/striping by the Red Box.

Mayor Dane asked if this would increase the seating inside and how many additional cars would it allow at the drive thru. McDonald's representatives said there will additional seating for sixteen people inside. The additional drive thru will allow for four to six more cars.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to approve the application from McDonald's, located at 500 West 92 Highway for an approximately 600 square foot building addition, façade changes to update the look of the store and a modification of the existing drive-thru for a second order station contingent upon meeting all Staff comments. The motion carried unanimously.

PINK HOUSE BAR-B-QUE LIQUOR LICENSE Staff presented an application from Keith Piercy for the Pink House Bar-B-Que at 700 North Country Avenue for a liquor license. A background check has been submitted and all requirements have been met.

Staff also presented a memo from the City Attorney concerning questions the Staff initially had concerning how a liquor license could be maintained without a defined area for premises, as the facility has no indoor seating. The memo concludes that the City's ordinance is consistent with State statutes, permitting an area to be simply roped off, as Stables does for their bike night events.

Keith Piercy, 308 Westwood Court, Liberty, Missouri said he is trying to do something with the building that will succeed. He said his long range goal is to add another building on site with seating.

Alderman Patterson asked about the four foot wooden fence with gates mentioned in the letter to the City Attorney. Mr. Piercy said he had suggested that as a possibility to mark off the property where the alcohol would be allowed. Staff said this would be something he would get approved at Staff level.

PINK HOUSE BAR-B-QUE LIQUOR LICENSE-CONT Alderman Couchman asked what times of year he would be doing this. He said it would be from May thru October if weather permitted.

Alderwoman Hayes asked if he would still be a drive thru business. He said yes and this would simply allow him to have on premise drinks.

Alderman Patterson asked what the hours of operation would be. Mr. Piercy said the regular hours would be 11:00 A.M. to 8:00 P.M. and until 10:00 P.M. for special events. He said if needed he would be willing to not sell alcohol the last thirty minutes of operation.

Alderman Patterson said on the liquor application Mr. Piercy has his address as Liberty, Missouri in one place and Kearney, Missouri in the other. Mr. Piercy said that was an error on his part and he lives in Liberty, Missouri.

Alderman Couchman asked if there would be tents, etc. on the premise. Mr. Piercy said it would be an open air atmosphere.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to approve the application from Keith Piercy for the Pink House Bar-B-Que at 700 North Country Avenue for a liquor license with the address correction made on the application. The motion carried unanimously.

MICHELE DOWNEY APPLICATION FOR REZONING RR FOR 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, owner of property at 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 Mayor asked the matter to be tabled at the April 19th Board of Aldermen meeting until Beverly Park residents could be surveyed again for their input on horses in RA zoning districts. The final tally of residents was fourteen in favor, one not in favor and three no responses.

Alderman Patterson said he had one person that was opposed because of fear of smell and everyone else that he talked to was fine with it.

Alderman Gustin said he had been asked why it was taken out to begin with.

A motion was made by Alderman Patterson and seconded by Alderwoman Hayes to approve the ordinance as read on the first reading. The vote was two voting aye

MICHELE DOWNEY APPLICATION FOR REZONING RR FOR HORSES

(Patterson and Hayes) and two voting nay (Gustin and Couchman). The Mayor broke the tie by voting nay and the motion failed.

NEW BUSINESS

**SUPPLEMENTAL AGREEMENT-MoDOT GRANT WEST WASHINGTON
ORDINANCE NO. 1139-2010**

Bill No. 14-2010, an ordinance authorizing the Mayor to sign a Supplemental Agreement with MoDOT relative to an ARRA Grant for the Washington Street Beautification-Phase 2 Project, ARRA ES04(036), was presented and read by Title only.

Staff reported that we have a Supplemental Agreement increasing the funding from \$100,000 to \$116,535.30. MoDOT still had some stimulus money available so they increased our funding to cover the project.

Mayor Dane asked when they would be starting on this project. Staff said it should be in next couple weeks and they hope to have it done in six to eight weeks.

Alderwoman Hayes asked what we would add to the project. Staff said we will get more mill and overlay than planned.

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 Gustin and seconded by Alderwoman Hayes to place Bill No. 14-2010 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: Hayes, Couchman, Gustin and Patterson. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1139-2010**.

CONTRACT METRO ASPHALT FOR 2010 OVERLAY PROJECTS

RESOLUTION NO. 20-2010 A Resolution, authorizing the City Administrator to sign a contract with Metro Asphalt for 2010 Overlay Projects not to exceed \$152,500.00, was presented and read by Title only.

Staff said we had a \$75,000 surplus revenue last year and we would like to amend the Street Maintenance Budget by this \$75,000.

Alderman Gustin asked if we had any other budget areas in trouble at this time. Mayor Dane said no.

A motion was made by Alderman Couchman and seconded by Alderman Gustin to amend the Street Maintenance Budget by \$75,000 and approve the Resolution

**CONTRACT METRO ASPHALT FOR 2010 OVERLAY PROJECTS-CONT
RESOLUTION NO. 20-2010** authorizing the City Administrator to sign a contract with Metro Asphalt for 2010 Overlay Projects not to exceed \$152,500.00. The motion carried unanimously.

REAPPOINTMENT OF LARRY BUTCHER Mayor Dane said he had received a letter from Larry Butcher expressing his desire to continue as Municipal Judge. He said he would like to recommend him for another two year term.

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes to reappoint Larry Butcher as Municipal Judge for another two year term. The motion carried unanimously.

REAPPOINTMENT OF DOYLE RILEY AND HEATH COURTNEY TO P & Z Mayor Dane said he would like to recommend approval of the appointment of Doyle Riley and Heath Courtney to another term on the Planning and Zoning Commission. He said they have both expressed interest in continuing on the Commission and they have training in that field.

A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to reappoint Doyle Riley and Heath Courtney to another term on the Planning and Zoning Commission. The motion carried unanimously.

**UPDATING CODE FOR MISSOURI CONCEAL AND CARRY LAWS
ORDINANCE NO. 1140-2010** Bill No. 15-2010, an ordinance amending Section 210.225 of the Municipal Code concerning right to carry concealed weapon with valid concealed carry endorsement, was presented and read by Title only.

Alderman Gustin asked why we were doing this. Staff said it is to have the City ordinance match the State statutes.

A motion was made by Alderman Patterson 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 Couchman and seconded by Alderman Patterson to place Bill No. 15-2010 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: Hayes, Couchman, Gustin and Patterson. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1140-2010**.

ALDERMEN DISCUSSION

ALDERMAN GUSTIN Alderman Gustin said the old Casey's property is really beginning to look bad. He said we need to contact them about the store property and the house to the East. Staff said they would contact them.

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

The following bills were presented for payment at the May 17, 2010 meeting:

ORG/VENDOR NAME	WARRANT: 051710	AMOUNT
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		180.00
* City Hall Expenses		
CINTAS CORPORATION #690		240.82
DEFFENBAUGH INDUSTRIES		20.00
JIM ELDRIDGE		181.04
275-FAIRPOINT COMMUNICATIONS		401.76
R. BRIAN HALL, PC		5,220.00
HOUSEWORTH ENTERPRISES		780.00
KEARNEY LANDSCAPE MATERIALS INC.		300.00
KENT MOHLER EXTERIORS		47.25
MISSOURI GAS ENERGY		150.94
MO CITY MANAGMENT ASSOC.		75.00
MO DEPT OF REVENUE		35.00
NPG NEWSPAPERS INC		287.96
PAYCOR PAYROLL SERVICES		158.91
PITNEY BOWES		124.93
SULLIVAN PUBLICATIONS, INC.		880.00
TCOM INC		450.00
TEK-COLLECT		11.67
UNISOURCE, INC		243.26
CARD SERVICES (VISA)		121.11
WESTLAND PLUMBING INC.		865.00
* Community Development Dir		
CINTAS CORPORATION #690		18.70
UNISOURCE, INC		173.92
CARD SERVICES (VISA)		527.61
* Court & Legal Expenses		
LARRY E BUTCHER		950.00
R. BRIAN HALL, PC		1,425.00
* General Fund Balance Acct		
ING FINANCIAL ADVISERS,LLC		1,216.33
MO DEPT OF PUBLIC SAFETY		77.00
MO DEPT OF REVENUE-CVC		548.62
PAYCOR PAYROLL SERVICES		14,282.66
SYNERGY SERVICES INC		154.00
* Park Fund Balance Acct		
PAYCOR PAYROLL SERVICES		1,421.06
* Park Fund Expenses		
ARROW STAGE LINES		545.00
BIG V SUPERMARKET		48.13
CHRIS' LAWN CARE AND		475.00
CINTAS CORPORATION #690		12.34
CODY CONLEY		150.00
GLENN CROWTHER		20.00
DEFFENBAUGH INDUSTRIES		84.00
PATRICK FLORA		350.00
DEAN FOLTZ		350.00

HOUSEWORTH ENTERPRISES	1,080.00
KEARNEY LAWN &	15.00
KEARNEY FEED & SUPPLY	52.00
KEARNEY LANDSCAPE MATERIALS INC.	300.00
KWIK LUBE	47.95
LAWSON AGRI SERVICES, LLC	2,142.72
O'REILLY AUTOMOTIVE INC	15.67
PUBLIC WATER SUPPLY	21.33
QUALITY HILL PLAYHOUSE	560.00
CARD SERVICES (VISA)	304.23
WESTERN EXTRALITE COMPANY	45.00
YATES ELECTRIC CO.	200.25
* Park Special Projects	
A 1 WHEELS	250.00
ACHING BACKLINE RENTALS	380.00
CITY OF KEARNEY-PETY CSH	1,100.00
COLE PRINTING	120.00
FORM-TECH INC.	1,629.77
BRANDON HUDSPETH	750.00
KBEQ-FM	3,000.00
KEARNEY ROTARY CLUB	200.00
ROBERT KEITH MITCHELL	350.00
D H PACE OVERHEAD	192.50
JIM SWEDLUND	578.00
TRAMPLED UNDER FOOT, LLC	1,000.00
THE UPS STORE	63.95
CARD SERVICES (VISA)	46.41
* Police Dept. Expenses	
THE ARMORY	166.80
BIG V SUPERMARKET	6.85
THOMAS R. CAREY	76.28
CINTAS CORPORATION #690	156.01
COMMENCO, INC.	44.06
DEFFENBAUGH INDUSTRIES	20.00
275-FAIRPOINT COMMUNICATIONS	532.57
HUNTS CAR CARE CENTER	16.99
J & K AUTO REPAIR	30.00
MISSOURI GAS ENERGY	125.24
O'REILLY AUTOMOTIVE INC	87.05
PITNEY BOWES	124.92
SHELL	1,000.87
THE UPS STORE	13.31
WESTFALL GMC TRUCK, INC.	972.44
WORK HEALTH SOLUTIONS	87.00
* Sewer Plant Expenses	
ACE PIPE CLEANING, INC.	1,080.00
CII LABORATORY SERVICES	49.00
CINTAS CORPORATION #690	21.75
DEFFENBAUGH INDUSTRIES	20.00
HOUSEWORTH ENTERPRISES	172.50
THE LARKIN GROUP	19,038.13
MIDWEST LABORATORIES INC	91.04
POWER PROTECTION PRODUCTS, INC	275.00
THE UPS STORE	15.81
YATES ELECTRIC CO.	281.00
* Street Department Expense	

AKIN, GORDON & COWGER	180.00
BIG V SUPERMARKET	19.78
CINTAS CORPORATION #690	78.10
DEAN MACHINERY CO	108.54
DEFFENBAUGH INDUSTRIES	30.00
FERRELLGAS, INC.	10.00
HOUSEWORTH ENTERPRISES	213.50
KEARNEY LAWN &	29.39
KEARNEY FEED & SUPPLY	84.00
KENT MOHLER EXTERIORS	3,825.00
LONG VET CLINIC	60.00
MIDDLETON EXCAVATING	1,020.00
O'REILLY AUTOMOTIVE INC	41.97
PLATTE CLAY ELECTRIC	6,979.23
TERRACON	2,350.00
* W & S Admin. Expenses	
AMERICAN PRIDE EXPRESS LUBE	69.40
CENTURYLINK	191.92
CINTAS CORPORATION #690	71.62
CITY OF KEARNEY	76,000.00
MSC-410526	9.75
275-FAIRPOINT COMMUNICATIONS	124.52
MISSOURI SALES TAX	1,447.48
MO DIVISION OF	4,160.00
O'REILLY AUTOMOTIVE INC	9.17
PITNEY BOWES	124.93
TEK-COLLECT	34.46
CARD SERVICES (VISA)	13.90
* W&S Revenue Balance Acct	
ING FINANCIAL ADVISERS,LLC	160.00
PAYCOR PAYROLL SERVICES	4,178.19
* Water Plant Expenses	
BRENNTAG MID-SOUTH, INC	1,402.50
C.H. ROBINSON COMPANY, INC.	718.75
CINTAS CORPORATION #690	11.00
DEFFENBAUGH INDUSTRIES	20.00
EVERETT QUARRIES	214.78
HACH CHEMICAL	1,649.99
HOUSEWORTH ENTERPRISES	330.50
KEARNEY LANDSCAPE MATERIALS INC.	300.00
THE LARKIN GROUP	4,421.25
MISSOURI GAS ENERGY	126.70
MISSOURI ONE CALL SYSTEM, INC.	296.40
O'REILLY AUTOMOTIVE INC	5.98
THE UPS STORE	64.42
USA BLUE BOOK	245.37
WEST KEARNEY WINNELSON	43.63

TOTAL	184,029.54

APPROVED: _____
 Billy R. Dane, Mayor

ATTEST: _____
 Joan H. Updike, City Clerk