

June 7, 2010

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, June 7, 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 Jim Eldridge, David Pavlich and Shirley Zimmerman.

Mayor Dane 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 17th meeting
- Bills presented for payment
- Purchase 60 hay bales for sound wall at Jesse James Park
- Approve health insurance renewal with Blue Cross Blue Shield, 9 % increase
- Brush Chipping, EHaras for \$3,500
- Additional mud jacking for 10 more projects, Hammon Proposal \$2,800
- Pay Estimate No. 3 for Glen Rogers Construction for \$58,312.12

Staff said they want to add the Pay Estimate for Glen Rogers Construction for \$58,312.12 to the Consent Agenda. They have a sub contractor that would like to be paid at this time.

A motion was made by Alderwoman Hayes and seconded by Alderman Couchman to approve the Consent Agenda as presented. The motion carried by a vote of three in favor with Alderman Gustin abstaining.

MAYOR'S REMARKS

BOARD LIAISON TO MARC Mayor Dane said he has asked Alderman Patterson to serve as the Board of Aldermen liaison to MARC and he has agreed to do that.

ADMINISTRATOR'S REPORT

SKC INSURANCE OUT OF BUSINESS Staff reported that Stacy Danner of SKC Insurance has closed her office. She handled the City's Work Comp insurance through Missouri Rural Services and the City Official Bonds.

We have asked Paul Black and Rex Sweetwood of Cretcher Heartland to be designated as agent of record with Missouri Rural and we are getting quotes from them on the Public Official Bonds which expire this month.

MACK PORTER BIKEWAY PROJECT TO BE RE-BID Staff reported that we have agreed with MoDOT to rebid the trail project planned for Mack Porter Park. We

MACK PORTER BIKEWAY PROJECT TO BE RE-BID-CONT only received two bids and they are approximately \$45,000 over engineer's estimate and \$25,000 more than was budgeted.

We will make the following changes to help lower the cost:

Lowering the trail 0.1 foot to lessen embankment costs (will try and do this by note to avoid a lot of tech time changes).

Tightening the Fly Ash Sub grade stabilization width from 14 to 12 feet.

Dropping 4 of the 9 paved parking stalls on the trail head.

Deleting from the contractors bid and have City perform Items 22 through 27:

Fertilizing, seeding, and mulching, Trees, Park Bench, and Bike Rack.

We will submit the new plans to MoDOT and hope to be able to rebid in about 3 weeks.

Alderman Gustin asked if lowering the trail one foot would cause water to stand. Art Akin, engineer, said it is only 1/10 of a foot so it won't cause any problems.

Art Akin, Akin and Cowger Engineers, said he has received approval to award the contract to Musselman and Hall for the West Washington Street improvements. He said there will be a pre-construction meeting on Thursday. They have invited the business owners on Washington Street to attend. They hope to start in about one to two weeks.

PUBLIC REQUESTS & PETITIONS

BILL SHULL, REQUEST FOR FIREWORKS DISPLAY Staff reported that Bill Shull is seeking permission to discharge Class C fireworks in Jesse James Park on Friday, June 25th for the National Marketing Resource's picnic. He has done this for the past two years.

Staff said he has submitted a permit from the Fire Department, a five million dollar insurance policy and his State license to discharge fireworks.

Alderman Gustin asked if we had had any complaints from the neighbors. Mr. Shull said the neighbors actually like the fireworks. He said National Marketing Resources will be notifying the neighbors. He said he is moving his site down by the rodeo arena which will help with the noise.

A motion was made by Alderman Gustin and seconded by Alderman Couchman to give permission to Bill Shull to discharge Class C fireworks in Jesse James Park on Friday, June 25th for the National Marketing Resource picnic. The motion carried unanimously.

Mr. Shull said that starting next year he will be moving his fireworks display in Beverly Park to July 2nd or 4th so as not to conflict with the City fireworks.

FRANK WAITZMANN, 904 REGENCY DRIVE Staff presented a letter from Frank Waitzmann, 904 Regency Drive, concerning the sidewalk settling in front of his house.

Frank Waitzmann said his sidewalk has been settling over the City water pipes for quite some time. He said he is on the same side as the swimming pool so his sidewalk gets a lot of traffic. He said they watch children in particular fall in the area and they are concerned someone is going to get hurt.

Mayor Dane told Mr. Waitzmann that their sidewalk is on the new list that was approved for mud jacking tonight.

SPARKY'S BBQ AND CATERING LIQUOR LICENSE Staff presented a liquor application from Richard Dakon, managing officer of Sparky's BBQ. He has submitted his criminal background check and everything is fine.

Alderman Patterson asked if he had submitted his paid tax receipt, voter registration card, etc. Staff said he has but it just didn't get in the agenda packet.

Alderman Couchman asked if there was anything in the ordinance on the agenda tonight in regard to alcohol that would affect Mr. Dakon. Staff said no.

A motion was made by Alderman Patterson and seconded by Alderwoman Hayes to approve the liquor application from Richard Dakon, managing officer of Sparky's BBQ. The motion carried unanimously.

Mr. Dakon said he hopes to open on June 14th.

NEW BUSINESS

PROPOSED LIQUOR ORDINANCE AMENDMENT Staff presented a proposed ordinance prepared by the City Attorney amending the liquor ordinance to further describe an "enclosed area" and revise our license classifications to reflect current statutory language (eliminating non-alcoholic beer licenses – 3.2%).

Alderman Gustin asked if this pertains to Stables. Staff said yes, they were what started this quite some time ago. They are now using banners on the rope to make it a more confined area.

Alderman Patterson said Section 600.240: Fees, should also be changed with this ordinance. He said A. 4 should say sale of "alcoholic beverages" instead of "malt liquor or non-intoxicating beer".

Mayor Dane said we should redraft the ordinance and bring it back next meeting.

PROPOSED LIQUOR ORDINANCE AMENDMENT A motion was made by Alderman Couchman and seconded by Alderman Patterson to table the proposed ordinance prepared by the City Attorney amending the liquor ordinance to further describe an “enclosed area” and revise our license classifications to reflect current statutory language (eliminating non-alcoholic beer licenses – 3.2%) until the next meeting. The motion carried unanimously.

RE-CONVEYING ROW FOR 92 HWY/CLEAR CREEK BRIDGE Bill No. 16-2010 **ORDINANCE NO. 1141-2010** an ordinance amending Ordinance No. 1100-2008 by re-authorizing the Mayor to sign the revised Deed Conveyance of Right of Way to MoDOT relative to Job NO. J4P1116P, Clear Creek Bridge replacement on 92 Highway, was presented and read by Title only.

Staff said this is to comply with a new statute that requires MoDOT to use a registered surveyor to create legal descriptions. The new deed describes the same ground that was conveyed by Ordinance 1100-2008.

A motion was made by Alderman Patterson 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 Patterson to place Bill No. 16-2010 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. 1141-2010**.

ZONING BOARD OF ADJUSTMENTS APPOINTMENTS Mayor Dane said he would like to recommend the re-appointment of Bill Duncan for a term to expire 04-2014 and Jim Thomas for a term to expire 04-2015 to the Zoning Board of Adjustments.

A motion was made by Alderman Couchman and seconded by Alderman Gustin to appoint Bill Duncan for a term to expire 04-2014 and Jim Thomas for a term to expire 04-2015 to the Zoning Board of Adjustments. The motion carried unanimously.

ALDERMEN DISCUSSION

ALDERWOMAN HAYES Alderwoman Hayes said she would like to report that they received great feed back from people attending the Blues Fest at the Amphitheater. She said it was a nice crowd.

Mayor Dane said he is glad to report that we are about \$4,800 in the black on the first concert. That is a great start to the new season.

ALDERMAN GUSTIN Alderman Gustin asked if we had decided on the location of the reader board for the amphitheater. Staff said it will be located to the North of the entrance and close to the soccer fields.

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 June 7, 2010 meeting:

ORG/VENDOR NAME	WARRANT: 060710	AMOUNT
* 1996 SRF REV BD Expense		
UMB BANK		5,107.00
* 2001 SRF Rev Bd Expense		
UMB BANK		14,955.44
* 2004 W&S REF REVENUE BNDS		
UMB BANK, N.A.		261.25
* Cap Improv Sales Tax Exp.		
CHRIS' LAWN CARE AND		2,680.81
HOUSEWORTH ENTERPRISES		180.00
* City Hall Expenses		
CAPITOL PLAZA HOTEL		98.88
CHRIS' LAWN CARE AND		305.00
BILLY R DANE		175.00
275-FAIRPOINT COMMUNICATIONS		404.08
FORM-TECH INC.		47.50
HOUSEWORTH ENTERPRISES		1,075.00
KEARNEY CHAMBER OF		350.00
KEARNEY FIRE DISTRICT		400.00
KRAMER HARDWARE		4.55
MIDWEST DATA CENTER		423.37
NEWCOMBS WINDOW SERVICE		50.00
NPG NEWSPAPERS INC		253.34
PAYCOR PAYROLL SERVICES		178.99
PENRODS GREENHOUSE		42.50
PITNEY BOWES		49.32
STAPLES ADVANTAGE		52.71
TCOM INC		450.00
TEK-COLLECT		80.09
* Community Development Dir		
AMERICAN PRIDE EXPRESS LUBE		29.95
CINTAS CORPORATION #177		18.70
CONOCO		71.04
GRAFF TECHNOLOGY SOLUTIONS		60.00
ORSCHELNS CARD CENTER		6.99
DAVID PAVLICH		217.60
* Court & Legal Expenses		
CLAY COUNTY DETENTION		93.00
RAY COUNTY SHERIFF/TREASURER		140.00
* Economic Development		
KEARNEY AREA DEV COUNCIL		11,250.00
* General Admin. Revenues		
TAYLOR COOK		3,351.11
RUSSELL C GRIGGS		7.25

JENNIFER SMITH	10.50
* General Fund Balance Acct	
AFLAC/REMITTANCE	245.56
BLUE CROSS BLUE SHIELD OF KC	11,706.78
DELTA DENTAL OF MISSOURI	1,089.25
ING FINANCIAL ADVISERS,LLC	1,216.33
MISSOURI LAGERS	9,935.13
PAYCOR PAYROLL SERVICES	14,183.52
VISION SERVICE PLAN (IC)	334.10
* Meter Deposit Expenses	
RICK ALLEN	44.20
SAMANTHA AYERS	3.74
TABITHA BOLANDER	17.92
BRET BOWMAN	50.17
CHARLES COX	2.02
MARY ANN FRAZIER	43.35
APRIL KLUSMAN	30.33
ORVILLE NEWELL	22.28
BARBARA NEWHOUSE	13.28
MAXINE PETRALIE	36.51
KIM PODBEVSEK	5.41
R & S CONSTRUCTION	60.38
RANDY TAGUE	56.55
* Park Fund Balance Acct	
BLUE CROSS BLUE SHIELD OF KC	2,036.72
DELTA DENTAL OF MISSOURI	152.23
MISSOURI LAGERS	1,252.58
PAYCOR PAYROLL SERVICES	1,421.06
VISION SERVICE PLAN (IC)	43.83
* Park Fund Expenses	
ARROW STAGE LINES	545.00
CHRIS' LAWN CARE AND	658.00
CINTAS CORPORATION #177	12.34
CONOCO	693.52
FRIES LAWN & LEISURE INC	241.75
HAMPTON PLUMBING, INC.	262.50
NINA DEN HARTOG	90.00
HOUSEWORTH ENTERPRISES	1,180.00
KEARNEY LAWN &	132.92
KEARNEY FEED & SUPPLY	116.00
KRAMER HARDWARE	391.89
NPG NEWSPAPERS INC	213.82
ORSCHELNS CARD CENTER	176.91
PLATTE CLAY ELECTRIC	1,508.01
PUBLIC WATER SUPPLY	57.38
QUICK STOP	490.00
GARY SHANKS	2,100.00
WESTERN EXTRALITE COMPANY	591.65
* Park Special Projects	
A 1 WHEELS	500.00
AME, INC.	500.00
DEAN FOLTZ	700.00
JESSICA HORN	784.00
KEARNEY ROTARY CLUB	400.00
ERIC MARSHALL	32.13
ROBERT KEITH MITCHELL	700.00

ORSHELNS CARD CENTER	15.64
PORTER'S BUILDING CENTER	43.90
QUICK STOP	305.64
BOBBY SIMKINS	1,300.00
SOUND CHECK ENTERPRISES, INC	1,750.00
SWANK MOTION PICTURES, INC	321.00
THE BAND PERRY LIVE, LLC	3,600.00
* Police Dept. Expenses	
ALLMED	106.98
AMERICAN PRIDE EXPRESS LUBE	63.90
THE ARMORY	156.85
BOARD OF POLICE	95.35
CHUCK ANDERSON FORD	123.42
CLAY COUNTY DRUG TASK FORCE	4,404.50
COMMENCO, INC.	73.72
CONOCO	1,398.83
275-FAIRPOINT COMMUNICATIONS	535.63
FBI-LEEDA, INC	450.00
FRIES LAWN & LEISURE INC	55.00
HOUSEWORTH ENTERPRISES	225.00
HUNTS CAR CARE CENTER	16.99
J & K AUTO REPAIR	542.90
KRAMER HARDWARE	26.77
PETE LOPATA	169.18
MIDWEST GUN EXCHANGE	670.00
PITNEY BOWES	49.32
PLATTE CLAY ELECTRIC	238.69
PROFESSIONAL FIRE AND FRAUD	25.00
STUCKEY'S SERVICE CENTER	30.00
WESTERN FIRST AID & SAFETY	115.00
WESTFALL GMC TRUCK, INC.	853.60
* Police Station Debt	
KEARNEY TRUST COMPANY	7,524.01
* Police Station Expenses	
GLEN ROGERS CONSTRUCTION, LLC	58,312.12
WILLIAMS SPURGEON KUHL & FRESHNOCK	481.67
* Sewer Plant Expenses	
ALLIED WASTE SERVICES	115.93
BROADVIEW SECURITY	31.95
CII LABORATORY SERVICES	49.00
FTC EQUIPMENT, LLC	2,463.55
HOUSEWORTH ENTERPRISES	172.50
KRAMER HARDWARE	42.95
ORSHELNS CARD CENTER	119.97
PLATTE CLAY ELECTRIC	7,840.91
WEST KEARNEY WINNELSON	27.19
YATES ELECTRIC CO.	189.00
* Solid Waste	
DEFFENBAUGH INDUSTRIES	22,340.50
* Street Department Expense	
THOMAS R. CAREY	11.00
CINTAS CORPORATION #177	50.20
CLINTON COUNTY	2,700.00
CONOCO	796.24
DEFFENBAUGH DISPOSAL	1,575.00
HAMMONS MUD JACKING	2,800.00

HOUSEWORTH ENTERPRISES	173.50
KEARNEY FEED & SUPPLY	22.00
ORSCHELNS CARD CENTER	74.26
PLATTE CLAY ELECTRIC	6,394.73
SUPERCO SPECIALTY PRODUCTS	163.55
YATES ELECTRIC CO.	157.35
* W & S Admin. Expenses	
CENTURYLINK COMMUNICATIONS, INC	3.53
CINTAS CORPORATION #177	95.75
CONOCO	712.99
275-FAIRPOINT COMMUNICATIONS	123.23
MO DNR-DMS RECEIPT &	2,699.01
PITNEY BOWES	49.32
STAPLES ADVANTAGE	52.20
U.S. POSTAL SERVICE	2,000.00
WATER ENVIRONMENT FEDERATION	385.00
* W & S Oblig. Expenses	
UMB BANK	3,664.60
* W & S Oblig. Revenue	
RUSSELL C GRIGGS	.63
* W&S Revenue Balance Acct	
BLUE CROSS BLUE SHIELD OF KC	2,136.12
DELTA DENTAL OF MISSOURI	281.05
ING FINANCIAL ADVISERS, LLC	160.00
MISSOURI LAGERS	3,222.70
PAYCOR PAYROLL SERVICES	5,877.66
VISION SERVICE PLAN (IC)	86.42
* Water Plant Expenses	
BRENNTAG MID-SOUTH, INC	1,093.44
BROADVIEW SECURITY	63.90
CINTAS CORPORATION #177	11.00
169 HAJOCA OLATHE	168.00
HD SUPPLY WATERWORKS	1,275.96
HOUSEWORTH ENTERPRISES	330.50
KANSAS CITY WINNELSON	1,070.70
KCMO WATER SERVICES	9,868.26
KRAMER HARDWARE	101.35
MISSOURI ONE CALL SYSTEM, INC.	172.90
PLATTE CLAY ELECTRIC	1,430.27
STATE ELECTRIC	63.27
SUPERCO SPECIALTY PRODUCTS	163.55
USA BLUE BOOK	50.80

TOTAL	269,768.02

APPROVED: _____
Billy R. Dane, Mayor

ATTEST: _____
Joan H. Updike, City Clerk

