

August 16, 2010

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, August 16, 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, Shirley Zimmerman, David Pavlich and Tom Carey.

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 August 2<sup>nd</sup> meeting
- Bills presented for payment
- John Marshall Furniture Bid—Increase \$3,500 for installation
- Authorize \$5,000 for Acquisition and Training of Drug Dog/Handler
- Police Station Change Orders—Totaling \$4,394 with 28 Day Extension on Stairs

Alderwoman Hayes arrived at the meeting.

Staff said the contractor should turn over the building for the new police station on September 1<sup>st</sup> and the stairway would be done by end of September.

Tom Carey, Police Chief, said they went back and looked at the office furniture at several places and believe that the John Marshall furniture is much sturdier and will last a lot longer.

Tom Carey said the drug dog died Memorial Day week-end after having him for nine years. He said we would like to have another dog that is trained for narcotics and a search dog. He said German Shepherds are much easier to get but either one would be fine.

Alderman Patterson said he would like to see the furniture bid removed from the Consent Agenda and discussed later in the meeting. Mayor Dane said it can be discussed now.

Alderman Patterson said just recently Calvert Paving came back after bidding the street work and wanted an additional \$7,000. He said we didn't award it to them and made them stick to their original bid. Now he said we are allowing John Marshall to come back and change their bid.

Staff said their first bid included installation but when they provided us with a US Communities government contract, (A nationwide contracting system for municipalities and local governments that gives us the ability to forego the bid process.), installation was omitted in that bid.

Alderman Patterson said the copy he had of their quote showed in the last line, delivery and installation for \$1,500 and now it is \$3,500.

Staff said they are already ordered and are to be delivered to their warehouse August 30<sup>th</sup>. Staff said they would look at the paper work and talk to them.

A motion was made by Alderman Patterson and seconded by Alderman Couchman to table the furniture bid until the next meeting. The motion carried unanimously.

Joe Kantola, Police Officer, said he had located a master trainer to train the dog and handler. He said he is currently training people to become master trainers so they will be donating their time to help with the training of the dog. He said they want the dog to be trained for drugs and search. He said they would be happy with either breed of dog.

Chris King, Police Officer, said he would be the new handler. He said he helped train dogs in the military. He said he has already talked to the High School principal and will be doing random drug sweeps in the High School. He said the School District will allow him to visit the other buildings and familiarize the students with the dog.

Alderman Couchman said he felt the officers should choose the breed of dog.

Mayor Dane asked if the bullet proof vest that Rod Will raised the money for would fit the new dog. Office Kantola said it should fit.

Mayor Dane asked if the dog would be trained for most drugs. Officer Kantola said that is correct. He said they used the dog thirty seven times the first year they had the dog on cases. He said that is about average for the usage.

Alderman Couchman asked if the vehicle equipped for the dog would transfer from Officer Kantola to Officer King. Officer Kantola said that is correct.

Alderwoman Hayes said she thought we should increase the amount to \$5,500 in the event they choose to get a German Shepherd dog.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to change the amount to \$5,500 for the drug dog. The motion carried unanimously.

A motion was made by Alderman Patterson and seconded by Alderwoman Hayes to approve the Consent Agenda with the furniture bid removed and the amount increased to \$5,500 for the drug dog. The motion carried unanimously.

### **MAYOR'S REMARKS**

**AMPHITHEATER** Mayor Dane said after seven events at the Amphitheater we are breaking even. He said hopefully the next concert will be much larger.

## **ADMINISTRATOR'S REPORT**

**NEXT MEETING** Staff said the next meeting would be moved to Tuesday, September 7<sup>th</sup> due to Labor Day unless the Board of Aldermen would consider moving it to Monday, August 30<sup>th</sup>, which has been done in the past.

It was the general consensus of the Board of Aldermen to move the meeting to Monday, August 30<sup>th</sup>.

**VARIFORM STANDPIPE** Staff reported that the standpipe at Variform has been isolated and drained after much difficulty in getting valves and waterlines to cooperate. Utility Service will be here to make emergency repairs to fix the leak sometime this week.

Staff said our timing in hiring them has proved to be very beneficial to the City. We will have to pay to replace an elevation valve but the main repairs will be covered under our contract.

**PLATTE CLAY WAY REPAIRS** Staff reported that Dan Lewellen, our concrete repairs contractor, reports that Platte Clay Way concrete is in very good condition below the top two inches and recommended we change our specification to mill and cover with asphalt.

We have agreed to discontinue attempted repairs on Platte Clay Way and plan for a total mill and overlay of that street in next year's budget. We will "hot patch" the existing pot holes rather than remove and replace them.

We plan to utilize Lewellen's remaining bid quantities to repair some concrete on Porter Ridge. We also received a request to look at Hedgerow Circle.

**PORTER PARK TRAIL BIDS** Staff reported that we rebid the Porter Park Trail and it still came in way over budget. We removed over \$18,000 in items and the bid was only down \$4,000.

We may have to rebid this again. It won't put our federal money in jeopardy.

## **PUBLIC REQUESTS & PETITIONS**

**BOY SCOUT** Mayor Dane introduced Jordon Fotheringham, who was in attendance to get his citizenship merit badge. He said he would soon be working on his Eagle project.

**DEB & CARL HARRIS, STATE HORSE SHOE PITCHING CONTEST** Staff said the Harris's asked to be removed from the agenda at this time.

**VERONICA BRYANT, CELINO, LLC, MANAGING OFFICER FOR CROSSROADS (POUR BOY OIL)** Staff presented a liquor application from the new owner of Pour Boy Oil, Celino, LLC. The managing officer will be Veronica Bryant.

The applicant has submitted all the required information including a criminal record check and has been reviewed by the Kearney Police Department.

Dick Bryant, attorney for Celino, LLC. said they will call the business Crossroads. He said they plan to take over September 1<sup>st</sup>.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to approve the liquor license for Celino, LLC. to operate at 405 West 92 Highway with Veronica Bryant as managing officer. The motion carried unanimously.

### **PUBLIC HEARING**

**TAX LEVY FOR 2010** Bill No. 19-2010, an ordinance fixing the tax levy for 2010, **ORDINANCE NO. 1144-2010** was presented and read by Title only.

Staff said we will set the levy rate at sixty three cents, which is the same as last year.

Mayor Dane said we could have raised the levy but we are holding to our word to the voters that we would lower the levy as the City Hall building was paid off.

The floor was opened to the public.

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

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 Patterson and seconded by Alderman Couchman to place Bill No. 19-2010 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. 1144-2010**.

### **OLD BUSINESS**

**SITE PLAN REQUIREMENTS ON ARCHITECTURAL DESIGNS** Staff said at the last meeting Alderman Gustin reminded the Board of Aldermen of the City policy to require architecture designs to be consistent with the surrounding area.

That ordinance (819-2000) was included in the new zoning ordinance in Items 5 and 6 of Section 405.170.

**FINANCIAL DISCLOSURE ORDINANCE** Bill No. 20-2010, an ordinance, to **ORDINANCE NO. 20-2010** establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials, was presented and read by Title only.

A motion was made by Alderwoman Hayes 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 Patterson and seconded by Alderman Couchman to place Bill No. 20-2010 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. 1145-2010**.

**TATTOO PARLOR REGULATIONS** Bill No. 21-2010, an ordinance regulating **ORDINANCE NO. 1146-2010** tattooing, body piercing and branding, was presented and read by Title only.

Mayor Dane said he thought the adult entertainment section of the ordinances covered tattooing but it only covered body painting. He said it isn't to completely restrict tattoo, but make it safer. He said the hours would be from 7:00 A.M. to 7:00 P.M. to help control people from getting tattoos when under the influence of alcohol. He said tattooing must be administered under the supervision of a doctor.

Alderman Patterson said the person doing tattoos must be licensed and trained in the field so he didn't believe we needed a doctor present.

Mayor Dane said another problem with tattoo parlors is they usually have very large signs that cover the building. He said they will have to follow our sign ordinance.

Alderman Gustin said he didn't see where we gave a definition of tattooing/body piercing. He said we don't intend to eliminate kids having tattoos painted on their face for school events, etc. Staff said that is covered under the State Statute mentioned in the ordinance.

Staff said this has been in effect in Excelsior Springs since 1992.

Alderman Gustin asked about them applying signage to a vehicle and maybe setting it up. Staff said they would have to have a separate license to do that.

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 three to one with Alderman Patterson voting nay.

**TATTOO PARLOR REGULATIONS-CONT** A motion was made by Alderman **ORDINANCE NO. 1146-2010** Gustin and seconded by Alderman Couchman to place Bill No. 21-2010 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 and Gustin The motion carried by a three to one vote with Alderman Patterson voting nay. The Bill was then duly numbered **Ordinance No. 1146-2010**.

**PARK BOARD APPOINTMENTS** Mayor Dane said he wanted to recommend the re-appointment of Bruce Sprague and Mike Miller to the Park Board.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to re-appoint Bruce Sprague and Mike Miller to the Park Board for another term of five years. The motion carried unanimously.

**ALDERMEN DISCUSSION**

**ALDERMAN GUSTIN** Alderman Gustin asked if we had heard anymore from Sandra Reeves in regard to the County collecting City taxes. Staff said the County wouldn't give her additional staff so she won't be doing it for this year.

**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 August 16, 2010 meeting:

ORG/VENDOR NAME	WARRANT: 081610	AMOUNT
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* 1996 SRF REV BD Expense		
UMB BANK		5,580.20
* 2001 G.O. Hwy Bds Expense		
UMB BANK, N.A.		161,437.50
* 2001 SRF Rev Bd Expense		
UMB BANK		14,834.66
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		360.00
* City Hall Expenses		
BIG V SUPERMARKET		652.90
BOARD OF ELECTIONS		592.81
CINTAS CORPORATION #177		120.41
D & V FLOOR CARE		325.00
BILLY R DANE		417.71
DEFFENBAUGH INDUSTRIES		20.00
EXCELSIOR PUBLISHING		445.50
275-FAIRPOINT COMMUNICATIONS		401.81
R. BRIAN HALL, PC		2,325.00
HOUSEWORTH ENTERPRISES		900.00
KEARNEY CHAMBER OF		50.00
MIDWEST DATA CENTER		37.00
MISSOURI GAS ENERGY		128.38
MO PUB EMPLOYERS' LABOR RELATIONS		50.00

NEXTEL COMMUNICATIONS	114.50
NPG NEWSPAPERS INC	198.00
PAYCOR PAYROLL SERVICES	158.16
TEK-COLLECT	205.44
UNISOURCE, INC	134.00
CARD SERVICES (VISA)	29.56
<b>* Community Development Dir</b>	
CINTAS CORPORATION #177	12.20
CONOCO	146.18
METRO SPORTSWEAR LLC	34.95
NEXTEL COMMUNICATIONS	302.96
UNISOURCE, INC	134.00
CARD SERVICES (VISA)	69.00
<b>* Court &amp; Legal Expenses</b>	
LARRY E BUTCHER	950.00
CLAY COUNTY DETENTION	217.00
R. BRIAN HALL, PC	3,015.00
RAY COUNTY SHERIFF/TREASURER	230.00
<b>* Downtown Improvement Exp</b>	
AKIN, GORDON & COWGER	1,296.00
IRONMIKE'S WELDING	100.00
PSI	411.00
<b>* General Fund Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	1,216.33
PAYCOR PAYROLL SERVICES	15,308.13
<b>* Park Fund Balance Acct</b>	
PAYCOR PAYROLL SERVICES	2,305.30
<b>* Park Fund Expenses</b>	
CINTAS CORPORATION #177	12.34
CODY CONLEY	140.00
CONOCO	685.44
DEFFENBAUGH INDUSTRIES	84.00
DEFFENBAUGH DISPOSAL	354.86
PATRICK FLORA	520.00
JOHN GERMEYER	32.00
HOUSEWORTH ENTERPRISES	1,080.00
INLINE BARRICADES & METAL	940.00
IRONMIKE'S WELDING	20.00
KEARNEY LAWN &	143.50
NEW THEATRE RESTAURANT	965.00
NEXTEL COMMUNICATIONS	23.00
NPG NEWSPAPERS INC	325.80
PUBLIC WATER SUPPLY	24.88
CARD SERVICES (VISA)	200.00
WESTERN EXTRALITE COMPANY	364.41
<b>* Park Special Projects</b>	
A 1 WHEELS	250.00
UCHERBELZU ARCHIE ALLEN	174.00
AME, INC.	1,000.00
BIG V SUPERMARKET	285.95
BOO RAY LLC	9,600.00
LARRY DEAN BURNS	174.00
CUMULUS KANSAS CITY	2,470.00
DEAN FOLTZ	350.00
KBEQ-FM	1,540.00
KEARNEY ROTARY CLUB	200.00

ROBERT KEITH MITCHELL	350.00
WICK E PICKARD	174.00
SOUND CHECK ENTERPRISES, INC	1,750.00
NELSON STRUEWE	750.00
BRUCE W TRAXLER	174.00
CARD SERVICES (VISA)	134.99
<b>* Police Dept. Expenses</b>	
ALL NATIONS FLAG CO.	790.56
BIG V SUPERMARKET	14.36
CINTAS CORPORATION #177	156.01
CONOCO	1,847.54
DEFFENBAUGH INDUSTRIES	20.00
275-FAIRPOINT COMMUNICATIONS	532.63
HOUSEWORTH ENTERPRISES	150.00
INTERSTATE BATTERIES	53.99
J & K AUTO REPAIR	107.50
PETE LOPATA	263.99
MISSOURI GAS ENERGY	98.74
MJJA	75.00
NATIONAL PUBLIC SAFETY	152.10
NEXTEL COMMUNICATIONS	383.65
O'REILLY AUTOMOTIVE INC	65.92
OMB POLICE SUPPLY	125.10
PENCE PLUMBING & HEATING	146.00
SHELL	829.98
<b>* Police Station Expenses</b>	
GLEN ROGERS CONSTRUCTION, LLC	27,634.49
<b>* Sewer Cap. Imp. Expenses</b>	
THE LARKIN GROUP	8,519.06
<b>* Sewer Plant Expenses</b>	
DEFFENBAUGH INDUSTRIES	20.00
FIELD GYMMY, INC.	136.92
FTC EQUIPMENT, LLC	2,620.89
HOUSEWORTH ENTERPRISES	172.50
J-R ELECTRICAL SUPPLY	28.00
KRAMER HARDWARE	36.75
MIDWEST LABORATORIES INC	91.04
YATES ELECTRIC CO.	179.00
<b>* Street Department Expense</b>	
AKIN, GORDON & COWGER	2,655.50
VIRGIL BARCHERS	364.80
BIG V SUPERMARKET	120.37
CINTAS CORPORATION #177	44.70
CONOCO	749.23
DEFFENBAUGH INDUSTRIES	30.00
E & M PRE-CAST	468.00
FRIES LAWN & LEISURE INC	19.99
HOUSEWORTH ENTERPRISES	173.50
IRONMIKE'S WELDING	25.00
LONG VET CLINIC	95.00
METRO SPORTSWEAR LLC	45,830.96
MFA OIL COMPANY	1,405.28
NEXTEL COMMUNICATIONS	108.39
PLATTE CLAY ELECTRIC	6,628.29
TOOLS PLUS INDUSTRIES	60.64
<b>* TIF Debt Service</b>	

KCB BANK	20,472.50
KEARNEY TRUST COMPANY	21,472.50
NORTH AMERICAN SAVINGS BANK	1,780.00
<b>* W &amp; S Admin. Expenses</b>	
CENTURYLINK	176.63
CINTAS CORPORATION #177	54.76
CITY OF KEARNEY	38,000.00
CONOCO	632.53
275-FAIRPOINT COMMUNICATIONS	123.15
METRO SPORTSWEAR LLC	307.90
MFA OIL COMPANY	801.41
MISSOURI SALES TAX	2,168.99
NEXTEL COMMUNICATIONS	48.40
O'REILLY AUTOMOTIVE INC	71.62
<b>* W &amp; S Oblig. Expenses</b>	
UMB BANK	3,717.89
<b>* W&amp;S Revenue Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	160.00
PAYCOR PAYROLL SERVICES	4,723.97
<b>* WEST I-35 OUTER ROAD</b>	
COOK, FLATT & STROBEL	955.00
<b>* Water Plant Expenses</b>	
CINTAS CORPORATION #177	11.00
DEFFENBAUGH INDUSTRIES	20.00
EVERETT QUARRIES	1,143.02
HACH CHEMICAL	2,076.38
HD SUPPLY WATERWORKS	530.35
HOUSEWORTH ENTERPRISES	330.50
KRAMER HARDWARE	20.77
MISSISSIPPI LIME CO	4,725.00
MISSOURI GAS ENERGY	95.36
MISSOURI ONE CALL SYSTEM, INC.	217.10
TOOLS PLUS INDUSTRIES	60.63
THE UPS STORE	64.95
CARD SERVICES (VISA)	57.95
YATES ELECTRIC CO.	407.00
<b>* West Creek L/P Debt Serv</b>	
KCB BANK	36,215.63
KEARNEY TRUST COMPANY	36,215.63
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<b>TOTAL</b>	<b>522,448.65</b>

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