

January 18, 2011

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, January 18, 2011 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, Eric Marshall, Tom Carey and Chris King.

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 January 3rd meeting
- Bills presented for payment
- Police Generator Fence, \$1,995 Van's Fencing
- Cook Collision Repair Invoice, \$2,437.76

Alderman Gustin said there is sales tax on the Cook Collision bill and if we are going to pay that it should be removed. Staff said they would take care of that.

Alderman Gustin asked about the bill to The Larkin Group for Jamestowne drainage. Staff said Larkin met with property owners backing up to the creek about erosion problems. They will be coming back to the Board of Aldermen to discuss this at a later meeting. We have received new flood plain maps which will help with this.

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

MAYOR'S REMARKS

SUPPORT OF SCHOOL LEVY A Resolution supporting the levy election for the **RESOLUTION NO. 01-2011** Kearney R-1 School District was presented and read by Title only.

Mayor Dane read a letter to the editor, which he is going to have printed in the Kearney Courier, in support of the Kearney R-1 School District levy election. He said this will have a very negative impact on the school district as well as the City of Kearney if this fails. He ask for comments from the Board of Aldermen.

Alderwoman Hayes said the Mayor's letter was very well written and she had thought about doing the same thing. She said the public needs to educate themselves on the status of our School District rather than just vote no.

Alderman Couchman said he felt the Mayor's letter was very well written and he agreed with it.

Alderman Gustin said he agreed with the Mayor's letter.

Alderman Patterson said the public needs to educate themselves on the need for the levy. He said he has attended many meetings with the school district and he is amazed that our students score as high as they do when we are so far behind in technology. He said this district spends much less than surrounding districts per student. He said this will have a large impact on the entire community if this levy fails.

A motion was made by Alderwoman Hayes and seconded by Alderman Couchman to approve the Resolution supporting the levy election for the Kearney R-1 School District. The motion carried unanimously.

Mayor Dane said the School District needs to have the funds to educate our students. He said the long term affect of this levy will be our School District deteriorating, property values going down and people will no longer move to Kearney.

ADMINISTRATOR'S REPORT

ROCKY THE DRUG AND SEARCH DOG Staff introduced Police Chief Tom Carey and Chris King, canine patrol officer, along with Rocky, our drug and search dog.

Officer Chris King said he has been through five and one half weeks of training with Rocky. He said he is still a puppy and gets overly excited but has a very good nose for both drugs and as a search dog. He said they still will go through obedience classes with him.

Officer Chris King said he had planted some drugs in City Hall and would bring Rocky in to do a search. He was very successful in finding the drugs immediately.

Alderman Gustin said Rod Will raised money for a bullet proof vest for our previous drug dog and he wondered if it would be used for Rocky. Officer King said it is a little big for him right now but it will work. He said they only use that in dangerous raids, etc.

Alderman Couchman asked if we need to have a separate insurance policy to cover damages done by the dog when searching. Officer King said Overland Park Police Department has a policy that they aren't responsible for any damages when drugs are found. He said the only real danger of damage is when drugs are hidden in the console of a car.

Alderman Patterson asked what the smallest amount of drugs he had found was. Officer King said he has found .031 grams of meth.

Alderman Gustin said with the money we have invested in the dog and training maybe we should see about an insurance policy to cover the dog for injuries, etc.

PUBLIC REQUESTS & PETITIONS

TIMBERLAND CONSTRUCTION-PAVILION CONTRACT MODIFICATION

RESOLUTION NO. 02-2011 A Resolution amending Resolution 30-2010 by modifying the payment provisions to permit a third pay estimate of \$49,535.88 to Timberland Construction for construction of pavilions at Jesse James Park, was presented and read by Title only.

Staff said they see no reason to withhold approval of the request for a third payment. The building is ready for metal siding, which is on the job site. Performance bonding and insurance also protects the City.

Loren Smith, Timberland Construction, said it will take them about six weeks to finish the project. He said there were two underground power lines out there that had held them up on construction.

Alderwoman Hayes asked if the City had any concerns with the construction. Staff said no. Eric Marshall said it looks really good and they have added extra wood in the trusses.

Larry Pratt said this is something, that when it is finished, will be a wow factor as people come into the park.

A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to approve the Resolution amending Resolution 30-2010 by modifying the payment provisions to permit a third pay estimate of \$49,535.88 to Timberland Construction for construction of pavilions at Jesse James Park. The motion carried unanimously.

OLD BUSINESS

CHANGE NAISC CODE IN ENTERPRISE ZONE Bill No. 02-2011, an ordinance **ORDINANCE 112-2011** expanding the preferred business clusters in the Kearney Enhanced Enterprise Zone, was presented and read by Title only.

Staff said we received incorrect information on the NAISC Code for Kearney Winnelson to qualify for the Enterprise Zone, so this will correct the Code to cover them.

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 Alderwoman Hayes and seconded by Alderman Paterson to place Bill No. 02-2011 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, Patterson, Gustin and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1152-2011**.

NEW BUSINESS

AMENDING SELECTION OF PROFESSIONAL CONSULTING SERVICE TO BE COMMENSURATE WITH NEW STATE STATUTES Bill No. 03-2011, an **ORDINANCE NO. 1153-2011** ordinance amending selection of professional consulting service to be commensurate with new State statutes, was presented and read by Title only.

Staff said they recently became aware of a 2007 law change that affects the City's procedures for selection of professional engineers, architects and surveyors. This will repeal the old ordinance and have us current with State statutes.

A motion was made by Alderman Patterson 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. 03-2011 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, Patterson, Gustin and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1153-2011**.

ALDERMEN DISCUSSION

ALDERMAN COUCHMAN Alderman Couchman asked what the status was on the road at Pilot Travel Center. Staff said there is a meeting scheduled on February 2nd. MoDOT has said they will not reimburse the City immediately. It will be 2116 before they have funds to reimburse the City.

Staff said once we get a confirmation from MoDOT that they will reimburse us in 2116 we will proceed by using funds from the 33 Highway Construction Fund.

ALDERMAN GUSTIN Alderman Gustin said there are two street lights out at I-35 and 92 Highway.

ALDERWOMAN HAYES Alderwoman Hayes said she has gotten the paper work done for the 501C3 for the youth center done. She said she now must do the IRS filing for Not For Profit status.

Staff said the Police Department left some old furniture, etc. in the building. We need to decide how the City needs to handle that. We may need to declare it surplus property and advertise it.

Alderwoman Hayes said they should be ready for an architect to look at the building February 1st and decide what can be done for remodel.

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 January 18, 2011 meeting:

ORG/VENDOR NAME	WARRANT: 011811	AMOUNT
* 1996 SRF REV BD Expense		
UMB BANK		5,416.67
* 2001 SRF Rev Bd Expense		
UMB BANK		14,098.53
* City Hall Expenses		
AMEREN UE		315.10
BIG V SUPERMARKET		19.74
CINTAS CORPORATION LOC. 177		94.91
CLAYCO DEVELOPMENT CORP		105.00
BILLY R DANE		350.00
DEFFENBAUGH DISPOSAL		25.89
275-FAIRPOINT COMMUNICATIONS		429.27
R. BRIAN HALL, PC		3,675.00
KEARNEY CHAMBER OF		100.00
KEARNEY FIRE DISTRICT		30.00
MIDWEST DATA CENTER		37.00
MISSOURI GAS ENERGY		708.76
NEXTEL COMMUNICATIONS		119.49
NPG NEWSPAPERS INC		68.60
PAYCOR PAYROLL SERVICES		152.04
STAPLES ADVANTAGE		82.63
TEK-COLLECT		21.66
UNISOURCE, INC		137.08
THE UPS STORE		5.99
CARD SERVICES (VISA)		575.40
WESTERN AWNING CO.		350.00
* Community Development Dir		
CINTAS CORPORATION LOC. 177		18.78
CITY OF KEARNEY-PETY CSH		25.00
CONOCO		63.52
FLEET SERVICES		87.54
NELSON LAND SURVEYING INC		1,080.00
NEXTEL COMMUNICATIONS		185.54
O'REILLY AUTOMOTIVE INC		1.99
DAVID PAVLICH		288.00
UNISOURCE, INC		137.08
* Court & Legal Expenses		
LARRY E BUTCHER		475.00
CLAY COUNTY DETENTION		31.00
R. BRIAN HALL, PC		1,245.00
* Economic Development		
KEARNEY AREA DEV COUNCIL		11,250.00
* General Admin. Revenues		
ROBERT L BREWER		1.74
GENERAL ELECTRIC CAPITAL CORP		11.36
EDDIE R HANEY		78.03
LOWES HOME IMPROVEMENT #1565		360.30

DONNA JEAN MOORE	8.29
PEPSI COLA GENERAL BOTTLERS, INC	139.70
PITNEY BOWES, INC	.75
JOHN C SNIDER II	13.91
SUMMIT PUBLICATION INC	311.20
TXK NAILS SPA	.35
* General Fund Balance Acct	
ING FINANCIAL ADVISERS, LLC	1,216.33
MO DEPT OF PUBLIC SAFETY	45.00
MO DEPT OF REVENUE-CVC	370.50
PAYCOR PAYROLL SERVICES	14,511.42
SYNERGY SERVICES INC	90.00
* Old Church TIF Debt Expen	
DEW PROPERTIES, LLC	15,760.26
* Park Fund Balance Acct	
PAYCOR PAYROLL SERVICES	992.67
* Park Fund Expenses	
AMEREN UE	9.33
AMERICAN HEARTLAND	84.00
ARROW STAGE LINES	545.00
BIG V SUPERMARKET	296.14
CINTAS CORPORATION LOC. 177	132.50
CLAYCO DEVELOPMENT CORP	525.00
CONOCO	60.27
NANCY DANIELS	15.00
DEFFENBAUGH DISPOSAL	109.90
FLEET SERVICES	136.46
KEARNEY FEED & SUPPLY	242.50
NEW THEATRE RESTAURANT	25.00
NEXTEL COMMUNICATIONS	30.66
PUBLIC WATER SUPPLY	76.03
QUICK STOP	490.00
THE UPS STORE	24.99
CARD SERVICES (VISA)	319.99
* Park Special Projects	
TIMBERLAND CONSTRUCTION, L.L.C.	49,535.88
* Police Dept. Expenses	
AMEREN UE	129.64
AMERICAN PRIDE EXPRESS LUBE	3.90
THE ARMORY	46.95
BIG V SUPERMARKET	46.34
THOMAS R. CAREY	21.49
CITY OF KEARNEY-PETY CSH	150.00
CONOCO	287.14
DEFFENBAUGH DISPOSAL	115.10
DIGITAL ALLY	127.50
275-FAIRPOINT COMMUNICATIONS	569.04
FLEET SERVICES	2,068.22
HUNTS CAR CARE CENTER	419.93
KEARNEY LAWN &	6.00
KEARNEY HEATING & AC	125.00
MCGUIRE LOCK AND SAFE	694.50
MOCIC	150.00
MISSOURI GAS ENERGY	478.38
NEXTEL COMMUNICATIONS	229.82
NITV	250.00
O'REILLY AUTOMOTIVE INC	27.98

STAPLES ADVANTAGE	42.21
UNISOURCE, INC	88.00
CARD SERVICES (VISA)	92.66
* Police Station Expenses	
CENTRAL POWER SYSTEMS & SERVICE	4,397.50
DECKER CONSTRUCTION	29,152.00
CARD SERVICES (VISA)	491.87
* Sewer Plant Expenses	
ACE PIPE CLEANING, INC.	5,506.50
DEFFENBAUGH DISPOSAL	25.89
MIDWEST LABORATORIES INC	497.65
THE UPS STORE	24.57
WATER POLLUTION BIOLOGY	1,102.50
* Street Department Expense	
AGC ENGINEERS, INC.	4,855.50
AMEREN UE	817.87
AMERICAN PRIDE EXPRESS LUBE	36.75
VIRGIL BARCHERS	144.00
CINTAS CORPORATION LOC. 177	75.63
CITY OF KEARNEY-PETY CSH	25.00
CONOCO	160.19
DEFFENBAUGH DISPOSAL	535.89
FLEET SERVICES	716.60
FRIES LAWN & LEISURE INC	77.25
INTERSTATE AUTO SEVICE	75.00
THE LARKIN GROUP	711.25
DAN LEWELLEN CONSTRUCTIO	11,325.80
LONG VET CLINIC	30.00
MIDDLETON EXCAVATING	3,000.00
NEXTEL COMMUNICATIONS	107.06
PLATTE CLAY ELECTRIC	6,922.24
PORTER'S SERVICE	3,088.19
* W & S Admin. Expenses	
CENTURYLINK	179.87
CINTAS CORPORATION LOC. 177	81.54
CITY OF KEARNEY	76,000.00
CITY OF KEARNEY-PETY CSH	25.00
CONOCO	262.95
MSC-410526	9.00
275-FAIRPOINT COMMUNICATIONS	105.99
FIELD GYMMY, INC.	10.51
FLEET SERVICES	646.44
MISSOURI SALES TAX	1,846.90
MO WATER & WASTEWATER	150.00
NEXTEL COMMUNICATIONS	229.82
O'REILLY AUTOMOTIVE INC	53.46
STAPLES ADVANTAGE	35.74
USA BLUE BOOK	138.55
* W & S Oblig. Expenses	
UMB BANK	3,750.00
* W & S Oblig. Revenue	
ROBERT L BREWER	.15
GENERAL ELECTRIC CAPITAL CORP	.99
EDDIE R HANEY	6.78
DONNA JEAN MOORE	.72
PITNEY BOWES, INC	.06
JOHN C SNIDER II	1.21

SUMMIT PUBLICATION INC	27.06
TXK NAILS SPA	.03
* W&S Revenue Balance Acct	
ING FINANCIAL ADVISERS,LLC	160.00
PAYCOR PAYROLL SERVICES	4,310.38
* Water Plant Expenses	
ADT SECURITY SERVICES	31.95
AMEREN UE	3,109.97
BRENNTAG MID-SOUTH, INC	1,008.65
CINTAS CORPORATION LOC. 177	11.40
DECKER CONSTRUCTION	40,149.00
DEFFENBAUGH DISPOSAL	25.89
EVERETT QUARRIES	617.53
FRIES LAWN & LEISURE INC	1,252.00
FTC EQUIPMENT, LLC	804.44
HACH CHEMICAL	725.75
MISSOURI GAS ENERGY	883.19
MISSOURI ONE CALL SYSTEM, INC.	72.80
NEXTEL COMMUNICATIONS	235.98
O'REILLY AUTOMOTIVE INC	16.06
PUBLIC WATER SUPPLY DIST#6	600.00
THE UPS STORE	166.35
CARD SERVICES (VISA)	649.54
WATER PRODUCTS, INC.	249.00
YATES ELECTRIC CO.	1,568.75

TOTAL	348,661.57

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