

February 21, 2011

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, February 21, 2011 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman and Tom Patterson. Jenny Hayes arrived late. Alan Gustin was absent. Staff members present were Jim Eldridge, Shirley Zimmerman, Eric Marshall and Ryan Marcotte.

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 February 7<sup>th</sup> meeting
- Bills presented for payment
- Stage materials for expansion of Lion's Park Stage for Theater In The Park, \$2,381.11
- Fence bids for amphitheater fencing, Barham Fence, \$13,478.34, Lowest Responsible Bidder
- Fence bids for standpipe fence repair, Barham Fence, \$2,887

Alderman Patterson asked who would be building the stage expansion at Lion's Park. Staff said it would be volunteer labor from Kearney Holt Community Theater.

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

**AMEND AGENDA** Due to the lack of a quorum at this point, the agenda was amended and the meeting moved to Public Hearings.

### **PUBLIC HEARINGS**

#### **AMENDMENT CONCERNING SETBACKS IN M-INDUSTRIAL DISTRICT**

Due to a lack of quorum at this time, the public hearing for an amendment concerning setbacks in M-Industrial District for asphalt and concrete plants would be held.

Staff said this would allow certain activities associated with asphalt and concrete plants to have a setback of 20 feet in certain circumstances rather than 100 feet, as currently required. This ordinance distinguishes non-processing buildings and equipment from processing buildings, and finished product from raw product.

The floor was opened to the public.

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

**LPG VENTURES, CONDITIONAL USE PERMIT AT 971 NORTH 33 HIGHWAY**

Due to a lack of quorum at this time, the public hearing for the application from John Baanders, LPG Ventures for a Conditional Use Permit (CUP) to operate a concrete plant at 971 North 33 Highway would be held.

Staff said Mr. Baanders manufactures cradles for above ground propane tanks. He does not intend to operate a ready mix delivery business as was done by Remington Steel. The proposed Conditional Use Permit was modeled closely after the Remington Steel application.

The floor was opened to the public.

John Baanders, owner of LPG Ventures, said he would have limited traffic compared to Remington Steel. He said this is Phase 1 of the 12 acre plat. He said he would be coming back in the future to build an additional building and expand his business.

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

**ADMINISTRATOR'S REPORT**

**DIVISION OF LABOR STANDARDS** Staff presented a letter from the Missouri Division of Labor Standards to City Attorney Brian Hall agreeing to delay enforcement of the prevailing wage with Calvert Paving until a Supreme Court case decision is handed down.

**KANSAS CITY WATER RATE INCREASE** Staff presented a letter from the Kansas City Water Department announcing a ten percent water rate increase. We had anticipated this increase.

Alderman Hayes arrived at the meeting and we now have a quorum.

**FY2012 BUDGET REQUEST** Mayor Dane said Staff will present the FY2012 Budget tonight. He said if you have questions you may contact Staff over the next two weeks and then we will approve it at the next meeting.

Staff presented the budget. It includes 1.3 million for paying for the new road at Pilot. We will spend one half million for the UV system for the sewer plant. With the notification from Kansas City we will increase water rates by five percent and sewer by two percent. We will end the current budget year with approximately a six percent increase in sales tax revenue so we will budget for the same increase next year.

**PUBLIC REQUESTS & PETITIONS**

**DAN COLT, JESSE JAMES FESTIVAL COMMITTEE** Dan Colt, President of the Jesse James Festival Committee, said at no cost to the City, he would like approval to

**DAN COLT, JESSE JAMES FESTIVAL COMMITTEE-CONT** install six electrical pedestals along the North side of the lake to relocate the food vendor court closer to the crafts.

Mr. Colt said they plan to limit the pond area parking to vendors and the handicap. He said by moving the food court it would allow two entrances to the Bar B Que area. He said they will fill the parking area by the Street Department building and behind the mud run area first. He said they will also move the Festival Committee tent to open that area to traffic. He said they are in hopes that with these changes traffic will flow better.

Alderman Couchman said the Park Board recommended approval of the pedestals, since the Festival Committee is paying for them. He said they felt we should try this for next year and if it doesn't work than changes can be made.

Eric Marshall said he was fine with this.

Alderman Patterson asked if there was ample service in the area to handle the new pedestals. Staff said they will use the transformer that is there for the Christmas trees and it is large enough.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to approve the Jesse James Festival Committee installing and paying for six electrical pedestals along the North side of the lake to relocate the food vendor court. The motion carried unanimously.

Mayor Dane said he wanted to thank Dan Colt for all he has done in a very professional manner as the President of the Jesse James Festival Committee.

**ROD WILL, KEARNEY HOLT COMMUNITY THEATER, BUDGET** Rod Will, Kearney Holt Community Theater, presented their budget request for \$4,000 for 2012 Theater In The Park. He said he was pleased that the City would be allowing the expansion of the stage.

Mr. Will said they would be doing "Back to the 80's" this year. He said they had wanted to do "Happy Days" but the cost of rights was too high. He said they would like to do the production the later part of July.

Mayor Dane said we hope the expansion of the stage will encourage more use of the stage. He said last year Kearney Holt Community Theater used a very professional approach to their production and it helped the attendance.

A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to approve the request from Kearney Holt Community Theater for \$4,000 for 2012 Theater In The Park. The motion carried unanimously.

### **PUBLIC HEARINGS**

**AMENDMENT CONCERNING SETBACKS IN M-INDUSTRIAL DISTRICT  
ORDINANCE NO. 1156-2011** Bill No. 06-2011, an ordinance amending Section 405.705.E.6 of the Kearney Zoning Ordinance concerning setbacks in the M-Industrial District for asphalt and concrete plants, was presented and read by Title only.

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 three to zero.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to place Bill No. 06-2011 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 and Couchman. The motion carried by a three to zero vote. The Bill was then duly numbered **Ordinance No. 1156-2011.**

**LPG VENTURES CONDITIONAL USE PERMIT 971 NORTH 33 HIGHWAY  
ORDINANCE NO. 1157-2011** Bill No. 07-2011, an ordinance granting a Conditional Use Permit for LPG Ventures for a concrete ready mix plant located at 971 North Jefferson, was presented and read by Title only.

Alderman Patterson said in the minutes of Planning and Zoning Commission there was discussion about having applicants put money in escrow for sidewalks when they don't connect to anything. He said he thought that was a good idea. He said they wouldn't necessarily have to pay for it all at once.

John Baanders, owner of LPG Ventures, said he didn't have issue with sidewalks but at this time he wanted to know who would determine the elevations, etc. and curb site. He said he didn't mind putting money in escrow but there should be a time limit on it and then money would be returned if sidewalks weren't built.

Staff said they will be bringing in a new site plan in the future for expansion and a review of the sidewalks could be done at that time.

Alderwoman Hayes asked what the stipulations were for the Catholic Church. Staff said the sidewalks were deferred at that site until there was something for them to connect to.

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 three to zero.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to place Bill No. 07-2011 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 and Couchman. The motion carried by a three to zero vote. The Bill was then duly numbered **Ordinance No. 1157-2011.**

## NEW BUSINESS

**NAMING BENNETT BOULEVARD** A Resolution, naming Bennett Boulevard, was **RESOLUTION NO 04-2011** presented and read in its entirety.

Staff said our engineers want us to assign a new name to the future street being designed to alleviate traffic congestion at Shanks Avenue and the Pilot Travel Center.

Mayor Dane said John Bennett, developer of North Country Avenue and Crossroads Chevrolet, was instrumental in the development of the Innovation Business Park, while serving on the Board of Directors of the Kearney Area Development Council.

Mr. Bennett also served on the Board of Aldermen. He was very diligent on getting 92 Highway widened while serving.

Mayor Dane said he felt it was very appropriate to name the street Bennett Boulevard. He said North Country Avenue would also be changed to Bennett Boulevard.

A motion was made by Alderman Patterson and seconded by Alderman Couchman to approve the Resolution naming the new street at Pilot Travel Center, Bennett Boulevard. The motion carried unanimously.

**DISCOUNTING BUILDING PERMIT FEES** Bill No. 08-2011, an ordinance **ORDINANCE NO. 1158-2011** to encourage economic development and initiate construction of new single-family housing development by discounting permit fees, was presented and read by Title only.

Mayor Dane said it is important to remember that the number of permits last year increased due to reduced permit fees. He said it kept people employed and local businesses doing better. He said it brings future revenue into the City with the sale of these homes. He said we can make adjustments as the economy merits.

Staff said the schedule would be as follows:

\$1,500 permits until April 30, 2011

\$2,000 permits May 1 thru June 30, 2011

\$50% off permits July 1 thru September 30, 2011

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 three to zero.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to place Bill No. 08-2011 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 and Couchman. The motion carried by a three to zero vote. The Bill was then duly numbered **Ordinance No. 1158-2011.**

**EXECUTIVE SESSION** A motion was made by Alderman Patterson and seconded by Alderman Couchman to postpone the executive session to discuss personnel and legal matters until all Aldermen were in attendance. The motion carried unanimously.

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

The following bills were presented for payment at the February 21, 2011 meeting:

ORG/VENDOR NAME	WARRANT: 022111	AMOUNT
<b>* 1996 SRF REV BD Expense</b>		
UMB BANK		5,416.67
<b>* 2001 SRF Rev Bd Expense</b>		
UMB BANK		14,098.53
<b>* City Hall Expenses</b>		
BIG V SUPERMARKET		18.84
CINTAS CORPORATION LOC. 177		190.82
DEFFENBAUGH DISPOSAL		30.00
GRAINGER		94.88
R. BRIAN HALL, PC		3,075.00
KEARNEY EXPLORERS POST #2136		165.00
MISSOURI GAS ENERGY		738.82
NEXTEL COMMUNICATIONS		119.90
PAYCOR PAYROLL SERVICES		152.18
TEK-COLLECT		10.03
UNISOURCE, INC		138.16
CARD SERVICES (VISA)		665.62
<b>* Community Development Dir</b>		
CINTAS CORPORATION LOC. 177		20.16
FLEET SERVICES		150.74
MISSOURI SECURED TITLE		106.51
NEXTEL COMMUNICATIONS		186.17
NPG NEWSPAPERS INC		116.00
O'REILLY AUTOMOTIVE INC		3.79
UNISOURCE, INC		136.00
CARD SERVICES (VISA)		50.00
<b>* Court &amp; Legal Expenses</b>		
CLAY COUNTY DETENTION		124.00
R. BRIAN HALL, PC		1,410.00
RAY COUNTY SHERIFF/TREASURER		1,265.00
<b>* General Admin. Revenues</b>		
GARY D EWER		11.90
CHRIS J SCARCELLO		14.38
<b>* General Fund Balance Acct</b>		
ING FINANCIAL ADVISERS,LLC		1,216.33
MO DEPT OF PUBLIC SAFETY		70.00
MO DEPT OF REVENUE-CVC		498.75
PAYCOR PAYROLL SERVICES		14,732.42
SYNERGY SERVICES INC		140.00
<b>* Park Fund Balance Acct</b>		
PAYCOR PAYROLL SERVICES		992.67
<b>* Park Fund Expenses</b>		
DEFFENBAUGH DISPOSAL		84.00

FASTENAL INDUSTRIAL&CONSTR SUPPLIES	46.11
FLEET SERVICES	69.61
NEXTEL COMMUNICATIONS	30.82
NPG NEWSPAPERS INC	360.00
QUICK STOP	490.00
CARD SERVICES (VISA)	877.47
<b>* Police Dept. Expenses</b>	
ALAMAR UNIFORMS OF KANSAS CITY	510.34
ALLMED	249.62
THE ARMORY	88.90
BOARD OF POLICE	150.00
THOMAS R. CAREY	115.61
CINTAS CORPORATION LOC. 177	200.90
DEFFENBAUGH DISPOSAL	57.79
DIGITAL ALLY	172.50
FLEET SERVICES	2,054.47
J & K AUTO REPAIR	277.11
MISSOURI GAS ENERGY	537.57
NEXTEL COMMUNICATIONS	227.87
O'REILLY AUTOMOTIVE INC	32.90
PLATTE CLAY ELECTRIC	1,064.73
SAFELITE GLASS CORP	215.90
SHELL	1,060.21
THE UPS STORE	29.59
CARD SERVICES (VISA)	734.79
<b>* Sewer Plant Expenses</b>	
ACE PIPE CLEANING, INC.	1,330.00
CINTAS CORPORATION LOC. 177	29.05
COLE PRINTING	75.00
DEFFENBAUGH DISPOSAL	20.00
FTC EQUIPMENT, LLC	465.00
MIDWEST LABORATORIES INC	91.04
PENCE PLUMBING & HEATING	529.00
<b>* Street Department Expense</b>	
AMERICAN PRIDE EXPRESS LUBE	132.65
CINTAS CORPORATION LOC. 177	77.03
CRETCHER HEARTLAND INCORPORATED	26.00
DEFFENBAUGH DISPOSAL	1,530.00
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	160.89
FERRELLGAS, INC.	699.58
FLEET SERVICES	2,479.30
GARY CROSSLEY FORD INC	4,394.19
HAMPTON PLUMBING, INC.	337.50
HOLLIDAY SAND AND	2,330.13
KEARNEY LAWN &	48.60
DAN LEWELLEN CONSTRUCTIO	2,437.00
MID-AMERICA REG. COUNCIL	4,299.50
MIDWAY FORD TRUCK CENTER, INC	513.97
NEWMAN TRAFFIC SIGNS	57.95
NEXTEL COMMUNICATIONS	107.49
O'REILLY AUTOMOTIVE INC	142.93
PAVING MAINTENANCE	573.00
PLATTE CLAY ELECTRIC	6,779.55
SHELL	780.16
<b>* W &amp; S Admin. Expenses</b>	
AMERICAN PRIDE EXPRESS LUBE	33.85

CENTURYLINK	167.09
CINTAS CORPORATION LOC. 177	90.89
FLEET SERVICES	611.67
NEXTEL COMMUNICATIONS	227.87
O'REILLY AUTOMOTIVE INC	45.56
THE UPS STORE	197.69
<b>* W &amp; S Oblig. Expenses</b>	
UMB BANK	3,750.00
<b>* W &amp; S Oblig. Revenue</b>	
GARY D EWER	1.03
CHRIS J SCARCELLO	1.25
<b>* W&amp;S Revenue Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	210.00
PAYCOR PAYROLL SERVICES	4,253.58
<b>* Water Plant Expenses</b>	
BRENNTAG MID-SOUTH, INC	1,160.34
CINTAS CORPORATION LOC. 177	22.80
DECKER CONSTRUCTION	1,877.73
DEFFENBAUGH DISPOSAL	30.00
HACH CHEMICAL	293.37
KCMO WATER SERVICES	14,810.86
MEYER LABORATORY, INC.	84.00
MISSOURI GAS ENERGY	828.17
CARD SERVICES (VISA)	62.32
WATER PRODUCTS, INC.	347.70
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<b>TOTAL</b>	<b>115,452.36</b>

APPROVED: \_\_\_\_\_  
 Billy R. Dane, Mayor

ATTEST: \_\_\_\_\_  
 Joan H. Updike, City Clerk