

June 6, 2011

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, June 6, 2011 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Tom Patterson, Dan Holt, and Jenny Hayes. Staff members present were Jim Eldridge, Shirley Zimmerman and David Pavlich.

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 May 16<sup>th</sup> meeting
- Bills presented for payment

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

### **MAYOR'S REMARKS**

**CROSSLEY FORD PROPANE CONVERSION** Mayor Dane said Crossley Ford met with the City about converting City vehicles to propane. Mayor Dane said we are checking on the price of propane. We may convert one newer car and try it for a year to see how it works. They say it takes two to three years for it to start paying back.

Mayor Dane said he drove a pickup that had been converted and he couldn't see any drop in performance.

**AMPHITHEATER** Mayor Dane said despite rainy weather and cold the Blues Fest exceeded the budget. He said we had approximately 500 people at the event. This coming week-end Colt Ford will be there.

**RYAN ZECH, STATE CHAMPION IN GOLF** A Resolution, congratulating **RESOLUTION NO 18-2011** Kearney High School golfer Ryan Zech for winning the State individual championship in the Missouri State Class 3 Golf Tournament, was presented and read in its entirety.

Mayor Dane introduced Chad Fleming, Kearney High School golf coach. Mr. Fleming said he has coached Ryan Zech in both basketball and golf for the last four years. He said he couldn't begin to mention all the awards and tournaments that Ryan has won.

He said it is hard to believe, but Ryan is even a better kid than athlete. He said he is always leading his team mates and is a 4.0 student in the classroom. He will attend MU on a full ride scholarship, which is almost unheard of these days.

**RYAN ZECH, STATE CHAMPION IN GOLF** A motion was made by Alderman **RESOLUTION NO 18-2011** Holt and seconded by Alderman Couchman to approve the Resolution congratulating Kearney High School golfer Ryan Zech for winning the State individual championship in the Missouri State Class 3 Golf Tournament. The motion carried unanimously.

Mayor Dane and Board President, Jeff Couchman presented Ryan Zech with a framed copy of the Resolution.

### **ADMINISTRATOR'S REPORT**

**CLARIFICATION ON EXPLORER VEHICLE PURCHASE** City Staff said they wanted to clarify that the City did utilize the State bid to secure comparable pricing from Crossley Ford, who is bidding exactly the State bid for the Ford Explorer.

**MCKINSTREY COMPANY ENERGY AUDIT FOR CITY FACILITIES** Staff reported that based on the Mid America Regional Council's Cooperative Purchasing Consortium, (Jackson County Contract for 3 cents per square foot for energy audit), McKinstry Company has been hired to perform an energy audit of the City Hall and water plant/sewer plant facilities. Total cost would be \$450 (based on 7,000 square foot City Hall, 3,000 square foot water plant and 5,000 square foot at Sewer Plant). MoDNR has an energy grant that we'd like to prepare application for the sewer plant.

Staff said we will also seek a subsidy from AmerenUE for fluorescent lighting conversion from the T-12 bulbs being phased out of production. This Company would also like to make recommendations on street lights.

Staff said we will also have them resubmit an application for HVAC system replacement at City Hall through the MoDNR loan program using the PKMR mechanical plans completed last year.

### **PUBLIC REQUESTS & PETITIONS**

**BILL SHULL FIREWORKS PERMITS** Staff presented a request from Bill Shull, 1805 Paddock Drive, for a fireworks display permit for July 4<sup>th</sup> for the Beverly Park neighborhood show and July 8<sup>th</sup> for National Marketing Picnic in Jesse James Park.

Bill Shull said he has been doing the neighborhood show for 7 or 8 years now. He said he has all the necessary licenses and insurance that is needed.

Alderman Couchman asked what time he would be doing the display. He said it will start around 9:30 P.M. and definitely wouldn't go past 10:30 P.M.

A motion was made by Alderwoman Hayes and seconded by Alderman Holt to approve the request of Bill Shull for a fireworks display permit for July 4<sup>th</sup> for the Beverly Park

**BILL SHULL FIREWORKS PERMITS-CONT** neighborhood show and July 8<sup>th</sup> for National Marketing Picnic in Jesse James Park. The motion carried unanimously.

**CHELSIE DILLON, 516 N GROVE, DOG IDENTIFIED BY POLICE AS PIT**

**BULL** Chelsie Dillon, 516 North Grove, said she got her family dog a year ago in May and she recently moved here from Excelsior Springs. She said a police officer identified the dog as a pit bull but it really was an American Bulldog mix.

Ms. Dillon said she would prefer the City to have a behavior based policy for dealing with dogs rather than a particular breed ban. She said the cities of Leavenworth, Kansas and Olathe, Kansas have good ordinances.

Ms. Dillon said the dog brought a sense of purpose and responsibility to her family's life. She said it taught her son how to care for another being and be responsible by feeding and watering her.

Mayor Dane said there was an incident and someone called the police. He asked Ms. Dillon to explain.

Ms. Dillon said her son accidentally let her dog loose in the yard and she was trying to catch it. She said another person was out walking with their dog. She said she was trying to catch her dog but another neighbor saw it and got scared and called the police. She said her dog didn't attack the person walking or her dog.

Mayor Dane said he was going to ask City Staff to check neighboring cities and see what they have done. He said he is asking the Aldermen to see what the feeling is in their precincts and report back at the first meeting in July.

Mayor Dane said he understands that Ms. Dillon has a power point presentation and she may be allowed to bring it at the meeting in July. He said we want people to be able to walk freely in the City without being afraid of being attacked by a dog.

**NEW BUSINESS**

**AGREEMENTS WITH STAR ACQUISITIONS AND POLSINELLI SHUGART RESOLUTION NO 19-2011**

A Resolution, authorizing the Mayor to sign an Indemnity and Defense Agreement with Star Acquisitions, LLC. and to sign an engagement letter with Polsinelli Shugart PC to represent the City in litigation with Pour Boy Oil Case No. 11Cy-CV04072, filed in Clay County Circuit Court, was presented and read by Title only.

Brian Hall, City Attorney, said on April 12<sup>th</sup> the City was served with papers in regard to the lawsuit. He said according to TIF the developer must pay all costs of attorney fees in the event there are problems. They have chosen the law firm of Polsinelli Shugart and that is fine with the City.

**AGREEMENTS WITH STAR ACQUISITIONS AND POLSINELLI SHUGART  
RESOLUTION NO 19-2011**

Mr. Hall said there was some talk of a counter claim but the City won't be involved in that. He said all pleadings, etc. will be approved by the City before they proceed. Mr. Hall said he will serve as a liaison between them and the City.

Mr. Hall said they had filed a Discovery and asked for several documents. He said due to time constraint on that filing and not having the attorney issue solved yet he had taken care of that issue. He said they will pay his fees.

Mayor Dane said we normally do this type of thing in Executive Session. He said we will approve these actions in public session. In the future, briefings will be done in Executive Session.

Alderwoman Hayes asked if the City will have to be covering expenses. Mayor Dane said there may be some exchange of money where the money is given to us and then disbursed out to the proper places.

A motion was made by Alderwoman Hayes and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign an Indemnity and Defense Agreement with Star Acquisitions, LLC. and to sign an engagement letter with Polsinelli Shugart PC to represent the City in litigation with Pour Boy Oil Case No. 11Cy-CV04072, filed in Clay County Circuit Court. The motion carried unanimously.

**2011 STREET REPAIR LIST** Staff presented the proposed Street Repairs List that is recommended by Staff and was also endorsed by the Kearney Special Road District at their most recent meeting.

Alderwoman Hayes asked if part of Jesse James Farm Road is in the County. Staff said that is correct but we have an agreement with Clay County to take care of all of that section.

Alderman Couchman asked if we were getting bids at prevailing wage to do these jobs. Staff said that is correct.

A motion was made by Alderman Patterson and seconded by Alderman Couchman to approve the Street Repairs List for 2011 as presented. The motion carried unanimously.

**ALDERMEN DISCUSSION**

**ALDERMAN HOLT** Alderman Holt said the pot hole at 92 Highway and I 35 is still a problem.

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

The following bills were presented for payment at the June 6, 2011 meeting:

ORG/VENDOR NAME	WARRANT: 060611	AMOUNT
<b>* Cap Improv Sales Tax Exp.</b>		
CHRIS' LAWN CARE AND		3,308.68
HOUSEWORTH ENTERPRISES		65.00
<b>* City Hall Expenses</b>		
CINTAS CORPORATION LOC. 177		167.52
BILLY R DANE		175.00
JIM ELDRIDGE		25.28
275-FAIRPOINT COMMUNICATIONS		556.15
HOUSEWORTH ENTERPRISES		1,340.00
KRAMER HARDWARE		52.56
MIDWEST DATA CENTER		32.00
MO DEPT OF REVENUE		35.00
NEWCUMBS WINDOW SERVICE		50.00
PAYCOR PAYROLL SERVICES		171.90
PITNEY BOWES INC		49.32
ROYAL PAPERS INC.		26.80
STABLES BAR & GRILL		514.48
STAPLES ADVANTAGE		93.16
TCOM INC		450.00
UNISOURCE, INC		82.00
<b>* Community Development Dir</b>		
CINTAS CORPORATION LOC. 177		19.85
UNISOURCE, INC		82.00
<b>* Court &amp; Legal Expenses</b>		
LARRY E BUTCHER		950.00
KANSAS CITY METRO		46.00
<b>* General Admin. Revenues</b>		
WARNER LAW FIRM		10.00
<b>* General Fund Balance Acct</b>		
AFLAC/REMITTANCE		221.46
BLUE CROSS BLUE SHIELD OF KC		13,272.89
DELTA DENTAL OF MISSOURI		1,089.25
ING FINANCIAL ADVISERS,LLC		1,316.33
MISSOURI LAGERS		10,945.61
PAYCOR PAYROLL SERVICES		13,754.84
VISION SERVICE PLAN (IC)		324.59
<b>* Meter Deposit Expenses</b>		
RATHEL BERRY		52.90
BRIAN EVANS		21.83
BART GADDIS		21.83
KEARNEY HAIR CARE PLUS		67.37
NTJ BUILDERS		17.32
MONICA SCAVUZZO		40.25
AARON SHAFER		69.84
<b>* Museum/Chamber Bldg</b>		
HOUSEWORTH ENTERPRISES		30.00
KEARNEY CHAMBER OF		50.00
<b>* Old Fire House</b>		
CHRIS' LAWN CARE AND		163.00
THOMAS PATTERSON		205.00
<b>* Park Fund Balance Acct</b>		

AFLAC/REMITTANCE	132.08
BLUE CROSS BLUE SHIELD OF KC	2,213.35
DELTA DENTAL OF MISSOURI	80.75
MISSOURI LAGERS	1,008.04
PAYCOR PAYROLL SERVICES	1,049.11
VISION SERVICE PLAN (IC)	35.56
<b>* Park Fund Expenses</b>	
ARKANSAS ELECTRIC COOPERATIVES, INC	83.58
ARROW STAGE LINES	545.00
CHRIS' LAWN CARE AND	399.00
FRIES LAWN & LEISURE INC	91.53
SAM GORE	160.00
HAMPTON PLUMBING, INC.	560.00
HOUSEWORTH ENTERPRISES	1,080.00
KEARNEY LAWN &	103.44
KRAMER HARDWARE	226.09
KWIK LUBE	30.95
NEW THEATRE RESTAURANT	1,031.00
ORSCHELNS CARD CENTER	271.27
PITNEY BOWES INC	49.32
PLATTE CLAY ELECTRIC	1,091.47
PORTER'S BUILDING CENTER	14.31
PORTERS OF MOSBY	696.93
PUBLIC WATER SUPPLY	289.82
QUICK STOP	542.86
DANIEL WITHEE	7,500.00
YATES ELECTRIC CO.	499.75
<b>* Park Special Projects</b>	
AJE TOURING, LLC	6,000.00
AME, INC.	580.00
BHTC, INC.	384.00
COLE PRINTING	225.00
DEAN FOLTZ	400.00
KEARNEY ROTARY CLUB	200.00
493-PRAXAIR DISTRIBUTION	101.92
TRAVIS RABICH	350.00
BRIAN REESE	900.00
SOUND CHECK ENTERPRISES, INC	1,750.00
<b>* Police Dept. Expenses</b>	
ALAMAR UNIFORMS OF KANSAS CITY	143.93
ALLMED	89.64
AMERICAN PRIDE EXPRESS LUBE	30.95
THE ARMORY	372.90
BASE ELECTRIC, LLC	662.50
BIG V SUPERMARKET	204.62
BOARD OF POLICE	48.15
CHILDREN'S MERCY HOSPITAL	88.00
CHRIS' LAWN CARE AND	739.52
CINTAS CORPORATION LOC. 177	176.65
DIGITAL ALLY	340.00
ED ROEHR SAFETY PRODUCTS	492.54
275-FAIRPOINT COMMUNICATIONS	419.55
GALLS, AN ARAMARK COMPANY	441.56
HOUSEWORTH ENTERPRISES	150.00
HUNTER EMERGENCY LIGHTS	248.30
CHRISTOPHER KING	68.67
KRAMER HARDWARE	108.31

MARLOW WHITE UNIFORMS INC	65.00
MO DEPT OF PUBLIC SAFETY	159.62
MO STATE HIGHWAY PATROL	105.00
NATIONAL PEN	229.88
O'REILLY AUTOMOTIVE INC	145.02
ORSCHELNS CARD CENTER	162.04
PLATTE CLAY ELECTRIC	673.63
RAPID CARPET CLEANING	80.00
SLIVINSKI'S BAKERY	24.00
STAPLES ADVANTAGE	11.42
UNISOURCE, INC	88.00
WABASH VALLEY MANUFACTURING, INC	716.00
<b>* Police Station Debt</b>	
KEARNEY TRUST COMPANY	7,524.01
<b>* Sewer Plant Expenses</b>	
ACE PIPE CLEANING, INC.	4,255.65
ADT SECURITY SERVICES	31.95
ALLIED WASTE SERVICES	136.72
CINTAS CORPORATION LOC. 177	29.05
FTC EQUIPMENT, LLC	1,548.67
HOUSEWORTH ENTERPRISES	172.50
KRAMER HARDWARE	129.49
MEYER LABORATORY, INC.	84.00
ORSCHELNS CARD CENTER	9.69
PLATTE CLAY ELECTRIC	8,099.40
WATER PRODUCTS, INC.	150.00
WESTERN FIRST AID & SAFETY	38.88
YATES ELECTRIC CO.	89.50
<b>* Solid Waste</b>	
DEFFENBAUGH INDUSTRIES	26,221.50
<b>* Street Department Expense</b>	
CHRIS' LAWN CARE AND	200.00
CINTAS CORPORATION LOC. 177	67.14
E & M PRE-CAST	191.00
JIM D FEAGINS	1,930.00
GEIGER READY-MIX	284.50
HOUSEWORTH ENTERPRISES	173.50
KEARNEY FEED & SUPPLY	109.50
NEWMAN TRAFFIC SIGNS	207.67
PLATTE CLAY ELECTRIC	317.12
PORTER'S BUILDING CENTER	927.96
<b>* W &amp; S Admin. Expenses</b>	
CENTURYLINK COMMUNICATIONS, INC	4.00
CINTAS CORPORATION LOC. 177	73.72
CITY OF KEARNEY	38,622.08
275-FAIRPOINT COMMUNICATIONS	108.35
MISSOURI SALES TAX	1,715.48
MO DNR-DMS RECEIPT &	2,531.91
MONARCH INDUSTRIES, INC.	1,094.87
NEWEGG, INC	142.98
NPG NEWSPAPERS INC	173.50
ORSCHELNS CARD CENTER	117.93
PITNEY BOWES INC	49.32
SLIVINSKI'S BAKERY	32.00
U.S. POSTAL SERVICE	2,000.00
<b>* W&amp;S Revenue Balance Acct</b>	
BLUE CROSS BLUE SHIELD OF KC	3,093.57

DELTA DENTAL OF MISSOURI	258.17
ING FINANCIAL ADVISERS,LLC	210.00
MISSOURI LAGERS	3,308.70
PAYCOR PAYROLL SERVICES	4,078.21
VISION SERVICE PLAN (IC)	76.91
<b>* WEST I-35 OUTER ROAD</b>	
COOK, FLATT & STROBEL	23,120.00
<b>* Water Plant Expenses</b>	
ADT SECURITY SERVICES	63.90
BRENNTAG MID-SOUTH, INC	2,786.34
CINTAS CORPORATION LOC. 177	25.08
E & M PRE-CAST	51.00
FRIES LAWN & LEISURE INC	4.15
HACH CHEMICAL	444.78
HAMPTON PLUMBING, INC.	585.75
HOUSEWORTH ENTERPRISES	296.75
KRAMER HARDWARE	89.92
LAYNE WESTERN COMPANY	770.00
MO DEPT OF PUBLIC SAFETY	20.00
ORSCHELNS CARD CENTER	117.03
PLATTE CLAY ELECTRIC	1,307.84
SCHULTE SUPPLY, INC.	78.00
SIDENER ENVIRONMENTAL	314.98
WEST KEARNEY WINNELSON	100.10
WESTERN FIRST AID & SAFETY	38.89
YATES ELECTRIC CO.	420.29
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<b>TOTAL</b>	<b>229,184.44</b>

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