

August 15, 2011

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, August 15, 2011 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Tom Patterson, Jenny Hayes and Dan Holt. Staff members present were Jim Eldridge, Shirley Zimmerman, David Pavlich, 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 August 1<sup>st</sup> meeting
- Bills presented for payment
- Hand Held Meter Reading Device, \$3,600, HD Supply
- Paradise (Vance Bros) Proposal for City Hall parking lot seal coat, \$2,750

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to approve the Consent Agenda as presented. The motion carried unanimously.

### **MAYOR'S REMARKS**

**19<sup>TH</sup> STREET INTERCHANGE** Mayor Dane said he knew there were several people here in regard to the 19<sup>th</sup> Street interchange item on the agenda. He said this isn't a public hearing but if anyone wishes to speak they may do so under Public Requests and Petitions.

**PLACEMENT OF YELLOW RIBBONS** Mayor Dane said he wanted to thank the Rotary Club and all the participants who helped tie yellow ribbons along 92 Highway and 33 Highway for Navy Seal Matt Mason's visitation on Tuesday night. He said he also wanted to thank the Boy Scouts for putting up the flags.

**AMPHITHEATER UPDATE** Eric Marshall, Park Director said it has been a tough season for the Amphitheater this year due to the heat and the economy. He said the price of the bands has been higher so therefore we had to raise the price of our tickets. He said AME says their attendance has been down thirty to forty percent this season.

Mr. Marshall said Justin Moore's agent was very pleased with Kearney. He said we do a wonderful job of setting up and tearing down for the entertainers.

Ryan Marcotte said the Justin Moore concert was the largest concert to date. He said we estimated the crowd to be around 3,000 including the children under 10. He said we made a net profit of \$23,561 from that concert. We are still down about \$4,000 to date.

**AMPHITHEATER UPDATE-CONT** Alderman Holt said he has helped with the Amphitheater since it opened. He said he wanted to compliment Ryan and Eric on the exceptional job they do. He said they always have everything in place and have food and drink for the entertainers and workers.

Mayor Dane said Justin Moore offered to come back for a two day concert next year. He said he would bring in up and coming stars to perform.

Eric Marshall said this show was good for the community. The hotels were full.

### **ADMINISTRATOR'S REPORT**

**NEXT MEETING** Staff said the next meeting would be September 6<sup>th</sup> due to Labor Day Holiday or we could hold the meeting on August 29<sup>th</sup>. It was unanimous consent of the Board of Aldermen to hold the meeting on August 29<sup>th</sup>.

**WASTEWATER PLANT UV DISINFECTION CONSTRUCTION** Staff reported that the City met with David E. Ross Construction for construction of the wastewater plant UV disinfection construction. They have given the City a construction timeline of September 4, 2011 to June 1, 2012, which meets with our engineer's approval.

**FEMA FLOOD MAP IMPLEMENTATION DELAYED** Staff reported that we have received a letter from FEMA announcing its plan to delay the flood Insurance rate map updates for Clay County, until new alternative methods are evaluated to study levees.

Staff said we are expecting a letter from Larkin Associates concerning the flood map study. They will be recommending we request a closer evaluation of the Jamestowne water shed. They believe it will not be productive to appeal the areas adjacent to Clear Creek, as low run off rates were utilized in the study.

### **PUBLIC REQUESTS & PETITIONS**

**TOM CARGILE** Tom Cargile, 1705 Paddock Drive, said he wanted to speak about the 19<sup>th</sup> Street interchange. He said if this comes to be, it will have a very significant negative impact on the Southwest corner of Kearney. He said the only people to profit from this would be the developers of the TIF Project.

**KEN LUDWIG** Ken Ludwig, 1611 Paddock Drive, said he moved here twenty two years ago because it was a nice little town and he didn't want to be a Liberty. He said he doesn't want his residential street turned into an arterial street. He said he didn't think 19<sup>th</sup> Street had the capability of handling the physical load of the additional traffic.

**BOB PENCE** Bob Pence said he was the owner of a family business that has been in the City for sixty four years. He said he has had a water problem of water coming in under his door stoop after the new sidewalk was put in on West Washington. He said he tore it out and put in a new stoop but it hasn't rained enough for him to know if it fixed the

**BOB PENCE-CONT** problem. He said he notified the City of this issue four times and heard nothing from the City so he presented the City with a bill.

He said he had \$3,000 of copper stolen out of the back of his store. He said he has never had a call from the Police Department and couldn't get a police report on this. He said the City doesn't care about small town businesses. He said he contacted someone at least ten times about this.

He said he puts the old refrigerators and air conditioners behind his store. He then has someone that comes and hauls them off for him. He said people kept stealing the good parts from them. He said he had a camera and they caught someone stealing but the City prosecutor won't file charges against them because the items aren't behind a fence.

He said he asked the police to increase surveillance. He said he doesn't understand why the police are not helping him more. He said it would be crazy for him to spend the money for a fence.

He said he has had these three issues with the City and gotten absolutely no help. He said the City simply doesn't care about small business anymore.

Mayor Dane said the first time the issue of the water under the door was brought to his attention was ten days ago. He said that bill is on the Consent Agenda tonight and was approved to be paid.

Mayor Dane said he understood that the person caught stealing parts said he had been given permission by someone in Mr. Pence's office. He said it is very hard to prosecute and win when the items aren't secured and its one person's word against another person's word.

Mr. Pence asked if Orscheln's had items stolen from the outside, would the City not prosecute that person. He said if you don't try, how do you know you can't win.

Mayor Dane said he would ask the prosecutor about the Orscheln example. He said we don't have unlimited funds either and we could spend a lot of money and not win.

**HEATHER HICKS, LIQUOR LICENSE APPLICATION FOR SM TRADING CORP** Staff presented an application from SM Trading Corporation for Heather Hicks to be the managing officer for their liquor license for 405 West 92 Highway. They are the new owners of Pour Boy Oil.

Heather Hicks said that one of the owners of GK Energy, which owns the Shell station, is a partner in SM Trading Corporation. She said she is the manager of the Shell Station and now will be the manager of the old Pour Boy Oil.

**HEATHER HICKS, LIQUOR LICENSE APPLICATION FOR SM TRADING CORP-CONT**

Mayor Dane asked if Pour Boy Oil has changed ownership. Ms. Hicks said the liquor license has to be approved first so that there would be no stoppage of liquor sales when the ownership changes.

Mayor Dane said he didn't see how we could award a liquor license if they don't own the business. Ms. Hicks said you have to have an intent to issue a license before the State will issue the State license.

Alderman Couchman asked what happened to the young man that we approved for the managing officer for the Shell Station. Ms. Hicks said he was no longer going to be the managing officer there and she would be doing both stores.

Alderman Holt asked why on the application it lists SM Trading Corporation and Fuel Expresso 2 as names of the business. Ms. Hicks said SM Trading Corporation is the corporate name of the Company and Fuel Expresso 2 is the trade name for this station.

Alderman Patterson asked if we should check on the legality of the ownership before we pass the application. Mayor Dane said it is true that they have to have a City License before they can get the State License. The State should verify the ownership of the business.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to approve the application from SM Trading Corporation for Heather Hicks to be the managing officer for their liquor license for 405 West 92 Highway. The motion carried unanimously.

**PUBLIC HEARINGS**

**PROPERTY TAX RATES FOR 2011** Bill No. 19-2011, an ordinance fixing the tax **ORDINANCE NO. 1169-2011** levy for all taxable property within the City of Kearney, Missouri for the Year 2011, was presented and read by Title only.

Staff said the voter authorized General Levy is .7433 but the City is actually taking a total voluntary reduction of 16.33 cents to maintain the current 58 cent levy.

Mayor Dane said we promised the voters when we paid off the building we would reduce the tax levy and we have kept our promise.

The floor was opened to the public.

Tom Cargile, 1705 Paddock Drive, said he wanted to say Thank You.

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

**PROPERTY TAX RATES FOR 2011** A motion was made by Alderman Holt and **ORDINANCE NO. 1169-2011** seconded by Alderwoman Hayes to approve the ordinance as read on the first reading. The motion carried unanimously.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to place Bill No. 19-2011 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: Patterson, Holt, Hayes and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1169-2011**.

### **OLD BUSINESS**

**PROSPECT AND WASHINGTON INTERSECTION, 4 WAY STOP** Staff said they discussed the complaint about a four way stop at Prospect and Washington Streets from a resident of Eastwood Apartments. The Police Department has also fielded some complaints and concurs a four way stop could be one solution to the problem.

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to approve a four way stop at Prospect and Washington Streets. The motion carried unanimously.

### **NEW BUSINESS**

**FUNDING AGREEMENT MoDOT-19<sup>TH</sup> ST INTERCHANGE** A Resolution, **RESOLUTION NO. 28-2011** authorizing the Mayor to sign a Funding Agreement with MoDOT for preparation of an Access Justification Report and conceptual design related to the 19<sup>th</sup> Street Interchange Project, was presented and read by Title only.

Staff reported that the City has the opportunity to commence planning for a future 19<sup>th</sup> Street interchange utilizing a funding earmark secured by Congressman Sam Graves. The proposed funding agreement with MoDOT is for a conceptual design study to include an access justification report and environmental documentation, estimated to cost \$625,000 and the City's share is \$125,000.

Staff said budgeting is in place in the 2001 Highway Construction Fund for expenditure of up to \$250,000 for this work. The purpose of the study is to secure Federal Highway Administration authorization for a future I-35 interchange to be sited at 19<sup>th</sup> Street, although it is not anticipated that construction would occur before 2021.

Alderman Holt asked what type of interchange it would be. Staff said we want it to be a full diamond interchange but it might be phased in and would be half diamond to begin with.

Mayor Dane said this is just a justification report at this time and not a definite conclusion. He said as it stands today you must have two miles between interchanges but MoDOT has indicated they might waive that requirement because we are a smaller town.

**FUNDING AGREEMENT MoDOT-19<sup>TH</sup> ST INTERCHANGE** A motion was made **RESOLUTION NO. 28-2011** by Alderman Holt and seconded by Alderman Couchman to approve the Resolution authorizing the Mayor to sign a Funding Agreement with MoDOT for preparation of an Access Justification Report and conceptual design related to the 19<sup>th</sup> Street Interchange Project. The motion carried unanimously.

**MEMORANDUM WITH MARC FOR SMART LIGHTS** A Resolution, **RESOLUTION NO. 29-2011** authorizing the Mayor to sign a Memorandum of Understanding with the Mid America Regional Council for continued cooperation on the Smart Lights for Smart Cities Grant Program, was presented and read by Title only.

David Pavlich said at this time we will receive at least \$60,000 and could receive up to \$120,000. He said Platte Clay Electric has been very helpful with this project.

A motion was made by Alderwoman Hayes and seconded by Alderman Patterson to approve the Resolution authorizing the Mayor to sign a Memorandum of Understanding with the Mid America Regional Council for continued cooperation on the Smart Lights for Smart Cities Grant Program. The motion carried unanimously.

**FINANCIAL DISCLOSURE** Bill No. 20-2011, an ordinance to establish a procedure **ORDINANCE NO. 1170-2011** to disclose potential conflicts of interest and substantial interests for certain municipal officials, was presented and read by Title only.

Mayor Dane said this is nothing new and is the ordinance we approve each year.

A motion was made by Alderwoman Hayes and seconded by Alderman Holt to approve the ordinance as read on the first reading. The motion carried unanimously.

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to place Bill No. 20-2011 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: Patterson, Holt, Hayes and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1170-2011**.

**AGREEMENT WITH CLAY CO COMMISSION FOR ROAD REPAIRS** **RESOLUTION NO. 30-2011** A Resolution, authorizing the Mayor to sign an agreement with the Clay County Commission for road repairs on NE 144<sup>th</sup> Street, West of I-35 and East of Nation Road for \$16,594.69 and amending the budget, was presented and read by Title only.

Staff said the City has negotiated with the Clay County Highway Administrator to make repairs on NE 144<sup>th</sup> Street. The cost is for the County to run their pavement reclaimer on the road and chip and seal. Staff said this is the most cost effective way to make these repairs.

**AGREEMENT WITH CLAY CO COMMISSION FOR ROAD REPAIRS-CONT  
RESOLUTION NO. 30-2011** Staff said they recommend the City amend its budget by increasing Street repairs by \$17,000 and reducing the I-35 interchange study budget by like amount.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign an agreement with the Clay County Commission for road repairs on NE 144<sup>th</sup> Street, West of I-35 and East of Nation Road for \$16,594.69 and amending the budget.

**ALDERMEN DISCUSSION**

**ALDERMAN PATTERSON** Alderman Patterson said he had taken complaints about the loose rock on Southbrook Parkway from the slurry seal. Staff said the contractor says he will come back and roll and broom the streets when they are done.

**ALDERMAN HOLT** Alderman Holt said the vegetable stands seem to be fighting each other by having numerous small signs at their locations. Staff said they are hard to control because they don't have to have a business license.

Mayor Dane said maybe we should draft an ordinance that limits signs for those type of businesses.

Alderman Couchman said those stands might be a State issue since they are on a State highway.

**ALDERWOMAN HAYES** Alderwoman Hayes said they have begun the first stage of demolition of walls at the Old Fire House. She said they will be working each Saturday at the Old Fire House.

**ADJOURNMENT** 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 August 15, 2011 meeting:

<b>ORG/VENDOR NAME</b>	<b>WARRANT: 081511</b>	<b>AMOUNT</b>
<b>* 1996 SRF REV BD Expense</b>		
UMB BANK		5,416.67
<b>* 2001 SRF Rev Bd Expense</b>		
UMB BANK		15,448.65
<b>* Cap Improv Sales Tax Exp.</b>		
HOUSEWORTH ENTERPRISES		180.00
<b>* City Hall Expenses</b>		
AMEREN UE		780.44
BEA'S COUNTRY FLOWERS		52.50
BIG V SUPERMARKET		404.46
CINTAS CORPORATION LOC. 177		38.11

CNA SURETY	50.00
COVERALL OF KANSAS	234.00
CRETCHER HEARTLAND INCORPORATED	100.00
BOB DECKER	60.00
DEFFENBAUGH DISPOSAL	30.00
EXCELSIOR PUBLISHING	309.40
275-FAIRPOINT COMMUNICATIONS	417.19
GRAINGER	72.90
R. BRIAN HALL, PC	1,875.00
HOUSEWORTH ENTERPRISES	1,034.75
KEARNEY FEED & SUPPLY	40.00
KRAMER HARDWARE	6.49
MIDWEST DATA CENTER	32.00
MISSOURI GAS ENERGY	67.03
MO DEPT OF REVENUE	35.00
NEXTEL COMMUNICATIONS	66.89
NPG NEWSPAPERS INC	150.00
PAYCOR PAYROLL SERVICES	158.46
STAPLES ADVANTAGE	281.03
TCOM INC	450.00
TEK-COLLECT	241.88
UNISOURCE, INC	55.63
CARD SERVICES (VISA)	452.93
<b>* Community Development Dir</b>	
CINTAS CORPORATION LOC. 177	5.37
NEXTEL COMMUNICATIONS	100.34
O'REILLY AUTOMOTIVE INC	16.48
PLATTE CLAY ELECTRIC	224.94
THE KEARNEY COURIER	85.68
UNISOURCE, INC	55.63
<b>* Court &amp; Legal Expenses</b>	
LARRY E BUTCHER	950.00
R. BRIAN HALL, PC	2,220.00
RAY COUNTY SHERIFF/TREASURER	115.00
<b>* Downtown Improvement Exp</b>	
PENCE PLUMBING & HEATING	288.34
<b>* General Fund Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	1,346.33
MO DEPT OF PUBLIC SAFETY	90.00
MO DEPT OF REVENUE-CVC	641.25
PAYCOR PAYROLL SERVICES	16,564.67
SYNERGY SERVICES INC	180.00
<b>* Museum/Chamber Bldg</b>	
HOUSEWORTH ENTERPRISES	30.00
MISSOURI GAS ENERGY	47.38
<b>* Old Fire House</b>	
AMEREN UE	129.75
MISSOURI GAS ENERGY	51.92
PENCE PLUMBING & HEATING	238.51
<b>* Park Fund Balance Acct</b>	
PAYCOR PAYROLL SERVICES	1,496.43
<b>* Park Fund Expenses</b>	
AMEREN UE	9.33
ARROW STAGE LINES	565.00
DEFFENBAUGH DISPOSAL	119.34
FLEET SERVICES	75.85

HERTZ EQUIPMENT RENTAL CORP	444.19
HOUSEWORTH ENTERPRISES	1,080.00
KEARNEY FEED & SUPPLY	90.00
KRAMER HARDWARE	27.97
KWIK LUBE	34.95
NEW THEATRE RESTAURANT	25.00
NEXTEL COMMUNICATIONS	100.34
NPG NEWSPAPERS INC	54.88
O'REILLY AUTOMOTIVE INC	17.32
PLATTE CLAY ELECTRIC	548.20
PUBLIC WATER SUPPLY	149.01
CARD SERVICES (VISA)	400.00
<b>* Park Special Projects</b>	
AME, INC.	1,000.00
JOHN M BENDER	150.00
KEVIN L BENNETT	150.00
BIG V SUPERMARKET	292.81
JOSH BROWN	150.00
LARRY DEAN BURNS	150.00
CHROME BULLET TOURS, INC	7,200.00
COLE PRINTING	75.00
DEAN FOLTZ	800.00
MATTHEW HUNTER	150.00
KEARNEY ROTARY CLUB	400.00
KEARNEY FIRE DISTRICT	87.75
KRAMER HARDWARE	83.46
ERIC MARSHALL	19.21
TRAVIS ODOHERTY	150.00
NOE PALMA	900.00
SUZAN PIERCY	150.00
TRAVIS RABICH	600.00
BRIAN REESE	800.00
STEVEN L ROGERS	150.00
SOUND CHECK ENTERPRISES, INC	1,750.00
CHRISTOPHER C THOMAS	150.00
TRACY WADE	150.00
DANIEL WITHEE	150.00
<b>* Police Dept. Expenses</b>	
AMERICAN PRIDE EXPRESS LUBE	46.95
THE ARMORY	21.95
BIG V SUPERMARKET	29.40
CENTRAL POWER SYSTEMS & SERVICE	1,555.06
CINTAS CORPORATION LOC. 177	158.30
COMMENCO, INC.	204.50
DEFFENBAUGH DISPOSAL	61.35
275-FAIRPOINT COMMUNICATIONS	553.02
FLEET SERVICES	702.54
DERICK HAGER	14.85
HOUSEWORTH ENTERPRISES	150.00
INTERSTATE BATTERIES	177.16
KRAMER HARDWARE	23.88
KWIK LUBE	34.95
MISSOURI GAS ENERGY	42.09
NEXTEL COMMUNICATIONS	334.47
O'REILLY AUTOMOTIVE INC	199.35
PLATTE CLAY ELECTRIC	3,736.58

RAY ALLEN MANUFACTURING, LLC	476.55
SHELL	142.84
STAPLES ADVANTAGE	73.58
TRAVELERS	27.80
UNISOURCE, INC	160.00
<b>* Sewer Plant Expenses</b>	
CII LABORATORY SERVICES	22.00
CINTAS CORPORATION LOC. 177	30.50
DEFFENBAUGH DISPOSAL	20.00
FTC EQUIPMENT, LLC	12,141.75
HOUSEWORTH ENTERPRISES	172.50
JOHN'S SUPER	23.45
MIDWEST LABORATORIES INC	613.93
MO DEPT OF PUBLIC SAFETY	60.00
USA BLUE BOOK	1,300.93
YATES ELECTRIC CO.	371.62
<b>* Street Department Expense</b>	
AGC ENGINEERS, INC.	1,090.70
AMEREN UE	23.11
VIRGIL BARCHERS	577.20
BIG V SUPERMARKET	9.87
CINTAS CORPORATION LOC. 177	19.44
BOB DECKER	60.00
DECKER CONSTRUCTION	16,248.00
DEFFENBAUGH DISPOSAL	1,255.00
EHARAS SERVICES AND SOLUTIONS	4,000.00
FLEET SERVICES	314.75
FLESHMAN CONSTRUCTION, INC.	30,694.38
HOUSEWORTH ENTERPRISES	139.75
KRAMER HARDWARE	19.48
THE LARKIN GROUP	5,663.75
LONG VET CLINIC	30.00
NEXTEL COMMUNICATIONS	133.79
O'REILLY AUTOMOTIVE INC	43.23
PLATTE CLAY ELECTRIC	7,949.18
PSI	463.00
<b>* TIF Debt Service</b>	
KCB BANK	19,945.50
KEARNEY TRUST COMPANY	19,887.50
NORTH AMERICAN SAVINGS BANK	1,585.00
<b>* W &amp; S Admin. Expenses</b>	
CENTURYLINK	169.05
CINTAS CORPORATION LOC. 177	21.22
275-FAIRPOINT COMMUNICATIONS	108.89
FLEET SERVICES	232.01
MISSOURI SALES TAX	1,722.98
NEXTEL COMMUNICATIONS	167.23
PLATTE CLAY ELECTRIC	1,012.27
TEK-COLLECT	35.55
<b>* W &amp; S Oblig. Balance Acct</b>	
CITY OF KEARNEY	16,905.36
<b>* W &amp; S Oblig. Expenses</b>	
UMB BANK	3,839.52
<b>* W&amp;S Revenue Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	210.00
PAYCOR PAYROLL SERVICES	4,163.29

<b>* WEST I-35 OUTER ROAD</b>	
COOK, FLATT & STROBEL	26,278.53
<b>* Water Plant Expenses</b>	
ADT SECURITY SERVICES	31.95
AMEREN UE	4,380.47
BIG V SUPERMARKET	9.87
BRENNTAG MID-SOUTH, INC	1,247.34
CINTAS CORPORATION LOC. 177	12.00
DEFFENBAUGH DISPOSAL	30.00
HACH CHEMICAL	365.76
HOUSEWORTH ENTERPRISES	330.50
JOHN'S SUPER	3.56
KCMO WATER SERVICES	19,511.53
KRAMER HARDWARE	37.93
MISSOURI GAS ENERGY	84.18
MISSOURI ONE CALL SYSTEM, INC.	124.80
NEWEGG, INC	70.08
SAFETY & HEALTH COUNCIL	325.00
THE UPS STORE	83.99
UTILITY SERVICE CO., INC.	14,033.55
<b>* West Creek L/P Debt Serv</b>	
KCB BANK	37,559.38
KEARNEY TRUST COMPANY	37,559.38
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<b>TOTAL</b>	<b>377,322.69</b>

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