

March 27, 2012

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, March 27, 2012 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, David Pavlich and Shirley Zimmerman.

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 March 5th and March 15th meeting
- Bills presented for payment
- Acceptance of Kearney Trust Co. Bid for Banking Services
- **Resolution No. 11-2012** Approve low bids for Street Maintenance Projects: Vance bros. Slurry Seal \$1.90 per sq. yd. (\$60,483.33), McConnell & Assoc. Concrete Cut and Patch, \$82.25 per sq. Yd. (\$33,344.28), Phillips Paving Asphalt Cut and Patch \$43 per sq. yd. (\$20,128.73) and Phillips Paving for Asphalt Mil and Overlay, Regency Drive, East 15th/16th, Jesse James Farm Road (Overlays totaling \$178,621.11)
- Budget Amendment Reflecting Sale of Two Patrol Cars, \$8,103
- Budget Amendment Reflecting Receipt of Insurance Settlement for '98 Chevy Truck, Missing since Nov. 2011, \$9,380

Alderman Patterson asked if Vance Brothers was the contractor we used for slurry seal last year. He said some of the streets last year weren't very even. Staff said it is the same company and we have asked them to broom the streets this year to get the excess rock etc. off the streets.

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

MAYOR'S REMARKS

JESSE JAMES PARK FOUNTAIN Mayor Dane said the fountain has been installed at Jesse James Park. He said it is beautiful.

LANNY RAWDON, JESSE JAMES PARK Mayor Dane said everyone should drive along the fence line in Jesse James Park and look at the beautiful trees and shrubs that Lanny Rawdon planted. He said not only does he plant the trees, etc. but he waters all of them and prunes them as needed.

PUBLIC REQUESTS & PETITIONS

ROD WILL, KHCT, SUMMER THEATER Rod Will, Kearney Holt Community Theater, said this will be their sixth season doing a play in the park. He said they will be doing "Legally Blonde". He said they had approximately 700 people attend last year.

ROD WILL, KHCT, SUMMER THEATER Mr. Will said by doing a newer show they are paying much more for rights to the movie. He said they have started a campaign to raise some additional funds besides the money the City gives them. He said they have taken over the parking at the Amphitheater concerts.

Mr. Will said last year the City provided the materials and KHCT provided the labor to enlarge the stage. He said that was a very nice improvement for the production.

Alderwoman Hayes asked if it helped attendance by coming back to town. Mr. Will said it did help the attendance. He said the senior citizens, in particular, like it back in town.

Alderman Holt said he was very glad to see it back in Lion's Park.

Rod Will said it has always been the intention of everyone to keep the play family oriented. He wanted to know if they changed some of the language in the play could they do something like "Little Whore House in Town", etc.

Alderwoman Hayes said it is the intention of the Old Firehouse to tie into activities in the Park. She said she would be willing to meet with KHCT and see if they could do that this year. Mr. Will said he will let her know when they meet again.

JAMESTOWNE VILLAGE, PHASE 2, FINAL PLAT Bill No. 04-2012, an **ORDINANCE NO. 1184-2012** ordinance, approving the Final Plat of Jamestowne Village, Phase 2, a 25 lot single family subdivision, was presented and read by Title only.

Staff reported that this is being developed by Craig Porter, MCK Partnership. At their March 12th meeting, the Planning and Zoning Commission unanimously recommended approval of the final plat.

Ron Cowger, AGC Engineers, said originally Craig Porter had said he wouldn't start this Phase until at least 2013. He said with little signs of the economy improving he is getting bids for the infrastructure for the Phase now.

Alderman Couchman asked if there would be any water drainage issues. Staff said the City engineers looked at the plans and approved it as submitted.

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

A motion was made by Alderman Couchman and seconded by Alderman Patterson to place Bill No. 04-2012 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. 1184-2011**.

MIRABELLA FINAL PLAT Bill No. 05-2012, an ordinance approving the Final Plat **ORDINANCE NO. 1185-2012** of Mirabella, a 15 lot single family residential subdivision, was presented and read by Title only.

Staff said this is being developed by Tim Harris of Star Development. The Planning and Zoning Commission unanimously approved the final plat at their March 12th meeting.

Alderman Patterson asked what size the lots will be. Ron Cowger said they will be 150 feet by 200 feet.

Mayor Dane asked if this is a gated community. Ron Cowger said it is proposed to be. He said it will become gated at the end of the current street.

Alderman Patterson asked if the key box for the Fire Department was to be at the gate. Mr. Cowger said that is correct.

Alderman Couchman asked if the fifty foot buffer is to buffer from the railroad. Mr. Cowger said that is correct.

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 unanimously.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to place Bill No. 05-2012 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 three to zero vote with Alderman Holt abstaining. The Bill was then duly numbered **Ordinance No. 1185-2011**.

CUP FOR ISOTECH Bill No. 06-2012, an ordinance granting a conditional use **ORDINANCE NO. 1186-2012** permit allowing installation of an Isotech Telecommunications antenna on top of 455 Sam Barr Drive, was presented and read by Title only,

Staff reported that the Planning and Zoning Commission unanimously recommended approval at their March 12th meeting. Staff said the telecommunication ordinance is primarily tied to large towers but we still needed a CUP for this antenna.

The floor was opened to the public.

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

Alderwoman Hayes asked if the applicant would tell us a little about who they are. Tony Holland, owner of Isotech, said they have been in business since 1986. Their primary goal is to bring technology to the rural community. They provide high speed wireless in four counties. Private Unite Network is their carrier.

CUP FOR ISOTECH Mr. Holland said they will have an office in the Bank. He said **ORDINANCE NO. 1186-2012** they will provide data storage, etc. for customers.

Alderman Couchman asked how large an area this antenna would cover. Mr. Howard said it will cover about four miles if it is a direct line site.

Alderman Patterson asked if they only served rural residents. They said they mainly serve rural and small town residents. They are in the process of working with Google to help expand their services.

Alderman Couchman asked how they get taxed. Mr. Holland said at this time some of his services aren't taxed. He said he will work with the City as the situation arises and pay taxes. He said he does pay personal property taxes.

A motion was made by Alderman Patterson and seconded by Alderman Couchman 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 Holt to place Bill No. 06-2012 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. 1186-2011**.

CUP FOR LPG VENTURES Bill No. 07-2012, an ordinance granting a conditional **ORDINANCE NO. 1187-2012** use permit to LPG Ventures for a concrete plant located at 971 North Jefferson, was presented and read by Title only

Staff said John Baanders, LPG Ventures is requesting a conditional use permit and site plan approval to expand a conditional use permit for their concrete plant at 971 North Jefferson. They plan to construct a 40,000 square foot commercial building at the site to expand his propane tank business.

Staff said although LPG has a Clay County Health Department approved plan for a private sewage system, the City has been working with Larkin Associates to estimate the costs of extending a pressure force main system to the property.

Staff said at their March 12th meeting, the Planning and Zoning Commission recommended approval of the CUP and site plan. Staff said they have submitted revised plans with changes from the Planning and Zoning meeting.

The floor was opened to the public.

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

CUP FOR LPG VENTURES Alderman Patterson said in Section 2, Item 2, the **ORDINANCE NO. 1187-2012** statement in parenthesis stating the applicant has requested that installation of this improvement be waived, needs to be removed.

A motion was made by Alderman Holt and seconded by Alderman Patterson to remove the statement in parenthesis in Section 2, Item 2. The motion carried unanimously.

Alderman Patterson asked if they will have to do the right turn lane in two years. Staff said that will be up to MoDOT to set a time frame for that improvement.

Alderman Couchman said he didn't see a site for wash out of the trucks on the site plan. John Baanders said they no longer need a large wash out. He said they do wash out trucks but it goes in an area where they recycle it.

Mayor Dane said John Baanders wants to talk to the Board of Aldermen about the sewer.

John Baanders, LPG Ventures, said the land at that site isn't good for septic systems. He said he would like to see the City take the lead to extend City services around the corner and down to his site.

Mayor Dane asked Mr. Baanders how much it was going to cost him to expand his current system. Mr. Baanders said it would cost him between \$30,000 and \$35,000 to expand the current system.

Mayor Dane said he wasn't real happy about a package septic plant going over our aquifer. He asked Mr. Baanders if he would contribute \$30,000 to the City and then the City would supply a line to his site. This would also allow the Catholic Church and Radiant Life Church to have sewers. He said this would allow LPG Venture to have a low pressure pump system. They would have to invest in a grinder pump and vault on their property. Mr. Baanders said he would be willing to do that.

Alderwoman Hayes asked if we knew what the cost would be to the City. Staff said the engineer is working on that now. This would allow us to have a three inch low pressure pipe and pump to the James Pointe lift station. If we can do that it won't be so expensive.

Alderwoman Hayes asked if there are funds in the current budget we approved. Staff said we would have to find approximately \$100,000 to cover this.

Alderman Couchman said the small subdivisions in the County have these and they work fine.

Mayor Dane asked Mr. Baanders what his time table was. Mr. Baanders said fast. He said Clay County is willing to allow them to continue to use the current system for now. He said they will be slowly adding employees and this will probably give them approximately two years before something would have to be done.

CUP FOR LPG VENTURES Mayor Dane said Staff will work with LPG Ventures **ORDINANCE NO. 1187-2012** and come back to the Board of Aldermen with solutions at a later date.

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 Alderman Patterson to place Bill No. 07-2012 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. 1187-2011**.

BART BURNHAM REZONING REQUEST Staff said a public hearing has been scheduled to provide an opportunity for the public to comment on a proposed re-zoning request from Bart Burnham to re-zone his property from County AG to Rural Residential. He is seeking a building permit for an accessory garage on his property that was annexed in the 2007 airport/sewer plant annexation.

A public hearing was held by the Planning and Zoning Commission at their March 12th meeting, however the applicant was not in attendance. As per policy, no discussion was taken up by the Planning and Zoning Commission due to the absence of the applicant.

The floor was opened to the public.

There being no further business on the agenda, the floor was closed.

A motion was made by Alderman Holt and seconded by Alderman Patterson to table the request of Bart Burnham to re-zone from County AG to Rural Residential until the Planning and Zoning Commission takes action on the request. The motion carried unanimously.

OLD BUSINESS

FY2013 BUDGET/PERSONNEL SALARIES Bill No. 08-2012, an ordinance **ORDINANCE NO. 1188-2012** adopting the FY2013 Budget and Personnel Salaries for the City of Kearney, was presented and read by Title only.

Staff said the only change since last month was that he carried forward the proposed funding for a part time employee at the Old Fire House, containing the same language as in last year's budget.

Alderman Patterson said when he was out campaigning, he noticed that there are several places where there are gaps in the sidewalks. He said it appears we failed to have

FY2013 BUDGET/PERSONNEL SALARIES sidewalks meet the adjoining sidewalk
ORDINANCE NO. 1188-2012 as houses were build. He said he wondered if we could add \$3,500 to the budget to cover finishing these areas.

Mayor Dane said we have \$5,000 in the budget for the fifty/fifty program. He suggested that Alderman Patterson get the addresses and Staff contact the property owners first and see if they would do the fifty/fifty program for sidewalk replacement. If we aren't successful with that we can discuss it again.

Mayor Dane said the high points of the budget include the Pilot Road Project, new accounting software, acquisition and implementation of an automated water meter data collection system and raises for all employees.

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

A motion was made by Alderman Couchman and seconded by Alderman Holt to place Bill No. 08-2012 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. 1188-2011**.

NEW BUSINESS

SIGN CONTRACTS FOR AMPHITHEATER Bill No. 09-2012, an ordinance
ORDINANCE NO. 1189-2012 authorizing the Mayor to sign contracts with artists performing at the City Amphitheater and related amphitheater contracts, was presented and read by Title only.

Mayor Dane asked Alderman Couchman, Park Board Representative, to tell us the three large shows for this year. He said they will be McClymonts, Easton Corbin and Justin Moore. He said this will be the last year we will be able to afford Justin Moore.

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 unanimously.

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to place Bill No. 09-2012 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. 1189-2011**.

ALDERMEN DISCUSSION

KELLY NICKLES, KHCT Kelly Nickles said she was sorry she was late. She presented a copy of expected expenditures for Theater In The Park this summer. She said

KELLY NICKLES, KHCT this is a wonderful opportunity for students in the community to try theater. She said we have had students go on and pursue it as a career.

ALDERWOMAN HAYES Alderwoman Hayes said they will be at the Old Fire House painting every Sunday until it is done. She invited everyone to stop by and get involved.

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 March 27th meeting:

ORG/VENDOR NAME	WARRANT: 031912	AMOUNT
* 1996 SRF REV BD Expense		
GILMORE & BELL, P.C.		131.00
UMB BANK		5,416.67
* 2001 SRF Rev Bd Expense		
UMB BANK		15,647.47
* City Hall Expenses		
CINTAS CORPORATION LOC. 177		39.69
COVERALL OF KANSAS		234.00
DEFFENBAUGH DISPOSAL		69.16
275-FAIRPOINT COMMUNICATIONS		418.08
R. BRIAN HALL, PC		3,105.00
KEARNEY FEED & SUPPLY		47.00
MARC		1,717.00
MIDWEST DATA CENTER		32.00
MISSOURI GAS ENERGY		271.09
MO DEPT OF REVENUE		35.00
NEWCOMBS WINDOW SERVICE		50.00
NEWEGG, INC		53.97
NEXTEL COMMUNICATIONS		63.89
NPG NEWSPAPERS INC		612.68
PAYCOR PAYROLL SERVICES		148.38
UNISOURCE, INC		60.69
CARD SERVICES (VISA)		163.16
* Community Development Dir		
CINTAS CORPORATION LOC. 177		9.50
NEXTEL COMMUNICATIONS		123.88
PLATTE CLAY ELECTRIC		208.82
UNISOURCE, INC		60.69
* Court & Legal Expenses		
LARRY E BUTCHER		950.00
CLAY COUNTY DETENTION		186.00
R. BRIAN HALL, PC		1,620.00
RAY COUNTY SHERIFF/TREASURER		105.00
* General Admin. Revenues		
TEK-COLLECT		216.56
* General Fund Balance Acct		
ING FINANCIAL ADVISERS, LLC		1,471.33
MO DEPT OF PUBLIC SAFETY		68.00
MO DEPT OF REVENUE-CVC		484.50
PAYCOR PAYROLL SERVICES		13,588.24

SYNERGY SERVICES INC	136.00
* Meter Deposit Expenses	
LIFE DESIGN HOMES LLC	20.20
* Museum/Chamber Bldg	
MISSOURI GAS ENERGY	90.04
GERRI SPENCER	24.68
* Old Fire House	
AMEREN UE	13.02
MISSOURI GAS ENERGY	200.64
PORTER'S BUILDING CENTER	2,688.55
RELIABLE MECHANICAL SERVICES, INC.	10,447.97
CARD SERVICES (VISA)	2,778.70
WESTERN AWNING CO.	710.00
* Park Cap Imprvmnt Expense	
KCB BANK	2,968.75
KEARNEY TRUST COMPANY	2,968.75
* Park Fund Balance Acct	
PAYCOR PAYROLL SERVICES	981.35
* Park Fund Expenses	
ARROW STAGE LINES	565.00
FLOYD BECKER	15.00
CUSTOM PLAY SYSTEMS, INC	514.00
DEFFENBAUGH DISPOSAL	36.12
FRIES LAWN & LEISURE INC	1,012.80
GRAINGER	1,040.08
HOLLIDAY SAND AND	1,900.02
KEARNEY FEED & SUPPLY	140.00
NEXTEL COMMUNICATIONS	95.84
ORRICK FARM SERVICES, INC.	5,306.09
PORTER'S SERVICE	77.42
VAN WALL EQUIPMENT	16.54
CARD SERVICES (VISA)	2,753.26
* Park Special Projects	
CUMULUS KANSAS CITY	3,780.00
THE UPS STORE	57.95
* Police Dept. Expenses	
ALAMAR UNIFORMS OF KANSAS CITY	287.88
THE ARMORY	6.00
BOARD OF POLICE	281.75
DEFFENBAUGH DISPOSAL	67.07
275-FAIRPOINT COMMUNICATIONS	554.21
HUNTS CAR CARE CENTER	47.06
MISSOURI GAS ENERGY	42.31
NEWEGG, INC	842.19
NEXTEL COMMUNICATIONS	347.51
O'REILLY AUTOMOTIVE INC	24.95
PLATTE CLAY ELECTRIC	2,761.42
REJIS COMMISSION	41.70
* Police Station Debt	
KEARNEY TRUST COMPANY	7,524.01
* Sewer Plant Expenses	
ADT SECURITY SERVICES	34.95
CII LABORATORY SERVICES	30.00
FTC EQUIPMENT, LLC	1,062.64
HACH CHEMICAL	301.95
KANSAS CITY WINNELSON	298.56

MICRO-COMM INC	1,890.10
MIDWEST LABORATORIES INC	91.64
USA BLUE BOOK	377.87
WATER PRODUCTS SALES	161.50
WESTERN FIRST AID & SAFETY	80.22
* Street Department Expense	
AGC ENGINEERS, INC.	95.00
AMEREN UE	25.13
AMERICAN PRIDE EXPRESS LUBE	34.95
CINTAS CORPORATION LOC. 177	40.44
DEFFENBAUGH DISPOSAL	1,307.24
GEIGER READY-MIX	459.58
IRONMIKE'S WELDING	65.00
KEARNEY FEED & SUPPLY	47.00
THE LARKIN GROUP	1,440.00
LONG VET CLINIC	30.00
MISSOURI GAS ENERGY	252.96
NEXTEL COMMUNICATIONS	127.79
O'REILLY AUTOMOTIVE INC	119.71
PENCE PLUMBING & HEATING	197.50
PLATTE CLAY ELECTRIC	7,947.59
PORTER'S SERVICE	578.39
DELLEN MFG CO.	159.88
YATES ELECTRIC CO.	613.00
* W & S Admin. Expenses	
AMERICAN PRIDE EXPRESS LUBE	43.75
AMERICAN WATER WORKS	310.00
CENTURYLINK	173.55
CINTAS CORPORATION LOC. 177	42.44
275-FAIRPOINT COMMUNICATIONS	108.55
KEARNEY BODY SHOP	393.40
MO DEPARTMENT OF	90.00
MO DNR-DMS RECEIPT &	45.00
NEXTEL COMMUNICATIONS	159.73
PLATTE CLAY ELECTRIC	985.16
PORTER'S SERVICE	536.91
THE UPS STORE	15.78
* W & S Oblig. Expenses	
UMB BANK	3,942.94
* W&S Revenue Balance Acct	
ING FINANCIAL ADVISERS,LLC	285.00
PAYCOR PAYROLL SERVICES	4,149.33
* Water Plant Expenses	
ADT SECURITY SERVICES	98.85
AMERICAN BACKFLOW	72.00
BRENNTAG MID-SOUTH, INC	1,247.34
C.H. ROBINSON COMPANY,INC.	805.00
CINTAS CORPORATION LOC. 177	12.00
DECKER CONSTRUCTION	390.00
DEFFENBAUGH DISPOSAL	69.16
GEIGER READY-MIX	490.22
HACH CHEMICAL	2,197.72
KCMO WATER SERVICES	12,491.76
MISSISSIPPI LIME CO	5,040.00
MISSOURI GAS ENERGY	405.37
O'REILLY AUTOMOTIVE INC	8.99

THE UPS STORE	85.94
WATER PRODUCTS SALES	3,286.60
WESTERN FIRST AID & SAFETY	80.23
YATES ELECTRIC CO.	581.75

TOTAL	158,090.34

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