

April 16, 2012

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, April 16, 2012 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Tom Patterson, Jenny Hayes, Gerri Spencer and Dan Holt. Staff members present were Jim Eldridge, David Pavlich and Shirley Zimmerman.

The Mayor opened the meeting with the Pledge of Allegiance.

RECOGNITION OF JENNY HAYES A Resolution, recognizing the contributions of **RESOLUTION NO. 14-2012** Jenny Hayes for her service to the City of Kearney, was presented and read in its entirety.

A motion was made by Alderman Holt and seconded by Alderman Patterson to approve the Resolution recognizing the contributions of Jenny Hayes for her service to the City of Kearney. The motion carried unanimously.

Mayor Dane presented her with a framed copy of the resolution.

Mayor Dane said he wanted to thank Alderwoman Hayes for her years of service to the City and for her vision for the Old Fire House.

Alderman Couchman said he wished her good luck with the Old Fire House.

Alderman Patterson said he had enjoyed his time working with Alderwoman Hayes.

Alderman Holt said Alderwoman Hayes has been a good role model for young ladies in the community as to how to become involved in the community and do volunteer work.

Alderwoman Hayes said it has been an honor to work with the community and work on the Old Fire House.

CERTIFICATION OF ELECTION RESULTS City Staff presented the following results of the April 3rd election from the Clay County Board of Election Commissioners:

Alderman, Ward I, 2 year term

GERRI SPENCER	268
JENNY HAYES	233

Alderman, Ward II, 2 year term

TOM PATTERSON	292
JIM THOMAS	157

CURBSIDE RECYCLING QUESTION

Simple Majority Required

	YES	NO	
TOTAL	616	455	57.52% APPROVAL (over 4/7's)
WARD 1	307	236	56.54% APPROVAL
WARD 2	292	194	60.08% APPROVAL
Absentee	17	25	60.08% APPROVAL

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the April 3rd election results from the Clay County Board of Election Commissioners. The motion carried unanimously.

OATH OF OFFICE Jim Eldridge, City Administrator administered the Oath of Office for Gerri Spencer and Tom Patterson as Aldermen for the City of Kearney.

ELECTION OF OFFICERS

Board President: As provided by Missouri Statue, the Board of Aldermen shall elect one of their own members who shall be styled “acting President of the Board of Aldermen” and who shall serve for a term of one year.

Alderman Holt nominated Jeff Couchman as President of the Board of Aldermen. The vote was unanimous.

P & Z Representative: Alderman Couchman nominated Alderman Holt as representative to the Planning and Zoning Commission. The vote was unanimous.

MAYOR’S NOMINATION OF PARK BOARD REPRESENTATIVE Mayor Dane said he was asking Alderman Couchman to remain as the representative to the Park Board. Alderman Couchman accepted the position.

CONSENT AGENDA

The following items were submitted for the Board of Aldermen to approve:

- Minutes for the April 2nd meeting
- Bills presented for payment
- Accept Low bid, Pence Plumbing & Electric, Replace 4 Ton A/C in City Hall, \$2,869
- **Resolution No. 15-2012** Approving Clay County Health Dept Cooperative Agreement for catastrophic events and disasters
- Approve David E Ross Final Change Order Reducing Contact by \$5,828.41
- Approve Commenco Proposal as Sole Source Provider for Motorola Repeater Install--\$8,235.14
- **Resolution No. 16-2012** Approve Work Authorization for Larkin to prepare plans for Utility Relocation on 92 Hwy, \$21,500

Alderman Patterson asked if Staff thought the air conditioner was adequate. Staff said yes.

Alderman Patterson asked why we would be doing an intergovernmental agreement with the Clay County Health Department instead of Clay County for a catastrophic event or disaster. Staff said we already have agreements with the fire departments, police departments, etc. and this ties Clay County Health in also if anything was being run through their agency.

A motion was made by Alderman Holt and seconded by Alderman Couchman to approve the Consent Agenda as presented. The motion carried unanimously with Alderman Patterson voting no on Resolution No. 15-2012.

MAYOR’S REMARKS

ROAD DISTRICT MONEY Mayor Dane said he invited Jim Thomas, Kearney Special Road District, to explain the good news the City had received.

Jim Thomas said the County had reduced the City's share of the road tax from 28 cents to 8 cents. There was a lawsuit filed by the bigger cities in the county to get this tax restored. As a result of that lawsuit being settled the City of Kearney has an amount of \$344,000 coming to us. We can take this in a single payment and have a 10 percent reduction or we can take this in two equal payments.

Mr. Thomas said the Road District will be discussing the recommendations of additional road repairs at their next meeting.

Alderman Couchman asked when these funds would be available. Staff said we have to execute the agreement and the County Commission has to approve the check so this will take some time.

Mayor Dane said this will allow us to do close to a half million dollars worth of road repairs.

ADMINISTRATOR'S REPORT

REX SWEETWOOD, CRETCHER HEARTLAND, PRESENTATION OF MISSOURI RURAL SERVICE WORK COMP SAFETY PLAQUE Rex Sweetwood, Cretcher Heartland, presented the City with a Work Safety plaque from the City's Work Comp insurance carrier, Missouri Rural Services.

Mr. Sweetwood said the City's Experience Modification is now at .84, which is the highest discount that can be attained. This is saving the City approximately \$10,000 in insurance premiums.

Mr. Sweetwood also presented the City with four Royals tickets. Staff said there would be a lottery drawing of the Staff for these tickets.

Mayor Dane said everyone needs to thank Jay Bettis for organizing the Work Safety program with the City and the Staff for working on work safety practices.

SEWER FORCE MAIN TO MACK PORTER PARK/LPG VENTURES Staff presented an estimate from Larkin Associates for a sewer force main extension from the James Point lift station directly East across I-35 to LPG Ventures.

This route was chosen as being the most direct to our lift station and avoids the many complications of building the force main on 33 Highway. This route also enables the City to sewer Mack Porter Park, eliminating the lateral field South of the youth fields.

SEWER FORCE MAIN TO MACK PORTER PARK/LPG VENTURES Costs, which include a grinder pump lift station for LPG Ventures is \$153,400. With a \$30,000 contribution from LPG Ventures, the project will cost the City approximately \$133,400.

The project will extend a 4 inch force main to the North side of LPG Ventures and will serve all existing potential customers and 100 percent additional capacity for future uses. We believe this is the right size, recognizing this will not serve residential flows. Those flows should be directed to the 18 inch gravity main that serves Cedarwood and Innovation Business Park.

Staff said they recommend that the Board of Aldermen consider authorizing an amendment to the budget by appropriating the funds from the Water and Sewer Revenue Fund. We will seek to negotiate an agreement with LPG Ventures and recommend negotiating a work authorization contract with Larkin Associates. We will need Larkin to get the MoDOT Permit to go under I-35.

Mayor Dane said the County recommended the lateral fields for LPG Ventures but this would be over our aquifer. He said this will eliminate the lateral field for the ball fields which is inside the trail at Mack Porter Park and we will be able to utilize that area.

Alderman Couchman asked how we would charge the people who hook up to this. Staff said this will stop at LPG Ventures at the present time. If the others want to hook on to it they will have to pay to extend it. Everyone will be charged sewer fees according to water usage.

Alderman Patterson asked where the tie in would be located. Staff said it will tie into the lift station at the North end of James Point.

Alderman Holt asked if this would pick up the Church of Annunciation and the Knights Hall. Staff said it will.

Alderman Patterson asked what the capacity of the lift station is. Staff said when it was designed it would cover the Dagley Farm if it developed residentially. Staff said it can handle the current use and double that amount of usage.

A motion was made by Alderman Couchman and seconded by Alderman Holt to authorize Staff to negotiate an agreement with LPG Venture to pay \$30,000 and have ownership of the grinder pump lift station and amend the budget by \$153,000 by appropriating the funds from the Water and Sewer Revenue Fund and negotiate a Work Authorization Contract with Larkin Associates to get the permit from MoDOT. The motion carried unanimously.

SEWER PLANT UV DISINFECTION SYSTEM Staff said the UV Disinfection System at the sewer plant is operating and stayed within the budget. They weren't to be done until June 30th.

SEWER PLANT UV DISINFECTION SYSTEM Mayor Dane invited everyone to go down to the sewer plant during the day and have the operator show the system to them. He said we also have serious foaming problems in the tanks. We need to start looking at expansion of the existing plant to help with this. He said it will take three to four years for planning and two years to construct the plant.

Alderman Couchman asked if Larkin Associates has looked at other plants like ours to figure out the problem. Staff said they can't figure it out and have done a lot of work on it.

PUBLIC REQUESTS & PETITIONS

KIM MURPHY – RECYCLING Kim Murphy, 1509 Rockwater Lane, said as a representative of the Recycling Committee he wanted to thank the Board of Aldermen for putting the recycling issue on the ballot. He said there were 120 more votes for that issue than voted for alderman positions. He said a lot of new and young residents got involved with this.

Mayor Dane said if we don't do this now within the next five years it will be mandated. He said it was a Board of Aldermen decision to let the citizens' vote if they wanted to increase fees.

Kim Murphy said most of the concerns were the large containers. He said they can elect to take a smaller container and they don't have to recycle.

OLD BUSINESS

REZONING 13303 33 HIGHWAY FROM COUNTY TO CITY R-R
ORDINANCE NO. 1192-2012 Bill No. 12-2012, an ordinance rezoning 13303 State Route 33 from County to City R-R, was presented and read by Title only.

Staff presented an application from Bart Burnham, 13303 State Highway 33 to rezone approximately seven acres from County Agricultural to City R-R – Rural Residential. The rezoning would allow for submittal of a building permit for an accessory garage.

The Planning and Zoning Commission recommended approval at their April 9th meeting.

Alderman Patterson asked if they already have a house on the property. Staff said yes they do and this is just to allow them to build an accessory building.

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

A motion was made by Alderman Patterson and seconded by Alderman Spencer to place Bill No. 12-2012 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:

REZONING 13303 33 HIGHWAY FROM COUNTY TO CITY R-R

ORDINANCE NO. 1192-2012 Patterson, Holt, Spencer and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1192-2012**.

NEW BUSINESS

AGREEMENT WITH KEARNEY WESTSIDE CID A Resolution approving a **RESOLUTION NO. 17-2012** Cooperative Agreement with Kearney Westside CID, was presented and read by Title only.

Staff said this agreement was drafted by Gilmore and Bell between the City and the Kearney Westside Community Improvement district which establishes understandings that the City will administer, account for and disburse the District sales tax and provides for the City to construct and maintain public improvements with the CID on behalf of the District Board.

Staff said this agreement will facilitate the construction of Bennett Boulevard and provide a mechanism for the City to be reimbursed for construction costs with interest.

A motion was made by Alderman Holt and seconded by Alderman Patterson to approve the Resolution authorizing the Mayor to sign a Cooperative Agreement with the Kearney Westside Community Improvement District for the purpose of financing public improvements within said District. The motion carried unanimously.

FUNDING BY CITY ON BEHALF OF CID FOR BENNETT BOULEVARD

RESOLUTION NO. 18-2012 A Resolution, approving the initial funding by the City on behalf of the Kearney Westside Community Improvement District of \$700,000 to be used for the construction of Bennett Boulevard, was presented and read by Title only.

Alderman Holt asked if we need to identify Ideker Inc. as the contractor. Staff said that isn't necessary.

A motion was made by Alderman Holt and seconded by Alderman Patterson to approve the Resolution approving the initial funding by the City on behalf of the Kearney Westside Community Improvement District of \$700,000 to be used for the construction of Bennett Boulevard. The motion carried unanimously.

REAPPOINT CID MEMBERS Mayor Dane said he is recommending re-appointment of the Board of Aldermen to the Kearney Westside CID Board.

A motion was made by Alderman Couchman and seconded by Alderman Spencer to re-appoint the Board of Aldermen to the Kearney Westside CID Board. The motion carried unanimously.

ALLIED WASTE CONTRACT FOR CLEAN UP DAY, \$12,000 A Resolution, **RESOLUTION NO. 19-2012** authorizing the signing of a contract with Allied Waste for the Spring Clean Up Day, May 19th for \$12,000 , was presented and read by Title only.

Alderman Couchman asked what this had cost in the past. Staff said we have paid as high as \$12,000 in the past.

Alderman Patterson asked if this would be included in the contract after this Spring. Staff said that is correct.

Alderman Spencer asked if it would be only one day from now on. Staff said probably so.

A motion was made by Alderman Holt and seconded by Alderman Patterson to approve the Resolution authorizing the signing of a contract with Allied Waste for the Spring Clean Up Day, May 19th for \$12,000. The motion carried unanimously.

ALDERMEN DISCUSSION

MAYOR DANE Mayor Dane said he wanted to welcome Alderman Spencer to the Board of Aldermen.

ALDERMAN HOLT Alderman Holt said he was out in Jesse James Park and he came across a man digging in a ditch and planting. He said it was Lanny Rawdon and later he was mowing around all his plantings. He said if we run into him we all need to compliment him on the job he continues to do in the Park.

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 April 16, 2012 meeting:

ORG/VENDOR NAME	WARRANT: 041612	AMOUNT

* 1996 SRF REV BD Expense		
UMB BANK		5,416.67
* 2001 SRF Rev Bd Expense		
UMB BANK		15,647.47
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		305.00
* City Hall Expenses		
BIG V SUPERMARKET		47.52
CINTAS CORPORATION LOC. 177		39.69
CLAY COUNTY EDC		2,400.00
COVERALL OF KANSAS		234.00
BILLY R DANE		175.00
DEFFENBAUGH DISPOSAL		70.20
MSC-410526		24.00

275-FAIRPOINT COMMUNICATIONS	413.12
R. BRIAN HALL, PC	6,825.00
HOUSEWORTH ENTERPRISES	552.50
MISSOURI GAS ENERGY	86.83
NEXTEL COMMUNICATIONS	63.57
PAYCOR PAYROLL SERVICES	151.73
TCOM INC	900.00
TIME WARNER CABLE	69.99
TYLER TECHNOLOGIES, INC.	2,178.50
UNISOURCE, INC	196.09
CARD SERVICES (VISA)	279.29
* Community Development Dir	
CINTAS CORPORATION LOC. 177	9.50
NEXTEL COMMUNICATIONS	123.55
PLATTE CLAY ELECTRIC	225.91
UNISOURCE, INC	146.13
* Court & Legal Expenses	
LARRY E BUTCHER	950.00
CLAY COUNTY DETENTION	217.00
R. BRIAN HALL, PC	1,125.00
RAY COUNTY SHERIFF/TREASURER	70.00
* General Admin. Revenues	
TEK-COLLECT	838.83
* General Fund Balance Acct	
ING FINANCIAL ADVISERS,LLC	1,558.00
MO DEPT OF PUBLIC SAFETY	85.00
MO DEPT OF REVENUE-CVC	605.63
PAYCOR PAYROLL SERVICES	14,530.19
SYNERGY SERVICES INC	170.00
* Museum/Chamber Bldg	
HOUSEWORTH ENTERPRISES	30.00
KEARNEY CHAMBER OF	50.00
MISSOURI GAS ENERGY	52.40
* Old Fire House	
DEFFENBAUGH DISPOSAL	467.44
HOUSEWORTH ENTERPRISES	20.00
MISSOURI GAS ENERGY	85.71
MTS CONTRACTING INC	3,950.00
CARD SERVICES (VISA)	461.28
* Park Fund Balance Acct	
PAYCOR PAYROLL SERVICES	1,083.48
* Park Fund Expenses	
ARKANSAS ELECTRIC COOPERATIVES, INC	25.40
BOB BALDWIN	28.00
CHRIS' LAWN CARE AND	399.00
DEFFENBAUGH DISPOSAL	426.69
FRIES LAWN & LEISURE INC	46.15
HOLLIDAY SAND AND	902.66
HOUSEWORTH ENTERPRISES	956.25
KEARNEY FEED & SUPPLY	260.00
KEARNEY LANDSCAPE MATERIALS INC.	1,300.00
NEXTEL COMMUNICATIONS	95.34
O'REILLY AUTOMOTIVE INC	42.15
PLATTE CLAY ELECTRIC	656.01
PORTER'S SERVICE	327.11
PUBLIC WATER SUPPLY	41.50
T & S TIRE	318.56

CARD SERVICES (VISA)	140.00
WESTERN EXTRALITE COMPANY	47.62
YATES ELECTRIC CO.	591.75
* Park Special Projects	
BIG V SUPERMARKET	22.10
CARD SERVICES (VISA)	91.79
* Police Dept. Expenses	
ALAMAR UNIFORMS OF KANSAS CITY	151.90
ALTERATIONS AND	31.10
AMERICAN PRIDE EXPRESS LUBE	39.85
THE ARMORY	124.00
THOMAS R. CAREY	193.86
CINTAS CORPORATION LOC. 177	160.70
CITY OF KEARNEY-PETY CSH	200.00
CLAY CO SHERIFF'S DEPT	5,003.40
COMMENCO, INC.	50.95
DEFFENBAUGH DISPOSAL	67.48
275-FAIRPOINT COMMUNICATIONS	547.63
HOUSEWORTH ENTERPRISES	150.00
LEADSONLINE	1,068.00
MCGUIRE LOCK AND SAFE	24.50
MISSOURI GAS ENERGY	42.41
NEXTEL COMMUNICATIONS	346.01
O'REILLY AUTOMOTIVE INC	54.55
PLATTE CLAY ELECTRIC	2,759.22
PORTER'S SERVICE	406.80
THE UPS STORE	31.79
CARD SERVICES (VISA)	64.97
* Police Station Debt	
KEARNEY TRUST COMPANY	7,524.01
* Sewer Plant Expenses	
ADT SECURITY SERVICES	34.95
CINTAS CORPORATION LOC. 177	30.50
HOUSEWORTH ENTERPRISES	152.25
JCI INDUSTRIES INC	2,073.00
MIDWEST LABORATORIES INC	498.55
O'REILLY AUTOMOTIVE INC	99.99
DAVID E ROSS	191,706.00
THE UPS STORE	8.81
* Street Department Expense	
AMEREN UE	25.13
CINTAS CORPORATION LOC. 177	40.44
DEFFENBAUGH DISPOSAL	1,331.17
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	249.94
HOUSEWORTH ENTERPRISES	99.75
KEARNEY FEED & SUPPLY	24.30
KRAMER HARDWARE	10.68
MISSOURI GAS ENERGY	74.61
NEXTEL COMMUNICATIONS	127.12
O'REILLY AUTOMOTIVE INC	18.22
PLATTE CLAY ELECTRIC	7,664.95
PORTER'S SERVICE	3,127.75
ULTRA CHEM INC	127.91
YATES ELECTRIC CO.	143.01
* W & S Admin. Expenses	
CENTURYLINK	179.61

CINTAS CORPORATION LOC. 177	42.44
CITY OF KEARNEY	39,048.16
275-FAIRPOINT COMMUNICATIONS	107.55
MISSOURI SALES TAX	5,063.30
NEXTEL COMMUNICATIONS	158.90
O'REILLY AUTOMOTIVE INC	1.68
PLATTE CLAY ELECTRIC	1,136.13
TCOM INC	400.00
* W & S Oblig. Expenses	
UMB BANK	3,942.94
* W&S Revenue Balance Acct	
ING FINANCIAL ADVISERS,LLC	285.00
PAYCOR PAYROLL SERVICES	4,276.27
* Water Plant Expenses	
ADT SECURITY SERVICES	66.90
BNSF RAILWAY COMPANY	120.79
BRENNTAG MID-SOUTH, INC	1,083.80
CINTAS CORPORATION LOC. 177	12.00
DEFFENBAUGH DISPOSAL	70.20
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	643.81
HOUSEWORTH ENTERPRISES	263.00
KCMO WATER SERVICES	16,837.21
KEARNEY FEED & SUPPLY	60.00
LAYNE WESTERN COMPANY	425.00
MISSOURI GAS ENERGY	145.88
MISSOURI ONE CALL SYSTEM, INC.	191.10
THE UPS STORE	79.28
CARD SERVICES (VISA)	213.26
WESTERN FIRST AID & SAFETY	15.95

TOTAL	371,231.62

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