

July 7, 2008

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, July 7, 2008 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Jenny Hayes, Alan Gustin and Dan Holt. Staff members present were Jim Eldridge, David Pavlich, Eric Marshall, Ryan Marcotte 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 June 16th meeting
- Bills presented for payment
- Downtown Beautification Change Order-\$8540, sand blast, stain and seal North side curb and wheel chair bulb out
- Performance Truck & SUV proposal to Equip New Street ¾ ton, \$3,328.03
- Donor Recognition Banner \$2,425
- 94.9 Oldies Radio Advertising for the July 26th Liverpool Concert, \$1,325
- 2008 World Series Banquet, Updike Barbeque, \$2,640 estimate
- City Hall Parking Lot Seal & Restripe, Lewellen Construction \$2,500

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

PUBLIC REQUESTS & PETITIONS

FINAL PLAT GAVIN'S GROVE Bill No. 08-2008, an ordinance approving the Final Plat **ORDINANCE NO. 1092-2008** of Gavin's Grove, 1st Plat, a 29 lot single family residential subdivision with one stormwater detention tract, was presented and read by Title only.

Staff presented a Memo dated July 7, 2008 and recommended approval. Staff said the Planning and Zoning Commission unanimously recommended approval of the plat at their November 15, 2007 meeting.

Alderman Gustin said he would like for the contractor to keep heavy trucks off Marguerite Street if at all possible since we just surfaced that street. Staff said this will connect to Southbrook Parkway so maybe they can come in from that way.

Alderman Couchman asked if our City Engineers have approved these plans. Staff said they have.

A motion was made by Alderman Gustin and seconded by Alderman Holt to approve said bill on its first reading. The motion carried unanimously.

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to place Bill No. **FINAL PLAT GAVIN'S GROVE** 08-2008 on its second and final reading. Said Bill was **ORDINANCE NO. 1092-2008** thereupon read and considered, and was duly passed by the following roll call vote: Voting

for the Motion: Hayes, Gustin, Holt and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1092-2008**.

STEVE MCDONALD, ROTARY CLUB Eric Marshall, Park Director, said the Rotary Club would like to host a Comedy Night at the Amphitheater on August 23rd. He said he polled the Park Board by phone and they are fine with it as long as it is classified as PG 17. He said all the proceeds would go to civic projects in Kearney.

Steve McDonald, Rotary Club representative, said they have contacted the Majestic Club in Zona Rosa to arrange the entertainment. They would provide three comedians from the Kansas City area and would help promote the event. He said it would be age appropriate entertainment.

Mayor Dane asked if they would be using police, concessions, etc. Mr. Marshall said they haven't worked out all those details yet. They just needed to know it if would be approved first and then they would work out all the details. He said the Rotary Club will do the parking.

Alderwoman Hayes asked if they would be selling alcohol and if so they would need police. Staff said they would probably sell alcohol.

Alderwoman Hayes asked if they would be charging a fee to attend. Staff said they would.

Alderman Couchman said the Park Board has a policy covering all these type of events and there are provisions for civic organizations.

A motion was made by Alderman Couchman and seconded by Alderman Gustin to approve the use of the Amphitheater for a Comedy Night at the Amphitheater on August 23rd. The vote was three to zero with Alderman Holt abstaining because he is a member of the Rotary Club.

PUBLIC HEARING

REZONING RIVER MEADOWS NORTH COMMERCIAL Bill No. 09-2008, an **ORDINANCE NO. 1093-2008** ordinance changing the zoning of a 4.9 acre parcel to C-P-Commercial Planned District with an amended Development Plan known as River Meadows North Commercial, was presented and read by Title only.

Staff said they envision a 3200 square foot convenience store/filling station, 17,000 square foot building for retail/office space and 3,520 square foot bank pad site.

Staff said at their June 9th meeting the Planning and Zoning Commission unanimously voted to recommend approval of the zoning request subject to the following conditions:

1. Revisions to the site plan, including:
 - a. Identification of 3 phases, and improvements associated with the phases, if the bank and retail shops are not to be constructed concurrently;
 - b. Label the proposed 15' utility easement around the project;

- c. Locating the west side proposed 15' utility easement adjacent to the proposed 33 Highway right-of-way;
2. Submittal of revised site plan copies, including any necessary changes as a result of Planning Commission or engineering review, prior to hearing by the Board of Aldermen;
3. Approval of the preliminary development plan by the Board of Aldermen;
4. Approval of a preliminary stormwater plan by the City's consulting engineer prior to Board of Aldermen review;
5. Approval of the traffic report by the City's consulting engineer and MoDOT prior to Board of Aldermen review;
6. Vacating of 23rd Street along the north property line and other easements to be vacated prior to/in conjunction with a final plat of applicable lots;
7. Any necessary off-site easements are acquired prior to construction of any public improvements;
8. Submittal of construction plans for public improvements and cost estimate prior to or concurrent with building permit application submittal,
9. Payment of the 1% engineering review fee for public improvements prior to issuance of the building permit and/or construction of public improvements;
10. Construction of all public improvements and site improvements in accordance with city codes and requirements;
11. That the sidewalk along the bank and the common area be installed as part of Phase 1;
12. That a 6' sidewalk be installed along 33 Highway (**contested issue--5', see below**)
13. That plan be forwarded to the Board of Aldermen if a waiver of stormwater detention is granted or if underground detention is proposed, and that the plan be remanded back to the Planning Commission if changes to the plan layout are necessary as a result of proposed surface stormwater detention facilities;
14. That the trash enclosure for the bank be relocated to another location not along Meadowbrook Drive; and
15. That conceptual cross-sections for the east property line be provided prior to Board of Aldermen review.

Mayor Dane asked if they have met all the conditions. Staff said they have met all the conditions and now have the stormwater detention completed.

Alderman Gustin asked if the stormwater detention has to go back to the Planning and Zoning Commission. Staff said it is underground and doesn't have to go back to Planning and Zoning.

Alderman Gustin asked why we are doing this zoning change. Staff said it was zoned CP a long time ago but didn't have a Plan attached to the zoning, therefore it had to come back to the Planning and Zoning Commission and Board of Aldermen.

Alderman Holt said there was much discussion about the sidewalk and the reason for six feet was to connect to the trail. He said it is five feet everywhere else so part of the Commission felt this should be five feet also. He said there was concern about the trash corral being along

REZONING RIVER MEADOWS NORTH COMMERCIAL Meadowbrook Drive but
ORDINANCE NO. 1093-2008 believes the developer will move it.

Mayor Dane asked for a general consensus of the Board of Aldermen in regard to the width of the sidewalk. Everyone was in agreement that the sidewalk should be five feet wide. Mayor Dane said the Ordinance would be changed to read five feet wide.

Alderman Gustin asked about the large trees on the site. Staff said they will be removed but they will include new trees in their landscaping plan.

Alderman Couchman asked if the sidewalk will be placed far enough from 33 Highway to accommodate a widening of 33 Highway in the future. Staff said they have allowed for widening of 33 Highway.

Patti Banks, representative of Sadenco LLC, said the developers appreciate the consideration of the Board of Aldermen in changing the width of the sidewalk to five feet. She said they are in agreement with all the conditions. The vacation of 23rd Street hasn't been completed because they are doing research on that. Bill Denman thought that had already been vacated when this was originally approved.

Alderwoman Hayes asked how long it will take them to finish this Plan. Ms. Banks said it depends on the market and economy.

Alderman Gustin asked when the road widening would occur. Ms. Banks said the left hand turn lanes on 33 Highway would be done with the 1st Phase.

The floor was opened to the public.

Staff presented an email from Kent Kooi, resident of River Meadows, who questioned why this is being built on the Northeast corner of the intersection of Meadowbrook Drive and 33 Highway instead of the Southeast corner which is to be a part of Village of River Meadows.

Kyle Warman, 2205 Blue Bell Terrace, said his property backs up to this Plan. He asked if the 23rd Street right-of-way comes up along his property. Staff said it stops at the East end of the commercial property.

Mr. Warman said he wanted to make sure that the fifty foot buffer zone stays in place and it will consist of more than a small two foot berm. He said he doesn't want commercial customers looking into his backyard all the time. Staff said the buffer zone will consist of a berm and landscaping.

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

Alderwoman Hayes asked what Mr. Kooi was referring to in his email when he talked about the Southeast corner of 33 Highway and Meadowbrook Drive. Staff said when the developer

REZONING RIVER MEADOWS NORTH COMMERCIAL-CONT brought in the Final
ORDINANCE NO. 1093-2008 Plat for Village of River Meadows they submitted a commercial concept for the area zoned commercial at the Southeast corner of 33 Highway and Meadowbrook Drive.

Alderman Gustin asked if Staff had shared Mr. Kooi's email with the developer. Staff said they had.

Alderman Couchman asked if we are simply adding a Plan to a “P” zoning. Staff said that is correct. He also wanted to know if they had done a stormwater study. Staff said they have.

Mayor Dane reminded everyone that the Ordinance would read that a five foot sidewalk is built along 33 Highway.

A motion was made by Alderman Holt and seconded by Alderman Gustin to approve said bill on its first reading. The motion carried unanimously.

A motion was made by Alderwoman Hayes and seconded by Alderman Holt to place Bill No. 09-2008 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, Gustin, Holt and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1093-2008**.

NEW BUSINESS

AGREEMENT MoDOT CLEAR CREEK BRIDGE Bill No. 10-2008, an ordinance
ORDINANCE 1094-2008 authorizing the Mayor to sign an Agreement with MoDOT relative to the Clear Creek Bridge replacement on 92 Highway, was presented and read by Title only.

Staff said MoDOT typically does intergovernmental contracts with municipalities when completing public works projects within their corporate limits.

Staff said the contract has been reviewed both by our City Attorney and City Engineer. The City will cooperate in this project by closing Clear Creek Drive for the duration of the project.

Mayor Dane asked Fire Chief Larry Pratt if he sees the closing of Clear Creek Drive as a potential problem for the Fire Department. He said no.

Alderman Couchman asked if this will affect our lift station at Clear Creek Drive and 92 Highway. Staff said it is just out of the grade line for the project.

Alderman Gustin asked if we have any traffic study count for Clear Creek Drive and 92 Highway. Staff said no.

AGREEMENT MoDOT CLEAR CREEK BRIDGE-CONT A motion was made by **ORDINANCE 1094-2008** Alderman Gustin and seconded by Alderman Holt to approve said bill on its first reading. The motion carried unanimously.

A motion was made by Alderman Gustin and seconded by Alderwoman Hayes to place Bill No. 10-2008 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, Gustin, Holt and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1094-2008**.

MACO DEVELOPMENT PROJECT SUPPORT A Resolution, in support for the MACO

RESOLUTION NO. 21-2008 Development Project called Eastwood Senior Apartments, was presented and read by Title only.

Staff said we have done this for the last two years. MACO is trying to get financing and tax credits from the Missouri Housing Development for construction and permanent financing of fifty-five apartments for senior citizens in Kearney.

A motion was made by Alderman Gustin and seconded by Alderman Holt to approve the Resolution in support for the MACO Development Project called Eastwood Senior Apartments in Kearney. The motion carried unanimously.

ALDERMEN DISCUSSION

ALDERMAN HOLT Alderman Holt said he has attended the events at the Amphitheater and has noticed City Staff carrying ice and dumping in coolers at the Amphitheater. He asked if there was any reason we couldn't get a refrigerator/freezer for the Amphitheater. Staff said they are working on getting a refrigerator/freezer for the Amphitheater.

MAYOR DANE Mayor Dane said the Fireworks Display was fabulous on July 3rd. He said this is the second year in a row that we have made the front page of the Kansas City Star with our display. He said he also wants to thank the Fire Department for all their support.

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 July 7, 2008 meeting:

ORG/VENDOR NAME	WARRANT: 070707	AMOUNT

* City Hall Expenses		
CHRIS STERBENZ		300.00
	TOTAL	300.00

ORG/VENDOR NAME	WARRANT: 070708	AMOUNT

* 1996 SRF REV BD Expense		
UMB BANK		82.03
* 2001 SRF Rev Bd Expense		
UMB BANK		8,077.61
* 33 Hwy Construction Exp		
VIRGIL BARCHERS		964.16
MANNECO INC		22,873.30
* Cap Improv Sales Tax Exp.		
THOMPSON MOWING, INC.		1,682.00
* City Hall Expenses		
AMEREN UE		531.31
RODNEY AMES		500.00
BIG V SUPERMARKET		11.55

CHRIS' LAWN CARE AND	145.00
CINTAS CORPORATION #690	227.56
COLE PRINTING	186.00
CORPORATE EXPRESS	329.65
BILLY R DANE	175.00
DE LAGE LANDEN FINANCIAL SERVICES	67.20
DEFFENBAUGH INDUSTRIES	14,520.00
275-FAIRPOINT COMMUNICATIONS	419.26
GRAFF TECHNOLOGY SOLUTIONS	50.00
R. BRIAN HALL, PC	3,210.00
KEARNEY CHAMBER OF	50.00
KRAMER HARDWARE	48.16
MO DEPT OF REVENUE	35.00
NEXTEL COMMUNICATIONS	84.90
PORTER'S BUILDING CENTER	7.19
THOMPSON MOWING, INC.	1,760.00
* Community Development Dir	
CINTAS CORPORATION #690	48.87
DE LAGE LANDEN FINANCIAL SERVICES	29.18
LANDPLAN ENGINEERING	384.50
NEXTEL COMMUNICATIONS	73.56
NPG NEWSPAPERS INC	81.33
SPRINT	59.99
* Court & Legal Expenses	
LARRY E BUTCHER	950.00
R. BRIAN HALL, PC	1,425.00
* General Admin. Revenues	
TNT FIREWORKS	60.00
* Meter Deposit Expenses	
AFFORDABLE HOMES	57.87
SHAWN ALDEN	75.00
CHARLA BROWN	24.88
JIM CARLSON CONSTRUCTION	56.56
DONALD CARTER	21.36
LAURA CLEMONS	17.88
ROBERT CONARD	19.60
COUCHMAN CONSTRUCTION	52.22
DIXON CONSTRUCTION	39.62
DONALD DUFFY	3.32
KENT EIMERS	64.88
GLADYS HOULDER	17.34
MELTON JENNINGS	38.23
CHARLIE KNIERIM	24.88
JESSICA MATHER	44.78
R & R HOMES LLC	29.20
ROBERTSON CONSTRUCTION, LLC	95.79
RICHIE RUNIONS	36.33
CHRIS SHANNON	10.59
JACOB SIMMONS	55.88
JEFF SLACK	52.10
STERVINO CONSTRUCTION	24.86
LOUISE TREECE	17.88
RYAN WOOD	15.88
GARY WYANT	61.11
* Old Church TIF Debt Expen	
DEW PROPERTIES, LLC	10,659.28
* Park Captial Projects	

ADVANCED SOUND & COMMUNICATION	155.00
* Park Fund Expenses	
AMEREN UE	7.46
BIG V SUPERMARKET	13.63
CINTAS CORPORATION #690	22.44
COLE PRINTING	15.00
DEFFENBAUGH INDUSTRIES	84.00
JEFF GARTON	455.00
JEFF HERNDON ENTERPRISES	43.50
KEARNEY HOLT COMMUNITY THEATRE	4,000.00
DAVID KEITH KEPLINGER	40.00
KRAMER HARDWARE	720.10
RYAN MARCOTTE	8.78
NEW THEATRE RESTAURANT	973.50
NEXTEL COMMUNICATIONS	136.24
ORSCHELNS CARD CENTER	320.48
PLATTE CLAY ELECTRIC	1,343.39
PORTER'S BUILDING CENTER	477.44
PUBLIC WATER SUPPLY	22.50
QUALITY HILL PLAYHOUSE	50.00
QUICK STOP	1,412.00
TAYLOR LEE SYAS	120.00
THOMPSON MOWING, INC.	3,568.00
WESTERN EXTRALITE COMPANY	682.84
* Park Special Projects	
BIG V SUPERMARKET	289.26
CLAY CO SHERIFF'S DEPT	1,440.00
KEARNEY LODGING	192.78
RON LEMEN-QUALITY CONCERTS	4,050.00
VAN MCELVAIN	4,050.00
SOUND CHECK ENTERPRISES, INC	4,750.00
* Police Dept. Expenses	
AMEREN UE	377.13
THE ARMORY	1,284.20
BIG V SUPERMARKET	380.03
BOARD OF POLICE	42.32
THOMAS R. CAREY	50.70
CHILDREN'S MERCY HOSPITAL	201.00
CINTAS CORPORATION #690	133.79
CITY OF KEARNEY-PETY CSH	150.00
COLE PRINTING	744.85
COMMENCO, INC.	3,466.16
CROSSROADS CHEVROLET	7.90
DEFFENBAUGH INDUSTRIES	20.00
275-FAIRPOINT COMMUNICATIONS	555.76
THE FAMILY PET	60.00
FEDERAL SIGNAL CORP	5,510.00
GRAFF TECHNOLOGY SOLUTIONS	683.50
GREAT GUNS	279.00
INTERSTATE BATTERIES	75.60
J & K AUTO REPAIR	492.73
KRAMER HARDWARE	78.08
MO VOCATIONAL	15.00
NEXTEL COMMUNICATIONS	448.42
OMB POLICE SUPPLY	308.85
ORSCHELNS CARD CENTER	22.99
PERFORMANCE TRUCK AND SUV	1,338.15

*** Pooled Cash**

AFLAC/REMITTANCE	41.94
FAMILY SUPPORT	1,036.50
ING FINANCIAL ADVISERS,LLC	2,401.33
MISSOURI LAGERS	14,306.91
METLIFE SMALL BUSINESS CENTER	2,193.50
MO DEPT. OF REVENUE	5,489.00
VISION SERVICE PLAN (IC)	431.90

*** Sewer Plant Expenses**

ACE PIPE CLEANING, INC.	1,372.00
ALLIED WASTE SERVICES	99.41
BRINK'S HOME SECURITY	31.95
CII LABORATORY SERVICES	21.00
CHRIS' LAWN CARE AND	300.00
CINTAS CORPORATION #690	24.42
DEFFENBAUGH INDUSTRIES	20.00
KRAMER HARDWARE	69.46
ORSCHELNS CARD CENTER	66.07
PLATTE CLAY ELECTRIC	9,016.50
PORTER'S BUILDING CENTER	41.38
SUPERIOR LAMP INC	297.14
THOMPSON MOWING, INC.	990.00
WESTERN EXTRALITE COMPANY	629.41
YATES ELECTRIC CO.	2,357.50

*** Solid Waste**

DEFFENBAUGH INDUSTRIES	21,757.25
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*** Street Department Expense**

AMEREN UE	778.45
CINTAS CORPORATION #690	121.95
DEFFENBAUGH INDUSTRIES	30.00
DEFFENBAUGH DISPOSAL	875.00
275-FAIRPOINT COMMUNICATIONS	49.73
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	153.39
HAMMONS MUD JACKING	450.00
KEARNEY FEED & SUPPLY	18.80
KRAMER HARDWARE	11.49
METRO ASPHALT	158,785.30
MO VOCATIONAL	150.00
NEXTEL COMMUNICATIONS	173.33
NORTH COUNTRY FORD	20,276.00
PLATTE CLAY ELECTRIC	315.44
PORTER'S BUILDING CENTER	159.62
THOMPSON MOWING, INC.	480.00
VANCE BROTHERS INC	84,155.50

*** W & S Admin. Expenses**

CINTAS CORPORATION #690	150.27
CITY OF KEARNEY	26,296.17
CORPORATE EXPRESS	39.11
CROSSROADS CHEVROLET	64.00
EMBARQ COMMUNICATIONS,INC.	1.02
275-FAIRPOINT COMMUNICATIONS	126.21
HOTSY EQUIPMENT CO	57.25
MO VOCATIONAL	30.00
MOBILFONE	7.24
NEXTEL COMMUNICATIONS	292.51
NPG NEWSPAPERS INC	131.16
ORSCHELNS CARD CENTER	15.88

PORTER'S SERVICE	751.80
* W & S Oblig. Expenses	
UMB BANK	64.06
* Water Plant Expenses	
AMEREN UE	3,054.56
BNSF RAILWAY COMPANY	618.00
BOVE' ENTERPRISES, LLC	1,176.00
BRINK'S HOME SECURITY	63.90
C.H. ROBINSON COMPANY, INC.	851.00
CHRIS' LAWN CARE AND	300.13
CINTAS CORPORATION #690	78.00
DEFFENBAUGH INDUSTRIES	20.00
FORM-TECH INC.	66.29
HACH CHEMICAL	678.61
KRAMER HARDWARE	474.97
MISSISSIPPI LIME CO	3,927.00
NATIONAL SAFETY COUNCIL	285.00
ORSCHELNS CARD CENTER	34.43
PLATTE CLAY ELECTRIC	1,268.49
PORTER'S BUILDING CENTER	15.69
PUBLIC WATER SUPPLY DIST#6	600.00
THOMPSON MOWING, INC.	800.00
VANCE BROTHERS INC	2,000.00
WEST KEARNEY WINNELSON	10.00
WESTERN EXTRALITE COMPANY	787.91
YATES ELECTRIC CO.	690.00
* Wireless Cap Imp Exp-Park	
HEDRICK CONST. CO. LLC	52,680.00
WESTERN EXTRALITE COMPANY	1,342.20
WICK BUILDINGS	30,845.00

TOTAL	577,608.56

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