

June 15, 2009

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, June 15, 2009 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Jenny Hayes, Dan Holt and Alan Gustin. Staff members present were Jim Eldridge, Shirley Zimmerman, David Pavlich, Molly McGovern, Ryan Marcotte and Eric Marshall.

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 1st meeting
- Bills presented for payment
- Waive \$60 permit fee for Radiant Life Assembly of God Church for Renovation

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

MAYOR'S REMARKS

AMPHITHEATER CONCERT Eric Marshall, Park Director, reported that the Concert on June 13th went very well. He said they had no hitches.

Ryan Marcotte presented a spread sheet for the Concert June 13th. He said once again this concert did much better than anticipated and instead of being in the negative \$2,460 we are actually ahead \$4,577.

Eric Marshall reported that the new signs are up advertising the next two concerts. He said they will be making some minor changes at the gate but everything else is going fine.

Mayor Dane asked Staff to check the billboard in the next few days to be sure they changed the Amphitheater information.

RECOGNIZING BEVERLY POYNTER A Resolution, recognizing Beverly Poynter for **RESOLUTION NO. 15-2009** thirteen years of service to the City of Kearney on the Park Board, was presented and read in its entirety.

Mayor Dane read a letter of resignation from Beverly Poynter for the Park Board.

Mayor Dane said Beverly Poynter has served on the Park Board for thirteen years. He said she has represented the community and especially the senior citizens very well. He read a list of accomplishments that have been done in the Parks Department while she was on the Board.

RECOGNIZING BEVERLY POYNTER Mayor Dane introduced the current Park Board as **RESOLUTION NO. 15-2009** well as former members attending the meeting and allowed them to each speak about their service with Beverly. Mayor Dane said we will find a replacement for Beverly Poynter on the Park Board but he would like to recommend that she be made a life time member of the Park Board.

A motion was made by Jeff Couchman and seconded by Dan Holt to make Beverly Poynter a life time member of the Park Board. The motion carried unanimously.

The Park Board presented Ms. Poynter with a bouquet of flowers, a life time pass to the Amphitheater and a gift certificate to Pizza Shoppe.

A motion was made by Alderman Gustin and seconded by Alderman Holt to approve the Resolution recognizing Beverly Poynter for thirteen years of service to the City of Kearney on the Park Board. The motion carried unanimously.

Mayor Dane presented Beverly Poynter a framed copy of the Resolution, a key to the City, a shirt and her name plate for the Park Board.

ADMINISTRATOR'S REPORT

HEALTH INSURANCE PROPOSAL Staff reported that the City's health insurance broker, Kiernan Companies, have bid the health insurance for the coming year. The City's current carrier, Blue Cross/Blue Shield bid a nine percent increase over last year's premium and is recommended for acceptance.

Staff said the family coverage increase will be approximately \$20 per pay period for employees.

CVS MONUMENT SIGNS Staff reported that CVS has changed their sign request to monument signs, which can be approved by Staff. Therefore no further action is required by the Board of Aldermen, as the site plan was approved excepting signage.

Staff presented a proposal of the monument signage.

PUBLIC REQUESTS & PETITIONS

STEVE MCEE REQUEST CITY SHARE IN STREET REPAIRS Staff presented a letter from Steve McBee, new developer of Clear Creek Ridge, requesting the City share sixty percent (\$10,948.20) of repair costs on Clear Creek Drive for repaving pavement cuts from the sewer extension.

Staff said the letter states he was not made aware, however, the City informed him at our first meeting after he purchased the subdivision. There were no meetings or inquiries prior to the purchase. Apparently, neither the prior developer nor the bankers disclosed the offsite repairs, despite our meetings and written correspondence with them.

STEVE MCEE REQUEST CITY SHARE IN STREET REPAIRS-CONT Staff said Mr. McBee has worked diligently with the City in completing the street improvements. The subdivision and Clear Creek Drive repairs are completed and the contractor did a beautiful job.

Alderwoman Hayes asked where we came up with the sixty percent. Staff said that was what Mr. McBee had requested in his letter.

Steve McBee, developer for Clear Creek Ridge Subdivision, said the City did tell him about this the first time he met with them. He said this was a fast real estate transaction and he bought it before it got into foreclosure. He said he never contacted the City prior to the transaction. He said he did check and see if there were any liens, etc. and there were none.

Mr. McBee asked if there were performance bonds on the previous contractor who did the sewer work on Clear Creek Drive. He said he had talked to David Pavlich about maybe getting building permit fees waived in place of this cost.

Mayor Dane asked Mr. McBee to explain how he arrived at the sixty percent figure. Mr. McBee said he is operating on a very tight budget to make this subdivision work and this is twice what he budgeted for repairs.

Alderwoman Hayes asked if this road repair is outside of his development. Staff said it is. The damage was done when they extended the gravity sewer down that road.

David Pavlich said Mr. McBee went ahead and did the repairs because the bid was much lower from the contractor if he had it done now while they were in town finishing the streets in the subdivision.

Alderman Couchman said the Development Agreement should have had this in it and the Bank knew but apparently neither one chose to reveal it to Mr. McBee. He said if they had asked the City before the purchase was completed we would have told them.

Mr. McBee said he did go back to Pony Express Bank but they said they didn't know about this.

Alderman Gustin asked if we had told Pony Express Bank about this. Staff said they were sent a letter and we have a letter to the developer.

Mayor Dane asked if Mr. McBee had taken this material to the Bank. He said he hadn't.

Alderman Couchman said the Development Agreement should have had this in it and the developer should have told Mr. McBee.

Alderman Gustin asked if the City wouldn't have taken over this street in two years. Staff said that is correct and we would have had to do the repairs ourselves. Staff said we don't always require performance bonds but hold approval of the final plat if the repairs aren't done.

STEVE MCEE REQUEST CITY SHARE IN STREET REPAIRS-CONT Alderman Couchman asked if all the streets are completed. Staff said they are and they did a beautiful job of completing that phase of the project.

Mayor Dane asked if we had any precedence prior to this of a similar situation. Staff said the only thing close would be that we overlaid the West side of Marguerite Street to correct a design flaw when Albright Estates did the half street improvements.

Alderman Holt said that was a situation to help flood problems.

Alderman Couchman said if we give him two free building permits it gives him a chance to recoup his money. He said if we pay for off property repairs we will really create issues down the road with other developers.

Mr. McBee said the only problem he has with using the building permit fees to recoup the money spent, doesn't allow him to use that savings to help lower the price of his homes. He said the economy is tight right now and he had hoped to use the savings on building permits to help keep his house prices low enough to sell.

Alderman Gustin said maybe this should go to the Road District for their recommendation. Staff said they would gladly take it to them on Thursday night but they don't have any money at this time.

Mayor Dane asked Mr. McBee how soon he would be pulling building permits. He said he had just received a punch list from David Pavlich and as soon as he had gone through it he intended to start pulling permits.

Mayor Dane suggested that we send this to the Road District for their recommendation. He said in the event they receive funds they could pay Mr. McBee. He said at the next meeting we will have a discussion about building permit fees for Mr. McBee. He said we might consider extending the time frame beyond October 1st to help him.

PUBLIC HEARINGS

HEARING FOR SENIOR CENTER GRANT Staff said we are required to have a public hearing to discuss the past performance by the City in carrying out the City's 2008 Senior Center Facility at 600 North Jefferson. The building was purchased with CDBG funds and renovated using Clay County Senior Services Property Tax funds.

Molly McGovern said the public hearing is part of the process to close out the end of the program. She said it gives people a chance to speak about the project. She said this was simply a one transaction project to purchase the building.

Mayor Dane said this is a wonderful improvement for the seniors. He said he had had a lady ask him about the possibility of having a wheel chair available. She has a friend with MS and it's hard for her to go to the back room. He said we are checking with the Lion's Club about this.

HEARING FOR SENIOR CENTER GRANT-CONT Alderwoman Hayes asked if the room is full at meal times. Staff said their crowds are growing.

Alderman Couchman asked when they will be able to cook meals there. Ms. McGovern said whenever they figure out how to pay for the equipment they will be able to start doing that. That would also require hiring some people and right now it is run by volunteers.

The floor was opened to the public.

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

STABLES Mayor Dane said he wanted to introduce Shawn Barber and his Dad from Stables. He said they are sponsors for our ticket sales this year. He said they have expanded their business and are a good asset to our community.

NEW BUSINESS

\$25,000 CITY PARTICIPATION TO EXTEND FIBER OPTICS A Resolution, **RESOLUTION NO. 16-2009** authorizing the contribution of \$23,000 to Time Warner Cable to extend a high speed communications line from the Fire Station at 201 East 92 Highway to 351 West Washington Street to serve National Marketing Resource in addition to enhancing the City's telecommunications infrastructure, was presented and read by Title only.

Staff said the City was approached by National Marketing Resource concerning their need for redundant communications lines at their place of business. Time Warner Cable is the only provider that can provide the services they need.

Staff said we would appropriate the funds from the Wireless Capital Improvements Fund. We have also advised Embarq and Fairpoint that the City would consider similar investments, under similar circumstances, in public infrastructure with their respective companies subject to the availability of funding.

Mayor Dane said they didn't ask for us to pay the full amount but felt we should do this to show them our interest in keeping them in Kearney. They provide one hundred jobs in our community. They have been looking to move to Liberty to be near better telecommunication services.

Mayor Dane said this will open up services for other businesses. He said we would do the same for Fairpoint or Embarq if it meant keeping a business in town or attracting a new business.

Alderman Couchman asked why they had stopped at the Fire Station. Staff said it was the only business at the time needing the service.

Alderman Couchman said he would like to get the cost of running the line down 92 Highway to Platte Clay Way rather than down Grove Street where there are no businesses that would use the service.

\$25,000 CITY PARTICIPATION TO EXTEND FIBER OPTICS Alderwoman Hayes said **RESOLUTION NO. 16-2009** she has Time Warner at her home so why wasn't it any closer to National Marketing than the Fire Station. Staff said this line is strictly for businesses and is different than the residential lines.

Alderman Couchman asked if we had any other business in town that uses this type of service. Staff said no one that is as sensitive to telecommunications services as they are.

Mayor Dane said fiber optic is very important to commercial development and we have lost prospects because of our lack of it. He said he feels we need to get experts to develop a fiber optic plan for the City.

Alderman Couchman asked if it would be encased so it won't get damaged easily. Staff said it won't be.

Alderman Gustin asked if someone on down the line wants service do we pay for theirs also. Mayor Dane said it depends on the circumstances and this is to keep an employer of one hundred people in town.

Alderman Couchman asked if we have any assurances that National Marketing Resources will stay in Kearney if we do this. Mayor Dane said no.

Alderman Gustin asked if we had run this past the City Attorney to be sure it is legal. Staff said we had done that.

Mayor Dane asked Staff to check and see what the cost would be to go down 92 Highway instead of Grove Street.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the Resolution authorizing the contribution of \$23,000 to Time Warner Cable to extend a high speed communications line from the Fire Station at 201 East 92 Highway to 351 West Washington Street to serve National Marketing Resource in addition to enhancing the City's telecommunications infrastructure. The motion carried unanimously.

PROCLAMATION TO SUPPORT IMPEDIMENTS TO FAIR HOUSING CHOICE

A Proclamation, recognizing and identifying possible barriers to fair housing choice based upon income, was presented and read by Title only.

A motion was made by Alderman Couchman and seconded by Alderwoman Hayes to approve the Proclamation recognizing and identifying possible barriers to fair housing choice based upon income. The motion carried unanimously.

ADOPTING POLICY OF NONDISCRIMINATION ON BASIS OF DISABILITY

RESOLUTION NO. 17-2009 A Resolution, adopting a policy of nondiscrimination on the basis of disability and to develop and implement a transition plan for the timely elimination of structural barriers, was presented and read by Title only.

Staff said a survey was completed of City buildings which are deemed to be handicapped accessible to the public.

A motion was made by Alderman Holt and seconded by Alderwoman Hayes to approve the Resolution adopting a policy of nondiscrimination on the basis of disability and to develop and implement a transition plan for the timely elimination of structural barriers. The motion carried unanimously.

ADOPTING GRIEVANCE PROCEDURE FOR SECTION 504/ADA COMPLAINTS

RESOLUTION NO. 18-2009 A Resolution, adopting Grievance Procedure for Section 504/ADA complaints, was presented and read by Title only.

Staff said we need to adopt this to meet CDBG Grant requirements.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the Resolution adopting Grievance Procedure for Section 504/ADA complaints. The motion carried unanimously.

ALDERMEN DISCUSSION

ALDERWOMAN HAYES Alderwoman Hayes said she wanted to acknowledge that the Jesse James Committee has installed bleachers at the arena in Jesse James Park.

Mayor Dane said they are spending \$22,000 in the Park and this is the first investment they have done in six years.

ALDERMAN GUSTIN Alderman Gustin asked if the Scouts don't do the flags for Flag Day. Staff said that is correct.

ADJOURNMENT There being no further business on the regular agenda, a motion was made by Alderman Holt and seconded by Alderman Gustin to adjourn to executive session to discuss real estate matters. The motion carried unanimously.

The following bills were presented for payment at the June 15, 2009 meeting:

ORG/VENDOR NAME	WARRANT: 061509	AMOUNT
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* 1996 SRF REV BD Expense		
UMB BANK		4,743.27
* 2001 SRF Rev Bd Expense		
UMB BANK		14,847.02
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		360.00

* City Hall Expenses	
BIG V SUPERMARKET	62.80
CINTAS CORPORATION #690	125.99
CHAD COFFELT	2.69
DEFFENBAUGH INDUSTRIES	20.00
JIM ELDRIDGE	35.20
275-FAIRPOINT COMMUNICATIONS	426.76
FRIENDS OF THE JAMES FARM	250.00
R. BRIAN HALL, PC	1,905.00
HOUSEWORTH ENTERPRISES	780.00
KEARNEY FEED & SUPPLY	55.00
KRAMER HARDWARE	27.48
MISSOURI GAS ENERGY	86.33
ORSCHELNS CARD CENTER	12.79
STAPLES ADVANTAGE	216.51
TCOM INC	600.00
TEK-COLLECT	8.29
JOAN H. UPDIKE	21.42
CARD SERVICES (VISA)	14.95
* Community Development Dir	
CINTAS CORPORATION #690	45.87
CONOCO	42.60
* Court & Legal Expenses	
LARRY E BUTCHER	475.00
R. BRIAN HALL, PC	330.00
LODGE OF FOUR SEASONS	447.43
RAY COUNTY SHERIFF/TREASURER	105.00
* DWI/Drug Fund Expenses	
CARD SERVICES (VISA)	77.97
* Economic Development	
MID-AMERICA REG. COUNCIL	2,400.00
* General Admin. Revenues	
GERALD BINDEL	50.00
DERICK HAGER	70.00
CARD SERVICES (VISA)	2,374.32
* Meter Deposit Expenses	
SCOTT HOBBS	75.00
* Park Fund Expenses	
AMERICAN HEARTLAND	240.00
CARNIVAL TIMES INC	1,380.00
CINTAS CORPORATION #690	22.44
CONOCO	668.16
DEFFENBAUGH INDUSTRIES	84.00
FRIES LAWN & LEISURE INC	110.78
HOUSEWORTH ENTERPRISES	1,080.00
KEARNEY FEED & SUPPLY	60.00
KRAMER HARDWARE	242.26
NPG NEWSPAPERS INC	113.60
PORTER'S SERVICE	85.02
PUBLIC WATER SUPPLY	15.30
SHELL	54.00
CARD SERVICES (VISA)	.01
YATES ELECTRIC CO.	134.75
* Park Special Projects	
BIG V SUPERMARKET	212.18
BILL BISHOP	700.00
CLAY COUNTY SHERIFF'S OFFICE	195.00

COLE PRINTING	2,016.00
KKFI-90.1FM	900.00
RYAN MARCOTTE	595.00
LONNIE MILLER	2,205.00
NPG NEWSPAPERS INC	312.40
SWANK MOTION PICTURES, INC	21.00
* Police Dept. Expenses	
THE ARMORY	10.00
BISCARI BROS. BICYCLES	56.00
CINTAS CORPORATION #690	125.55
COLE PRINTING	45.00
CONOCO	1,122.40
DEFFENBAUGH INDUSTRIES	20.00
275-FAIRPOINT COMMUNICATIONS	565.71
GRAFF TECHNOLOGY SOLUTIONS	637.34
DERICK HAGER	123.95
MISSOURI GAS ENERGY	37.56
O'REILLY AUTOMOTIVE INC	226.99
SHELL	855.75
THE UPS STORE	53.19
CARD SERVICES (VISA)	68.51
WINGFOOT COMMERCIAL TIRE	18.44
* Pooled Cash	
FAMILY SUPPORT	909.50
ING FINANCIAL ADVISERS,LLC	1,671.33
* Sewer Plant Expenses	
CII LABORATORY SERVICES	22.00
CINTAS CORPORATION #690	24.42
DEFFENBAUGH INDUSTRIES	20.00
HOUSEWORTH ENTERPRISES	172.50
KRAMER HARDWARE	60.51
MIDWEST LABORATORIES INC	90.04
SUPERCO SPECIALTY PRODUCTS	262.15
WESTERN FIRST AID & SAFETY	44.75
* Street Department Expense	
AMERICAN PRIDE EXPRESS LUBE	36.75
AMERICAN MARKING & PAVING CO INC	178,443.50
CINTAS CORPORATION #690	109.04
CONOCO	439.83
DEFFENBAUGH INDUSTRIES	30.00
EVERETT QUARRIES	416.78
275-FAIRPOINT COMMUNICATIONS	50.23
HOUSEWORTH ENTERPRISES	133.50
IDEKER, INC.	85.26
KEARNEY FEED & SUPPLY	44.00
KRAMER HARDWARE	53.84
LAWSON PRODUCTS	73.63
LONG VET CLINIC	120.00
O'REILLY AUTOMOTIVE INC	5.79
PLATTE CLAY ELECTRIC	6,787.95
PORTER'S SERVICE	518.86
SUPERCO SPECIALTY PRODUCTS	262.15
* W & S Admin. Expenses	
BIG V SUPERMARKET	9.32
CINTAS CORPORATION #690	152.28
CONOCO	526.79
EMBARQ	166.33

275-FAIRPOINT COMMUNICATIONS	127.95
FIELD GYMMY, INC.	308.51
KRAMER HARDWARE	24.36
MISSOURI SALES TAX	1,355.79
MOBILFONE	25.47
PORTER'S SERVICE	5,022.81
SLIVINSKI'S BAKERY	16.66
WINGFOOT COMMERCIAL TIRE	244.57
* W & S Oblig. Expenses	
UMB BANK	3,746.71
* Water Plant Expenses	
BRENNTAG MID-SOUTH, INC	1,382.50
BRINK'S HOME SECURITY	31.95
CINTAS CORPORATION #690	52.00
DEFFENBAUGH INDUSTRIES	20.00
ENGINEERED SYSTEMS INC.	591.75
EVERETT QUARRIES	810.14
FORM-TECH INC.	63.06
GEIGER READY-MIX	483.00
GLENN HAMPTON	40.00
HOUSEWORTH ENTERPRISES	280.50
IDEKER, INC.	254.94
KEARNEY FEED & SUPPLY	138.00
KRAMER HARDWARE	392.52
LAWSON PRODUCTS	73.63
MISSOURI GAS ENERGY	61.83
MISSOURI ONE CALL SYSTEM, INC.	156.00
THE UPS STORE	58.44
WESTERN FIRST AID & SAFETY	79.40
WESTERN EXTRALITE COMPANY	50.64
YATES ELECTRIC CO.	1,063.50
* Wireless Econ Development	
LAMAR COMPANIES	16,658.00

TOTAL	271,865.64

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

