

May 7, 2012

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, May 7, 2012 at 6:30 P.M. with Mayor Dane presiding. Members present were Jeff Couchman, Tom Patterson, Gerri Spencer and Dan Holt. Staff members present were Jim Eldridge, David Pavlich, Eric Marshall 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 April 16th meeting
- Bills presented for payment
- Disc Golf Tee Box Signs, \$1,322.73 Disc Golf Assoc plus \$610 Lamination by Dick Parker
- **Resolution No. 20-2012**, Authorizing Platte Clay to Set Power Supply for Bennett Signal, \$3,875
- Approve Purchase of Two 2013 Ford Police Interceptor Utility AWD Vehicles from Joe Machens Ford, Designated State Bid Dealer \$25,537 each Total \$51,074
- Disc Golf Message Board, Low Bid \$1,590.95, Kirby Built
- Window Replacement at Chamber Building, \$1,538, Tice Low Bid
- **Resolution No. 21-2012**, Authorizing July 3rd Fireworks Contract, J & M Displays, \$24,000
- Lion's Park Amphitheater Stage-Roofing Materials, \$1,182.78, Porter's Building

Alderman Holt asked why City Staff is providing the labor to do the roof at Lion's Park instead of us hiring someone. He said he thought we could have City Staff working on other things. Eric Marshall said we are hiring two college students for the summer and we would be using them.

Alderman Holt said he thought we should check about a volunteer group. Staff said they are already doing some projects for us but we can check with them. If we hire the labor done, we have to pay prevailing wage.

Alderman Patterson asked what the time frame would be to complete the work. Staff said it would probably take two days.

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

MAYOR'S REMARKS

STRATEGIC PLANNING Mayor Dane said in 2002 and 2006, the Board of Aldermen conducted strategic planning sessions identifying issues, prioritizing projects and developing policies.

STRATEGIC PLANNING-CONT Dr. Eric Strauss, University of Wisconsin, an urban planning expert, moderated those sessions and helped the Board draft and define policy statements that have been helpful to the City over the years.

Mayor Dane asked if the Board of Aldermen would be interested in scheduling such meetings for two Saturdays for about two hours each. Staff said they would contact Dr. Strauss and then let everyone know when he would be available.

ADMINISTRATOR'S REPORT

AGREEMENT WITH ALLIED SERVICES A Resolution, authorizing the Mayor **RESOLUTION NO. 22-2012** to sign an Agreement with Allied Services to provide trash service, was presented and read by Title only.

Alderman Holt asked when they would be implementing the system and delivering the containers. Ronnell Kayhill, Allied Services, said they hope to have everything in place by July 1st and begin service. He said they would be mailing out notices to the customers about two weeks in advance.

Mayor Dane asked if there would be instructions about when to start using the containers, when they are delivered. Mr. Kayhill said there will be a note saying not to use them until July 1, 2012.

Mayor Dane said we will also be doing the Spring Clean Up on May 19th.

A motion was made by Alderman Patterson and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign the Agreement with Allied Services to provide trash service. The motion carried unanimously.

PUBLIC REQUESTS & PETITIONS

HILDA RAMIREZ, JJ'S HOMESTEAD RESTAURANT LIQUOR APPLICATION Staff presented an application from Hilda Ramirez, JJ's Homestead Restaurant, for a liquor license for her new restaurant in Kearney West Shopping Center.

Staff said a police check had been completed and all documents have been submitted.

A motion was made by Alderman Holt and seconded by Alderman Patterson to approve the liquor application for Hilda Ramirez, JJ's Homestead Restaurant, for a liquor license for the new restaurant in Kearney West Shopping Center. The motion carried unanimously.

PUBLIC HEARINGS

NCH ENTERPRISES, WASHINGTON OFFICE PARK, MEDICAL FACILITY, 425 WEST WASHINGTON STREET Staff said NCH Enterprises is seeking **NCH**

ENTERPRISES, WASHINGTON OFFICE PARK, MEDICAL FACILITY, 425 WEST WASHINGTON STREET-CONT approval to construct a 12,000 square foot medical office and urgent care facility on West Washington, West of the Library and North of McDonalds and Shell Station. The property is undeveloped.

They have announced they would like to commence construction this month and complete the project by end of summer.

NCH ENTERPRISES REZONING FROM M TO C ON WASHINGTON ST ORDINANCE NO. 1193-2012 Bill No. 13, 2012, an ordinance approving the rezoning from M to C at the West end of Washington, was presented and read by Title only.

At their public hearing held April 30th, the Planning and Zoning Commission voted four to two to recommend approval of the re-zoning application.

The floor was opened to the public.

Patricia Jensen, legal representative for NCH Enterprises, said this project is on a compressed schedule and they would like to start soon. She said they have three requests tonight: rezoning, preliminary plat/site plan and final plat.

Ms. Jensen said the project is to build Phase 1 at this time. It is 12,000 square foot medical clinic with evening and weekend urgent care. Phase 2 will be a 26,000 square foot expansion and will add other features for well health care.

Ms. Jensen said the Planning and Zoning Commission main concern was the entrance from 92 Highway. She said they have submitted new plans eliminating that entrance but have added a pole sign along I-35 along with the monument sign at the entrance.

Nathanial Hagedorn, President of Northpoint Development, said Heartland Health Systems is based in St. Joseph and has 3,500 employees. He said they are making a four million dollar investment. They will start with physician offices and urgent care. When they expand they will provide specialist services such as cardiology and pain management. He said they are a test hospital for new Cerner products and have received numerous awards for their hospital.

Mr. Hagedorn presented revised drawings of the plan with the South entrance removed.

Joe Buehler, 610 West 134th Street, Bonner Springs, Kansas, said this a great benefit to the City and he is disappointed that the emergency access isn't allowed at the South end.

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

Alderman Patterson said he thought changing the zoning to "C" would allow better use of this piece of property. Alderman Couchman said this type of business is a better fit for that area.

NCH ENTERPRISES REZONING FROM M TO C ON WASHINGTON ST ORDINANCE NO. 1193-2012 A motion was made by Alderman Paterson and seconded by Alderman Spencer 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 Couchman to place Bill No. 13-2012 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, Spencer and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1193-2012**.

PRELIMINARY PLAT/COMMERCIAL SITE PLAN OF WASHINGTON OFFICE PARK Staff presented an application for a preliminary plat and commercial site plan of Washington Office Park.

On April 30th, the Planning and Zoning Commission unanimously recommended approval of the site plan subject to all staff comments, with the South Drive access to 92 Highway being removed completely from the project, directing staff and developer to work out an adequate parking lot lighting plan, permitting construction access from 92 Highway until such time as the Washington Street access was completed prior to issuance of a certificate of occupancy, and revising Staff Comment No. 4, as follows: Submittal of a Corps of Engineer approval for the bridge crossing prior to issuance of a construction permit for the bridge crossing; said bridge crossing shall be completed prior to issuance of a certificate of occupancy for the building on Lot 1.

Since the Planning and Zoning Commission meeting, NCH, with City Staff approval, has amended the site plan to include a pole sign and monument sign to help overcome the elimination of the 92 Highway access.

Alderman Holt asked if the signage meets City Codes and the City is happy with that. Staff said it meets all City Codes.

Alderman Patterson asked if they have an agreement with the property owners for access from 92 Highway for construction. Ms. Jensen said they have that worked out.

A motion was made by Alderman Holt and seconded by Alderman Patterson to approve the application for NCH Enterprises for a preliminary plat and commercial site plan of Washington Office Park. The motion carried unanimously.

NCH ENTERPRISES FINAL PLAT & PERFORMANCE BOND APPROVAL FOR WASHINGTON OFFICE PARK Bill No. 14-2012, an ordinance approving the **ORDINANCE 1194-2012** Final Plat of Washington Office Park, a Subdivision in Kearney, Missouri, was presented and read by Title only.

Staff reported that at the April 30th meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat of Washington Office Park.

NCH ENTERPRISES FINAL PLAT & PERFORMANCE BOND APPROVAL FOR WASHINGTON OFFICE PARK Staff said it is recommended that the Board **ORDINANCE 1194-2012** include the approval for the developer to submit performance bonds in order for the building permit to be issued prior to completion of public improvements which consist solely of a water line that will loop from West Washington to 92 Highway. The water line easement has been submitted.

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 Alderman Holt and seconded by Alderman Spencer to place Bill No. 14-2012 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, Spencer and Couchman. The motion carried by a four to zero vote. The Bill was then duly numbered **Ordinance No. 1194-2012**.

CHALA FLANERY VOLUNTARY ANNEXATION PETITION Staff presented a petition from Rick and Chala Flannery seeking voluntary annexation of 5.9 acres of ground into the City of Kearney. The property is situated on the South side of N.E. 130th Street and 33 Highway.

The City has a long history of encouraging voluntary annexations, approving 26 voluntary annexations since 1990. The City's strategic plans, dated 2002 and 2006, both state, "The City should promote voluntary annexation." The 2006 Strategic Plan has been formerly adopted by Planning and Zoning Commission Resolution 01-2007 as an amendment to the City's Comprehensive Plan, and further states in Strategy 5.1:

"The City should always attempt to initially bring unincorporated land into the municipal boundaries with the consent of the landowner. The City will always accept voluntary annexation into the City by adjacent landowners. The City will annex unincorporated land without the agreement of landowners only when there is a good reason for the City to expand its boundaries."

The City's 2004 Comp plan includes this property in the Urban Growth Area Boundary outside the current city limits.

In 2007, the City approved a plan of intent to annex approx 1900 acres south and east of the City, moving the City's boundary to N.E. 130th, making the Flanery property contiguous to the City. The requisite elections were held, receiving the required voter approvals, and the City received Circuit Court approval of the plan in April, 2008. That plan of intent and the Larkin Annexation Evaluation, dated January 2007 contains relevant information related to this voluntary annexation petition and is submitted here for the record.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT The Flanery's have indicated they will seek a conditional use permit for the operation of a day care facility in the existing building on the property.

Mayor Dane said a public hearing has been scheduled pursuant to the petition. Any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. The purpose of the hearing is to provide evidence and testimony regarding the reasonableness and necessity of the annexation to the proper development of the City and that the City has the ability to extend normal municipal services to the area within a reasonable time.

There is opposition to the annexation—the O'Dell family, who are City residents, and neighbors to the project, have retained an attorney to represent their interests. The Flanery's have also retained an attorney.

Because of the presence of attorneys, the City Attorney has prescribed a hearing procedure as follows:

Each attorney will be afforded the opportunity to speak and present any evidence they believe the Board should hear without interruption.

It is appropriate to hear from the Applicant's attorney first. Each of the attorneys will then have an opportunity to respond to the other's comments without interruption.

Following this, anyone else that desires to speak either in favor or in opposition to the annexation will be recognized.

Mayor Dane explained that then the public hearing would be closed and the matter tabled until the next regular meeting on May 21st at 6:30 P.M.

Curt Petersen, attorney for the Flanery's, said there are three components of the State Statutes that his client has met. They are:

1. Property is contiguous and compact to City boundaries—this property is.
2. City has ability to extend services to property—Per Larkin Evaluation and Plan of Intent.
3. Reasonable and necessity—City policy is to accept annexations and Comprehensive Plan is consistent with the request and history of City annexation.

Mr. Petersen said the Flanery's opened Little Dawg Academy in December 2008. They have between 56 and 60 families that attend the Academy. They had a three year lease which was expiring in December 2011. They are now on a month to month lease, which is risky when you are responsible for that many children.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT The Flanery's tried to work with the City to find a new place because they needed more room. They believe that it is added value to show the agricultural side of living to children. They purchased 236 acres South of town and decided to annex 5.9 acres into the City to build a day care. They also live South of Kearney close to this land.

Mr. Petersen presented a site plan drawing showing where the entrance could be moved to the Southwest corner of the property. They plan to have parking in the front of the building and access would be from 33 Highway South of 130th Street. The front of the building would be child care and the back portion would be indoor play area. They have a storm cellar under the front part of the building. They plan to put a berm along the North side of the property and have spent \$25,000 on trees, etc for landscaping.

Mr. Petersen said in order to get the process started the County told them to start their building under an agricultural permit and not use for other purposes. Then they can go to the City to be annexed and proceed with their day care.

They then approached the City about developing in the City. In February 2012, Jim Bowers, attorney for O'Dell family, wrote a letter to the City asking questions. They asked to meet with Mr. Bowers and the O'Dell's to see if there was a mutually agreeable solution available. They said they would discuss it and then get back to the Flanery's. Mr. Bowers responded back to the Flanery's and said there was nothing that would be acceptable to the O'Dells.

Mr. Petersen said the following bullets is why it is good for annexation:

1. Future land use map showing property as rural estate or annexed into the City it would become rural residential which permits day care facilities with a Conditional Use Permit.
2. Northwest corner of Future Land Use map is commercial. The O'Dells face commercial zoned land and not the Flanery property.
3. The Flanery's don't want to upset people and follow the rules. They visited with neighbors in the area about the project.
4. They added a fifty foot Right of Way along the property plus added a fifty foot setback along the North side. There will be a parking lot between the day care and O'Dell property as well as two rows of evergreens between the O'Dells and the day care.
5. MoDOT has approved the 33 Highway access at the Southwest corner of the property.

Character is important to the Flanerys. Mr. Bowers letter says they were trying to do a code run around the county regulations, which is a serious allegation. They got a permit from the County for an "ag use" building, but they aren't using it for ag purposes. The County email says they haven't done anything wrong.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT Mr. Petersen said the annexation is consistent with all City plans and City past history of annexation. He said in conclusion there are people here to vouch for the Flanerys and MoDOT has signed off on the safety issue of the driveway.

Jim Bowers, Attorney for O'Dell family, said the O'Dells have lived here for twenty years and were annexed into the City in 2007/2008. He said they are opposed to the Flanery annexation.

Mr. Bowers said thirteen years ago in 1999, the 250 acres was owned by Park Development, Inc, which was the Barth family. The property was zoned to R1B for 136 single family homes preliminary plat. This included a ten acre strip to be a buffer with no buildings to be built in this area. There was also a 600 foot buffer from the first building. The Barth development never happened.

On March 23, 2011 the property was sold to Flanery Trust. On June 9, 2011 the Flanerys got a permit from the County for the building. On June 16, 2011 there was a memo from the County saying they "issued the permit by mistake". There was no activity at the site until August 2011 when construction began on the building and we learned it was to be a day care.

Mr. Bowers said he wrote a letter in September 2011 stating that an ag building was not allowed in R1B. He said Clay County zoning won't allow a day care.

Mr. Bowers said in October 2011 5.9 acres were deeded from the Flanery Trust to Rick and Chala Flanery. In February Rick Flanery contacted them for a meeting. He said they met with the Flanerys and that was when they learned the day care and parking were located in the buffer area of the old plan.

Mr. Bowers said the Flanerys submitted the petition under State Statute 70.014.

Mr. Bowers said on May 4, 2012 they did a quick deed of the 5.9 acres back to the Trust. Then the Trust deeded Rick and Chala Flanery 46 acres. He said he wondered why the swap. He said if they gave up the title to the 5.9 acres, is the petition valid. He said it appears they tried to clean up an illegal transfer. He said they violated the code if they didn't subdivide the property.

Mr. Bowers said the annexation should be denied for the following reasons:

1. County exceptions are that one is a subdivision of forty plus acres. He said their goal was to clean up the 5.9 acre deed that didn't follow the County code. He said the April 13 petition to annex timing should have been null and void.
2. Even if petition is valid, it became mute when it was deeded back.
3. It's zoned R1B which doesn't allow this type of building.
4. There is now 46 acres deeded and only 5.9 are before us today. They misrepresented the building was an ag building.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT

5. He said they have asked the County to review codes and comment on the building permit—haven't heard from the County yet.
6. The Annexation petition was submitted by State Statute 70.014. He said he thinks 70.012 applies.

Mr. Bowers said in summary they believe there are other available places in town for a day care and annexation isn't necessary. He said it is inconsistent with the County plans. He said the location at a dangerous intersection isn't good planning. He said why would the City approve this when the County is reviewing the validity of the building permit for the building.

Mr. Bowers said the Flanerys are not forth right, lack candor and have not been straight forward with City officials.

Curt Petersen said Mr. Bowers' issues were substantive and procedural. He said he chose to attack the integrity of the Flanerys. He said in response to the substantive issues the Barth project did not indicate anything of record where it's bound by a 600 foot setback. He said that was only a hand shake deal at its best.

Mr. Petersen said the building permit was issued by mistake. They didn't know ahead of time that the zoning wasn't ag and a permit couldn't be issued. It is under review.

Mr. Petersen said in regard to the deed, the Flanerys aren't real estate developers or lawyers. He said he did his due diligence and discovered it didn't meet codes. He advised them to fix it and that is what they did. There was no time lapse between deeds.

Mr. Petersen said in response to procedural issues the City shouldn't stick their neck out in regard to the building permit when the County has thirty days to review the permit. He quoted the Matt Tapp, Clay County Building Official, email that says the Flanerys are in good standing with the Clay County Planning and Zoning.

Mr. Petersen said in regard to the wrong procedure or State Statute they will leave that up to Brian Hall, City Attorney and City Staff. He said they will live with whatever is decided.

Mr. Petersen said Mr. Bowers asserted there is plenty of land in Kearney. He said his clients have been trying for several years to find something in Kearney. They want a safe environment and a place where they can grow and this site has given them that.

Mr. Bowers said he had no further comments at this time.

The floor was opened to the public with comments against the annexation being first.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT Mark Badami, 921 Porter Ridge, said he thinks they wanted to do an end run around the City and they didn't hire adequate attorneys in June. He said they started this in the County and when that didn't work then they came to the City. He said they weren't honest.

Mr. Badami said why would they want to pay City taxes if they could open in the County? He said it is because they had no other options. He said they started in the County because there are no inspections and no supervision from the County.

Mr. Badami said why would it be important to the City to build a day care on the other end of town.

Mary Snodderly, 17621 NE 130th Street, said she agreed with Mr. Badami's comments. She said they said they had talked to neighbors but she never heard from them.

Greg Gillahan, 810 East 14th Street, said he is opposed to the day care. He said he is concerned with the increase of vehicles at that intersection unless improvements were made. He said there was a very bad accident there three weeks ago.

Mr. Gillahan said the City doesn't have a very good record of commercial development and traffic issues. Pilot is a good example of that.

Helen Eddy, 17621 NE 130th Street, said she agrees with the others. She said the City should be more concerned about the welfare of the children and that intersection being dangerous.

There being no further comments against the annexation, Mayor Dane asked for those in favor of the annexation to speak.

Jana Stevens, 14421 NE 147th Street, said the community is in desperate need of a day care like this. She said the building they are currently in is old and they don't have enough room.

She said for nine years they didn't bring their kids to Kearney for day care. She said as a result because they were with them in the Kansas City they spent their time and money outside the City of Kearney. Now that they are at Little Dawg Academy they spend money in town eating, etc.

She said the Flanerys are awesome and very trustworthy. She said they treat the children like they are their own.

Angie Gray, 6320 SE Oakridge Lane, Holt, Mo, said she left a Kearney day care to go to Little Dawg Academy because the old day care wasn't trustworthy. She said they make her family feel like family.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT Ms. Gray said they are trying to build a good business for the City. She said she drives 33 Highway and doesn't feel like that will make a hardship for that intersection.

Sheila Dickey, 13706 Marie Place, said she works in Lenexa, Kansas and it's difficult to make it back at night sometimes due to traffic. She said they always are willing to work with the families. She said Kearney is growing and there is a great need for more daycare in Kearney.

Ms. Dickey said if MoDOT says the entrance is safe then it must be and they don't plan to use 130th Street anyway. She said if that intersection is that bad now maybe a stop light needs to be put in.

Ms. Dickey said Chala does have integrity. She's not a developer and she hasn't tried to hide anything.

Carol Krutcher, 705 East 13th Street, said there is a great need for more room for this daycare. She said they deserve a larger area to improve their facility. She said maybe another business would then move into her space when she moves.

Ms. Krutcher said drop off can be very busy but otherwise traffic isn't ever heavy at any given time. She said she wouldn't mind the sound of kids playing. She said she drives 33 Highway and doesn't consider that a dangerous intersection and sees no need for a light there.

Crystal James, 407 Briar Lane, said she is speaking for the Flanery's integrity. She had issues at another day care and has been very pleased at Little Dawg Academy. She said they are putting a much needed facility in Kearney.

Michelle Taylor, 8076 SE Dykes Road, Holt, Mo., said she left the State after graduation and then came back and looked at many metro cities and Kearney impressed her. She said her children love to go there and this would give them more opportunities to learn about agriculture, etc. at this new facility.

Jack Wilson, 17111 Barr Avenue, said he is a single parent and this is his third day care in Kearney. He said this is by far the best day care in the community. He said this would be a one of a kind day care. He said he works for Clay County Highway Department and there are certainly much more dangerous intersections than the one at 130th Street and 33 Highway.

Caitlin Tade, 1908 Joe Lane, said they moved here from Texas. She said her last day care had been in home so she did much research to find a day care. She said they had had a horrible experience at a day care and therefore are very protective of their children.

Ms. Tade said she has seen a huge improvement in the development of her children. She said she certainly doesn't see any safety issues with the location for the new day care.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT Amy Zimmerman, 18206 NE 190th Street, Holt, Mo, said she is a staff member and has a child attending Little Dawg Academy. She said she wanted to speak about the integrity of the Flanerys.

Ms. Zimmerman said her sister, also an employee of the Flanerys, was diagnosed with breast cancer and the Flanerys paid her anyway so she didn't have to worry about money while under treatment. She said Chala treats the kids and staff like they are family.

Ms. Zimmerman said they have some single parents and families that can't afford day care and she will allow the child to continue to come so their development doesn't suffer without being paid.

Ms. Zimmerman said they have been attacked on Facebook but they haven't gotten into that game and retaliated.

Brandon Smith, 612 Woodson, said if that intersection is so dangerous, why don't they move. He said it is hard to find a good day care in Kearney.

Mr. Smith said the petition didn't get presented as an annexation. They showed pictures of a bad accident at 130th Street.

Lori Hash, 18519 Highway C, Trimble, Mo, said they chose to move to the Kearney area and the Kearney School District. She said Kearney needs a nice day care. She said this is her 3rd day care in Kearney and Chala is the best. She said if this day care is allowed it will bring people to the community because of the day care.

Gina House, 1312 Susan Street, said her child has been there and they feel really welcome there. She said she is so thankful to deliver him there before leaving town in bad weather.

Brandon Hoffman, 402 West 18th Street Circle, said this is his third day care in Kearney and he is very pleased. He said they have a very friendly Staff. He said his daughter wants to go to day care during the weekends. He said out there would be safer for the kids than in the parking lot of the current day care.

Kerrie Meinert, 900 Meadowbrook Drive, said she and her husband had commented that it would be cool to drop off their kids at the building on 33 Highway and 130th Street and then they learned that was the new proposed site.

Ms. Meinert said they had a bad experience at their previous sitter but have been very happy here. She said she had been trying to potty train for six months and they accomplished it in three days.

CHALA FLANERY VOLUNTARY ANNEXATION-CONT Steve Roark, 902 Maple Street, said he had used the Flanery's day care in Plattsburg and now his granddaughter attends Little Dawg Academy. He said this community is so lucky to have them.

Mr. Roark said the O'Dells have thrown mud before on other issues. He said the Flanerys have met the qualifications and the City would be foolish to let them move somewhere else. They are a definite asset to our community.

Melissa Grave, 190 Ellington, Holt, Mo, said the kids will suffer the most if Little Dawg Academy isn't allowed to expand. She said this affects the future of our children. She said you just need to use good judgment on entering the road. She said it isn't any more dangerous than I-70 or 92 Highway.

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

Mayor Dane said the annexation will be processed under 70.012 as the City has always done. He said there will be no further action to be taken tonight. He said they will meet the fourteen day waiting period to gather additional information. He said they will reconvene on May 21, 2012 for further discussion and a decision.

Mr. Bowers presented a petition with 593 signatures to be reviewed by the County Election Board. The petition says "We, the undersigned, each a registered voter of the City of Kearney, hereby protest and oppose the annexation into the City of real property generally described as a 5.9 acre tract of land at the Southeast corner of Route 33 and NE 130th Street in unincorporated Clay County, believing that the annexation of such property to allow the operation of a large day-care facility at this dangerous intersection is unsafe, unreasonable and unnecessary for the proper development of the City." He said they only need 328 signatures.

Mayor Dane said we will take the petition to the Clay County Election Board.

Mr. Bowers asked if they can submit other comments. Mayor Dane said they can during the fourteen day waiting period. He said both attorneys can submit their comments in written form to be made a part of the minutes.

Curt Petersen said he would like to add the Clay County Planning and Zoning correspondence for the record. He said MoDOT has answered the safety issue. Earlier, access was off 130th Street but they have since okayed access instead at a location South of 130th Street.

NEW BUSINESS

ROAD AND BRIDGE FUND SETTLEMENT WITH CLAY COUNTY RESOLUTION NO. 23-2012 A Resolution, authorizing the Mayor to sign a settlement with Clay County concerning Road and Bridge funds, was presented and read by Title only.

ROAD AND BRIDGE FUND SETTLEMENT WITH CLAY COUNTY

RESOLUTION NO. 23-2012 Staff said this proposed settlement is closing out five years of litigation among Clay County Road Districts, municipalities and Clay County.

The agreement contains two options: one lump sum of \$132,898 or \$153,343 made in two payments over two years. Everyone has been taking the two payment option and that is what Staff recommended.

A motion was made by Alderman Couchman and seconded by Alderman Holt to approve the Resolution authorizing the Mayor to sign a settlement agreement with Clay County concerning Road and Bridge Funds. The motion carried unanimously.

ADJOURNMENT There being no further business on the agenda, a motion was made by Alderman Couchman and seconded by Alderman Spencer to adjourn. The motion carried unanimously.

The following bills were presented for payment at the May 7, 2012 meeting:

ORG/VENDOR NAME	WARRANT: 050712	AMOUNT
* Bennett Boulevard		
VIRGIL BARCHERS		316.80
COOK, FLATT & STROBEL		14,325.74
* Cap Improv Sales Tax Exp.		
HOUSEWORTH ENTERPRISES		180.00
* City Hall Expenses		
AMEREN UE		314.26
BIG V SUPERMARKET		55.50
CHRIS' LAWN CARE AND		415.00
CINTAS CORPORATION LOC. 177		134.69
BILLY R DANE		19.32
JIM ELDRIDGE		42.20
275-FAIRPOINT COMMUNICATIONS		492.44
GRAFF TECHNOLOGY SOLUTIONS		120.00
HOUSEWORTH ENTERPRISES		1,177.50
KRAMER HARDWARE		33.19
MIDWEST DATA CENTER		32.00
MO DEPT OF REVENUE		70.00
MONARCH INDUSTRIES, INC.		136.18
NPG NEWSPAPERS INC		16.25
PAYCOR PAYROLL SERVICES		172.04
PENCE PLUMBING & HEATING		2,869.00
PERSONAL TOUCH ENGRAVING		7.75
PITNEY BOWES		1,000.00
STAPLES ADVANTAGE		121.22
TIME WARNER CABLE		69.99
* Community Development Dir		
CINTAS CORPORATION LOC. 177		9.50
KRAMER HARDWARE		19.19
NPG NEWSPAPERS INC		24.75
ORSHELNS CARD CENTER		85.65
* Court & Legal Expenses		
LARRY E BUTCHER		1,225.00

* General Admin. Revenues	
CHRISTOPHER MEADOR	17.14
JESSICA L TRAMMELL	100.00
* General Fund Balance Acct	
AFLAC/REMITTANCE	221.46
BLUE CROSS BLUE SHIELD OF KC	16,356.00
DELTA DENTAL OF MISSOURI	1,318.88
ING FINANCIAL ADVISERS,LLC	1,558.00
MISSOURI LAGERS	11,856.44
PAYCOR PAYROLL SERVICES	14,401.18
VISION SERVICE PLAN (IC)	313.26
* Meter Deposit Expenses	
RENEA BELT	21.83
REBECCA BRANSCOM	9.24
CHRISTOPHER CLARK	21.83
FIRST CHOICE HOMES	5.21
DEWAIN FREED	14.83
LAFFEY BROTHERS FARM, LLC	22.51
DONNA RHODELANDER	7.86
ROBERTSON CONSTRUCTION,LLC	61.83
RICHELLE ROUTH	6.01
PHEADRA SANTANA	8.45
STERVINO CONSTRUCTION	26.55
ANGELINA TORRES	21.83
ROGER WILSON	39.36
NICHOLAS ZIEGLER	47.86
* Museum/Chamber Bldg	
HOUSEWORTH ENTERPRISES	45.00
* Old Fire House	
AMEREN UE	183.20
CHRIS' LAWN CARE AND	350.00
KRAMER HARDWARE	10.68
PORTER'S BUILDING CENTER	8.79
* Park Fund Balance Acct	
AFLAC/REMITTANCE	132.08
BLUE CROSS BLUE SHIELD OF KC	2,011.14
DELTA DENTAL OF MISSOURI	116.76
MISSOURI LAGERS	1,029.78
PAYCOR PAYROLL SERVICES	1,035.59
VISION SERVICE PLAN (IC)	34.32
* Park Fund Expenses	
AMEREN UE	10.09
ARROW STAGE LINES	565.00
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	23.05
FRIES LAWN & LEISURE INC	33.99
GEIGER READY-MIX	528.50
GRAINGER	474.09
HAMPTON PLUMBING, INC.	1,047.50
HOUSEWORTH ENTERPRISES	3,437.25
KEARNEY FEED & SUPPLY	275.20
KRAMER HARDWARE	328.61
NEW THEATRE RESTAURANT	1,097.00
ORSHELNS CARD CENTER	288.10
PLATTE CLAY ELECTRIC	1,270.63
PORTER'S BUILDING CENTER	165.68
PUBLIC WATER SUPPLY	1,015.10
QUALITY HILL PLAYHOUSE	250.00

QUICK STOP	657.86
UNITED RENTALS INC	126.60
* Park Special Projects	
HIGH POINT ARENA, LLC	700.00
SWANK MOTION PICTURES, INC	692.00
* Police Dept. Expenses	
AMERICAN PRIDE EXPRESS LUBE	34.95
THE ARMORY	705.90
ARROWHEAD SCIENTIFIC, INC.	251.00
BASE ELECTRIC, LLC	176.29
CENTRAL POWER SYSTEMS & SERVICE	337.50
CHRIS' LAWN CARE AND	635.00
COMMENCO, INC.	8,340.39
275-FAIRPOINT COMMUNICATIONS	652.78
GUTH LABORATORIES INC	99.60
HEARTLAND CHEVY	384.46
HOUSEWORTH ENTERPRISES	225.00
INTERSTATE BATTERIES	86.00
J & K AUTO REPAIR	937.37
KRAMER HARDWARE	7.49
KWIK LUBE	34.95
ORSHELNS CARD CENTER	71.45
PLATTE CLAY ELECTRIC	763.75
REJIS COMMISSION	41.70
SIRCHIE FINGER PRINT	112.30
STAPLES ADVANTAGE	55.22
UNISOURCE, INC	88.00
* Sewer Plant Expenses	
ACE PIPE CLEANING, INC.	6,552.25
ADT SECURITY SERVICES	34.95
ALLIED WASTE SERVICES	159.34
CII LABORATORY SERVICES	30.00
CENTRAL POWER SYSTEMS & SERVICE	795.67
FTC EQUIPMENT, LLC	510.00
HAMPTON PLUMBING, INC.	877.00
HOUSEWORTH ENTERPRISES	258.75
KRAMER HARDWARE	97.82
THE LARKIN GROUP	3,410.00
MEYER LABORATORY, INC.	1,117.40
NELSON LAND SURVEYING INC	1,250.00
ORSHELNS CARD CENTER	132.03
PLATTE CLAY ELECTRIC	7,867.11
TELEDYNE ISCO, INC.	293.75
WEST KEARNEY WINNELSON	256.02
YATES ELECTRIC CO.	3,240.94
* Solid Waste	
DEFFENBAUGH INDUSTRIES	23,442.75
* Street Department Expense	
AMEREN UE	769.59
BIG V SUPERMARKET	7.98
CINTAS CORPORATION LOC. 177	58.29
CLAY COUNTY MATERIALS	859.62
EHARAS SERVICES AND SOLUTIONS	3,500.00
HOUSEWORTH ENTERPRISES	246.50
KEARNEY BODY SHOP	794.00
KRAMER HARDWARE	57.84
THE LARKIN GROUP	787.50

ORSHELNS CARD CENTER	1,393.94
PLATTE CLAY ELECTRIC	7,152.66
PORTER'S BUILDING CENTER	1,336.79
* W & S Admin. Expenses	
BIG V SUPERMARKET	7.98
CENTURYLINK COMMUNICATIONS, INC	8.05
CINTAS CORPORATION LOC. 177	42.44
JACOB DAVIS	128.02
275-FAIRPOINT COMMUNICATIONS	108.98
HUNTS CAR CARE CENTER	640.32
MO DNR-DMS RECEIPT &	599.28
PITNEY BOWES	2,000.00
STAPLES ADVANTAGE	48.94
* W&S Revenue Balance Acct	
BLUE CROSS BLUE SHIELD OF KC	3,556.54
DELTA DENTAL OF MISSOURI	282.80
ING FINANCIAL ADVISERS, LLC	285.00
MISSOURI LAGERS	3,358.96
PAYCOR PAYROLL SERVICES	4,185.19
VISION SERVICE PLAN (IC)	74.22
* Water Plant Expenses	
ADT SECURITY SERVICES	34.95
AMEREN UE	3,308.31
APAC-KANSAS, INC	341.32
ATCO INTERNATIONAL	268.20
BRENNTAG MID-SOUTH, INC	2,742.44
CINTAS CORPORATION LOC. 177	12.00
ZACKARY COLDREN	6.49
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	73.32
FRIES LAWN & LEISURE INC	161.88
HOUSEWORTH ENTERPRISES	495.75
KRAMER HARDWARE	236.60
THE LARKIN GROUP	1,555.93
MEYER LABORATORY, INC.	383.47
MISSISSIPPI LIME CO	5,040.00
ORSHELNS CARD CENTER	218.92
PLATTE CLAY ELECTRIC	1,050.87
PORTER'S BUILDING CENTER	4.80
USA BLUE BOOK	22.65
UTILITY SERVICE CO., INC.	14,033.55
WESTERN FIRST AID & SAFETY	202.57
YATES ELECTRIC CO.	1,538.49

TOTAL	216,277.13

APPROVED: _____
Billy R. Dane, Mayor

ATTEST: _____
Joan H. Updike, City Clerk

