

May 21, 2012

The Board of Aldermen, City of Kearney, Missouri, met in regular session at Kearney City Hall, 100 East Washington, May 21, 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, Jay Bettis and Shirley Zimmerman.

The Mayor opened the meeting with the Pledge of Allegiance.

### **FLANERY VOLUNTARY ANNEXATION - RECEIVE ADDITIONAL INFORMATION**

Mayor Dane asked if anyone had any additional information or petitions in regard to the Flanery voluntary annexation. The following information was submitted:

1. City Staff submitted a letter received by mail from Amy Shinneman dated May 11, 2012;
2. City Staff submitted a letter received from Brian Snodderly, Mary Snodderly and Helen Edde dated May 21, 2012;
3. City Staff submitted a group of 3 petition requests for removal of signature from the original petition;
4. The Flanerys submitted a group of 136 petition requests for removal of signature from the original petition;
5. City Staff submitted a memo titled "Reasons to Deny Flanery Annexation" received from Jim Bowers dated May 18, 2012.

**AMEND CONSENT AGENDA** A motion was made by Gerri Spencer and seconded by Alderman Couchman to amend the Consent Agenda to include approval of emergency road repairs on Jesse James Farm Road Bridge by Decker Construction. The motion carried unanimously.

### **CONSENT AGENDA**

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

- Minutes for the May 7<sup>th</sup> meeting
- Bills presented for payment
- Replace Police Station 27 Exterior Lights with LED, \$1552.50 Base Electric PCEC Rebate \$40 per light
- Purchase of Radar Gun, Applied Concepts \$1,612.50, with Training
- 7 Hard Drives for Police Dept, All HDD, Low Bid \$1,680
- Brookhaven Lift Pump, Low Bid, FTC Equipment, \$24,400
- Sewer Plant Sampler, Low Bid, Hach Chemical, \$4,005 plus shipping
- **Resolution No. 24-2012** Approve Park Reservation Agree with Lion's Club for Wine Tasting Event, June 9<sup>th</sup>
- Approve Education Request from Tom O'Leary for Courses to Complete Degree, \$1749

## **CONSENT AGENDA**

- Emergency Road Repairs – Jesse James Farm Road Bridge, Decker Const.  
\$34,612.00

Alderman Holt asked if the Brookhaven lift pump was another new pump. Jay Bettis, Water Superintendent said this is another new pump.

Alderman Patterson asked if we have corrected the problem of detecting low water levels. Mr. Bettis said we have gone through all the lift stations and the main board of the Scada system and this shouldn't happen again.

Alderman Couchman asked if our lift stations are designed for the proper flow. Mr. Bettis said at this time none of our lift stations are over loaded.

Alderman Holt asked if there was a warranty on this pump. Mr. Bettis said it has a two year warranty.

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

## **MAYOR'S REMARKS**

**STRATEGIC PLANNING SESSION** Mayor Dane said we will have Strategic Planning Sessions June 23<sup>rd</sup> and July 14<sup>th</sup> with Eric Strauss.

## **PUBLIC REQUESTS & PETITIONS**

**CHALA FLANERY VOLUNTARY ANNEXATION PETITION** Mayor Dane said as a result of petitions to have names withdrawn from the original petition we will be submitting that information to the City attorney. He said we should be able to report back on the correct numbers by the next meeting. He said no action will be taken tonight.

Alderman Patterson asked if this information will have to go back to Clay County Election Board. Mayor Dane said that is a possibility.

**PLYGEM COMMERCIAL SITE PLAN** A Resolution, approving the PlyGem site **RESOLUTION NO. 25-2012** plans for a new concrete pad over one half acre, was presented and read by Title only.

They plan to construct a 35,200 square foot concrete pad on the North side of the building and a detention area at the Northeast corner of the property.

At their May 14<sup>th</sup> meeting, the Planning and Zoning Commission unanimously voted to recommend approval of the PlyGem application.

**PLYGEM COMMERCIAL SITE PLAN** Alderman Holt said he was glad to see a **RESOLUTION NO. 25-2012** detention pond because that shows they have thought this out. Staff said this property drains to the North so it will have no affect on the Shadowbrook and Jamestown subdivisions.

A motion was made by Alderman Holt and seconded by Alderman Spencer to approve the Resolution approving the PlyGem site plan for a new concrete pad over one half acre. The motion carried by a vote of three to zero vote with Alderman Couchman abstaining.

**BILL SHULL REQUEST FOR FIREWORKS PERMITS** Staff presented a request from Bill Shull of 1805 Paddock Drive for a fireworks display permit for July 4<sup>th</sup> for the Beverly Park neighborhood show. He also is seeking permission to discharge Class C fireworks in Jesse James Park on a Friday for the National Marketing Resource picnic. He has done this the past four years.

Staff said they haven't received a date yet from National Marking Resource but would recommend approval contingent upon the date being approved.

A motion was made by Alderman Couchman and seconded by Alderman Spencer to approve Bill Shull's request for a fireworks display July 4<sup>th</sup> in the Beverly Park neighborhood and a fireworks display for the National Marketing Resource picnic contingent upon approval of a date. The motion carried unanimously.

**PUBLIC HEARING**

**WATER AND SEWER RATE INCREASE** Bill No. 15-2012, an ordinance setting **ORDINANCE NO. 1195-2012** the amount to charge for water and sewer rates, was presented and read by Title only.

As approved in the FY2013 budget, it is proposed a 2% water, and a 10% sewer rate increase is recommended with this year's budget.

<b>Water and Sewer Rates</b>	<b>NEW</b>	<b>OLD</b>	
<b>Water</b> Min. Charge	\$7.45	\$7.31	
Next 1000	\$6.50	\$6.38	
All additional	\$5.83	\$5.71	
<b>Sewer</b> Min. Charge	\$6.03	\$5.48	
Next 1000	\$3.83	\$3.48	
All additional	\$3.41	\$3.10	

The floor was opened to the public.

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

**WATER AND SEWER RATE INCREASE** A motion was made by Alderman **ORDINANCE NO. 1195-2012** Spencer and seconded by Alderman Holt to approve the ordinance as read on the first reading. The motion carried unanimously.

A motion was made by Alderman Patterson and seconded by Alderman Holt to place Bill No. 15-2012 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. 1195-2012**.

Mayor Dane said Clark Thompson will be at the next meeting. We will hire him for the expansion of the sewer plant at our current sewer plant site.

**DEDICATION OF ROW AT POLICE STATION** Bill No. 16-2012, an ordinance **ORDINANCE NO. 1196-2012** dedicating approximately 871 square feet of the Northwest corner of the Police Station property as public right of way for the 92 Highway widening project, was presented and read by Title only.

Staff said this will allow the road to line up better and no parking spaces will be lost as a result of this dedication.

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

A motion was made by Alderman Patterson and seconded by Alderman Holt to place Bill No. 16-2012 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. 1196-2012**.

**CHANGE ORDER FOR PHILLIPS PAVING FOR \$186,259.00** A Resolution, **RESOLUTION NO. 26-2012** approving a change order for Phillips Paving to mill and overlay streets for \$186,259.00 was presented and read by Title only.

Staff said the proposed change order is for Phillips Paving to mill and overlay the following streets as recommended by the Road District:

17<sup>th</sup> Street, 33 Hwy East  
Patricia Drive, 19<sup>th</sup> Street North  
Park Lane, at Regency Drive North  
Colony Drive at 33 Hwy North

Costs based on the accepted bid prices totals to \$170,675.70—the Road District will recommend using their portion of the Clay County Settlement to fund this amount (\$172,416).

**CHANGE ORDER FOR PHILLIPS PAVING FOR \$186,259.00** City Staff also **RESOLUTION NO. 26-2012** recommends the mill and overlay of Boude Street, 33 Hwy East to Grove (across from Dollar General). Cost is \$11,834.20.

Mobilization cost is \$3,750 for a grand total of \$186,259.90. Staff recommends the Board appropriate \$15,584.20 from the \$76,671.50 settlement coming directly to the City from Clay County.

Therefore it is recommended the Board amend its Street maintenance budget by \$186,259.90 to fund the stated road projects and approve a change order with Phillips Paving to perform the work, and also amend its Road and Bridge Tax Revenue to reflect the Settlement amounts of \$172,416 and \$76,671.50.

A motion was made by Alderman Spencer and seconded by Alderman Holt to approve the Resolution approving a change order for Phillips Paving to mill and overlay streets for \$186,259.00. The motion carried unanimously.

**APPOINTMENT OF LARRY BUTCHER AS MUNICIPAL JUDGE** Mayor Dane said Larry Butcher's term of office as Municipal Judge will expire at the end of June. He said he would recommend the re-appointment of Larry Butcher.

A motion was made by Alderman Couchman and seconded by Alderman Patterson to re-appoint Larry Butcher as Municipal Judge for another two years. The motion carried unanimously.

### **ALDERMEN DISCUSSION**

**ALDERMAN PATTERSON** Alderman Patterson said the bridge work on 69 Highway is coming along really fast and looks good. He said a lot of Kearney people go South on 33 Highway and use 69 Highway to get to work so it's nice to see them working swiftly.

**ALDERMAN COUCHMAN** Alderman Couchman said he wanted to remind everyone that the first concert at the Amphitheater is this week-end.

Alderman Couchman said the high school girls' soccer team is playing a sectional game at William Jewel college tomorrow night.

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

The following bills were presented for payment at the May 21, 2012 meeting:

<b>ORG/VENDOR NAME</b>	<b>WARRANT: 052112</b>	<b>AMOUNT</b>
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* 1996 SRF REV BD Expense		
UMB BANK		5,416.67

<b>* 2001 SRF Rev Bd Expense</b>	
UMB BANK	15,647.47
<b>* Bennett Boulevard</b>	
IDEKER, INC.	127,339.50
<b>* Cap Improv Sales Tax Exp.</b>	
HOUSEWORTH ENTERPRISES	180.00
<b>* City Hall Expenses</b>	
CINTAS CORPORATION LOC. 177	39.69
COVERALL OF KANSAS	234.00
BILLY R DANE	175.00
DEFFENBAUGH DISPOSAL	70.20
R. BRIAN HALL, PC	4,995.00
HOUSEWORTH ENTERPRISES	117.50
MISSOURI GAS ENERGY	66.28
MO DEPT OF REVENUE	35.00
NEXTEL COMMUNICATIONS	64.02
NPG NEWSPAPERS INC	62.00
PAYCOR PAYROLL SERVICES	151.73
SULLIVAN PUBLICATIONS, INC.	180.00
TCOM INC	450.00
TYLER TECHNOLOGIES, INC.	2,178.50
UNISOURCE, INC	96.36
<b>* Community Development Dir</b>	
CINTAS CORPORATION LOC. 177	9.50
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	14.05
NEXTEL COMMUNICATIONS	124.01
DAVID PAVLICH	217.14
PLATTE CLAY ELECTRIC	336.18
UNISOURCE, INC	60.79
<b>* Court &amp; Legal Expenses</b>	
CLAY COUNTY DETENTION	279.00
R. BRIAN HALL, PC	615.00
RAY COUNTY SHERIFF/TREASURER	425.00
<b>* Economic Development</b>	
KEARNEY AREA DEV COUNCIL	22,500.00
<b>* General Admin. Revenues</b>	
CITY OF KEARNEY-PETY CSH	34.67
WILLIAM H FORMAN	36.00
ASHLEIGH B SMITH	26.96
TEK-COLLECT	665.03
JESSICA L TRAMMELL	25.32
<b>* General Fund Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	1,558.00
MO DEPT OF PUBLIC SAFETY	71.00
MO DEPT OF REVENUE-CVC	505.88
PAYCOR PAYROLL SERVICES	17,225.10
SYNERGY SERVICES INC	142.00
<b>* Museum/Chamber Bldg</b>	
HOUSEWORTH ENTERPRISES	15.00
KEARNEY CHAMBER OF	50.00
MISSOURI GAS ENERGY	49.63
SPRAY AWAY INC	950.00
<b>* Old Fire House</b>	
MCGUIRE LOCK AND SAFE	89.95
MISSOURI GAS ENERGY	58.51
<b>* Park Fund Balance Acct</b>	
PAYCOR PAYROLL SERVICES	1,035.59

<b>* Park Fund Expenses</b>	
CHRIS' LAWN CARE AND	399.00
DEFFENBAUGH DISPOSAL	36.21
DISC GOLF WORLD	351.00
FRIES LAWN & LEISURE INC	290.25
GEIGER READY-MIX	1,626.24
HOUSEWORTH ENTERPRISES	663.75
NEW THEATRE RESTAURANT	25.00
NEXTEL COMMUNICATIONS	96.02
NPG NEWSPAPERS INC	109.76
PLATTE CLAY ELECTRIC	646.69
WEST KEARNEY WINNELSON	836.57
<b>* Park Special Projects</b>	
BRADLEY T BROWN	100.00
BSM PARTNERSHIP	3,120.00
BUTCH WAX & THE HOLLYWOOD'S	500.00
CITY OF KEARNEY-PETY CSH	1,100.00
JAN FAIRCLOTH	784.00
DEAN FOLTZ	800.00
FORM-TECH INC.	2,206.41
JASON HOYT	100.00
KEARNEY EXPLORERS POST #2136	200.00
KEARNEY HOLT COMMUNITY THEATER	250.00
STEVE MCDONALD	100.00
DAVID MILLER	250.00
NOE PALMA	900.00
BRIAN REESE	800.00
SESAC	311.00
SOUND CHECK ENTERPRISES, INC	1,750.00
JOSH VOWELL	500.00
<b>* Police Dept. Expenses</b>	
AMERICAN PRIDE EXPRESS LUBE	34.95
THE ARMORY	3.00
BOARD OF POLICE	103.50
CINTAS CORPORATION LOC. 177	160.70
COMMENCO, INC.	240.00
DEFFENBAUGH DISPOSAL	67.25
MSC-410526	26.50
FORM-TECH INC.	48.44
HEALTH & COMFORT EQUIPMENT SERVICE	97.35
HOUSEWORTH ENTERPRISES	75.00
HUNTS CAR CARE CENTER	228.13
INTERSTATE BATTERIES	30.04
KWIK LUBE	78.70
MISSOURI GAS ENERGY	42.41
MO DEPT OF PUBLIC SAFETY	159.25
NEXTEL COMMUNICATIONS	348.05
O'REILLY AUTOMOTIVE INC	106.00
PLATTE CLAY ELECTRIC	3,148.05
POLICE LEGAL SCIENCES, INC.	1,560.00
RITE WAY GUTTERING	90.00
U.S. POSTAL SERVICE	90.00
<b>* Police Station Debt</b>	
KEARNEY TRUST COMPANY	7,524.01
<b>* Sewer Plant Expenses</b>	
ACE PIPE CLEANING, INC.	966.00
CINTAS CORPORATION LOC. 177	30.50

HACH CHEMICAL	321.25
HOUSEWORTH ENTERPRISES	86.25
JOHN'S SUPER	28.74
THE LARKIN GROUP	4,573.85
MEYER LABORATORY, INC.	1,681.74
MIDWEST LABORATORIES INC	91.64
DAVID E ROSS	67,048.59
SYSTEMS MANUFACTURING	631.60
THE UPS STORE	8.85
<b>* Street Department Expense</b>	
AMEREN UE	25.07
CINTAS CORPORATION LOC. 177	40.44
DEFFENBAUGH DISPOSAL	1,173.37
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	14.04
HOUSEWORTH ENTERPRISES	66.75
LONG VET CLINIC	60.00
MISSOURI GAS ENERGY	61.28
NEWMAN TRAFFIC SIGNS	171.52
NEXTEL COMMUNICATIONS	128.03
O'REILLY AUTOMOTIVE INC	28.65
PLATTE CLAY ELECTRIC	751.30
<b>* W &amp; S Admin. Expenses</b>	
CENTURYLINK	176.09
CINTAS CORPORATION LOC. 177	48.24
CITY OF KEARNEY	39,048.16
JOHN'S SUPER	9.87
KNAPHEIDE TRUCK	144.84
MONARCH INDUSTRIES, INC.	1,044.49
NEXTEL COMMUNICATIONS	160.04
PLATTE CLAY ELECTRIC	1,176.93
TCOM INC	200.00
TEK-COLLECT	2.44
<b>* W &amp; S Oblig. Expenses</b>	
UMB BANK	3,942.94
<b>* W&amp;S Revenue Balance Acct</b>	
ING FINANCIAL ADVISERS,LLC	285.00
PAYCOR PAYROLL SERVICES	4,328.03
<b>* Water Plant Expenses</b>	
ADT SECURITY SERVICES	31.95
CINTAS CORPORATION LOC. 177	12.00
DECKER CONSTRUCTION	5,434.81
DEFFENBAUGH DISPOSAL	70.20
FASTENAL INDUSTRIAL&CONSTR SUPPLIES	14.04
HACH CHEMICAL	701.83
HOUSEWORTH ENTERPRISES	165.25
KANSAS CITY WINNELSON	2,000.05
KCMO WATER SERVICES	13,599.71
THE LARKIN GROUP	5,685.00
MISSOURI GAS ENERGY	97.58
MISSOURI ONE CALL SYSTEM, INC.	209.30
O'REILLY AUTOMOTIVE INC	45.99
THE UPS STORE	93.89
WATER PRODUCTS, INC.	4,494.65
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<b>TOTAL</b>	<b>398,944.24</b>



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