

Kearney, Nebraska
March 25, 2008
7:00 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on March 25, 2008 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Amber Brown, Assistant City Manager; Wendell Wessels, Director of Finance and Administration; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Luke Olson, Management Assistant were also present. Some of the citizens present in the audience included: Nathan Garst, Brandon Benitz, Nick Barta, Sara Giboney from Kearney Hub, Steve Altmaier from KGFW Radio.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION

Pastor Doug Shada from the Cornerstone Berean Church provided the Invocation.

PLEDGE OF ALLEGIANCE

The Council members and audience cited the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted towards the back of the Council Chambers.

ORAL COMMUNICATIONS – THE BIG EVENT

Nathan Garst, UNK Student Representative talked about the Big Event. There will be approximately 600 students in the community helping with different projects.

ORAL COMMUNICATIONS – COLLEGE REPUBLICANS

Nick Barta, a student from UNK Republicans, presented a letter to the Council which addressed concerns about the infrastructure, possible amendments to the City Code and thanked the Council for their service.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

RECONSIDER CONDITIONAL USE PERMIT TO I BELIEVE IN ME RANCH

Mayor Clouse stated that the applicant, Suzan Wilson, has requested to table until April 8, 2008 the public hearing to reconsider the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) and Antelope Park Estates, Richard D. Wilson, Trustee, and Donna M. Wilson, Trustee for the I Believe in Me Ranch (Owner) for a Conditional Use Permit to locate a combination of both a primary and secondary educational facility on property zoned "District AG, Agricultural District" and described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., containing 22.113 acres, more or less, of which 1.39 acres, more or less, are presently being used for road purposes on the south and west sides, all in Buffalo County, Nebraska (northeast corner of 92nd Street and Antelope Avenue).

Moved by Kearney seconded by Lammers to table until April 8, 2008 the public hearing to reconsider the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) and Antelope Park Estates, Richard D. Wilson, Trustee, and Donna M. Wilson, Trustee for the I Believe in Me Ranch (Owner) for a Conditional Use Permit to locate a combination of both a primary and secondary educational facility on property zoned "District AG, Agricultural District" and described as a tract of land being part of the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., containing 22.113 acres, more or less, of which 1.39 acres, more or less, are presently being used for road purposes on the south and west sides, all in Buffalo County, Nebraska (northeast corner of 92nd Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Lammers seconded by Lear that Subsections 1 through 19 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held March 11, 2008.
2. Approve the following Claims: 3CMA \$375.00 smcs; AT&T \$263.03 smcs; Ace Hardware \$25.95 smcs; Ace Irrigation \$110.78 smcs; Adams Co Sheriff \$1,000.00 smcs; Agri Co-op \$23,351.00 smcs; Alamar Uniforms \$357.69 smcs; Alltel \$461.78 smcs; Amax Contracting \$109.26 co; Anderson Bros \$4,226.00 co; Antelope Newspaper \$144.00 smcs; Armor Holdings Forensics \$434.25 smcs; Artic Refrigeration \$2,456.94 smcs; Ash,A \$5.97 smcs; Ask Supply \$204.60 smcs; Aurora Co-op \$18.40 smcs; Baker & Taylor Books \$3,199.06 smcs; Bales,S \$4.00 smcs; Bamford \$2,656.36 smcs; Bauerova,D \$31.19 smcs; BBC Audiobooks \$112.26 smcs; Bike Shed \$1,395.00

smcs; Bivona,A \$25.40 smcs; Bluecross Blueshield \$142,277.22 smcs; Bosselman \$683.00 smcs; Breathing Air Systems \$1,840.00 smcs; Broadfoot's Sand \$220.00 smcs; Brodine,S \$428.06 smcs; Bruce Furniture \$85.00 co; Brungardt Engineering \$65,469.80 co; Buffalo Co Court \$231.49 ps; Buffalo Co Reg Deeds \$246.00 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Capstone Press \$3,684.25 smcs; Cash-Wa Distributing \$357.05 smcs; Central Contracting \$25,343.10 co; Century 21 Midlands \$1,000.00 co; Charlesworth & Associates \$157.50 smcs; Charter \$114.98 smcs; Child's World \$1,011.20 smcs; City of Ky \$73,596.22 smcs,co; College Savings Plan of NE \$75.00 ps; Culligan \$275.50 smcs; Cummins Central Power \$530.79 smcs; DANKO Emergency \$2,935.75 co; Dawson Co PPD \$13,784.92 smcs; Dell \$6,534.47 co; Dept of the Treasury \$41.91 ps; Dozhier,R \$5.93 smcs; Dutton-Lainson \$110.64 smcs.co; Eakes \$2,720.53 smcs,co; Ecolab \$30.00 smcs; Eichhorst,J \$14.00 smcs; Eickhoff,B \$6.00 ps; Enslow Publishers \$109.84 smcs; Farmers Union \$1,050.00 smcs; Fedex \$23.23 smcs; Frontier \$8,135.10 smcs; Gale \$94.02 smcs; Galls \$39.91 smcs; Gangwish Turf \$35.00 smcs; GE Money Bank \$855.07 smcs; Great Plains One Call \$65.76 smcs; Hardin's Home Accents \$50.00 smcs; HD Supply \$1,150.00 smcs; Hydrite Chemical \$1,612.24 smcs; ICMA RC \$2,530.02 ps; Industrial Materials \$107.85 smcs; In-Situ \$10,696.50 co; Intellicom \$450.00 smcs; IRS \$100,205.70 ps; Jack Lederman \$1,767.80 smcs,co; Kayton Electric \$10,949.79 co; Ky Clinic \$824.00 smcs,ps; Ky Concrete \$520.40 smcs; Ky Hub \$2,279.53 smcs; Ky Humane Society \$2,400.00 smcs; Ky Visitors Bureau \$13,820.20 smcs; Kelley,M \$19.19 smcs; Kirkham Michael \$21,375.00 co; Konica Minolta \$136.95 smcs; Kriz-Davis Co \$5,899.30 smcs; Krysal,D \$25.26 smcs; Lab Safety Supply \$1,845.75 smcs; League of NE Municipalities \$553.00 smcs; Lentfer,S \$35.00 smcs; Lerner Publishing \$1,050.42 smcs; Library Sparks \$59.95 smcs; Linweld \$21.85 smcs; Logicube \$1,994.60 co; Luz Arboleda \$45.00 smcs; MacPherson,T \$2.80 smcs; Magic Cleaning \$660.00 smcs; Malleck,J \$49.98 smcs; Manary,M \$20.88 smcs; Marlatt Machine Shop \$725.47 smcs; Marriott \$218.00 smcs; Milco Environmental \$2,687.10 smcs; Miller & Associates \$28,957.95 smcs,co; Moonlight Embroidery \$120.00 smcs; MPH Industries \$1,844.88 co; Mr Basketball \$400.00 smcs; Municipal Emergency \$2,365.62 smcs; Municipal Supply \$57,154.23 smcs,co; NALEFI \$408.00 smcs; NASRO \$40.00 smcs; Nationwide Training \$2,667.50 smcs; NE Child Support \$3,045.28 ps; NE Coalition for Victims \$30.00 smcs; NE Dept of Revenue \$24,808.60 smcs; NE Dept of Roads \$133.59 smcs; NE DOL/Builders Inspection \$72.00 smcs; NE Games & Parks \$287.00 smcs; NE Machinery \$14,799.91 smcs; NE Trails Council \$50.00 smcs; NeRPA \$25.00 smcs; Northwestern Energy \$17,828.87 smcs; Nova Health Equipment \$60.86 ps; NSVFA \$1,120.00 smcs; NUCPS/TI Alumni \$25.00 smcs; Office Depot \$30.14 smcs; Overhead Door \$2,001.00 smcs; Oxford University Press \$41.06 smcs; Paramount Linen \$64.95 smcs; Pep Co \$51.10 smcs; Platte Valley Comm \$1,180.73 smcs; Presto-X \$248.00 smcs; Ramsey,A \$11.11 smcs; Random House \$144.00 smcs; Richardson,M \$245.00 smcs; See Clear Cleaning \$2,800.00 smcs; Sherwin-Williams \$31.31 smcs; Simmons Gun Specialties \$858.40 smcs; Skyhawk Technologies \$833.27 smcs; Smokers Outlet \$60.33 smcs; Snap-On Tools \$358.00 smcs; Softchoice \$1,163.81 co; St NE/Dept Aeronautics \$995.00 smcs; Strategic Materials \$390.68 smcs; String Beans \$11.25 smcs; Sup Apartments \$59.39 smcs; Supershine Auto Care \$7.75 smcs; Swanson,K \$113.57 smcs; Swanson,L \$15.45 smcs; Unico Group \$2,007.62 smcs; Unique Management \$277.45 smcs; UNK \$10,073.74 smcs; Video Store Shopper \$1,252.47 smcs; Ward Laboratories \$39.00 smcs; Water Products \$2,430.97 smcs; West Payment Center \$1,148.99 smcs; Wiederspan,R \$64.16 smcs; Wiegand Security \$75.00 smcs; Wilkins Hinrichs Stober

\$10,244.20 co; Williams,M \$139.15 smcs; WPCI \$239.00 smcs; Young,M \$24.48 smcs; Payroll Ending 3-15-2008 -- \$ 291,783.94. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set April 8, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application to extend Conditional Use Permit No. 1995-02 granted to Cathleen Headlee to operate a dog grooming business located at 211 East 30th Street for a period of one year.
5. Approve Application and Certificate for Payment No. 2-Final in the amount of \$10,949.79 and the Certificate of Substantial Completion submitted by Kayton Electric, Inc. and approved by Iteris, Inc. for the Traffic Signal Construction at 56th Street and Avenue N and approve **Resolution No. 2008-40**.

RESOLUTION NO. 2008-40

WHEREAS, Kayton Electric, Inc has performed services in connection with the Traffic Signal Construction at 56th Street and Avenue N, and the City's engineer, Iteris, Inc., have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$10,949.79 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$110,562.00
Change Order No. 1 (9-25-2007)	<u>- 1,064.10</u>
Contract Sum To Date	109,497.90
Gross Amount Due	109,497.90
Retainage	.00
Amount Due to Date	109,497.90
Less Previous Certificates for Payment	<u>98,548.11</u>
Current Payment Due	\$ 10,949.79

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 1, 2007, as shown by Exhibit "B" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2-Final, as shown on Exhibit "A", and the Certificate of Substantial Completion as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

6. Approve the application for a Special Designated License submitted by VRK, LLC, dba "Venue Restaurant & Lounge" to dispense beer and wine in connection with

their Class C-78777 liquor license inside Midway Chevrolet, 515 2nd Avenue, on April 8, 2008 from 5:00 p.m. until 8:00 p.m.

7. Approve the application for a Special Designated License submitted by LEROY SMITH, dba "George Spenser Vineyard" to dispense wine in connection with their Class ID-62962 liquor license inside the Museum of Nebraska Art, 2401 Central Avenue, on April 5, 2008 from 4:00 p.m. until 11:45 p.m. in connection with the Spirit of MONA.

8. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auto auction to be held on April 5, 2008 from 7:30 a.m. until 1:00 p.m.

9. Approve Application and Certificate for Payment No. 5-Final in the amount of \$3,950.00 and the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2006 Part III Improvements – Bid B consisting of Paving Improvement District No. 2006-909 for 11th Avenue from the south line of Rapp Addition south to its terminus in a cul-de-sac; AND 8th Street as it abuts Lot 2 of Block 2, Lots 1 and 6 of Block 3, and Lot 6 of Block 4, all in Park View Estates Third; AND 9th Street Place as it abuts Lot 1 of Block 1 and Lot 1 of Block 2, Park View Estates Third; Paving Improvement District No. 2006-910 for 17th Avenue from 14th Street south to 11th Street and approve **Resolution No. 2008-41**.

RESOLUTION NO. 2008-41

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2006 Part III Improvements – Part B consisting of Paving Improvement District No. 2006-909 for 11th Avenue from the south line of Rapp Addition south to its terminus in a cul-de-sac; AND 8th Street as it abuts Lot 2 of Block 2, Lots 1 and 6 of Block 3, and Lot 6 of Block 4, all in Park View Estates Third; AND 9th Street Place as it abuts Lot 1 of Block 1 and Lot 1 of Block 2, Park View Estates Third; Paving Improvement District No. 2006-910 for 17th Avenue from 14th Street south to 11th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 5-Final in the amount of \$3,950.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$468,655.00
Change Order No. 1 (9-25-2007)	-7,649.50
Change Order No. 2 (1-22-2008)	<u>+3,950.00</u>
Contract Sum To Date	464,955.50
Gross Amount Due	464,955.5
Retainage	.00
Amount Due to Date	464,955.50
Less Previous Certificates for Payment	<u>461,005.50</u>
Current Payment Due	\$ 3,950.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of March 14, 2008, as shown by Exhibit "B" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 5-Final, as shown on Exhibit "A", and the Certificate of Substantial Completion as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

10. Approve Application and Certificate for Payment No. 11 in the amount of \$29,844.73 submitted by Blessing, LLC and approved by Miller & Associates for the 2007 Part II Improvements – 39th Street from 2nd Avenue to Pony Express Road consisting of Paving Improvement District No. 2006-908 for 39th Street from Pony Express Road west to the east lot line of Lot 1, Block 1, Windsor Estates Fifth Addition and approve **Resolution No. 2008-42.**

RESOLUTION NO. 2008-42

WHEREAS, Blessing LLC of Kearney, Nebraska has performed services in connection with the 2007 Part II Improvements – 39th Street from 2nd Avenue to Pony Express Road (Paving Improvement District No. 2006-908), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 11 in the amount of \$29,844.73 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,977,660.96
Change Order No. 1 (6-26-2007)	+ 61,459.75
Change Order No. 2 (7-24-2007)	+ 4,853.68
Change Order No. 3 (10-23-2007)	+ 6,451.99
Change Order No. 4 (11-27-2007)	+ 22,983.33
Change Order No. 5 (2-26-2008)	<u>+ 16,438.74</u>
Contract Sum to Date	\$2,089,848.45
Gross Amount Due	1,927,718.25
Retainage	96,385.91
Amount Due to Date	1,831,332.34
Less Previous Certificates for Payment	<u>1,801,487.61</u>
Current Payment Due	\$ 29,844.73

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 11, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

11. Approve Application and Certificate for Payment No. 4 in the amount of \$37,575.00 submitted by Erickson Construction and approved by Miller & Associates for

the Northwest Well Field Phase III, Water Conditioning Building and approve **Resolution No. 2008-43.**

RESOLUTION NO. 2008-43

WHEREAS, Eriksen Construction Co. of Blair, Nebraska has performed services in connection with the Northwest Well Field Improvements – Phase III (Water Conditioning Facility and Control System) and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$37,575.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$410,900.00</u>
Contract Sum To Date	410,900.00
Gross Amount Due	223,970.00
Retainage	22,397.00
Amount Due to Date	210,537.00
Less Previous Certificates for Payment	<u>163,998.00</u>
Current Payment Due	\$ 37,575.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 4, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

12. Approve Application and Certificate for Payment No. 3 in the amount of \$93,326.14 submitted by Starostka Group Unlimited and approved by Miller & Associates for the Northwest Well Field Improvements - Phase II (Water Transmission Main) and Water Connection District No. 2007-1 for 56th Street from 30th Avenue west a distance of 4,410.1 feet and approve **Resolution No. 2008-44.**

RESOLUTION NO. 2008-44

WHEREAS, Starostka Group Unlimited of Grand Island, Nebraska has performed services in connection with the Northwest Well Field Improvements; Phase II – Water Transmission Main, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Application and Certificate for Payment No. 3 in the amount of \$93,326.14 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$4,098,297.20
Change Order – None	<u>.00</u>
Contract Sum to Date	4,098,297.20
Gross Amount Due	2,535,260.47
Retainage	253,526.05

Amount Due to Date	2,281,734.42
Less Previous Certificates for Payment	- 752,186.88
Less Difference Stored Material & Completion	- 70,472.19
Less Bacteria & Pressure Testing	- 132,080.00
Less Late Completion (October 2007 – April 2008)	<u>- 105,000.00</u>
Current Payment Due	\$93,326.14

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

13. Award the bids received for Landfill Construction – Cell 7 and approve **Resolution No. 2008-45** awarding the bid to Siel Construction from Franklin, Nebraska in the amount of \$743,317.80.

RESOLUTION NO. 2008-45

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 18, 2008 at 2:00 p.m. for the Landfill Construction – Cell 7; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost was \$793,230.00; and

WHEREAS, the said engineers have recommended the bid offered by Siel Construction Inc., from Franklin, Nebraska in the sum of \$743,317.80 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Siel Construction Inc., from Franklin, Nebraska be and is the lowest responsible bidder for the Landfill Construction – Cell 7 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Siel Construction Inc., from Franklin, Nebraska in the sum of \$743,317.80 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost for the Landfill Construction – Cell 7 in the amount of \$793,230.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

14. Approve **Resolution No. 2008-46** declaring all future special assessments for Paving District No. 98-789 delinquent for Lot 1668 together with the vacated east 17 feet of Avenue D, Original Town of Kearney Junction.

RESOLUTION NO. 2008-46

WHEREAS, certain Water Districts, Sewer Districts and Paving Districts have been properly created within the City of Kearney, Nebraska, by order of the City Council; and

WHEREAS, the City Council has, in a legal and proper manner, levied assessments according to benefits against the respective properties lying within said districts; and

WHEREAS, the below-listed owners of said property have failed to make timely payment of said special assessments and allowed the assessments to become delinquent and unpaid for a total of three (3) or more installments.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President and City Council, in accordance with Neb. Rev. Stat. §16-622 and §16-669, do hereby declare all future installments on the following delinquent properties, all located in the City of Kearney, Buffalo County, Nebraska, to be due on April 25, 2008; that after April 25, 2008, such future installment(s) shall be deemed to be delinquent and interest shall accrue at a rate of fourteen percent (14%) on all delinquent sums after that date:

Record Title and Property Owner	Delinquent Principal Due	Interest to 4/25/2008	Delinquent Total Due as of 4/25/2008	Additional Principal Due on or After 4/25/2008
Michael L. and Susan R. Gierhan Lot 1668 together with the vacated east 17 feet of Avenue D abutting said lot on the west, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska <i>Paving District 98-798</i>	\$284.57	\$201.16	\$485.73	\$189.70

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

15. Approve **Resolution No. 2008-47** amending the ICMA-RC Deferred Compensation Plan.

RESOLUTION NO. 2008-47

WHEREAS, the City of Kearney has adopted and the President of the Council has executed the Deferred Compensation Plan with the International City Management

Association Retirement Corporation by virtue of Resolution No. 81-71, passed and approved the 25th day of August, 1981, and

WHEREAS, the President and City Council hereby find that the said Deferred Compensation Plan should be amended to improve the plan for the benefit of all City employees;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to amend the ICMA-RC Deferred Compensation Plan as follows:

1. All full-time City employees shall be eligible for participation in the Plan.
2. All Department Heads who elect to participate in the Plan may, at the discretion of the City Manager, receive a matching City contribution at a rate not to exceed a maximum of six percent (6%) of their compensation.
3. All employees who have received distributions from their "employee account" balance in the Money Accumulation Plan for Employees of the City of Kearney and are therefore not eligible to participate in the Money Accumulation Plan may, at the discretion of the City Manager, receive a matching City contribution at a rate not to exceed a maximum of three percent (3%) of their compensation beginning on October 1, 2008. These employees must elect, in writing, to participate in the ICMA-RC Deferred Compensation Plan prior to May 1, 2008 and must also contribute a matching minimum of three percent (3%) of their compensation. Additionally, if said employee elects to withdraw any portion of their ICMA-RC Deferred Compensation account balance, the City will no longer match three percent (3%) of their compensation.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

STANLEY A. CLOUSE
 PRESIDENT OF THE COUNCIL
 AND EX-OFFICIO MAYOR

16. Approve the bids received for the construction of Airport Road and approve **Resolution No. 2008-48** awarding the bid to Paulsen Inc. in the amount of \$1,502,000.00.

RESOLUTION NO. 2008-48

WHEREAS, Kirkham Michael and the City of Kearney have reviewed the sealed bids which were opened on March 4, 2008 at 2:00 p.m. for the Airport Road Relocation Project; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$2,322,301.50; and

WHEREAS, the City only received two bids which exceeded the amount budgeted and the City Council authorized the City Manager to negotiate with the lowest responsible bidder to an amount commensurate with the budget; and

WHEREAS, the City together with the Department of Roads and the lowest responsible bidder, Paulsen, Inc. of Cozad, Nebraska reached an agreement to reduce the project that was acceptable to all parties; and

WHEREAS, City staff has recommended the bid offered by Paulsen, Inc. from Cozad, Nebraska in the reduced and agreed amount of \$1,502,000.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and

approved, that Paulsen, Inc. from Cozad, Nebraska be and is the lowest responsible bidder for the Airport Road Relocation Project to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Paulsen, Inc. from Cozad, Nebraska in the reduced and agreed amount of \$1,502,000.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

17. Approve **Resolution No. 2008-49** to issue tax-exempt bonds on behalf of the City for the 2008 Airport Road Relocation Project.

RESOLUTION NO. 2008-49

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

2008 Airport Road Relocation Project	\$1,700,000.00
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2. The maximum principal amount of debt expected to be issued for such project is \$1,700,000.00.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

18. Approve the bids received for the purchase of six open top roll off containers for the Utilities/ Sanitation Division from Elliott Sanitation Equipment Company in the amount of \$39,880.04.

19. Approve the application for a Special Designated License submitted by ALLEY ROSE INC., dba "Alley Rose" to dispense beer, wine and distilled spirits in connection

with their Class IK-21763 liquor license inside the Museum of Nebraska Art, 2401 Central Avenue, on April 4, 2008 from 6:00 p.m. until 12:00 a.m. for a cocktail party.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS: STAN CLOUSE - \$173.40, KEARNEY HIGH SCHOOL - \$95.00, PLATTE VALLEY STATE BANK - \$44,983.71, NPPD - \$57,366.48, SCHOOL DISTRICT #7 - \$1,647.70

Moved by Buschkoetter seconded by Kearney that Open Account Claims in the amount of \$173.40 payable to Stan Clouse, in the amount of \$44,983.71 payable to Platte Valley State Bank, and in the amount of \$57,366.48 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear abstained. Motion carried.

Moved by Kearney seconded by Lear that Open Account Claims in the amount of \$95.00 payable to Kearney High School and in the amount of \$1,647.70 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Kearney. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Buschkoetter seconded by Kearney that Council adjourn at 7:09 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

**STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR**

**MICHAELLE E. TREMBLY
CITY CLERK**