

*Kearney, Nebraska  
June 24, 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 June 24, 2008 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance and Administration; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dennis Lewis, Police Lieutenant; and Luke Olson, Management Assistant were also present. Some of the citizens present in the audience included: Darlene Lewis, Michaela Lewis, several police officers, Steve Altmaier from KGFW Radio, Sara Giboney from Kearney Hub.

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**

Reverend Doug Shada from Cornerstone Berean Church provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

The Council members led the audience in 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.

### **OATH OF OFFICE – POLICE OFFICER ROB LEWIS**

City Clerk administered the Oath of Office to Police Officer Robert Lewis. Darlene Lewis pinned his badge.

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **AMENDMENTS TO CHAPTER 50 OF THE CITY CODE**

Mayor Clouse stated the public hearing on the proposed amendments to Chapter 50, "Sign Regulations" of the City Code will remain on the table until July 8, 2008. Therefore, no action is necessary.

### **IV. CONSENT AGENDA**

Moved by Kearney seconded by Lammers that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 10, 2008.
2. Approve the following Claims:
 

PS	Personnel Services
SMCS	Supplies, Materials & Contractual Services
ER	Equipment Rental
CO	Capital Outlay
DS	Debt Service

AT&T \$182.58 smcs; Agri Coop \$28,168.11 smcs; Alamar Uniforms \$2,220.59 smcs; Albrecht,L \$7.90 smcs; Amer Fence \$2,202.20 co; Amer Red Cross \$78.00 smcs; Ask Supply \$2,048.48 smcs; Asphalt & Concrete \$3,416.72 smcs; Aurora Coop \$60.00 smcs; B&B Auto Glass \$271.60 smcs; Baird-Holmes \$1,593.75 smcs; Baker & Taylor Books \$3,877.02 smcs; BBC Audiobooks \$112.26 smcs; Bennett,T \$47.52 smcs; Bettles,T \$6.84 smcs; Blevins,D \$211.20 smcs; Bluecross Blueshield \$147,324.38 smcs; Boersma,C \$44.97 smcs; Bosselman \$37,703.55 smcs; Breiner,D \$26.26 smcs; Broadfoot's \$1,282.00 smcs; Buffalo Co Court \$207.59 ps; Buffalo Co Treasurer \$18,750.00 smcs; C. Foley Audio \$500.00 smcs; Camera Doctor \$272.76 smcs; Cash-Wa \$5,915.51 smcs; Central Fire \$123.40 smcs; Central Hydraulic Systems \$4,809.98 co; Central States Wire \$2,588.47 smcs; Charter \$176.62 smcs; Chesterman \$1,878.50 smcs; City of Ky \$212,829.16 smcs,ps; Civic Plus \$1,193.40 co; Clark,W \$25.00 smcs; College Savings Plan of NE \$75.00 ps; Control Masters \$3,070.00 smcs; Cook,B \$40.00 smcs; Copycat Printing \$126.98 smcs; Cordova,T \$422.20 smcs; Coster,F \$8.01 smcs; Creative Product Sourcing \$791.45 smcs; Cudaback,N \$29.79 smcs; Cummins \$654.72 smcs; D&D Industries \$850.00 smcs; Dandee Concrete \$6,581.00 co; DANKO Emergency \$205.31 smcs; Data Power Technology \$2,651.00 co; Dawson Co PPD \$14,568.19 smcs; Day,D \$1,045.00 smcs; Depperschmidt,M \$19.16 smcs; Dept of the Treasury \$48.41 ps; Deterdings \$326.67 co; Dugan Business Forms \$1,106.38 smcs; Dutton-Lainson \$893.77 smcs; E&D Enterprises \$160.00 smcs; Eakes \$1,890.13 smcs,co; Eckhoff,D \$5.55 smcs; Ecolab \$30.00 smcs; Enterprise \$7.30 smcs; Farber,J \$32.38 smcs; Farm Plan \$89.75 smcs; Faz,A \$147.00 smcs; Fedex \$186.97 smcs;

Fick,C \$21.00 smcs; Fiddelke Heating \$56.00 smcs; Fisher,G \$48.41 ps; Fly,K \$1,200.00 smcs; Footjoy \$1,959.78 smcs; Frontier \$8,937.86 smcs; Fyr-Tek \$368.13 smcs; Gale \$358.94 smcs; Galls \$624.77 smcs; Garrett Tires \$4,648.92 smcs; Gibbs,S \$4.00 smcs; Golden Rule Creations \$47.26 smcs; Good Samaritan Hospital \$320.00 ps; Great Plains One Call \$502.92 smcs; Griess,B \$6.68 smcs; H&H Distributing \$856.90 smcs; Hach \$175.95 smcs; HD Supply \$1,563.20 smcs; Hydrite Chemical \$11,928.44 smcs; Hydrologic \$1,290.33 smcs; ICMA RC \$2,559.21 ps; IMLA \$625.00 smcs; IRS \$117,480.06 ps; Jack Lederman \$407.89 smcs; Jerke,D \$27.07 smcs; Ky Clinic \$497.00 smcs,ps; Ky Concrete \$7,853.25 smcs,co; Ky Crete \$354.00 smcs,co; Ky Hub \$3,333.52 smcs; Ky Humane Soc \$2,400.00 smcs; Ky Towing \$225.00 smcs; Konica Minolta \$112.61 smcs; Lewis,B \$25.00 smcs; Link,I \$32.00 smcs; Lukasiewicz,M \$8.23 smcs; Magic Cleaning \$660.00 smcs; Marlatt Machine Shop \$333.52 smcs; McFeely,S \$5.55 smcs; Micro Works Computer \$4,781.92 co; Mid Amer Signal \$9,546.25 smcs; Midlands Contracting \$5,004.95 co; Mieth,T \$17.95 smcs; Miller Signs \$125.00 co; Moonlight Embroidery \$360.00 smcs; Moore Wallace \$493.39 smcs; NCS Equipment \$72.80 co; NE Child Support \$2,707.13 ps; NE Dept of Aeronautics \$995.00 ds; NE Fire Chiefs Ass'n \$60.00 smcs; NEland Distributors \$875.00 smcs; Northwest Electric \$1,764.52 smcs; Northwestern Energy \$4,964.94 smcs; Novus \$63.00 smcs; Office Depot \$509.75 smcs; On Site Mobile Sharpening \$131.25 smcs; Overhead Door \$65.00 smcs; Paramount \$36.17 smcs; Ping \$79.11 smcs; Platte Valley Comm \$989.91 smcs; Postmaster \$208.00 smcs; Presco Sales & Service \$2,967.20 smcs; Presto-X \$152.00 smcs; Putnam,E \$50.00 smcs; Random House \$415.20 smcs; Rappl,M \$3,500.00 smcs; RC Forensic \$200.00 smcs; Ready Mixed Concrete \$4,780.54 smcs,co; Recognition Unlimited \$512.90 ps; Recorded Books \$198.00 smcs; Resource Management \$1,547.64 smcs; Rice,J \$2,500.00 smcs; Riebschlager,N \$21.45 smcs; Riverside Mfg \$850.96 ps; S&B Heating \$90.00 smcs; Schmidt,V \$45.00 smcs; See Clear Cleaning \$4,600.00 smcs; S-F Analytical Lab \$702.00 smcs; Sherwin-Williams \$169.73 smcs; Siel Construction \$62,192.16 co; Simpson,J \$12.79 smcs; Sirchie Finger Print \$221.24 smcs; Solid Waste Agency \$18,290.67 smcs; Sporting Edge \$2,313.00 smcs; State of NE/HHS Lab \$206.00 smcs; Steve's Electric \$199.75 smcs; Strategic Materials \$390.73 smcs; Stuchlik,S \$25.00 smcs; Summit Heating \$426.33 smcs; Sungard Public Sector \$62,782.32 smcs; Supershine Auto Care \$8.00 smcs; Taylor Made \$1,181.40 smcs; Teichmeier,C \$50.00 smcs; Theis,J \$60.00 smcs; Third Party Environmental \$315.00 co; Thome,B \$627.55 smcs; Thorell,T \$4.32 smcs; Tim Huerta's Upholstery \$125.00 smcs; Titelist \$3,544.57 smcs; Tool Doctor \$50.95 smcs; Trade Well Pallet \$1,045.00 smcs; TruGreen Chemlawn \$152.00 smcs; Turner Body Shop \$150.00 smcs; Uldrich,M \$11.14 smcs; Ultra Max \$2,244.00 smcs; Unique Management \$286.40 smcs; UNK Loper Football \$2,448.00 smcs; Upbeat \$2,915.58 smcs; Van Wall Turf \$283.45 smcs; Village Uniform \$457.07 smcs; Wald & Co \$12,500.00 smcs; Walter's Electric \$728.00 co; Watchguard \$10,040.00 co; Wellman,P \$17.70 smcs; West Payment Center \$1,242.99 smcs; Whalen,M \$76.94 smcs; Wiegand Security \$75.00 smcs; WPCI \$107.00 ps; Zimmerman Printers \$2,524.48 smcs; Payroll Ending 6-7-2008 -- \$345,520.36. 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 July 8, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve the application submitted by Terry Broadfoot to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.
5. Approve the application for a Special Designated License submitted by JOYCE SEARS, dba "Cedar Hills Vineyard & Gardens" in connection with their Class CK-73472 liquor license to dispense wine in an enclosed fenced area measuring 20' by 30' located in the parking lot at Builder's Warehouse, 4600 2nd Avenue, on July 19, 2008 from 9:00 a.m. until 3:00 p.m. for a sampling/tasting event subject to compliance with Rule 013.03F of the Nebraska Liquor Control Commission.
6. Approve Application and Certificate for Payment No. 5 in the amount of \$350,007.89 submitted by Starostka Group Unlimited and approved by Miller & Associates in connection with the Northwest Well Field Improvements; Phase II – Water Transmission Main and approve **Resolution No. 2008-99**.

### RESOLUTION NO. 2008-99

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 Application and Certificate for Payment No. 5 in the amount of \$350,007.89 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
Total Completed and Stored to Date	3,064,042.15
Retainage	306,404.21
Amount Due to Date	2,757,637.93
Less Previous Certificates for Payment	- 2,020,378.04
Less Bacteria Testing/Flushing/Chlorination	- 132,876.00
Pressure Testing	- 132,876.00
Less Late Completion (October 2007 – May 2008)	<u>- 121,500.00</u>
Current Payment Due	\$ 350,007.89

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, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve Change Order No. 2 showing an increase in the amount of \$2,806.50, Application and Certificate for Payment No. 2 in the amount of \$14,503.52 submitted by Blessing, LLC and approved by Miller & Associates in connection with the 2007 Part IV

Improvements for the construction of Avenue A between 11th Street and 13th Street, Avenue I between 14th Street and 15th Street and 14th Street between Avenue I and Avenue K and approve **Resolution No. 2008-100**.

### RESOLUTION NO. 2008-100

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2007 Part IV Improvements for the construction of Avenue A between 11th Street and 13th Street, Avenue I between 14th Street and 15th Street and 14th Street between Avenue I and Avenue K and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$2,806.50 as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$14,503.52 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$225,438.00
Change Order No. 1 (5-27-2008)	+ 6,726.00
Change Order No. 2 (6-24-2008)	<u>+ 2,806.50</u>
Contract Sum To Date	234,970.50
Gross Amount Due	234,970.50
Retainage	11,603.53
Amount Due to Date	234,970.50
Less Previous Certificates for Payment	<u>220,466.98</u>
Current Payment Due	\$ 14,503.52

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

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**8.** Approve Application and Certificate for Payment No. 1 in the amount of \$103,352.40 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the 2007 Part VI Improvements – Bid A consisting of Water District No. 2008-549 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Water District No. 2008-550 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth; Sanitary Sewer District No. 2008-491 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Sanitary Sewer District No. 2008-492 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus

being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth and approve **Resolution No. 2008-101**.

### RESOLUTION NO. 2008-101

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2007 Part VI Improvements – Bid A consisting of Water District No. 2008-549 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Water District No. 2008-550 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth; Sanitary Sewer District No. 2008-491 for 9th Street Place from west line of Block 1, Park View Estates Fourth to its terminus in a cul-de-sac; Sanitary Sewer District No. 2008-492 for 8th Street from the west line of Block 3, Park View Estates Fourth, thence to its terminus being the east line of Park View Estates Fourth, AND TOGETHER WITH 10th Avenue from 8th Street, thence south to its terminus being the south line of Park View Estates Fourth, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$103,352.40 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$202,988.00</u>
Contract Sum to Date	202,988.00
Total Completed and Stored to Date	114,836.00
Retainage	11,483.60
Amount Due to Date	103,352.40
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$103,352.40

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**9.** Approve Application and Certificate for Payment No. 1 in the amount of \$204,516.00 submitted by Judd Brothers Construction Co. and approved by Miller & Associates for the 2008 Airport Road Water Main Relocation and approve **Resolution No. 2008-102**.

### RESOLUTION NO. 2008-102

WHEREAS, Judds Brothers Construction Co. of Lincoln, Nebraska has performed services in connection with the construction of the 2008 Airport Road Water

Main Relocation, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$204,516.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$382,430.00</u>
Contract Sum to Date	382,430.00
Total Completed and Stored to Date	227,240.00
Retainage	22,724.00
Amount Due to Date	204,516.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$204,516.00

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10.** Approve the bids received for the construction of the 2008 Part 2 Improvements consisting of Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street and approve **Resolution No. 2008-103** awarding the bid to Concrete Workers Inc. in the amount of \$210,225.00.

### **RESOLUTION NO. 2008-103**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on June 17, 2008 at 2:00 p.m. for the 2008 Part 2 Improvements consisting of Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$190,009.00; and

WHEREAS, the said engineers have recommended the bid offered by Concrete Workers Inc. of Kearney, Nebraska in the sum of \$210,225.00 be accepted as the lowest responsible bid for the 2008 Part 2 Improvements.

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 Concrete Workers Inc. of Kearney, Nebraska be and is the lowest responsible bidder for the 2008 Part 2 Improvements consisting of Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Concrete Workers Inc. of Kearney, Nebraska in the sum of \$210,225.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$190,009.00 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 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

11. Approve the Agreement between the City of Kearney and Li'l Red Aero for storage space in Hangar T-419 and approve **Resolution No. 2008-104.**

**RESOLUTION NO. 2008-104**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero for an area measuring 25 feet by 35 feet of cold storage area located in the southeast corner of Hangar T-419, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

12. Approve the Grant Agreement between the City of Kearney and the Federal Aviation Administration for Kearney Regional Airport Project No. 3-31-0045-19 to update the Airport Master Plan and approve **Resolution No. 2008-105.**

**RESOLUTION NO. 2008-105**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 3-31-0045-19 FOR THE DEVELOPMENT OF THE AIRPORT.

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Project No. 3-31-0045-19 to update the Airport Master Plan; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport to update the Airport Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that:

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Project No. 3-31-0045-19 for the purpose of obtaining federal assistance in the development of the Airport by updating its Master Plan. A copy of the said Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

13. Approve the Letter Agreement for Professional Services between the City of Kearney and Olsson Associates for the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2008-106**.

**RESOLUTION NO. 2008-106**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Letter Agreement for Professional Services on behalf of the City of Kearney, Nebraska, with Olsson Associates for assistance in applying for federal grant funds which have been earmarked by Congress for the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **ORDINANCE NO. 7445 – AMEND CHAPTER 50 “SIGN REGULATIONS” OF CITY CODE (PERTAINS TO PUBLIC HEARING 1)**

Mayor Clouse stated that Ordinance No. 7445 amending Chapter 50 “Sign Regulations” of the City Code would remain on the table until July 8, 2008. Therefore, no action was necessary.

### **OPEN ACCOUNT CLAIMS: PLATTE VALLEY STATE BANK - \$48,019.01, SCHOOL DISTRICT #7 - \$3,304.80**

Moved by Lammers seconded by Buschkoetter that Open Account Claims in the amount of \$48,019.01 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear abstained. Motion carried.

Moved by Lear seconded by Clouse that Open Account Claims in the amount of \$3,304.80 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**

### **CITY-WIDE TREE REPLACEMENT PROGRAM**

City Manager Michael Morgan stated that after the last ice storm, they discussed the possibility of creating a program to “releaf” Kearney to provide a new stock of trees for public areas of the community, especially in public area such as the parks and cemetery. He presented a program which would require \$50,000.00 in funding for Part I. Part I of this program would be for those areas such as parks, cemetery, public right-of-ways, medians, etc. where there were trees in the past, but were damaged significantly in the storm. The program would begin this fall. Funds for the program would come from the natural disaster fund because the City has a significant balance in that fund.

Part II of the program would be for a new cost sharing program for trees with a maximum of \$50.00 per residence per year. If a citizen were to plant a tree in the right-of-way (subject to obtaining a free permit from the City) and plant an appropriate species of tree and take responsibility for the tree, the City would reimburse them \$50.00 for the cost of that tree. Part II would require about \$25,000.00.

This is a unique program which he has been involved with in the past in other communities. The \$50.00 per tree would give a significant number of trees that the City could provide throughout the community. It is important that this program be started this fall to try to improve the tree inventory across the community. The City is also going to

apply (and very likely be successful) for another \$10,000.00 grant which would be in addition to these funds to be used in the cemetery which lost a significant number of trees. This is a fairly simple, straightforward cost sharing program. This program has been discussed with the Park and Recreation Advisory Board in the past.

Council member Lammers asked if there is a schedule from year to year for the \$50.00 reimbursement for trees. City Manager stated since Kearney has not done this here before; he was not sure how much participation the City expects to receive. If they receive the great response that they hope to get, they can bring it back. With the significant impact that we have had from the storm, he anticipated it would also be a positive program. The intent would be if there were remaining funds, they would roll over until the funds were exhausted.

Mayor Clouse stated there was a question from a citizen asking if they could remove a street tree from the City right-of-way. City Manager stated the requirements to obtain a permit for this have been on the books for some time. Some people have requested to remove a street tree that needs to remain. Staff works very closely with citizens and unlike many communities during the past storm, they actually paid the cost of removal of many of these trees in the right-of-way which the City did not plan on doing or have ever approved in the past. The new permit program that the Council adopted was intended to monitor that right-of-way to make sure the right species of trees are being planted there and that people are properly maintaining them. The permit is free and has been from the beginning.

Moved by Clouse seconded by Kearney to approve the program to “releaf” Kearney to provide a new stock of trees for public areas of the community. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **CLOSED SESSION**

Moved by Buschkoetter seconded by Clouse that Council adjourn into closed session at 7:17 p.m. on June 24, 2008 for the protection of the public interest to discuss pending negotiations of lease terms on Airport property and to discuss the performance evaluation of the City Manager. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss pending negotiations of lease terms on Airport property and to discuss the performance evaluation of the City Manager.

Moved by Lear seconded by Buschkoetter that Council reconvene in regular session at 8:14 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **VIII. ADJOURN**

Moved by Buschkoetter seconded by Clouse that Council adjourn at 8:14 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None.

Motion carried.

**ATTEST:**

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**MICHAELLE E. TREMBLY  
CITY CLERK**

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