

Kearney, Nebraska
September 23, 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 September 23, 2008 in the Council Chambers at City Hall. Present were: Randy Buschkoetter, Vice-President of the Council; Michaelle Trembly, City Clerk; Council Members Don Kearney, Bruce Lear, and Bob Lammers. Absent: Stanley A. Clouse. 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; Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Bruce Grupe, Scott Hayden, Jacob Sertich, Jeff Hinrichs, Elaine Wiseman, Marvion Reichert, Chris Miller, 20 students from UNK, Sara Gibony from Kearney Hub, Steve Altmaier from KGFW Radio, NTV.

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

Captain Dale Hixenbaugh from The Salvation Army provided the Invocation.

PLEDGE OF ALLEGIANCE

Three Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

Vice-President Buschkoetter 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.

PROCLAMATION – WOMEN OF TODAY

Vice-President Buschkoetter read a Proclamation designating the week of September 21-27, 2008 as Women of Today Week. The Proclamation was presented to Lynn Ploeger.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONE SOUTH OF PLATTE RIVER AND WEST OF HIGHWAY 44

Vice-President Buschkoetter stated Public Hearing 1 is the Application submitted by Craig Bennett from Miller & Associates (Applicant) for James Gregory and Tamara S. Brandt and Mark A. and C. Diane Sutko (Owners) to rezone from "District AG, Agricultural District" to "District RR-2, Rural Residential District (Intermediate Standards)" property described as a tract of land being part of accretions to Government Lot 2 except Lot 1, Brandt's Lakewood 8th Subdivision and excepting all of the 60 foot wide tract recorded as a Private Access Road abutting Lot 1, Brandt's Lakewood 8th Subdivision on the south and abutting Lot 1 of Block 2, Brandt's Lakewood 7th Subdivision, all being part of accretions to Government Lot 2; part of accretions to Government Lot 3, all located in Section 23, Township 8 North, Range 16 West of the 6th P.M., containing 4.31 acres, more or less, Kearney County, Nebraska (south of Platte River and west of Highway 44). The City received an email requesting this matter remain on the table until October 14, 2008. Therefore, no action is necessary.

FINAL PLAT FOR BRANDT'S LAKEWOOD ESTATES SECOND

Vice-President Buschkoetter stated Public Hearing 2 is the Application submitted by Craig Bennett from Miller & Associates (Applicant) for James Gregory and Tamara S. Brandt and Mark A. and C. Diane Sutko (Owners) for the Final Plat for "Brandt's Lakewood Estates Second", a subdivision of Kearney County, Nebraska for property described as a tract of land being part of accretions to Government Lot 2, part of accretions to Government Lot 3, all located in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska, and all of Lot 1, Brandt's Lakewood 8th Subdivision, a subdivision being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th P.M. (to be vacated), containing 6.67 acres, more or less, Kearney County, Nebraska (south of Platte River and west of Highway 44). The City received an email requesting this matter remain on the table until October 14, 2008. Therefore, no action is necessary.

BOARD OF EQUALIZATION – PAVING DISTRICT NOS. 2003-873, 2007-914, WATER DISTRICT NO. 2007-547, SEWER DISTRICT NO. 2007-489

Vice-President Buschkoetter stated Paving Improvement District No. 2007-914, Water District No. 2007-547 and Sewer District No. 2007-489 were tabled at the last meeting and need to be removed from the table.

Moved by Kearney seconded by Lammers to remove from the table Paving Improvement District No. 2007-914, Water District No. 2007-547 and Sewer District No. 2007-489. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear.

Nay: None. Clouse absent. Motion carried.

Vice-President Buschkoetter opened the public hearing for the Council to meet as the Board of Equalization to assess costs Paving Improvement District No. 2007-914, Water District No. 2007-547 and Sewer District No. 2007-489 for 16th Street from Avenue M east a distance of 747 feet; and for Lot 16 of Block 2, Lot 14 of Block 4, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska in connection with Paving Improvement District No. 2003-873 and to consider approval of Resolution No. 2008-164.

On January 23, 2007 the City created the following districts: Paving Improvement District No. 2007-914, Water District No. 2007-547 and Sewer District No. 2007-489 for 16th Street from Avenue M east a distance of 747± feet.

The City, on March 25, 2003 created Paving Improvement District No. 2003-873 for 56th Street from Avenue N west to a point 630 feet west of Parklane Drive. At that time NP Land Development applied for an agricultural deferment and the Council approved such deferment on April 12, 2005. Lot 1, Stoneridge Fourth Addition was assessed in 2006. The remaining portion of this land that is zoned agricultural but no longer being used as agricultural will need to be assessed. Therefore, the Council will consider assessing that portion of 56th Street as it abuts Lot 16 of Block 2 and Lot 14 of Block 4, Stoneridge Eighth Addition, along with a piece that is not buildable and considered the drainage or detention area.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. These districts have been completed and, in order to satisfy state law, when paving, water and sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within 50 days (November 12) or will be able to pay the entire assessment without any interest prior to this date.

The City will recoup the costs associated with the construction of paving and improving the streets within such Paving Districts, except the cost of paving and improving the intersections of streets or avenues and spaces opposite alleys in such Paving Districts and will recoup the cost of installation of mains in said Water and Sewer Districts.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing for the Council to meet as the Board of Equalization to assess costs Paving Improvement District No. 2007-914, Water District No. 2007-547 and Sewer District No. 2007-489 for 16th Street from Avenue M east a distance of 747 feet; and for Lot 16 of Block 2, Lot 14 of Block 4, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska in connection with Paving Improvement District No. 2003-873 and approve **Resolution No. 2008-164**. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2008-164

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The Vice-President and Council find and determine that the street in Paving Improvement District No. 2003-873 abutting Lot 16 of Block 2, Lot 14 of Block 4, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, has been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. The Vice-President and Council find and determine that the street in Paving Improvement District No. 2007-914 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 3. That the water mains heretofore ordered installed in Water District No. 2007-547 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water mains and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 4. That the sewer mains heretofore ordered installed in Sewer District No. 2007-489 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sewer mains and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 5. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 6. That there be and there is hereby levied against Lot 16 of Block 2, Lot 14 of Block 4, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska in connection with Paving Improvement District No. 2003-873 as shown in Exhibit "A" the amount set for each said lot. Said assessments for Lot 16 of

Block 2, Lot 14 of Block 4, Stoneridge Eighth Addition in connection with Paving Improvement District No. 2003-873 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of six per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

Section 7. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District No. 2007-914 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of seven per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

Section 8. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2007-547 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of seven per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

Section 9. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sewer District No. 2007-489 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution

1/5th three years after date of this Resolution

1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of seven per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

IV. CONSENT AGENDA

Vice-President Buschkoetter stated the agenda has been amended to include Item 23 to approve the application for a Special Designated License submitted by Cunningham's Journal for October 18, 2008.

Vice-President Buschkoetter stated that Items 4, 5 and 20 would be removed from the Consent Agenda.

Administration wanted to update the Council on Item 20 of the Consent Agenda pertaining to a payment to the contractor for the Northwest Well Field Water Main.

Director of Utilities Kirk Stocker stated that nine wells were completed by Sergeant Drilling last fall. Shortly after those wells were completed, they awarded the bid for the Phase II of the Northwest Well Field project which is a water transmission main. This has been a long project and is behind schedule. The entire water transmission main pipe is now in the ground as of about 3-4 weeks ago. There have been some problems in pressure testing the pipe. The smaller diameter pipe on the well field passed the pressure test the first time. The pipe from the well field, which is located west of Sartoria Road to Evergreen Road, had numerous leaks in the pipe that had to be repaired. Those pipes have been repaired and passed the pressure test one time. From there the contractor moved back toward the City and the 24-inch diameter pipe from 30th Avenue west of Dove Hill Road passed the pressure test the first time with no leaks. Last week the contractor tried to pressure test the pipe between Evergreen Road and Dove Hill Road (approximately 1 mile). That pressure test failed so they brought in a consultant who is a leak detection specialist and has narrowed down an area and has dug three holes looking for a leak.

The portion of the pipe from 30th Avenue to Dove Hill Road has been super chlorinated with 300 parts per million in the pipe. The chlorine stays in the pipe for 3-4 days and then it is flushed out to get a balance. Once all the chlorine is out of the pipe they test for chloroform bacteria to prove that it is disinfected. They collected 13 samples last week and there was one detected for chloroform bacteria. He was unsure if they were going to test again or flush again. There were originally two completion dates in the project. They had an interim completion date of the end of October 2007 for the portion from 30th Avenue to Cottonmill Road because they had obtained private easements on private property and wanted to get that part of the project done, the easements restored and the grass reseeded. The completion date for the entire project was March 20, 2008.

The contract does allow the contractor to request interim payments for progress made on the project. As the contractor got behind schedule, the City did withhold payment for anticipated late completion and liquidated damages of \$500 per day. That total holdback is several hundred thousand dollars. The requests at one time were as much as \$1.1 million and the City was holding back as much as \$700,000.00. The contractor is now requesting \$736,831.00 and the City is holding about \$249,000.00 for liquidated damages for late completion and holding another \$259,000.00 for pressure testing, chloroform testing and disinfecting which is rolled up into the price of the pipe construction. There is an assigned value of \$4.00 per foot for both those sections of work and withholding that until it passes the pressure test. Out of the \$736,000.00 that the contractor is requesting, the City is asking for approval to pay a reduced amount of \$228,000.00. The adjustments have mirrored the work completed less the liquidated damages up to that date and have been withheld on the last several payments

Council member Buschkoetter asked how unusual this is to do the withholdings. Director of Utilities stated this is unusual in Kearney's history to have any project this far behind schedule. Usually a lot of our work is completed on a calendar day or work day contract. This contract has a set completion date and the contractor failed to perform because of inadequate staff or equipment at the site to properly do the work. This is about 49,000 feet of pipe on 800 acres which is a major project.

City Manager Michael Morgan stated this is a large project to provide 4.2 million gallons of water with an additional water capacity for Kearney with the ability to pump a little over seven million if needed. This is about a \$10 million project and is probably one of the most important public works projects in Kearney's history. Their goal is to work with the contractor to get it completed and get it in service. The City Attorney has been very involved in monitoring the status of the project and communicating with their bond company for the past several months. This information is nothing new to the contractor about these concerns. Miller & Associates have done an excellent job in documenting the concerns that have been noted, putting the contractor on notice and monitoring the job site very carefully after those concerns were noted.

City Attorney Michael Tye stated he has consulted with Miller & Associates throughout the process. Basically, they are withholding liquidated damages based on the interim completion date, as well as the final completion date. As there are on all contracts, there is also a retainage on this contract that is also out there and has not been paid. They have consulted with Miller & Associates about how far behind the contractor is and where they are in the project which is the job of the consultant. City Manager stated that they have not had a major dispute with the late fees or the status of payments to this point.

Council member Lear commended the Director of Utilities for implementing this project before it became an emergency project. These deadlines could have needed to be met with some real impending consequences. After following this project, they have done a good job of taking legal proactive steps to get this completed with the appropriate consequences. Director of Utilities stated that he wanted to assure everyone that they will not let the late completion date affect the way they will accept the work. They are requiring the contractor to perform up to the specifications and will not accept any defective work. After the project is closed out, there are performance bonds that state

that the project is under warranty for one year after completion.

City Manager stated this will provide the community with an additional water supply or water source during certain times of the year, for economic development purposes, public safety and will have a huge impact for Kearney's future. They hope to have this in service by the end of October. Council member Lammers stated there are many companies that need considerable amounts of water in order to do business, this extra water is significant and opens doors to many economic development opportunities.

Moved by Lear seconded by Buschkoetter that Subsections 1, 2, 3 and 6 through 23 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held September 9, 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 \$188.21 Smcs; Agri Coop \$3,280.53 Smcs; Alamar Uniforms \$158.49 Smcs; Amer Fence \$14,570.00 Co; Amer First Aid \$56.55 Smcs; Amer Locker Security \$2,607.00 Smcs; Andersen,B \$44.36 Smcs; Arner,T \$58.50 Smcs; Ask Supply \$471.94 Smcs; Associated Bag \$906.19 Smcs; Aurora Coop \$43.20 Smcs; Barco Municipal \$6,962.00 Smcs; Barlow,J \$300.00 Smcs; Bauer Underground \$1,984.00 Co; Baye,S \$93.15 Smcs; BBC Audiobooks \$112.26 Smcs; BBW Environmental \$200.00 Smcs; BD Construction \$3,784.00 Smcs; Beckenhauer,T \$54.22 Smcs; Berens-Tate Consulting \$2,500.00 Smcs; Bluecross Blueshield \$134,875.15 Smcs; Bosselman \$296.73 Smcs; Bound to Stay Bound \$67.76 Smcs; Broadfoot's \$2,736.24 Smcs; Bruce Furniture \$95.00 Smcs; Buffalo Co Court \$677.32 Ps; Buffalo Co Economic Dev \$3,897.56 Smcs; Buffalo Co Register Deeds \$39.00 Smcs; Buffalo Co Treasurer \$16.00 Co; Builders Warehouse \$6,669.09 smcs,co; Business Office Systems \$344.00 Smcs; Cash-Wa \$5,034.83 Smcs; CDW Gov't \$3,396.06 Smcs; Center Point Large Print \$40.14 Smcs; CH Diagnostic \$445.00 Smcs; Charlesworth & Associates \$360.00 Smcs; Charter \$1,006.55 Smcs; Chesterman \$198.90 Smcs; Chief Construction \$74,994.24 Co; City Glass \$370.60 Smcs; City of Ky \$126,650.51 smcs,ps; College Savings Plan of NE \$75.00 Ps; Community Action Partner \$34,042.00 Co; Cook,J \$256.00 Smcs; Cool Tech \$78.00 Smcs; Copycat \$965.13 Smcs; Creative Product Sourcing \$1,368.77 Smcs; Credit Management Services \$180.00 Smcs; Cullen,M \$97.90 Smcs; Culligan \$77.50 Smcs; Cummins \$481.29 Smcs; Curbit \$7,733.88 Co; CVI Kearney \$391.18 Smcs; D&M Security \$488.40 Smcs; DANKO Emergency \$247.20 Smcs; Dawson Co PPD \$32,179.16 Smcs; Defense Technology \$2,561.55 Smcs; Ditch Witch \$36,228.82 Co; DPC Industries \$13,663.96 Smcs; Dreyer,D \$256.00 Smcs; DT Development \$7,101.89 Co; Dutton-Lainson \$227.29 Smcs; Eakes \$9,109.16 smcs,co; Ed Broadfoot & Sons \$10,224.00 Co; Educational Service Unit \$48.75 Co; Eickhoff,B \$56.00 Ps; Enterprise \$271.25 Smcs; Express Police Supply \$309.96 Smcs; Fairbanks \$54,225.00 Co; Farmers Union \$682.50 Smcs; Fedex \$145.73 Smcs; Fiddelke Heating \$538.58

Smcs; Fire Facilities \$16,072.00 smcs,co; FireGuard \$3,042.09 Smcs; Flynn,B \$147.50 Smcs; Fredrickson Construction \$29,866.00 Co; Frontier \$8,700.57 Smcs; Gale \$573.56 Smcs; Galls \$245.73 smcs,co; Gangwish Turf \$25.50 Smcs; Garrett Tires & Treads \$5,066.94 Smcs; General Traffic Controls \$12,713.26 smcs,co; Geotechnical Services \$4,383.75 Co; GI Family Radio \$1,665.00 Smcs; GI Independent \$500.00 Smcs; Great Plains One Call \$464.75 Smcs; Greyhouse Publishing \$434.00 Smcs; Guideposts \$16.94 Smcs; H&H Distributing \$570.50 Smcs; Hach \$463.30 Smcs; Harley Davidson \$93.56 Smcs; Harrison,R \$31.25 Smcs; HD Supply \$21,627.70 Smcs; Hometown Leasing \$3,651.72 Smcs; Horiba Jobin Yvon \$8,968.75 Smcs; Howe,C \$9.36 Smcs; Hydrite Chemical \$1,805.41 Smcs; IBM \$15,282.25 Smcs; ICMA RC \$2,963.75 Ps; IRS \$100,738.75 Ps; IQ Biometrix \$959.00 Smcs; Isaac,D \$300.00 Ps; J.Gardner & Associates \$300.00 Smcs; Jack Lederman \$4,353.20 Smcs; Jack's Uniforms \$1,853.94 Smcs; Jordening,K \$75.00 Smcs; Ky Clinic \$783.00 smcs,ps; Ky Concrete \$11,769.65 smcs,co; Ky Crete & Block \$715.04 Co; Ky Hub \$6,899.22 Smcs; Ky Humane Society \$2,400.00 Smcs; Ky Implement \$120.38 Smcs; Ky Towing \$85.00 Smcs; Ky Yamaha \$707.14 Smcs; Keogh,J \$256.00 Smcs; Kirkham Michael \$15,397.32 Co; Knox Co \$745.00 Co; Koch,J \$58.50 Smcs; Kolar,J \$97.50 Smcs; Konica Minolta \$170.69 Smcs; KQKY-FM \$333.00 Smcs; Laser Technology \$1,904.32 Co; League of NE Municipalities \$2,620.00 Smcs; Lincoln Marketing \$299.00 Smcs; Linda's Upholstery \$1,132.75 Smcs; Linweld \$12.92 Smcs; LIPS Printing \$1,395.74 Smcs; Lockmobile \$27.50 Smcs; Logan Contractors \$3,940.00 Co; M&E Construction \$600.00 Smcs; Mac Tools \$207.99 Smcs; Magic Cleaning \$660.00 Smcs; Marlatt Machine Shop \$1,222.64 Smcs; Marshall Cavendish \$146.90 Smcs; Mattley Design \$825.00 Smcs; McElhinney,G \$29,328.78 Co; McKenzie,D \$85.00 Smcs; McMaster,L \$69.27 Smcs; Midwest Striping \$12,590.00 Smcs; Miller Signs \$720.00 Co; Misko Sports \$927.85 Smcs; Mollring,N \$256.00 Smcs; Moonlight Embroidery \$3,429.00 Ps; Morgan,M \$105.80 Smcs; Morris Press \$505.90 Smcs; Mosbarger,B \$508.31 Smcs; Motion Industries \$1,096.77 Smcs; MSI Systems Integrators \$12,041.65 Smcs; Municipal Emergency \$7,137.02 smcs,co; Municipal Pipe Tool \$314.80 Smcs; Municipal Supply \$3,453.51 Co; Munster,S \$100.00 Smcs; Musil,J \$256.00 Smcs; NE APWA \$120.00 Smcs; NE Child Support \$2,707.13 Ps; NE Dept of Aeronautics \$995.00 Ds; NE Dept of Revenue \$48,850.19 Smcs; NE DOL/Elevator Safety \$100.00 Smcs; NE Forest Service \$20.00 Smcs; NE Library Ass'n \$248.75 Smcs; NE Lied Main Street \$3,000.00 Smcs; NEland Distributors \$244.50 Smcs; Nelson's Furniture \$1,182.60 Smcs; Neopost \$8,000.00 Smcs; Nerverve,H \$64.19 Smcs; Norm's Plumbing \$408.46 Smcs; Northwestern Energy \$1,703.97 Smcs; Nova Fitness Equipment \$3,847.62 Ps; NSA/POAN Conference \$360.00 Smcs; Office Depot \$220.66 Smcs; Ohri,R \$1,128.90 Smcs; Olive Software \$29,159.84 Smcs; Olson,L \$250.00 Smcs; Outdoor Recreation \$5,887.00 Co; Overland Trails \$15.00 Smcs; Paramount Linen \$902.40 Smcs; Parsons,J \$39.86 Smcs; Pepperball Technologies \$1,815.91 Smcs; Pepsi \$2,157.70 Smcs; Perez,M \$457.31 Smcs; Physician's Desk Reference \$64.95 Smcs; Platte Valley Comm \$17,614.64 smcs,co; Powerplan \$3,907.69 Smcs; Presto-X \$268.00 Smcs; Protex Central \$91.00 Smcs; Pulliam,R \$100.00 Smcs; Putnam,J \$440.00 Smcs; R.W. Sorensen Construction \$3,312.00 Smcs; Rand Materials \$652.12 Smcs; Random House \$480.20 Smcs; Ready Mixed Concrete \$10,173.29 smcs,co; Recognition Unlimited \$930.80 Ps; Resource Management \$1,635.75 Smcs; Rodiek,D \$93.15 Smcs; Roper's Radiator \$45.00 Smcs; Royal Chemical \$502.60 Smcs; Sage,P \$15.29 Smcs; Salina Blueprint \$116.10 Smcs; Salter,J \$1,014.52 Smcs; Sam's Club Direct \$998.89 Smcs; See Clear Cleaning \$2,800.00 Smcs; Select Sprayers \$2,795.00 Co;

Service Plus Lawn \$3,072.50 Smcs; S-F Analytical \$212.00 Smcs; Sheldon,S \$16.63 Smcs; Siel Construction \$100,644.01 Co; Simmons Gun Specialties \$4,193.14 Co; Sirchie Finger Print Lab \$173.51 Smcs; Skeen Construction \$2,725.00 Co; Smith Signs \$937.29 Smcs; Smith,R \$76.23 Smcs; Snap-On Tools \$157.55 Smcs; Snow,T \$100.00 Smcs; SOS Portable Toilets \$175.00 Smcs; Springer Roofing \$650.00 Smcs; Steinbrinks Landscaping \$1,785.00 Co; Suburban Fire Protection \$11,000.00 Smcs; Sungard Public Sector \$350.00 Smcs; Super Shine Auto \$8.00 Smcs; Sutphen Corp \$1,475.00 Smcs; Swanson,K \$10.15 Smcs; Team Effort \$942.63 Smcs; Tee's Plus \$2,495.00 Smcs; Theis,J \$60.00 Smcs; Thorell,D \$283.92 Smcs; Tielke Enterprise \$362.89 Smcs; Titleist \$1,810.01 Smcs; Tool Doctor \$37.50 Smcs; Tractor Supply \$2,959.99 Co; Tri Cities Group \$3,144.00 Co; Turner Body Shop \$75.00 Smcs; US Treasury \$1,000.00 Smcs; Unique Management \$250.60 Smcs; UNK \$100.00 Smcs; Video Service of America \$4,695.89 Smcs; Village Uniform \$369.22 Smcs; We Care Tree Care \$170.00 Co; Weber,J \$100.00 Smcs; Wellman,P \$44.19 Smcs; West Central NE Home \$360.00 Smcs; West Publishing \$336.00 Smcs; West Villa Animal \$100.00 Smcs; Wiegand Security Service \$75.00 Smcs; Wilkins Hinrichs Stober \$32,446.70 Co; Williams,M \$40.07 Smcs; WPCI \$239.00 Ps; Young,M \$333.50 Smcs; Payroll Ending 9-13-2008 -- \$310,040.33. 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 October 14, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.
6. Approve the Plans and Specifications for the 2008 Part 9 Improvements – Manhole Rehabilitation Project and set the bid opening date for October 16, 2008 at 2:00 p.m.
7. Approve the application for a Special Designated License submitted by BOULEE LLC, dba “Bico’s Sports Bar & Grill” in connection with their Class I-70918 liquor license to dispense beer, wine and distilled spirits in The Great Platte River Road Archway Monument, 3060 East 1st Street, on October 4, 2008 from 6:00 p.m. until 1:00 a.m. for a dance.
8. Approve the application to extend Conditional Use Permit No. 1979-06 granted to Susan Underhill to locate a Day Care Facility at 2803 Avenue I for a period of one year.
9. Approve the Use and Operations Agreement for Hangar T-385 between the City of Kearney and Otis Air Service for commercial storage of aircraft at the Kearney Regional Airport and approve **Resolution No. 2008-166**.

RESOLUTION NO. 2008-166

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 Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Otis Air Service for Hangar T-385 at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit “1”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

10. Approve the Use and Operations Agreement for Annex A in Hangar T-926 between the City of Kearney and Blair Rodgers and Merle Fratzke, dba Rodgers Helicopter Services and approve **Resolution No. 2008-167.**

RESOLUTION NO. 2008-167

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 Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Blair Rodgers and Ed Spillman, dba Rodgers Helicopter Services for Annex A in Hangar T-926 at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

11. Approve the Use and Operations Agreement for Annex B in Hangar T-926 between the City of Kearney and Li'l Red Aero, Inc. and approve **Resolution No. 2008-168.**

RESOLUTION NO. 2008-168

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 Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero for Annex B in Hangar T-926 at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

12. Approve T-Hangar C-5 Lease Agreement between the City of Kearney and Wendall Cobleigh and approve **Resolution No. 2008-169.**

RESOLUTION NO. 2008-169

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 Lease Agreement on behalf of the City of Kearney, Nebraska, with Wendall Cobleigh for T-Hangar C-5 at the

Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

13. Approve the request submitted by the American Cancer Society to temporarily block off the parking lot located north of the Museum of Nebraska Art on September 27, 2008 from 7:00 a.m. until 12:30 p.m. for the "Fight Back Bus" coming to Kearney.

14. Approve Application and Certificate for Payment No. 2 in the amount of \$7,210.62 submitted by Technical Maintenance & Service and approved by Miller & Associates for the Northwest Well Field, Phase III (Electrical Control System and approve **Resolution No. 2008-170**.

RESOLUTION NO. 2008-170

WHEREAS, Technical Maintenance & Service Co. has performed services in connection with the Northwest Well Field, Phase III (Electrical Control System), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$7,210.62 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$231,000.00
Contract Sum to Date	\$231,000.00
Gross Amount Due	225,658.80
Retainage	22,565.88
Amount Due to Date	203,092.92
Less Previous Certificates for Payment	<u>195,882.30</u>
Current Payment Due	\$ 7,210.62

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

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

15. Approve Application and Certificate for Payment No. 1 in the amount of \$122,102.89 submitted by Wilke Contracting Corporation and approved by Miller & Associates for the 2007 Part V Improvements consisting of the bridge work on 4th Street between 2nd Avenue and 3rd Avenue and approve **Resolution No. 2008-171**.

RESOLUTION NO. 2008-171

WHEREAS, Wilke Contracting Corporation has performed services in connection with the 2007 Part V Improvements consisting of the bridge work on 4th Street between 2nd Avenue and 3rd Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$122,102.89 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$310,147.48
Contract Sum to Date	\$310,147.48
Gross Amount Due	135,669.88
Retainage	13,566.99
Amount Due to Date	122,102.89
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$122,102.89

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

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

16. Approve Application and Certificate for Payment No. 1 in the amount of \$139,224.31 submitted by Midlands Contracting and approved by Miller & Associates for the 2008 Part 8 Improvements – Bid A consisting of Water District No. 2008-551 for 62nd Street, Avenue S Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth; and Sanitary Sewer District No. 2008-493 for 62nd Street, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4 of Block 2; Lots 1 and 2 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth and approve **Resolution No. 2008-172.**

RESOLUTION NO. 2008-172

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2008 Part 8 Improvements – Bid A consisting of Water District No. 2008-551 for 62nd Street, Avenue S Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth; and Sanitary Sewer District No. 2008-493 for 62nd Street, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4 of Block 2; Lots 1 and 2 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$139,224.31

as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$153,572.00
Contract Sum to Date	153,572.00
Total Completed and Stored to Date	146,551.90
Retainage	7,327.60
Amount Due to Date	139,224.31
Less Previous Certificates for Payment	.00
Current Payment Due	<u>\$139,224.31</u>

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 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

17. Approve Application and Certificate for Payment No. 1 in the amount of \$31,858.92 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2008 Part 8 Improvements – Bid B consisting of Paving Improvement District No. 2008-927 for 62nd Street, Avenue S, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth and approve **Resolution No. 2008-173.**

RESOLUTION NO. 2008-173

WHEREAS, Dan Roeder Concrete has performed services in connection with the 2008 Part 8 Improvements – Bid B consisting of Paving Improvement District No. 2008-927 for 62nd Street, Avenue S, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$31,858.92 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$304,210.00
Contract Sum to Date	\$304,210.00
Gross Amount Due	35,398.80
Retainage	3,539.88
Amount Due to Date	31,858.92
Less Previous Certificates for Payment	.00
Current Payment Due	<u>\$ 31,858.92</u>

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 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

18. Approve the Plans and Specifications for the 2008 Part 11 Improvements consisting of Paving Improvement District No. 2008-928 for 4th Avenue from the north line of 4th Street to the south line of 8th Street; Paving Improvement District No. 2008-929 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition; Sewer District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition and set the bid opening date for October 21, 2008 at 2:00 p.m.

19. Approve the application for a Special Designated License submitted by ALLEY ROSE, INC., dba "Alley Rose" in connection with their Class IK-21763 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion at the Buffalo County Fairgrounds located at 3807 Avenue N on October 18, 2008 from 6:00 p.m. until 1:00 a.m. for a wedding reception.

20. Approve Application and Certificate for Payment No. 8 in the amount of \$228,520.55 submitted by Starostka Group Unlimited and approved by Miller & Associates for the Northwest Well Field Improvements; Phase II - Water Transmission Main and approve **Resolution No. 2008-174**.

RESOLUTION NO. 2008-174

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. 8 in the amount of \$228,520.55 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	4,004,344.45
Retainage	400,434.45
Amount Due to Date	3,603,910.00
Less Previous Certificates for Payment	- 2,867,078.45
Less Bacteria Testing/Flushing/Chlorination	- 195,707.00
Pressure Testing	- 63,604.00
Less Late Completion (October 2007 – May 2008)	<u>- 249,000.00</u>
Current Payment Due	\$ 228,520.55

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

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

21. Approve Application and Certificate for Payment No. 3 in the amount of \$218,863.89 submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2008-175.**

RESOLUTION NO. 2008-175

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with the construction of the Airport Road Relocation Project, and the City's engineer, Kirkham Michael, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$218,863.89 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,501,718.55</u>
Contract Sum to Date	1,501,718.55
Total Completed and Stored to Date	727,553.60
Retainage	72,755.36
Amount Due to Date	654,798.24
Less Previous Certificates for Payment	<u>435,934.35</u>
Current Payment Due	\$ 218,863.89

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

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

22. Approve the application for a Special Designated License submitted by CHICKEN BONES OF KEARNEY, INC., dba "Chicken Coop Sports Bar & Grill in connection with their Class I-54354 liquor license to dispense beer and distilled spirits in the Outdoor Arena, formerly known as the Exposition Building, located at the Buffalo County Fairgrounds, 3807 Avenue N on October 12, 2008 from 12:00 p.m. until 12:00 a.m. for a demolition derby.

23. Approve the Application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba "Cunningham's Journal" in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in the Extension

Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 18, 2008 from 5:00 p.m. until 1:00 a.m. for a dance and reception.

Vice-President Buschkoetter stated that Item 4 of the Consent Agenda needs to be removed and voted on separately for the reason Council member Lear needed to abstain from voting on the matter.

Moved by Buschkoetter seconded by Kearney that Subsection 4 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Lear abstaining. Clouse absent. Motion carried.

4. Approve the Agreement between the City of Kearney and Platte Valley State Bank & Trust Company, Trustee of the Arthur Woodrow Skeen and Wanda Irene Skeen Family Trust for water and sanitary sewer connection for property described as part of Lots 2 and 3 and all of Lots 4, 5 and 6 of Block 7, Whiteaker's Grove Addition located outside the Union Pacific Railroad right-of-way (23rd Street and Avenue O) and approve **Resolution No. 2008-165.**

RESOLUTION NO. 2008-165

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement between the City of Kearney and Platte Valley State Bank & Trust Company, Trustee of the Arthur Woodrow Skeen and Wanda Irene Skeen Family Trust, to connect property described as part of Lots 2 and 3 and all of Lots 4, 5 and 6 of Block 7, Whiteaker's Grove Addition located outside the Union Pacific Railroad right-of-way (23rd Street and Avenue O) to the water and sanitary sewer mains owned by the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Platte Valley State Bank & Trust Company, Trustee of the Arthur Woodrow Skeen and Wanda Irene Skeen Family Trust to connect to water and sanitary sewer as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2008.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

Vice-President Buschkoetter stated Administration has requested to table until October 14, 2008 Item 5 of the Consent Agenda pertaining to the renewal of Wood River Trailer Court manufactured home court license.

Moved by Kearney seconded by Lammers that Subsection 5 of Consent Agenda Item IV be tabled until October 14, 2008. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

5. Approve the recommendation from the Building Official on the annual renewal of the Wood River Trailer Court manufactured home court license until May 31, 2009.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7471 – VACATE PORTION OF BRANDT’S LAKEWOOD EIGHTH

Vice-President Buschkoetter stated that Ordinance No. 7471 is the proposed vacation of Lot 1, Brandt’s Lakewood 8th Subdivision, Kearney County, Nebraska (south of Platte River and west of Highway 44). However, the City received an email requesting this matter remain on the table until October 14, 2008. Therefore, no action is necessary.

ORDINANCE NO. 7472 – REZONE SOUTH OF PLATTE RIVER AND WEST OF HIGHWAY 44

Vice-President Buschkoetter stated that Ordinance No. 7472 is the proposed rezoning from “District AG, Agricultural District” to “District RR-2, Rural Residential District (Intermediate Standards)” property described as a tract of land being part of accretions to Government Lot 2 except Lot 1, Brandt’s Lakewood 8th Subdivision and excepting all of the 60 foot wide tract recorded as a Private Access Road abutting Lot 1, Brandt’s Lakewood 8th Subdivision on the south and abutting Lot 1 of Block 2, Brandt’s Lakewood 7th Subdivision, all being part of accretions to Government Lot 2; part of accretions to Government Lot 3, all located in Section 23, Township 8 North, Range 16 West of the 6th P.M., containing 4.31 acres, more or less, Kearney County, Nebraska (south of Platte River and west of Highway 44). However, the City received an email requesting this matter remain on the table until October 14, 2008. Therefore, no action is necessary.

KEARNEY HOUSING AGENCY ANNUAL REPORT

Vice-President Buschkoetter opened for discussion the Kearney Housing Agency Annual Report.

Elaine Wiseman, Executive Director, presented this matter to the Council. One of the year’s highlights was the press conference with the HUD officials, her commissioners and which the City Manager and Mayor attended. Kearney Housing Agency received \$46,750.00 for the FSS coordinator which is an annual award. They also received a MPR loan from the USDA in the amount of \$566,500.00 to renovate Plaza Boulevard apartments which were previously known as Normandy apartments. The Housing Agency acquired Normandy Apartments in November 2005 and it had a lot of deferred maintenance. Their Board stated that they would only do it if they could renovate it. The renovation including shingling, siding, new windows and re-doing stairways, and is near completion. They also received \$2,500.00 from the Kearney Area Community Foundation for the purpose of providing educational opportunities to their participants to get a CNA or medication aid program degree from Central Community College. The

\$2,500.00 has almost all been spent since several have completed the course since they received the funds in February. Next year she hoped to report the number of people that were helped.

The challenge they have is trying to do more with less. One of the areas where they are feeling the pinch is their staff wage ranges due to the fact that the minimum wage will increase again next July. The gap between entry level and maximum level is decreasing. They believe that in order to have good programs, they must have good and competent staff. They cannot raise rents for more revenue since those are set by HUD. They must depend on what is provided to them in forms of operating subsidy and capital funds. The 2008 operating subsidy is 82 percent of the eligibility level. They have to find 18 cents more to make it work. They provided payment of taxes in lieu of payment of \$4,006.17 to the Buffalo County Treasurer as required by law. Their audit is on file with City Clerk.

Moved by Lammers seconded by Lear to accept the Kearney Housing Agency Annual Report as presented. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

PLANS FOR PETERSON SENIOR ACTIVITY CENTER

Vice-President Buschkoetter opened for discussion the Plans and Specifications for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and set the bid opening date for October 23, 2008 at 2:00 p.m.

Scott Hayden, Recreation Superintendent, presented this matter to the Council. This will be a two story building with a walk out basement. The entrance will be on the west, with an open concept, office space for a receptionist and full time staff, restrooms, storage, mechanical and janitorial space. The kitchen is a very large part of the building where they will serve lunches Monday through Friday. The kitchen will be managed by Mid-Nebraska Community Action. To the left of the kitchen is a beverage bar area, where a variety of coffee, juices, etc will be served. The main dining area will also serve as a multi-purpose room and will have a great view of the lake. The building is located near the amenities that are provided at the park. There is an attached large tiled patio with pillars. In the multi-purpose area will be some cafe booths along the windows on the inside. There will also be a lounge area to the left of the open space which is open to the dining hall. The lounge area will have more of a living room style with fireplace, flat screen TV, tables in a library type space. There will also be a classroom area. They have been working with the Senior College which will be a great space for those programs and more formal meeting areas. There will be some computer capabilities and City staff has been working to get that equipped.

There will be an elevator and an open staircase that goes down to the main level in the entrance. It will be a largely unfinished basement, similar to the Harmon Park Activities Center. The restrooms in the basement will be finished. A good portion of the basement is mechanical and storage space. The other two-thirds will be an open area that they will grow into and will provide an area for multi-activities such as fitness and social events. The walkout basement will also have a small patio and a trail that connects to the lake and a trail that circles around the lake which will be a lighted trail. There will be

approximately a total of 15,000 square feet. There is approximately 8,000 square feet on the main level and 6,000-7,000 square feet in the basement. This will be similar in size to the Harmon Park Activity Center.

Mr. Hayden stated they spent a lot of time, making sure that all restrooms are ADA compliant and also exceed some standards. Most of the doors will have automatic openers. There are two doors to the patio and one will have the push button. The front entry will have sliding doors (like Target). City Manager Mike Morgan said they have a \$400,000.00 grant application pending that they hope to get to for this project. They also have \$652,000.00 earmarked from Senator Nelson's office.

Jacob Sertich from Wilkins Hinrichs Stober Architects stated throughout the process they have met with the Senior Activity Center task force who have provided valuable input. The outside of the building will have a modern feel, but not one that is grounded with the rest of the surrounding buildings. The sloped roof area will be green to match the color of the ERC building's roof. The red brick ties in well with the other buildings. The silver EIFS will actually tie in with the canopy at the top of the tower.

City Manager stated there will be about 110 parking spaces in the parking lot and ample handicap parking in several areas of it. There is a drop off area that is 600 feet around which is quite large. The paving is done to the entrance itself and the circle. The landscaping plan is quite extensive and will be revealed in a few weeks. They are very fortunate to have some additional donors who will contribute to this project. It will be very beneficial to have paved parking versus the small graveled parking lot that is in the other area of the park. The project will go out to bid and after the bid is awarded it will be estimated 12-13 months construction time. In the future, they will follow up with the hiring of the Senior Program Coordinator who will be staffed there. That person will report to Scott Hayden. The food service contract was negotiated with Mid-Nebraska and will be brought to Council in the future for approval. They would be essentially responsible for providing food service. They will be paid a fee and because they are excellent in gathering funds from various agencies and are knowledgeable about the limits of what can be charged for and how much that charge can be for this facility.

Moved by Buschkoetter seconded by Kearney to accept the Plans and Specifications for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and set the bid opening date for October 23, 2008 at 2:00 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried.

OPEN ACCOUNT CLAIMS: NPPD - \$87,579.13, PLATTE VALLEY STATE BANK - \$45,117.37

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$45,117.37 payable to Platte Valley State Bank, and in the amount of \$87,579.13 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse absent. Lear abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Lammers seconded by Lear that Council adjourn at 7:49 p.m. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

ATTEST:

**RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR**

**MICHAELLE E. TREMBLY
CITY CLERK**