

Kearney, Nebraska
April 28, 2009
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 April 28, 2009, 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; Dan Lynch, Chief of Police; Shawna Erbsen, Human Resources Director; Suzanne Brodine, Grant & Marketing Coordinator; Kristi Grint, Risk Management Coordinator; and Luke Olson, Management Assistant were also present. Some of the citizens present in the audience included: Tim Hughbanks, Jon Krebs, Dan Lindstrom, Steve Paulsen, Candy Kuntz, Susan Biggs, Ryan Ideus, 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

With no representation from the Kearney Ministerial Association, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Three Boy Scouts from Troop 158 led the Council members and 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.

PROCLAMATION FOR DRINKING WATER WEEK

Mayor Clouse read a Proclamation declaring May 3 through May 9, 2009 as Drinking Water Week.

UPDATED ON CITY'S INSURANCE PROGRAM

Tim Hughbanks from Barney Insurance updated the Council on the City's insurance program. Outside of the payments that normally have to be made to their customers and clients for claim payments, they generally do not have an opportunity to come forward with any checks to be delivered so this is a unique situation. Due to the dedication and accident prevention shown by all the City employees, it was his privilege to deliver a check for \$49,545.00 from Employers Mutual Insurance. This check represents a dividend on last year's Workers Compensation policy and is only earned by those who have maintained a loss ratio that is substantially better than what is normally expected by the insurance company. In the City's case, the losses incurred in the past policy year were less than 25 percent of the earned premium. This is a truly remarkable accomplishment, considering the number of people employed by the City and the variety of different types of jobs in each department.

He has witnessed the activities that the City has maintained in their safety program. Since he has been attending these safety committee meetings over the past year, he found that it is quite evident that each member representing their department at those meetings takes great pride in maintaining a safe work environment for their fellow employees. They are constantly looking for additional ways to improve in the areas of safety. He also had the opportunity to attend the monthly safety audits throughout the City, where he has witnessed attention to details that are potential problems before they become claims. These audits cover both workers comp and liability claims including ladder and harness inspections, checking fire extinguishers and electrical outlets, etc. These potential problems are noted in detail and followed up on immediately when there is a cause for concern each time they go through the different City buildings and then meet with the department heads. He has visited with his underwriter and let him know the kinds of things that are being done. The underwriter could not be happier with the attention to detail that the City pays to this sort of thing.

It was also during this policy year that this dividend was earned, that the City of Kearney was hit by the devastating storms of last summer. Amazingly and thankfully there was not a single workers compensation claim during that time. That is truly remarkable considering the fact that a majority of these employees were working outside of their normal job functions doing tasks they are not normally expected or trained to do in the clean up that resulted from those storms. He believed there are a lot of people that should also be commended for that. He stated that organization and management of these programs are what drives them to work which is what the Risk Management Coordinator Kristi Grint does each and everyday. Ms. Grint's dedication to making Kearney a safer place to work and a safer place to live is evident with every conversation that he has had with her. Not only does she organize these safety committee meetings and audits, but she also sets up all of the equipment training and other safety education for the employees. She also manages the claims that do occur to keep losses at a minimum.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

LIQUOR LICENSE FOR TRI CITY EVENTS CENTER, 609 PLATTE ROAD

Mayor Clouse opened the public hearing on the application for a Class CK-84864 catering liquor license submitted by Event Center Operations, dba Tri City Events Center located at 609 Platte Road, the Manager Application for Steve Paulsen and to consider approval of Resolution No. 2009-52.

The FirstTier Event Center was recently purchased by Kirk Brooks. This is not a new business but merely a change of ownership. Mr. Brooks is aware of the rules and regulations to operate this type of business. Mr. Brooks has made application for a catering license to sell liquor, wine and beer at this facility which is to be located at 609 Platte Road. The entire building including the concourse, suites, grandstands and a reception area of the 2nd floor will be licensed, along with the smoking deck on the west side of the building. The Police Department performed a background on the applicants, Kirk Brooks and Manager Steve Paulsen. The background did not indicate any negative issues with the application, nor the applicants. In checking with the Nebraska Liquor Control Commission, there have been no liquor violations. Mr. Paulsen was the previous manager and has experience in operating this type of business with a liquor license.

The City Council is concerned with the selling of alcohol to minors in our community, and wants to encourage all license holders to provide the necessary training to all employees that sell or dispense alcohol. Mr. Paulsen has returned the Liquor License Training Compliance form indicating he has received the TIPS Training through the Buffalo County Community Partners in December 2007.

Steve Paulsen presented this matter to the Council. With the change of ownership of the arena, a new application was in order. He will continue to manage the food and alcohol at the arena.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve **Resolution No. 2009-52** recommending approval to the Liquor Commission on the application for a Class CK-84864 catering liquor license submitted by Event Center Operations, dba Tri City Events Center located at 609 Platte Road, and approve the Manager Application for Steve Paulsen. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2009-52

WHEREAS, Event Center Operations, dba "Tri City Events Center" has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Class CK-84864 (Beer, Wine and Distilled Spirits – On and Off Sale) Catering Liquor License to do business at 609 Platte Road, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, Event Center Operations, dba "Tri City Events Center" also filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Corporate Manager of Steve Paulsen; and

WHEREAS, a hearing was held relating to said application on April 28, 2009.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of a Class CK-84864 (Beer, Wine and Distilled Spirits – On and Off Sale) Catering Liquor License to Event Center Operations, dba "Tri City Events Center" located at 609 Platte Road, Kearney, Nebraska, and to approve the application for Corporate Manager of Steve Paulsen.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

BUFFALO COUNTY PROGRAM INCOME REUSE FUNDS – HORIZON DESIGN

Mayor Clouse opened the public hearing on the authorization of Buffalo County Program Income Reuse Funds in the amount of \$50,000.00 for a low interest loan to Horizon Design for working capital.

The City of Kearney and Buffalo County are involved in an aggressive economic development plan aimed at bringing a stronger economic base to the area. The City of Kearney, the Kearney Area Chamber of Commerce and Buffalo County established the Buffalo County Economic Development Council. A Business Plan for the Economic Development Council was established on January 1, 1987 and was revised on March 10, 1992. The plan of action includes the elements of recruitment, retention, expansion, generation, community development, and organization. The purpose of the Local Revolving Equity/Loan Fund is to provide equity capital and loan funds to be committed towards the accomplishment of the eligible economic and/or development activities in the area.

Horizon Design is seeking funds that will be used for working capital to retain six full-time equivalent positions, with four of those positions benefiting low-income families. Attached are documents regarding the Loan Agreement between Horizon Designs and Buffalo County Economic Development Council.

Jon Krebs, Executive Director of the Buffalo County Economic Development Council, is recommending to the City Council that this working capital loan for 120 days at 6.75 percent interest be approved to Horizon Design.

Council member Buschkoetter stated it has been a while since they have done something like this. He thought it was good thing to do. Mr. Krebs stated two years ago, they did it for the County's portion of it and now they are doing it for the City's portion. Mr. Krebs stated that if these funds are not used, the Nebraska Economic

Development Department will take the funds back. They allow two years to make sure that the funds get used and he wants to keep them in use.

City Manager Michael Morgan stated the reuse funds by contract are overseen by the Economic Development Council which helps the City manage those funds in addition to the County funds. These are proceeds from prior year's Development Block Grant Funds that were obtained for loans that have been repaid. The idea is to continue to leverage this money numerous times.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the authorization of Buffalo County Program Income Reuse Funds in the amount of \$50,000.00 for a low interest loan to Horizon Design for working capital. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

CDBG – NEIGHBORHOOD STABILIZATION PROGRAM

Mayor Clouse opened the public hearing on the application under the Housing and Community Development Act regarding the Neighborhood Stabilization Program for affordable housing and to consider approval of Resolution No. 2009-53.

Grant and Marketing Coordinator Suzanne Brodine presented this matter to the Council. The Neighborhood Stabilization Program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development. This grant is available for local governments and non-profit organizations to purchase and redevelop abandoned and foreclosed homes, units, and properties.

The City of Kearney is requesting \$302,874 for construction of affordable housing in the City limits of the City of Kearney. The \$302,874 will be used for the Affordable Housing Activity (\$291,225) and the General Administration Activity (\$11,649). The estimate of the total amount of requested CDBG NSP funds that will benefit low-, moderate, and middle-income people is \$148,525 for the Affordable Housing Activity and \$5,941 for the General Administration Activity.

With the permission and cooperation of the property owners, five vacant homes will be demolished and the sites prepared for new construction. Asbestos inspections will be done at each structure and any asbestos mitigated. No persons will be displaced as a result of the project. Three low-income homes will be constructed through a partnership with Habitat for Humanity.

Candy Kuntz from Miller & Associates stated she is working with the City and is actually writing the grant application. She thanked the Council for allowing Bob Lammers to be on their Housing Senate for Buffalo County. A lot of this work has come through that committee. The Habitat for Humanity homes will not be built on the same properties where the demolitions are taking place. These homes will be built on three separate lots throughout the southeast portion of Kearney. It will be a fairly tight timeframe, but

Habitat is very excited for the opportunity to apply under the City's application. If the first part of the grant application is successful, the City will be invited to Lincoln to attend an interview with the State Department of Economic Development which is part of the scoring criteria. The interviews will be held between May 26th and June 12th. The preliminary selection will be done on June 19th and so the timeline is short, but they are hopeful that it will work out. There will be contract negotiations through July 3rd and the public announcement will be September 1st. Hopefully, all the documentation will be done so funds can be released by the October. The first time a dollar of this money could be spent would be November 1st if all goes okay.

Ms. Kuntz believed this is going to be a very competitive process and Kearney has now been put into a pool of about 20 counties where there is \$2.5 million for all those counties to apply for funds. One of the helpful things to Kearney is that the City is in a priority zip code of how the State is prioritizing the funds. Kearney is category "A" so that will help the application. The other thing that will be helpful is that it is not just demolition of blighted structures, but also building affordable housing. The rest of Buffalo County is also submitting application, but since Kearney is a category "A" zip code, the Economic Development Council decided to separate the two applications. The rest of the county is applying for demolition only and the City is applying for demolition and construction.

Ryan Ideus, President of Kearney Area Habitat for Humanity, stated they are excited about this great opportunity. They have built 51 homes in the Kearney area in the last 17 years. On behalf of Habitat for Humanity, he expressed appreciation to the City for allowing them to be recognized as a sub-recipient of these grant funds. They hope to continue improving the City and continue to build homes for many years to come.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the application under the Housing and Community Development Act regarding the Neighborhood Stabilization Program for affordable housing and approve **Resolution No. 2009-53**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2009-53

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program (CDBG) and Title III of Division B of the Housing and Economic Recovery Act of 2008 for funds distributed by the Department of Economic Development through the Neighborhood Stabilization Program (NSP); and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$302,874.00 of CDBG NSP Money for affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that the Agenda was amended on Monday to include Subsection 13 to approve an application for a Special Designated License submitted by El Tropico.

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

1. Approve Minutes of Regular Meeting held April 14, 2009.

2. Approve the following Claims:

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

3Gstorecom \$184.98 co; AT&T \$128.96 smcs; Ace Hardware \$76.86 smcs; Ace Irrigation \$2,245.38 co; Aflac \$2,721.66 ps; Agri Co-op \$881.85 smcs; Airport BP \$20.01 smcs; Alamar Uniforms \$164.15 smcs; Allied Electronics \$135.91 smcs; Alltel \$1,209.36 smcs; Amazon \$377.06 smcs; Amer Electric \$59.88 smcs; Amer First Aid \$33.87 smcs; Amer Red Cross \$64.90 smcs; Amsan \$425.52 smcs; Apple Market \$13.68 smcs; Ask Supply \$296.97 smcs; B2B Computer Products \$104.30 co; Baird Holm \$2,675.00 smcs; Baker & Taylor Books \$3,456.15 smcs; BBC Audiobooks \$112.26 smcs; Benmeds \$302.48 smcs; Benson,G \$793.84 smcs; Bluecross Blueshield \$264,631.35 smcs; Blueglobes \$179.08 smcs; Bookmark \$1,433.40 smcs; Bosselman \$20,352.72 smcs; Broadfoot's \$574.50 smcs; Brodart Co \$61.05 smcs; Buckle \$252.00 smcs; Buffalo Co Dist Court \$228.48 ps; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$44.67 smcs; Buggy Bath Car Wash \$8.75 smcs; Builders Warehouse \$2,379.64 smcs,co; Bullis,D \$70.00 smcs; Business Computer Design \$2,835.00 smcs; Business Office Systems \$460.00 smcs; Campbell Pet Company \$41.37 smcs; Carquest \$1,608.58 smcs; Casey's \$100.35 smcs; Cash Wa Distributing \$441.30 smcs; Central Hydraulic Systems \$2,155.56 smcs; Central NE Bobcat \$34.82 smcs; Chad \$8.00 ps; Charter \$119.98 smcs; Chesterman \$133.20 smcs; City of Ky \$223,868.40 smcs,co,ds,ps; Clevenger Petroleum \$297.00 smcs; College Savings Plan of NE \$100.00 ps; Computer Pros \$6.99 co; Consec Life Ins \$24.00 ps; Construction Rental \$1,115.77 smcs; Copycat Printing \$658.60 smcs; Credit Management Services \$264.34

ps; Crossroads Ford \$616.49 smcs; Cummins Central Power \$824.10 smcs; D&S Lighting \$16.00 smcs; Dawson Co PPD \$24,137.57 smcs; Demco \$166.98 smcs; Depository Trust \$2,432,142.08 ds; Diamond Vogel Paint \$196.77 smcs; DPC Industries \$5,545.58 smcs; Dugan Business Forms \$473.81 smcs; Dutton-Lainson \$28.18 smcs; Eakes \$1,223.74 smcs; Electronic Data Solution \$840.00 smcs; EMC Insurance \$39.00 smcs; Enterprise \$451.42 smcs; Expedia \$7.00 smcs; Fairbanks \$32.95 smcs; Farmers Union \$57.00 smcs; Fastenal \$3,130.33 smcs; Fedex \$84.26 smcs; Fireguard \$136.64 smcs; Florida Micro \$312.11 co; Foremost Promotions \$675.00 smcs; Frontier \$7,551.89 smcs; GA Industries \$357.14 smcs; Gale \$98.86 smcs; Galeton Gloves \$364.80 smcs; Galls \$101.06 smcs; Garrett Tires & Treads \$33.00 smcs; Genealogical Publishing \$52.45 smcs; GG&G \$126.50 smcs; Grainger \$716.11 smcs; Greyhouse Publishing \$139.50 smcs; H&H Distributing \$898.10 smcs; Hach Co \$449.17 smcs; Hausmann Construction \$248,705.10 co; HD Supply \$9,187.42 smcs; Heartland Services \$425.00 co; Highsmith \$216.33 smcs; Hobby-Lobby \$66.71 smcs; Holmes Plumbing \$638.24 smcs; Hydrite Chemical \$1,769.68 smcs; ICMA RC \$4,776.98 ps; Intellicom \$1,500.00 co; IRS \$95,406.95 ps; Int'l Code Council \$74.00 smcs; Interstate All Battery \$449.00 smcs; Jack Lederman \$1,282.37 smcs; Jack's Uniforms \$478.94 smcs; Jacobsen, Orr, Nelson \$67.40 smcs; James,D \$100.00 smcs; K&K Auction \$170.00 smcs; K&K Parts \$717.80 smcs; Ky Chamber Comm \$10.00 smcs; Ky Concrete \$742.50 smcs; Ky Crete & Block \$83.00 smcs; Ky Event Center \$1,061.02 smcs; Ky Hub \$2,607.94 smcs; Ky Implement \$390.65 smcs; Ky Tire \$744.23 smcs; Ky United Way \$571.00 ps; Ky Winlectric \$111.91 smcs; Ky Winnelson \$41.36 smcs; Ky/Gibbon TW Propane \$199.50 smcs; Ken and Als Service \$80.82 smcs; KHGI/KWNB TV \$1,495.00 smcs; Killion Motors \$327.39 smcs; Kirkham Michael \$3,905.23 co; Kmart \$24.36 smcs; Konica Minolta \$243.24 smcs; Kum & Go \$26.00 smcs; Lawson Products \$956.02 smcs; LCL Truck Equipment \$499.92 smcs; LECC \$380.00 smcs; Lewis,N \$195.99 smcs; Linweld \$489.13 smcs; Little Caesars \$29.00 smcs; Logan Contractors \$358.50 smcs,co; LT Navigo Wireless \$357.50 co; Mac Tools \$101.99 smcs; Magic Cleaning \$3,410.00 smcs; Mainstreetecom \$1,058.00 co; Malleck,J \$160.00 smcs; Marlatt Machine Shop \$235.81 smcs; Mattley Design \$45.00 smcs; Medtronic Physio-Control \$1,413.89 smcs,co; Menards \$2,371.37 smcs,co; Metlife \$6,141.70 ps; Midas Auto Service \$16.05 smcs; Midwest Turf \$698.63 smcs; Mike's Service Station \$94.12 smcs; Miller & Associates \$3,731.72 smcs,co; Miller Signs \$640.00 smcs; Minitex \$1,721.00 smcs; Mirror Image \$30.00 smcs; Morris Press \$593.80 smcs; Mosbarger,B \$367.50 smcs; Mr Tire \$93.96 smcs; Municipal Supply \$2,330.51 smcs; Murphy Tractor Equipment \$36.38 smcs; N. Central Lab \$918.12 smcs; Napa All Makes \$4,922.38 smcs; Nat'l Fire Protection \$44.50 smcs; Nat'l Fire Sprinkler Assn \$274.00 smcs; NCS Equipment \$129.54 smcs; NE All Battery Center \$99.98 co; NE Business Banking \$42,824.65 ds; NE Child Support \$2,797.89 ps; NE Dept of Revenue \$38,324.44 smcs; NE Dept of Aeronautics \$2,095.00 er,ds; NE Dept of Agriculture \$90.00 smcs; NE Dept of Environmental \$300.00 smcs; NE Dept of Revenue \$57,921.93 smcs,ps; NE DOL/Office of Elevator \$200.00 smcs; NE Machinery \$194.62 smcs; NE Public Health \$27.00 smcs; NE Section PGA \$20.00 smcs; NE Supreme Court \$100.00 smcs; NE Trails Council \$100.00 smcs; NE Truck Center \$163.95 smcs; Neland Distributors \$629.00 smcs; New World Inn \$325.60 smcs; Newegg \$258.42 co; Newman Signs \$571.10 smcs; Northwest Electric \$20.26 smcs; Northwestern Energy \$2,664.77 smcs; Novus \$35.00 smcs; NWA Air \$183.40 smcs; Office Depot \$103.41 smcs; Office Max \$705.61 smcs,co; Officenet \$638.70 smcs; Omni Hotels \$522.22 smcs; O'Neill Wood Resources \$3,997.50 smcs;

Onlymyphonecom \$36.94 smcs; O'Reilly Auto \$1,383.45 smcs; Orscheln \$392.42 smcs; Outdoor Recreation Product \$602.50 co; Overhead Door \$290.54 smcs; Paramount Linen \$148.66 smcs; Partstore \$136.91 smcs; Pat's Plumbing Service \$420.00 smcs; Payflex Systems \$493.00 ps; Peoplecube \$300.00 smcs; Pep Co \$51.10 smcs; Pepsi-Cola \$403.90 smcs; Perez,M \$320.50 smcs; Petro or York \$25.17 smcs; Petroleum Equipment \$290.25 smcs; PGA of America \$118.00 smcs; Ping \$1,725.42 smcs; Pioneer Revere \$1,276.50 smcs; Platte Valley Comm \$1,019.06 smcs; Polk City Directories \$315.00 smcs; Powers Electric Products \$446.50 smcs; Precision Industries \$111.35 smcs; Presto-X \$96.00 smcs; Protex Central \$61.18 smcs; Pro-Tint \$1,760.00 co; QA Balance Services \$95.00 smcs; Quality Inn Suites \$117.90 smcs; Quill \$290.84 smcs; Random House \$438.40 smcs; Rayburn Auto Parts \$46.48 smcs; Ready Mixed \$784.45 smcs; Reams \$69.35 smcs; Recorded Books \$1,866.97 smcs; Reicheneker,J \$84.99 smcs; Research Technology \$79.95 smcs; Resource Management \$273.60 smcs; Rhino Linings \$600.00 smcs; Roper's Radiator Service \$55.00 smcs; Sahling Kenworth \$103.98 smcs; Sams Internet \$35.00 smcs; Sanitation Products \$484.36 smcs; Sapp Brothers \$3,586.00 smcs; Shell Oil \$10.98 smcs; Sherman,B \$175.00 smcs; Sherwin Williams \$378.33 smcs,co; Sign Center \$250.00 smcs; Signwarehouse \$154.34 smcs; Snow,T \$50.00 smcs; Softchoice \$367.80 co; Starostka Group \$51,189.59 co; Sunmart \$25.62 smcs; Survey Supply \$151.82 smcs; Target \$64.51 smcs; Telequest Int'l \$83.36 smcs; Thompson,J \$12.62 smcs; Tigerdirect \$2,099.63 co; Titan Machinery \$130,877.37 smcs,co; Tractor-Supply \$972.69 smcs; Trade Well Pallet \$1,700.00 smcs; Trembly,M \$55.27 smcs; Tri City Outdoor Power \$130.86 smcs; Turner Body Shop \$150.00 smcs; Ultra Chem \$357.30 smcs; Unique Management Services \$232.70 smcs; UPS Store \$47.68 smcs; US Airways \$70.00 smcs; US Bank \$315,845.00 ds; USA Outdoor \$6,325.00 smcs; USPS \$1,055.78 smcs,co; Wald & Co \$12,500.00 smcs; Wal-mart \$1,786.07 smcs,co; Warren-T Plumbing \$3,972.00 smcs; Well Fargo Equipment \$68,614.28 ds; Wells Fargo Bank \$300.00 smcs; West Payment Center \$1,294.44 smcs; When to Work \$400.00 co; Wilke Donovan's \$125.31 smcs,co; Yanda's Music \$7.92 smcs; Young Mfg \$49.02 smcs; Yousendit \$9.99 smcs; Zimmerman Printers \$930.00 smcs; Payroll Ending 4-11-2009 -- \$304,140.28. 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 May 12, 2009 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application submitted by Cheryl Schroeder to renew Conditional Use Permit No. 1998-05 to locate a Bed and Breakfast at 2915 5th Avenue for a period of one year.
5. Approve the request submitted by Good Samaritan Health Systems and Kearney Park & Recreation to conduct the Good Samaritan Olympiad 5K on June 27, 2009 beginning at 7:30 a.m. The route will begin at Good Samaritan Hospital, south on Avenue A to 27th Street, east on 27th Street to Avenue I, north on Avenue I to Tabor Street, west on Tabor Street to Avenue K, south on Avenue K to 34th Street, west on 34th Street to Avenue G, south on Avenue G to 33rd Street, east on 33rd Street to Avenue H, south on Avenue H to 27th Street, west on 27th Street to Avenue A, north on Avenue to Good Samaritan Hospital.

6. Approve Change Order No. 1 showing a decrease in the amount of \$11,070.00, Application and Certificate for Payment No. 2-Final in the amount of \$185,420.00, and the Certificate of Substantial Completion submitted by Judds Bros. Construction and approved by Miller & Associates for the 2008 Part 7 Improvements consisting of Water District No. 2008-553 for 56th Street from the southwest corner of Lot 11 of Block 6, Eastbrooke Eighth Addition east to the southeast corner of Lot 1 of Block 7, Eastbrooke Eighth Addition; and Sewer District No. 2008-494 in a 20-foot sanitary sewer easement located along the south side of Block 3, Bel Air Third Addition and approve **Resolution No. 2009-54.**

RESOLUTION NO. 2009-54

WHEREAS, Judds Brothers Construction of Lincoln, Nebraska has performed services in connection with the construction of the 2008 Part 7 Improvements consisting of Water District No. 2008-553 for 56th Street from the southwest corner of Lot 11 of Block 6, Eastbrooke Eighth Addition east to the southeast corner of Lot 1 of Block 7, Eastbrooke Eighth Addition; and Sewer District No. 2008-494 in a 20-foot sanitary sewer easement located along the south side of Block 3, Bel Air Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$11,070.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Judds Brothers Construction of Lincoln, Nebraska and the City's engineer have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$185,420.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$379,370.00
Change Order No. 1 (4-28-2009)	<u>- 11,070.00</u>
Contract Sum to Date	\$368,300.00
Total Completed and Stored to Date	368,300.00
Retainage	.00
Amount Due to Date	368,300.00
Less Previous Certificates for Payment	<u>182,880.00</u>
Current Payment Due	\$185,420.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 17, 2009, as shown by Exhibit "C" 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 Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Approve Change Order No. 1 showing a decrease in the amount of \$13,206.50, Application and Certificate for Payment No. 2-Final in the amount of \$52,490.15, and Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2008 Part 11 Improvements – Bid A consisting of Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition and approve **Resolution No. 2009-55**.

RESOLUTION NO. 2009-55

WHEREAS, Midlands Contracting Inc. of Kearney, Nebraska has performed services in connection with the construction of the 2008 Part 11 Improvements – Bid A consisting of Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$13,206.50, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$52,490.15 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$158,220.00
Change Order No. 1 (4-28-2009)	<u>- 13,206.50</u>
Contract Sum to Date	145,013.50
Total Completed and Stored to Date	145,013.50
Retainage	.00
Amount Due to Date	145,013.50
Less Previous Certificates for Payment	<u>92,523.35</u>
Current Payment Due	\$ 52,490.15

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of March 31, 2009, as shown by Exhibit "C" 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 Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve Change Order No. 1 showing a decrease in the amount of \$18,655.69, Application and Certificate for Payment No. 4-Final in the amount of \$9,444.41, and Certificate of Substantial Completion submitted by Wilke Contracting and approved by Miller & Associates for the 2007 Part V Improvements consisting of bridge work on 4th

Street between 2nd Avenue and 3rd Avenue and approve **Resolution No. 2009-56.**

RESOLUTION NO. 2009-56

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 Change Order No. 1 showing a decrease to the contract sum in the amount of \$18,655.69, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Wilke Contracting and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$9,444.41 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$310,147.48
Change Order No. 1 (4-28-2009)	<u>- 18,655.69</u>
Contract Sum to Date	\$291,491.79
Gross Amount Due	291,491.79
Retainage	.00
Amount Due to Date	291,491.79
Less Previous Certificates for Payment	<u>282,047.38</u>
Current Payment Due	\$ 9,444.41

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of February 27, 2009, as shown by Exhibit "C" 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 Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

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 \$41,797.80 submitted by Midlands Contracting and approved by Miller & Associates for the 2008 Part 9 Improvements – Manhole Rehabilitation Project and approve **Resolution No. 2009-57.**

RESOLUTION NO. 2009-57

WHEREAS, Midlands Contracting Inc. has performed services in connection with the 2008 Part 9 Improvements – Manhole Rehabilitation Project, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$41,797.80 as shown on Exhibit "A" attached hereto

and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$164,820.00</u>
Contract Sum to Date	\$164,820.00
Gross Amount Due	46,442.00
Retainage	4,644.20
Amount Due to Date	41,797.80
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 41,797.80

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 28TH DAY OF APRIL, 2009.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

10. Approve T-Hangar B-10 Lease Agreement between the City of Kearney and Kent Schroeder/JD Air, LLC for storage at the Kearney Municipal Airport and approve **Resolution No. 2009-58.**

RESOLUTION NO. 2009-58

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar B-10 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Kent Schroeder/JD Air, LLC, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.
 PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Approve the application for a Special Designated License submitted by Jim's Bar in connection with their Class C-21012 liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 30, 2009 from 3:00 p.m. until 1:00 a.m. for a dance/reception.

12. Approve submitting an application for the Victim Assistance Grant through the Nebraska Crime Commission and approve **Resolution No. 2009-59.**

RESOLUTION NO. 2009-59

WHEREAS, the Kearney Police Department makes application to the Nebraska Crime Commission for a Victim Assistance Grant on an annual basis; and

WHEREAS, the grant funds are used for both personnel and operational expenses with regard to the Victim/Witness Unit.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Grant Application for Victim Assistance Grant on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Approve the application for a Special Designated License submitted by Juan Lazo, dba "El Tropic" in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 23, 2009 from 6:00 p.m. until 1:00 a.m. for a Mexican dance.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS: NPPD - \$64,007.49, PLATTE VALLEY STATE BANK - \$47,191.23

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$47,191.23 payable to Platte Valley State Bank, and in the amount of \$64,007.49 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Kearney, Buschkoetter. Nay: None. Clouse and Lear abstained. Motion carried.

VII. REPORTS

MAY 12, 2009 COUNCIL MEETING

Mayor Clouse reminded the Council members that the next regularly scheduled meeting for May 12, 2009 will begin at 6:15 p.m. instead of 7:00 p.m. This will allow the Council to attend the ribbon cutting for the National Guard Recruitment Center. They indicated that they will be having a deployment ceremony on May 12th at 7:30 p.m.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:30 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**