

Kearney, Nebraska
May 25, 2010
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 May 25, 2010, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, and Bob Lammers. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant to the City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Jim Lynaugh, Airport Manager were also present. Some of the citizens present in the audience included: Collin Nabity, Steve Altmaier from KGFW Radio, and Kevin Hervert from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION

With the absence of a representative from the Kearney Ministerial Association, the Council held a moment of silent prayer.

PLEDGE OF ALLEGIANCE

Two 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.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

ARCHWAY PAWNEE EARTHLODGE CDBG GRANT

Mayor Clouse stated the public hearing concerning a tourism development application to the Department of Economic Development for Community Development Block Grant Funds for the Archway Pawnee Earthlodge project has been withdrawn by the applicant. Therefore, no action was taken.

MID-TOWNE EVENT CENTER LIQUOR LICENSE

Mayor Clouse opened the public hearing on the application for a Class I-88719 liquor license submitted by CHICKEN BONES OF KEARNEY INC., dba Mid-Towne Event Center located at 115 East 21st Street, consider the manager application for Collin Nability, and to consider Resolution No. 2010-101.

Mid-Towne Event Center has made application for a license to sell alcohol located at its new facility, 115 East 21st Street. Applicant and Manager, Collin Nability has the following liquor licenses:

- Chicken Coop in Kearney – was cited in December of 2009 for selling to a minor.
- Chicken Coop in Grand Island – no violations.
- Lumbergs in Kearney – no violations.
- The Garage in Kearney – no violations.
- Crazy Chicken in Iowa – unknown.

The Police Department performed a background check and it did not indicate any negative issues with the application nor the applicants. This is an additional license to the community. The Application for Manager identifies Collin Nability. Mr. Nability has extensive knowledge of the liquor laws and is aware of the rules and regulations to operate this type of business.

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. Therefore, City staff has developed a form entitled “Liquor License Training Compliance” requiring applicants to document and verify training compliance of their employees. Mr. Nability has returned the attached form indicating the employees have been trained through the Responsible Beverage Training Program. He provides ongoing training as new employees are hired.

Collin Nability stated that the building had been purchased by the Rasmussens which has been renovated and will be used mainly for wedding receptions and those types of events. The Rasmussens did not want to manage the alcohol and had asked him to apply for a license. His employees from the Chicken Coop will also work the events at this location.

Mr. Nability addressed the violation last year for selling to a minor. His policy is if an employee sells to a minor, they are immediately terminated from employment. All of his employees receive training and any new employees receive the training within two

months from employment.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the application for a Class I-88719 liquor license submitted by CHICKEN BONES OF KEARNEY INC., dba Mid-Towne Event Center located at 115 East 21st Street, approve the manager application for Collin Nabity, and approve **Resolution No. 2010-101**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-101

WHEREAS, CHICKEN BONES OF KEARNEY INC., dba Mid-Towne Event Center has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Class I-88719 Liquor License to do business at 115 East 21st Street, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, CHICKEN BONES OF KEARNEY INC., dba Mid-Towne Event 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 Collin Nabity; and

WHEREAS, a hearing was held relating to said application on May 25, 2010.

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 I-88719 Liquor License to CHICKEN BONES OF KEARNEY INC., dba Mid-Towne Event Center located at 115 East 21st Street, Kearney, Nebraska, and to approve the application for Corporate Manager of Collin Nabity.

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 25TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Agenda has been amended to include Item 14 approving the application for a Special Designated License submitted by EVENT CENTER OPERATIONS LLC, dba Tri City Events Center in connection with their Class CK-84864 liquor license to dispense beer, wine and distilled spirits in an enclosed fenced area on the west side of the parking lot of the Tri City Events Center, 609 Platte Road, on June 9, 2010 from 5:00 p.m. until 12:00 a.m. for a beer garden.

Moved by Lammers seconded by Buschkoetter that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 11, 2010.
2. Approve the following Claims:

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

AT&T \$224.30 smcs; Afternooners \$27.48 smcs; Amax Contracting \$1,053.90 co; American First Aid \$227.94 smcs; Andersen,B \$15.99 smcs; Apple Books \$1,477.09 smcs; Aurora Coop \$81.60 smcs; Baker & Taylor Books \$5,832.66 smcs; Bamford \$148.00 smcs; BBC Audiobooks \$112.26 smcs; Blessing Construction \$2,435.68 smcs; Bluecross Blueshield \$77,648.78 smcs; Borer,K \$50.00 ps; Bosselman \$14,064.32 smcs; Braman,M \$31.15 smcs; Brilliance Audio \$69.17 smcs; Broadfoot's \$990.00 smcs; Bryson,M \$50.00 smcs; Buffalo Co Community \$210.00 smcs; Buffalo Co Reg Deeds \$193.50 smcs; Buffalo Co Treasurer \$14.00 co; Builders Warehouse \$1,452.00 smcs; BullEx Digital Safety \$4,292.58 co; Business Computer Design \$6,185.00 smcs; Cash-Wa \$2,420.15 smcs; Center Point Large Print \$56.54 smcs; Central Contracting \$19,535.40 co; Chesterman \$184.40 smcs; Chief Supply \$138.93 smcs; CHS Agri Service Center \$1,717.35 smcs; Cit Group \$141.95 smcs; City of Ky \$14,231.36 smcs,ps; College Savings Plan of NE \$190.00 ps; Conseco Life Ins \$24.00 ps; Copycat Printing \$817.18 smcs; Cummins \$602.33 smcs; Dawson Co PPD \$19,078.30 smcs; Depository Trust \$230,876.25 ds; Dethlefs,L \$37.78 smcs; Development Council \$739.18 smcs; Dixon,B \$34.30 smcs; Dunbar,D \$35.96 smcs; Eakes \$1,636.85 smcs,co; Eckloff,N \$50.00 ps; Ed Roehr \$2,422.83 smcs; EMC Ins \$29,906.86 smcs; Envision Ware \$1,866.85 smcs; ETS \$19.02 smcs; Eustis Body Shop \$210.00 smcs; Farm Plan \$23.70 smcs; Farrell,A \$18.58 smcs; Fedex \$112.36 smcs; Fees,R \$14.39 smcs; Fireguard \$1,169.28 smcs; Fisher Roofing \$375.00 smcs; Footjoy \$4,554.29 smcs; Fredrickson Construction \$2,200.00 co; Frontier \$220.78 smcs; Fuller,J \$38.75 smcs; Gale \$143.13 smcs; Gangwish Turf \$52.80 smcs; Garrett Tires & Treads \$2,392.47 smcs; GE Money Bank \$1,137.10 smcs; Gensler \$55,134.15 smcs; Great Plains One Call \$507.35 smcs; Grint,K \$122.38 smcs; Gronewoller,B \$35.00 smcs; Gronewoller,S \$12.50 smcs; H&H Distributing \$950.83 smcs; Hadenfeldt,M \$15.68 smcs; Hall,T \$15.24 smcs; HD Supply \$889.40 smcs; Hernandez,C \$19.33 smcs; Hernandez,H \$29.07 smcs; Hoehner Turf \$608.00 smcs; Hohnholt,C \$45.85 smcs; HWS Consulting Group \$7,556.30 co; ICMA RC \$13,407.05 ps; IRS \$106,886.00 ps; Jack Lederman \$1,211.78 smcs; JLC \$226,800.00 co; Karschner Siding \$4,334.00 co; Ky Clinic \$35.00 smcs; Ky Concrete \$6,191.22 smcs,co; Ky Crete & Block \$1,351.59 smcs,co; Ky Hub \$9,111.71 smcs; Ky Visitors Bureau \$27,810.94 smcs; KGFW \$48.00 smcs; KHAS-TV \$2,243.75 smcs; Killin,B \$23.18 smcs; Kirkham Michael \$5,895.93 co; Konica Minolta \$953.48 smcs; Konoda,K \$26.12 smcs; Kowalek,G \$14.52 smcs; Kramer,J \$35.28 smcs; Krepel,J \$496.00 smcs; Krueger,J \$25.23 smcs; Kusek,S \$13.44 smcs; Lentz,S \$36.64 smcs; Leonard,R \$55.00 smcs; Lieders,L \$9.73 smcs; Linweld \$33.52 smcs; LVNV Funding \$235.74 ps; Magic Cleaning \$5,850.00 smcs; Marlatt Machine Shop \$718.31 smcs; Masek,E \$13.97 smcs; Maxwell Asphalt \$20,400.00 co; McCarty,D \$57.16 smcs; Menards \$155.92 co; Metlife \$2.76 ps; Mid American Signal \$245.00 smcs; Miller & Associates \$126,528.50 co; Miller Signs

\$132.00 smcs; Miracle Recreation \$582.38 co; Municipal Supply \$119.70 smcs; NASRO \$40.00 smcs; NE Child Support \$2,563.89 ps; NE Dept of Aeronautics \$995.00 ds; NE Dept of Revenue \$35,478.51 smcs; NE Dept Health & Human \$94.00 smcs; NE Dept of Environmental \$457,785.98 smcs,ds; NE Truck & Equipment \$271.31 smcs; NEland Distributors \$1,337.64 smcs; Nicklasson,B \$50.00 ps; Northwestern Energy \$1,499.62 smcs; Nova Fitness Equipment \$354.50 ps; Office Depot \$924.37 smcs; Paramount Linen \$139.22 smcs; Pavelka Electric \$160.01 smcs; Presto-X \$161.70 smcs; R.W. Sorensen Construction \$14,220.80 co; Random House \$506.16 smcs; Ray Allen \$98.95 co; Ready Mixed Concrete \$3,737.79 smcs,co; Recorded Books \$639.22 smcs; Reed,C \$15.54 smcs; Rheome Tree \$375.00 smcs; Riverside Mfg \$118.02 ps; Rothenberger,A \$41.25 smcs; Ryan,L \$295.00 smcs; SA Foster Lumber \$2,310.20 co; Salem,M \$18.95 smcs; Sapp Bros \$30,329.71 smcs; Scriptor,B \$2.24 smcs; S-F Lab \$490.00 smcs; Shultz,C \$24.84 smcs; Sign Center \$6,390.00 co; Sorensen Group \$682.75 smcs; SOS Portable Toilets \$100.00 smcs; Spanel,T \$42.23 smcs; Spangler,M \$80.00 smcs; Sporting Edge \$2,366.00 smcs; Steinbrink Landscaping \$5,755.00 smcs; T&F Sand and Gravel \$584.00 smcs; Theis,J \$30.00 smcs; Thomas,P \$50.00 ps; Titleist \$7,083.34 smcs; Tmax Gear \$40.54 smcs; Tuma,M \$30.24 smcs; Turner Body Shop \$70.00 smcs; Uchida,Y \$5.76 smcs; Unique Management \$304.30 smcs; UNK-Human Resources \$558.52 ps; Varlet,J \$36.49 smcs; Video Service of America \$497.73 smcs; Village Uniform \$158.00 smcs; VS Visual Statement \$1,365.30 smcs; Wagner,R \$32.97 smcs; Watchguard Video \$14,760.00 co; Wellman,P \$10.64 smcs; West Payment Center \$1,372.10 smcs; Wetovick,R \$17.29 smcs; Wiegand Security Service \$80.00 smcs; Wilkins Hinrichs Stober \$5,965.27 co; Williams,M \$31.13 smcs; WPCI \$239.00 ps; Zimbelman,C \$2.92 smcs; Payroll Ending 5-8-2010 -- \$323,714.74. 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 June 8, 2010 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for Phase I, Cell 5A Landfill Construction at the Kearney Area Solid Waste Agency Landfill and set the bid opening date for June 15, 2010 at 2:00 p.m.
5. Approve the Agreement submitted by the Central Nebraska Auto Club to block off Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2010 on July 17, 2010. Parking on these public properties will be prohibited on July 17, 2010 beginning at 2:00 a.m.
6. Approve Change Order No. 1 showing an increase in the amount of \$1,920.00 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2009 Part 14 Improvements – Bid B consisting of paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street and approve **Resolution No. 2010-102.**

RESOLUTION NO. 2010-102

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the construction of the 2009 Part 14 – Bid B consisting of paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$1,920.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$169,450.50
Change Order No. 1 (5-25-2010)	<u>+ 1,920.00</u>
Contract Sum to Date	\$171,370.50

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", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Approve setting June 8, 2010 at 7:00 p.m. as time and date for the Board of Equalization to assess costs in connection with 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, Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street, and Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition.

8. Approve the recommendation from the Building Official on the annual renewal of the following manufactured home court licenses until May 31, 2011: Cornhusker Mobile Home Park, 1115 Avenue C; Cottonmill Mobile Home Court, 3635 Cottonmill Avenue; Countryside Mobile Park, 1920 15th Avenue; East Lawn Mobile Homes Estates, 2900, 3010 Grand Avenue; L&M Mobile Home Park, 1122 Central Avenue; Merriweather Mobile Home Village, 914 West 17th Street; Northside Park, 4641 West Highway 30; Rodeo Court, 2414 West 24th Street; R-Villa East, West and South, 2424, 2719, 2803 West 24th Street; Schnase Trailer Court, 1284 62nd Avenue; Sheen's Mobile Home Court, 4664 West Highway 30; Valley View Mobile Home Court, 2701 Grand Avenue; Van Vleet Trailer Court, 550 30th Avenue; Villa Park, 2703 West 24th Street; Westside Trailer Court, 1282 62nd Avenue; Wood River Trailer Court, 865 West 78th Street.

9. Approve Application and Certificate for Payment No. 2 in the amount of \$668,786.71 submitted by Midlands Contracting and approved by Miller & Associates for the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North

Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus and approve **Resolution No. 2010-103.**

RESOLUTION NO. 2010-103

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$668,786.71, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$2,269,439.00</u>
Contract Sum To Date	2,269,439.00
Gross Amount Due	1,047,252.88
Retainage	104,725.29
Amount Due to Date	942,527.60
Less Previous Certificates for Payment	<u>273,740.89</u>
Current Payment Due	\$ 668,786.71

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 25TH DAY OF MAY, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

10. Approve Application and Certificate for Payment No. 1 in the amount of \$5,786.10 submitted by Blessing, LLC and approved by Miller & Associates for the 2010 Part 1 Improvements consisting of the paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street and approve **Resolution No. 2010-104.**

RESOLUTION NO. 2010-104

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2010 Part 1 Improvements consisting of the paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$5,786.10, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,256,795.30</u>
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Contract Sum To Date	1,256,795.30
Gross Amount Due	6,429.00
Retainage	642.90
Amount Due to Date	5,786.10
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 5,786.10

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 25TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve Application and Certificate for Payment No. 2 in the amount of \$43,625.23 submitted by Midlands Contracting and approved by Miller & Associates for the 2009 Part 14 Improvements – Bid A consisting of Water Connection District No. 2009-3 and Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M and approve **Resolution No. 2010-105**.

RESOLUTION NO. 2010-105

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2009 Part 14 Improvements consisting of Water Connection District No. 2009-3 and Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M, paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$43,625.23, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$58,415.00</u>
Contract Sum To Date	58,415.00
Gross Amount Due	53,694.50
Retainage	2,684.73
Amount Due to Date	51,009.78
Less Previous Certificates for Payment	<u>7,384.55</u>
Current Payment Due	\$43,625.23

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 25TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Accept the Proposal for General Administration for Tourism Development submitted by Miller & Associates as Project Administrator for management and supervision services under a Community Development Block Grant for Tourism Development for the World Theatre Project.

13. Approve the Amendment to Agreement for Services between the City of Kearney and the Community Redevelopment Authority and approve **Resolution No. 2010-106**.

RESOLUTION NO. 2010-106

WHEREAS, on September 9, 2008, the City Council passed Resolution No. 2008-159 entering into an Agreement for Services with the Community Redevelopment Authority; and

WHEREAS, it is mutually agreed between the parties to amend the Agreement for Services to increase the fee to \$40,000 beginning October 1, 2010 and providing for annual three percent increases thereafter.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Amendment to Original Agreement for Services between the City of Kearney and the Community Redevelopment Authority. The said Amendment, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the application for a Special Designated License submitted by EVENT CENTER OPERATIONS LLC, dba Tri City Events Center in connection with their Class CK-84864 liquor license to dispense beer, wine and distilled spirits in an enclosed fenced area on the west side of the parking lot of the Tri City Events Center, 609 Platte Road, on June 9, 2010 from 5:00 p.m. until 12:00 a.m. for a beer garden.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

REJECT AIRPORT TERMINAL PARKING LOT BIDS

Mayor Clouse opened for discussion the bids received for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23).

Airport Manager Jim Lynaugh presented this matter to the Council. At the March 23, 2010 Council meeting, the Council approved the plans and specifications for the

resurfacing and expansion of the Terminal parking lot. Sealed bids for this project were received on May 4, 2010. The City received bids from:

- Blessing, LLC, Kearney, Nebraska \$821,227.00
- Paulsen Inc., Cozad, Nebraska \$988,286.00

Blessing, LLC was the low bidder with a total base bid of \$821,337.00. The low bidder was 11.1 percent above the Engineer's Estimate and the second low bidder was 33.8 percent above the Engineer's Estimate. HWS does not anticipate that rebidding at this time would result in lower bids: 1) because the local contractors are busy due to a significant number of recent new local paving projects; and 2) due to the limited number of apparent interested bidders even though the project was well advertised. The project was advertised in the local newspaper, HWS sent out 23 notices to contractors, sent out four notices to plan holder bureaus and made phone calls to several contractors to encourage them to bid the project.

The City can reject or accept any or all bids, whichever is in their best interest, as noted in the paragraph above. FAA will require a detailed explanation of why the bids were over the Engineer's Estimate should the City proceed with the project. If the City decides that proceeding with the project, at this time, is not in their best interest, then the City should notify FAA and the apparent low bidder that all bids are rejected. If the City decides that proceeding with the project is in their best interest, then HWS recommends making an award to Blessing, LLC. Any award should be contingent upon receiving federal funding under the Airport Improvement Program (AIP) and receiving FAA concurrence in award.

Moved by Buschkoetter seconded by Clouse to reject the bids received for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried.

DELUX MANUFACTURING – PURCHASE AGREEMENT

Mayor Clouse opened for discussion the Purchase Agreement between the City of Kearney as Seller and Delux Manufacturing as Buyer for the purchase of 7.09 acres subject to approval by F.A.A. and to consider Resolution No. 2010-107.

City Manager Michael Morgan stated Delux Manufacturing has leased a manufacturing facility at the Kearney Regional Airport since 1966. The facility is approximately 28,000 square feet and is located on 7.09 acres. Due to the age and deteriorating condition of the facility, Delux would like to significantly renovate the building, as well as explore expansion options. Recently, they contacted the City regarding the potential purchase of the facility.

Based on their request, an appraisal was completed to determine fair market value. The appraisal indicates the value of the building and land is \$311,953. Staff recommends approval of the sale of the property for the following reasons:

- The building is in need of repair and the City does not have sufficient funds to complete.
- The buyer is committed to completing approximately \$300,000 in repairs.

- The property is not needed for any public purpose.
- There exists the potential for additional expansion of the business.
- The proposed price reflects fair market value.

Sale of land at the Kearney Regional Airport is subject to approval by Federal Aviation Administration. Once the City receives approval, the Council will be required to pass an ordinance authorizing the sale of the property in question. The proceeds received on the sale of this property must be used for Airport purposes pursuant to F.A.A. regulations.

Moved by Clouse seconded by Kearney to approve the Purchase Agreement between the City of Kearney as Seller and Delux Manufacturing as Buyer for the purchase of 7.09 acres subject to approval by F.A.A. and approve **Resolution No. 2010-107**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-107

WHEREAS, Delux Manufacturing has been leasing Airport property since 1966; and
WHEREAS, Delux Manufacturing intends to significantly renovate the building, as well as explore expansion options and, in order to do so, has requested to purchase real estate which is presently a part of the Kearney Regional Airport property and owned by the City of Kearney; and

WHEREAS, the City of Kearney and Delux Manufacturing desire to enter into a Real Estate Purchase Agreement showing the City's intent to sell the property which is subject to approval by F.A.A.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager is hereby authorized and directed to execute the Real Estate Purchase Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$4,358.61, PLATTE VALLEY STATE BANK - \$51,094.24

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$51,094.24 payable to Platte Valley State Bank, and in the amount of \$4,358.61 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Kearney, Buschkoetter. Nay: None. Clouse abstained and Lear absent. Motion carried.

VII. REPORTS

UPDATES ON ROAD PROJECTS

Director of Public Works Rod Wiederspan updated the Council on the Highway 30

project which is moving along. They are hoping for dry weather to keep the project on task. The 39th Street from Pony Express Road to Avenue M will begin on June 1, 2010.

EARTH LODGE AT ARCHWAY

Mayor Clouse stated work has begun on the Earth Lodge at the Archway. The participants were very pleased with the generosity and hospitality shown to them from the Kearney citizens.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:16 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**