

Kearney, Nebraska
July 26, 2011
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 July 26, 2011, 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. Absent: Bob Lammers. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Michael Hendrickson, Stacy Plautz, Shannon Poggendorf, Steve Altmaier from KGFW Radio, 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

The Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

LIQUOR LICENSE FOR LEGACY 272 RESTAURANT & LOUNGE

Mayor Clouse opened the public hearing on the application for a Class C-95176 liquor license submitted by Numb3rs, Inc., dba Legacy 272 Restaurant & Lounge located at 110 2nd Avenue, consider the manager application for Michael Hendrickson, and to consider Resolution No. 2011-78.

This is an application submitted by Numb3rs, Inc., dba Legacy 272 Restaurant & Lounge for a license to sell alcohol located at its facility located at 110 2nd Avenue. The Applicant and Manager, Michael Hendrickson will own and operate what was formally known as The Venue located inside the Holiday Inn. Mr. Hendrickson also owns and operates the Cellar Bar & Grill since 2004. In reviewing the Nebraska Liquor Control Commission's web site, there have been no liquor violations with the Cellar Bar & Grill.

The Police Department performed a background check and it did not indicate any negative issues with the application nor the applicant. This is not an additional license to the community; it is merely a transfer of ownership. The Application for Manager identifies Michael Hendrickson. Mr. Hendrickson 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, on March 22, 2011 the City Council adopted a policy for making recommendations with reference to liquor licenses issued by the Nebraska Liquor Control Commission. With regard to new licenses, the license holder must provide certification of this training when submitting the Liquor License Training Compliance form or within 60 days of the opening of the business. Mr. Hendrickson has indicated that all employees will attend the TIPS (Training for Intervention Procedures) program on August 17, 2011.

Michael Hendrickson presented this matter to the Council. He stated they are buying the Venue assets and are planning to take it over on August 15. They will close for a week doing some renovation, sign changes and name changes. They will also be doing employee training and will open for business on August 22.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lear to close the hearing and recommend to the Nebraska Liquor Control Commission approval of the application for a Class C-95176 liquor license submitted by Numb3rs, Inc., dba Legacy 272 Restaurant & Lounge located at 110 2nd Avenue, approve the manager application for Michael Hendrickson, and adopt **Resolution No. 2011-78**. Roll call resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2011-78

WHEREAS, Numb3rs, Inc., dba Legacy 272 Restaurant & Lounge has filed with the

Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Class C-95176 (Beer, Wine and Distilled Spirits – On and Off Sale) Liquor License to do business at 110 2nd Avenue, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on July 26, 2011 and the cost of the published notice was \$11.29.

WHEREAS, the applicant and its employees have agreed to comply with completing a state approved alcohol server/seller training program as required by the City's Liquor License Policy.

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 C-95176 (Beer, Wine and Distilled Spirits – On and Off Sale) Liquor License to Numb3rs, Inc., dba Legacy 272 Restaurant & Lounge located at 110 2nd Avenue, Kearney, Nebraska upon the completion of a state approved alcohol server/seller training program.

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 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated Administration has withdrawn Item 7 from the agenda; therefore, no action will be taken on Item 7. Item 7 was the Telecommunications Easement for a tract of land being part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to the carrier companies locating on TechOne Crossing and to consider Resolution No. 2011-81.

Also, the Agenda has been amended to include Item 15 for an amendment to the Consultants Agreement at the Airport.

Moved by Lear seconded by Buschkoetter that Subsections 1 through 6 and 8 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

1. Approve Minutes of Special Meeting held July 7, 2011, Regular Meeting held July 12, 2011, and Joint City/County Budget Meeting held July 14, 2011.

2. Approve the following Claims:

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

DS Debt Service

3M \$19,672.60 smcs; AT&T \$271.47 smcs; ABA Recovery Services \$80.23 ps; Ace Hardware \$37.96 smcs; Ace Irrigation \$614.40 smcs; Agrium Advanced \$3,898.60 smcs; Alfred Benesch \$1,985.32 smcs; Al-Jon Mfg \$42.59 smcs; All Makes Auto Supply \$1,383.74 smcs; Amazon \$2,367.59 smcs,co,ps; American \$52.53 smcs,co; Amer Fence \$15,536.76 co; Amer Flags Express \$416.40 smcs; Amer Legion \$121.64 smcs; Amsan \$795.88 smcs; Anderson,B \$300.00 smcs; Apl*Apple Online \$533.93 co; Apl*Itunes \$4.27 co; Apple Market \$16.06 smcs; Arrow Seed \$531.73 smcs; Ask Supply \$1,311.78 smcs; Audio Go \$167.94 smcs; Aurora Coop \$81.60 smcs; B&H Photo-Video \$147.30 smcs; Baker & Taylor \$3,749.08 smcs; Baltic Networks \$846.00 co; Bells Curb Grinding \$1,030.00 smcs; Bennett,T \$1,508.25 smcs; Bike Shed \$1,985.07 smcs; Blevins,D \$240.00 smcs; Bluecross Blueshield \$69,220.08 smcs; Bob's Super Store \$143.13 smcs; Boogaarts \$50.33 smcs; Bosselman \$86,126.93 smcs; Broadfoot Sand \$3,744.20 smcs; Brodine,S \$73.00 smcs; Buffalo Co Treasurer \$30.00 co; Buffalo Outdoor Power \$416.66 smcs; Buggy Bath \$2,000.00 smcs; Builders Warehouse \$1,350.76 smcs,co; Buzz's Marine Supply \$154.92 smcs; Cabela's \$139.93 smcs; Candy Bouquet \$37.50 smcs; Carquest \$4,032.22 smcs; Casey's General Store \$97.99 smcs; Cash-Wa \$9,598.76 smcs; Cat5cableguycom \$158.98 co; CBA Lighting \$339.00 smcs; CDW Government \$2,018.04 co; Cellebrite USA \$8,084.99 smcs; Central District Health Dept \$2,769.50 smcs; Central Hydraulic \$1,581.63 smcs; Central NE Bobcat \$382.39 smcs; Central States Wire \$3,879.95 smcs; CH Diagnostic \$3,135.00 smcs; Charter \$249.98 smcs; City of Ky \$28,767.99 co,ps,smcs; Clevenger Oil \$834.86 smcs; Cold Spring Granite \$207.00 smcs; Compass Navigation \$1,006.00 smcs; Consec Life Ins \$19.00 ps; Consolidated Fleet Services \$2,056.00 smcs; Consolidated Management \$28.50 smcs; Construction Rental \$693.38 smcs,co; Copycat Printing \$811.67 smcs; CPS \$221.07 smcs; CR Toys \$90.46 smcs; Creative Teacher \$56.43 smcs; Credit Management Serv \$230.58 ps; Crossroads Ford \$828.75 smcs; Culligan \$83.50 smcs; Cummins Central Power \$7,005.92 smcs; Curbit \$1,885.00 smcs; CVI Kearney \$2,000.37 smcs; D&S Lighting \$314.19 smcs; Dave Waggoner Plumbing \$215.00 smcs; Dawson Co Public Power \$32,503.17 smcs; Daylight Donuts \$116.90 smcs; Dell \$1,038.59 smcs; Depository Trust \$461,870.00 ds; Deterdings \$20,068.46 smcs; Diamond Vogel \$161.20 smcs; Dish Network \$66.47 smcs; Displays 2 Go \$81.30 smcs; Dmilaco Sports Fashion \$345.07 ps; Dog Poop Bags \$392.16 smcs; Dollar-General \$2.14 smcs; DPC Industries \$12,563.41 smcs; Dugan Business Forms \$298.86 smcs; Dutton-Lainson \$215.61 smcs; Eagle Dental \$55.00 smcs; Eakes \$1,409.95 smcs,co; Earl May Seed \$170.83 smcs; Eaton,J \$13.49 smcs; E-Filliate \$251.89 co; Elliott Equipment \$262.16 smcs; EMC Insurance \$5,933.78 smcs; Encore Funding \$325.44 ps; Enslow Publishers \$253.50 smcs; Enterprise \$47.87 smcs; Environmental Direct \$23,550.00 smcs; Eppley Express \$1,070.00 smcs; Exhaust Pros \$70.00 smcs; Express Parcs \$3.00 smcs; Fairbanks \$985.52 smcs; Farmers Union Coop \$44.00 smcs; Fastenal \$1,198.44 smcs; Fedex \$31.17 co; Folck,J \$300.00 smcs; Follmer,D \$100.00 smcs; Footjoy \$784.96 smcs; Ford,J \$42.14 smcs; Frasier,C \$100.70 smcs; Frontier \$8,787.64 smcs; G.Neil \$199.00 smcs; Gale \$6,310.57 smcs; Galls \$35.99 smcs; Garrett Tires \$3,464.25 smcs; GE Money Bank \$758.00 smcs; Gempler \$87.42 smcs; General Traffic Controls \$1,687.08 smcs; Gintzler,M \$250.00 smcs; Grainger \$2,341.50 smcs; Great Plains One Call \$506.87 smcs; Grones Outdoor Power \$55.76 smcs; H&H Distributing \$2,472.21 smcs; Hach \$819.82 smcs; Halbert,T \$12.82 smcs; Hall,S \$44.93 smcs; HD Supply \$6,258.98 smcs; Hobby-Lobby \$101.48 smcs; Holen,P

\$20.00 smcs; Holiday Inn \$386.80 smcs; Holmes Plumbing \$358.52 smcs; Home Security Store \$129.95 smcs; Hometown Leasing \$237.20 co; Hornady \$4,636.00 smcs; Huerta's Upholstery \$25.00 smcs; IBM \$9,385.04 smcs; ICMA RC \$3,795.46 ps; IRS \$115,610.06 ps; Investment Property \$1,500.00 smcs; Isaac,B \$50.00 ps; Jack Lederman \$464.52 smcs; JJ Keller \$95.04 smcs; JLC \$109,748.00 co; Joe C. William \$7,233.00 smcs; John Deere Landscapes \$2,731.44 smcs; JRs Western \$37.99 smcs; K&K Parts \$2,340.60 smcs; Ky Chamber Comm \$15.00 smcs; Ky Clinic \$1,386.00 smcs,ps; Ky Concrete \$8,467.69 smcs; Ky Crete & Block \$1,904.90 smcs,co; Ky Glass \$26.70 smcs; Ky Hub \$363.12 smcs; Ky Humane Soc \$6,870.00 smcs; Ky Implement \$937.71 smcs; Ky Motor & Classic \$70.34 smcs; Ky Towing \$65.00 smcs; Ky Warehouse \$2,363.29 smcs; Ky Winnelson \$110.26 smcs; Ky Yamaha \$109.95 smcs; Kelly Electric \$1,326.05 smcs; Killion Motors \$143.86 smcs; Kindle \$20.98 smcs; Konica Minolta \$280.62 smcs; Kowalek,G \$39.41 smcs; Lands End \$219.16 smcs; Laser Art Design \$258.00 smcs; Lincoln Tent \$175.00 smcs; Linweld \$1,161.38 smcs; Lips Printing \$38.25 smcs; Lockmobile \$17.00 smcs; Logan Contractors \$762.00 co; Machines & Media \$284.00 smcs; Macumber,M \$17.57 smcs; Magic Cleaning \$6,460.00 smcs; Mail Express \$1,276.98 smcs; Markson Lab Sales \$55.87 smcs; Marlatt Machine Shop \$11,847.43 smcs,co; Masek Distributing \$580.56 smcs; Matheson Tri-Gas \$43.30 smcs; Maul, Emmett \$300.00 smcs; McCarty,D \$76.00 smcs; McMaster-Carr \$295.98 smcs; Meeting Maker \$300.00 smcs; Menards \$4,086.66 smcs,co; Metlife \$17.88 ps; MGIA-Nebraska \$20.00 smcs; Mid-Continent \$25.00 smcs; Middleton Electric \$60.00 smcs; Mid-Iowa Solid Waste \$159,811.00 co; Mid-NE Aggregate \$406.52 smcs; Mid-State Units \$360.00 smcs; Midway Chrysler \$121.85 smcs; Midwest Turf \$471.39 smcs; Milco Environmental \$3,601.32 smcs; Miller & Associates \$66,158.30 smcs,co; Miller Signs \$605.00 smcs; Misko Sports \$9.95 smcs; Moonlight Embroidery \$969.25 smcs; Morgan,M \$55.50 smcs; Most Dependable Fountains \$2,135.00 co; Municipal Supply \$280.17 smcs; Murphy Tractor \$397.17 smcs; NAFI \$45.00 smcs; Napa All Makes Auto \$476.17 smcs,co; Nashville Wraps \$269.50 smcs; National Hole In One \$246.00 smcs; NCS Equipment \$667.16 smcs; NE Child Support \$2,704.46 ps; NE Dept of Environmental \$15,253.94 smcs; NE Dept of Aeronautics \$1,470.00 ds,er; NE Dept of Revenue \$23,733.82 smcs; NE Golf Assn \$918.00 smcs; NE Library Commission \$4,398.00 smcs; NE Licensed Bev Assn \$200.00 smcs; NE Machinery \$259.05 smcs; NE Public Health \$2,606.66 smcs; NE Softball Assn \$2,242.00 smcs; NE State Treasurer \$888.88 smcs,ps; NEland Distributors \$1,870.53 smcs; Network Solutions \$249.00 co; New World \$945.00 smcs; Newman Signs \$889.73 smcs; NFPA \$29.65 smcs; North Platte Senior Center \$84.00 smcs; Northgate Veterinary \$277.75 smcs; Northwest Electric \$130.09 smcs; Northwestern Energy \$564.72 smcs; Norton,B \$300.00 smcs; NRG Media \$320.00 smcs; Oberg,K \$17.43 smcs; OCLC \$648.76 smcs; Office Depot \$1,010.07 smcs; Office Max \$528.89 smcs; Officenet \$104.16 smcs; O'Keefe Elevator \$881.82 smcs; Old Chicago \$25.00 smcs; Oriental Trading \$103.85 smcs; Orscheln \$797.84 smcs; Overhead Door \$349.00 smcs; Panowicz,K \$24.00 ps; Paramount \$554.67 smcs; Paypal \$207.00 co; Pioneer Revere \$1,005.81 smcs; Pitney Bowes \$750.00 smcs; Platte Valley Comm \$741.74 smcs; Play the West \$1,200.00 smcs; Porter Trustin Carlson \$625.00 smcs; Pratt,T \$300.00 smcs; Presto-X \$308.00 smcs; Pro-Measure \$178.03 smcs; Pro-Tint \$240.00 smcs; Provantage \$433.74 smcs,co; Pulliam,R \$630.81 smcs; Qualified Hardware \$709.00 smcs; Quill \$387.40 smcs; Rainbow Racing \$151.63 smcs; Random House \$132.00 smcs; Ready Mixed Concrete \$19,954.15 co; Reams \$1,253.44 co; Recognition Unlimited \$30.32 smcs; Recorded Books \$286.62

smcs; Reinke's Heating \$1,152.70 smcs; Rick's Sod Farm \$935.00 co; Riverdale Ready Mix \$5,608.98 co; Riverside Mfg \$1,272.64 ps; Roberg,B \$3.36 smcs; Rockey Co \$125.00 smcs; Rogers,L \$20.92 smcs; Ropers Radiator Service \$55.00 smcs; Russells Appliance \$199.00 smcs; Safariland \$200.00 smcs; Sahling Kenworth \$951.56 smcs; Sanitation Products \$1,041.19 smcs; Sara Lee Bakery \$20.00 smcs; Schindler Elevator \$333.30 smcs; Scholastic \$1,372.50 smcs; Schroeder,T \$20.63 smcs; Schwans Home Service \$2,761.16 smcs; Shea,S \$460.80 smcs; Sherwin Williams \$225.22 smcs,co; Shop EZ \$27.55 smcs; Shore Power \$129.12 smcs; Sign Center \$1,168.00 smcs,co; Sims Enterprises \$39.90 smcs; Smart Signs \$537.40 smcs; Snow,T \$325.00 smcs,co; Softchoice \$368.35 smcs; Solid Waste Equipment \$5,011.43 smcs; SOS Portable Toilets \$100.00 smcs; Sport Supply Group \$39.48 smcs; Spunaugle,M \$6.38 smcs; Stanley Security Solutions \$215.93 smcs; State Fire Marshal \$30.00 smcs; Steinbrink Landscaping \$11,259.35 smcs; Stott,D \$46.00 smcs; Sunmart \$107.36 smcs; Target \$54.92 smcs,co; Taylor Made \$1,173.88 smcs; Teahon,M \$3.50 smcs; Theis,G \$65.44 smcs,ps; Thirsty's West \$193.43 smcs; Thompson Co \$104.25 smcs; Thompson,J \$300.00 smcs; Tielke Enterprise \$326.17 smcs; Titleist \$4,789.42 smcs; Tool Doctor \$30.00 smcs; Towery,T \$22.34 smcs; Tractor-Supply \$875.15 smcs; Trans Iowa Equipment \$599.50 smcs; Tri City Outdoor Power \$533.99 smcs; Tri-City Sign \$574.07 smcs; Trotter Fertilizer \$57.28 smcs; Turner Body Shop \$504.34 smcs; Unique Management \$438.55 smcs; United Labs \$384.18 smcs; UPS \$213.48 smcs; USA Blue Book \$136.76 smcs; USDA-Aphis Animal Clinic \$85.00 smcs; USPS \$223.56 smcs; Vac-Con \$83,980.00 co; Van Diest Supply \$1,924.15 smcs; Verizon Wireless \$71.21 smcs; Voss Lighting \$81.32 smcs; Walgreen's \$7.09 smcs; Wal-mart \$2,761.42 smcs,co; Walters Electric \$5,203.31 smcs; Ward Labs \$130.00 smcs; We Care Tree Care \$325.00 co; Wells Fargo Equipment \$500.00 co; Wendy's \$300.17 smcs; West Payment Center \$1,454.43 smcs; West Villa Animal Hospital \$178.75 smcs; Westfall,T \$39.60 smcs; Wiedel,G \$300.00 smcs; Wiegand Security \$85.00 smcs; Wilke Donovans \$707.67 smcs; Wilson,K \$4.48 smcs; WPCI \$185.50 ps; Yanda's Music \$139.88 smcs; Zimmerman's Printing \$491.96 smcs; Ziola,D \$43.26 smcs; Payroll Ending 7-16-2011 -- \$394,710.45. 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 August 9, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2011-79** appointing members to fill the vacancies/expirations on the following Boards/Commissions: Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Civil Service Commission, Community Redevelopment Authority, Downtown Improvement Board, Examining Board for Plumbers, Golf Advisory Board, Kearney Housing Agency, Planning Commission, and Senior Services Advisory Board.

RESOLUTION NO. 2011-79

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS
Mitchel Greenwall reappointed to July 31, 2016

AIRPORT ADVISORY BOARD
William (Chuck) Ogle appointed to succeed Philip Kozera to July 31, 2016

CIVIL SERVICE COMMISSION
Lynn Johnson reappointed to July 31, 2017

COMMUNITY REDEVELOPMENT AUTHORITY
Jon Abegglen reappointed to July 31, 2016

DOWNTOWN IMPROVEMENT BOARD
Ron Lieske reappointed to July 31, 2016

EXAMINING BOARD OF PLUMBERS
Dave Waggoner reappointed to July 31, 2014
Kelly Tucker reappointed to July 31, 2014
Kully Thatcher appointed to succeed Norm Vinderslev to July 31, 2014

GOLF ADVISORY BOARD
Tim Hughbanks reappointed to July 31, 2015

KEARNEY HOUSING AGENCY
Nikki Mousel appointed to succeed Doug Shada to July 31, 2016

PLANNING COMMISSION
Jim Ganz, Jr. reappointed to July 31, 2014
Jim McKeon reappointed to July 31, 2014
Jack McSweeney reappointed to July 31, 2014

SENIOR SERVICES ADVISORY BOARD
Doris Maurer reappointed to July 31, 2014
Sue Wright reappointed to July 31, 2014

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve Change Order No. 7 showing an increase in the amount of \$11,545.00

submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and adopt **Resolution No. 2011-80.**

RESOLUTION NO. 2011-80

WHEREAS, JLC, Inc. of York, Nebraska has performed services in connection with the Kearney Public Library Addition & Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 7 showing an increase to the contract sum in the amount of \$11,545.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$4,548,220.00
Change Order No. 1 (12-22-2009)	- 75,500.00
Change Order No. 2 (7-13-2010)	+ 2,128.00
Change Order No. 3 (9-14-2010)	+ 6,565.00
Change Order No. 4 (1-11-2011)	+ 15,556.00
Change Order No. 5 (1-11-2011)	+ 76,099.00
Change Order No. 6 (4-12-2011)	+ 14,494.00
Change Order No. 7 (7-26-2011)	+ <u>11,545.00</u>
Contract Sum to Date	\$4,599,107.00

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

PASSED AND APPROVED THIS 26TH DAY OF APRIL, 2011.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Approve the application for a Special Designated License submitted by Richard Kohmetscher, dba Dick's Place in connection with their Class CK-00528 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on September 3, 2011 from 3:00 p.m. until 1:00 a.m. for a dance/reception.

8. Approve Application and Payment No. 2 in the amount of \$473,906.70 submitted by Paulsen Inc. and approved by Miller & Associates for the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard and adopt **Resolution No. 2011-82.**

RESOLUTION NO. 2011-82

WHEREAS, Paulsen Inc. of Cozad, Nebraska has performed services in connection

with the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$473,906.70, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,634,697.50
Contract Sum To Date	1,634,697.50
Gross Amount Due	649,939.00
Retainage	64,993.90
Amount Due to Date	584,945.10
Less Previous Certificates for Payment	<u>111,038.40</u>
Current Payment Due	\$ 473,906.70

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve T-Hangar C-6 Lease Agreement between the City of Kearney and Phil Jossi/Premier Aviation Training & Management for storage purposes and adopt **Resolution No. 2011-83.**

RESOLUTION NO. 2011-83

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 C-6 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Phil Jossi/Premier Aviation Training & Management, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the request submitted by Terri Wilson on behalf of Bravehearts to conduct a 5K Walk/Run on August 27, 2011 beginning at 8:00 a.m. The race will begin at the Cornerstone Berean Church at 30th Avenue and 11th Street, east on 11th Street to Kea West Road, turn around and go west on 11th Street and ending at the Cornerstone Berean Church.

11. Approve the 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$12,663 to purchase computer crime and incident mapping software, to enter into an Interlocal Agreement between the City and the County and adopt **Resolution No. 2011-84.**

RESOLUTION NO. 2011-84

WHEREAS, the Kearney Police Department, in conjunction with the Buffalo County Sheriff’s Department, is making application for the 2011 Byrne Justice Assistance Grant with funds going toward the purchase of computer crime and incident mapping software; and

WHEREAS, the City of Kearney and Buffalo County desire to enter into an Interlocal Agreement for the purchase of computer crime and incident mapping software.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the application for the 2011 Byrne Justice Assistance Grant in the amount of \$12,663 with funds going toward the purchase of computer crime and incident mapping software.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Interlocal Agreement between the City of Kearney and Buffalo County for the 2011 Byrne Justice Assistance Grant Program Award. A copy of the Interlocal Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the request submitted by the Kearney Public Schools and the neighborhood to designate 53rd Street from Avenue K to 52nd Street as a one-way street and adopt **Resolution No. 2011-85.**

RESOLUTION NO. 2011-85

WHEREAS, the City has received letters from the Kearney Public Schools and surrounding property owners of Meadowlark Elementary requesting 53rd Street be designated as a one-way street; and

WHEREAS, City staff has studied the vehicular and pedestrian traffic in the area and is recommending to designate 53rd Street from Avenue K to 52nd Street as a one-way street.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that in the interest of public safety and efficient traffic flow within the Meadowlark Elementary school area that 53rd Street from Avenue K to 52nd Street be and is hereby designated as a one-way street as designated on Exhibit “A”, attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to erect the necessary and proper signs.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Approve the request submitted by Smith Produce to temporarily block off six parking stalls in the northwest corner of the parking lot located north of the Museum of Nebraska Art beginning July 27, 2011 through August 20, 2011 to sell produce.

14. Approve the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Eric Bayley, Jared Burch, and Spencer Hinrichs and adopt **Resolution No. 2011-86**.

RESOLUTION NO. 2011-86

WHEREAS, Terry Eirich, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Eirich, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that those persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Approve Amendment No. 1 to the Consultants Agreement between the City of Kearney and Kirkham Michael & Associates dated July 8, 2008 for Project No. 3-31-0045-19 to incorporate shift/extension of Runway 13/31 in the Master Plan and ALP as recommended by FAA and to collect and process survey data to meet the requirements for the FAA Airport Survey GIS and adopt **Resolution No. 2011-87** contingent upon FAA approval.

RESOLUTION NO. 2011-87

WHEREAS, on July 8, 2008 the City Council adopted Resolution No. 2008-117 approving the Consultant's Agreement with Kirkham Michael & Associates for Airport Improvement Project No. 3-31-0045-19 for updating the Master Plan/Airport Layout Plan for the Kearney Regional Airport; and

WHEREAS, it is necessary to amend the Agreement to incorporate shift/extension of Runway 13/31 in the Master Plan and ALP as recommended by FAA and to collect and process survey data to meet the requirements for the FAA Airport Survey GIS for a lump sum amount of \$175,672.50 contingent upon FAA approval.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 1 to the Consultant's Agreement with Kirkham Michael & Associates for Airport Improvement Project No. 3-31-0045-19 at the Kearney Regional Airport. A copy of Amendment No. 1 to the Consultant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS: NPPD - \$101,167.17, PLATTE VALLEY STATE BANK - \$48,783.60

Moved by Buschkoetter seconded by Kearney that the Open Account Claim in the amount of \$101,167.17 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Kearney. Nay: None. Clouse abstained. Lammers absent. Motion carried.

Moved by Clouse seconded by Kearney that the Open Account Claim in the amount of \$48,783.60 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lear abstained. Lammers absent. Motion carried.

VII. REPORTS

None

VIII. ADJOURN

Moved by Kearney seconded by Lear that Council adjourn at 7:05 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**