

*Kearney, Nebraska
November 22, 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 November 22, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Don Kearney and Bob Lammers. Absent: Randy Buschkoetter and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Bruce Rahmani, Kristina King, Brent Adamson, Mike Young, 10 UNK students, 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

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.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

RAMADA KEARNEY/AL FRESCO LIQUOR LICENSE; 301 2ND AVENUE

Mayor Clouse opened the public hearing on the application for a Class C-96499 liquor license submitted by Kearney Lodging LLC, dba Ramada Kearney/Al Fresco located at 301 2nd Avenue, consider the manager application for Kristina King, and to consider Resolution No. 2011-159.

Kearney Lodging LLC, dba Ramada Kearney/Al Fresco has made application for a license to sell on and off premise beer, wine and distilled spirits located at its facility, 201 2nd Avenue. The Police Department performed a background check on the applicant, the manager, as well as a review of the application. Ms. King has worked in other businesses which sell alcohol and has a background and knowledge in that business. There were no issues found in the background or on the application.

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. Ms. King has returned the form indicating that she and her staff have received training and has provided Certificates of Training.

Kristina King presented this matter to the Council. She has always lived in Kearney and has worked at Famous Filmores, many years at Bob's Total, customer service lead at Cabela's and a few years at Verizon. She has recently joined the Ramada team since Mr. Rahmani purchased it. Everyone on her staff that will be handling alcohol, including their set up manager, will be taking the Responsible Beverage Training and all will attend the TIPS class. If they do have any employees under the age of 21, they will not be allowed to serve and the alcohol is kept under lock and key. Only the manager and the general manager have access to the key to the liquor room. At the present time, they will be doing visual checking of IDs. One of her policies is that everyone's ID is to be checked. She understands that may get frustrating, but believes that it is sometimes difficult to tell about ages. Their policy is if an employee fails to check an ID, the first offense would be they are written up and if there is a second offense, they would be terminated. She has redone all the liquor policies and procedures for the restaurant and given her staff that information.

Bruce Rahmani, new owner of the Ramada, stated that he has been in this hospitality business for 30+ years. He currently has about 10-12 other liquor licenses in different hotels and he understands how the restaurant/liquor business works. He passes on his many years of experience to his staff. He sits down with them and goes through all the procedures and policies and makes sure they have the proper training. He takes these matters very seriously and understands how important it is to try and control serving and how to manage large groups, like wedding parties. They not only train their bartenders, but also the wait staff to be observant of adults to make sure they are not giving minors alcoholic drinks. Training goes on all the time and they will stay on top of it.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and adopt **Resolution No. 2011-159** recommending approval to the Nebraska Liquor Control Commission the application for a Class C-96499 liquor license submitted by Kearney Lodging LLC, dba Ramada Kearney/Al Fresco located at 301 2nd Avenue, and approve the manager application for Kristina King. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney. Nay: None. Buschkoetter and Lear absent. Motion carried.

RESOLUTION NO. 2011-159

WHEREAS, Kearney Lodging LLC, dba Ramada Kearney/Al Fresco has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Class C-96499 (Beer, Wine and Distilled Spirits – On and Off Sale) Liquor License to do business at 301 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 November 22, 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-96499 (Beer, Wine and Distilled Spirits – On and Off Sale) Liquor License to Kearney Lodging LLC, dba Ramada Kearney/Al Fresco located at 301 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 22ND DAY OF NOVEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, November 21, 2011 by adding Subsection 13.

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

1. Approve Minutes of Regular Meeting held November 8, 2011.
2. Approve the following Claims:

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

AT&T \$220.63 smcs; Alamar Uniforms \$1,247.20 ps; Alertshirt \$1,360.80 smcs; All Makes Auto \$1,360.33 smcs; Allied Electronics \$282.57 smcs; Amazon \$615.45 smcs,co; American \$1,129.27 smcs,co; Amer Legion Emblem \$115.79 smcs; Amsan \$813.18 smcs; Analytical Services \$750.00 smcs; APA Bookstore \$210.00 smcs; Apple iTunes Store \$4.27 smcs; Apple Market \$43.25 smcs; Ask Supply \$806.71 smcs; Aurora Coop \$78.20 smcs; Baasch,J \$23.02 smcs; Baker & Taylor Books \$4,473.97 smcs; Bamford \$250.00 smcs; Battery Mart \$62.93 smcs; Bells Curb Grinding \$60.00 co; Big Rack Shack \$17.50 smcs; Blessing \$119,384.85 co; Bluecross Blueshield \$152,373.90 smcs; Bobs Super Store \$9.57 smcs; Boogaarts \$16.24 smcs; Bosack,N \$45.55 smcs; Broadfoot's \$695.00 smcs,co; Brock Electric \$81.00 smcs; Browns Shoe Fit \$186.21 smcs; Buffalo Co Election \$10,452.21 smcs; Buffalo Co Redi-Mix \$779.00 smcs; Buffalo Co Treasurer \$15.00 smcs; Buffalo Outdoor Power \$298.95 smcs; Buggy Bath \$9.25 smcs; Builders \$5,814.52 smcs,co; Cabela's \$3,164.08 smcs; Campanile,E \$66.93 smcs; Carquest \$4,004.65 smcs; Casey's \$33.91 smcs; Cash Wa \$2,166.87 smcs; CDW Govt \$2,417.91 co; Center Point Large Print \$218.71 smcs; Central Hydraulic \$556.17 smcs; Central NE Bobcat \$53.48 smcs; CH Diagnostic \$1,130.00 smcs; Chan,A \$38.81 smcs; Charter \$209.99 smcs; Chesterman \$46.80 smcs; City of Ky \$25,082.57 co,ps,smcs; Cold Spring Granite \$601.20 smcs; Community Action Mid NE \$311.50 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$349.53 smcs,co; Cooperative Producers \$48.44 smcs; Copycat \$255.93 smcs; Cornhusker Garage \$18.00 smcs; CPS \$795.05 smcs; Cracker Barrel \$295.33 smcs; Credit Acceptance \$417.78 ps; Crossroads Ford \$1,037.89 smcs; Cubby's \$32.00 smcs; Cummins Central Power \$192.36 smcs; D&S Lighting \$113.10 smcs; Dawson Co PPD \$1,689.67 smcs; Delaet Electric \$152.30 co; Dell \$21,539.40 smcs,co; Demco \$178.10 smcs; DHHS Licensing \$575.00 smcs; Diamond Vogel \$271.08 smcs; Displays 2 Go \$58.10 smcs; Dollar General \$32.28 smcs; Douglas Industries \$999.10 smcs; Dowhy Towing \$150.00 smcs; Dutton Lainson \$15.87 smcs; Eakes \$2,256.22 smcs; Earl May Seed \$29.99 smcs; Easy Picker Golf Products \$1,900.00 smcs; Eisinger-Smith \$1,235.73 smcs; EMC Ins \$1,072.50 smcs; Engineered Controls \$1,700.00 smcs; Enterprise \$213.90 co; Eureka,T \$166.92 smcs; Eustis Body Shop \$225.00 smcs; Express Parcs \$2.00 smcs; Expression Wear \$1,904.00 smcs,co; Fairbanks \$651.97 smcs; Fastenal \$476.10 smcs; Fireguard \$2,099.61 smcs; Footjoy \$137.28 smcs; Fort Bend Services \$5,610.00 smcs; Frontier \$8,668.24 smcs; Garrett Tires & Treads \$643.98 smcs; Gaylord Bros \$844.84 smcs,co; General Traffic Controls \$364.21 smcs; Godziemski,J \$199.60 smcs; Good Samaritan Hospital \$365.00 smcs; Graham Tire \$352.28 smcs; Grainger \$595.06 smcs; Great Plains One Call \$391.03 smcs; Great Source \$159.35 smcs; Herberger's \$51.93 smcs; Hobby-Lobby \$34.46 smcs; Holmes Plumbing \$314.68 smcs,co; Hometown Leasing \$237.20 co; Hotsy Equipment \$125.00 smcs; Hunting,J \$10.94 smcs; Hydrite Chemical \$3,610.94 smcs; I-80 Eppley Express \$150.00 smcs; IAEI \$102.00 smcs; ICMA RC \$3,790.83 ps; IIMC \$175.00 smcs; Insite Instrumentation Group \$1,520.00 smcs; IRS \$105,573.01 ps; Int'l Assn for Identification \$70.00 smcs; Int'l Code Council \$268.00 smcs; Jack Lederman \$1,394.61 smcs; JCPenney \$2,497.06 smcs; Jerry's Sport Center \$45.93 smcs; JLC \$184,439.00 co; John Deere \$457.72 co; Johnson

Controls \$559.75 smcs; Johnson Hardware \$343.00 smcs; Jones & Bartlett Learning \$3,940.30 smcs; Jr's Western \$2,815.99 smcs; K&K Parts \$1,107.90 smcs; Ky Chamber Comm \$275.00 smcs; Ky Clinic \$4,693.00 smcs,ps; Ky Concrete \$14,376.67 smcs,co; Ky Crete & Block \$323.93 smcs,co; Ky Goodwill \$15.00 smcs; Ky Hub \$559.75 smcs; Ky Humane Society \$6,825.00 smcs; Ky Implement \$278.97 smcs; Ky Quality \$314.98 smcs; Ky Storytelling Festival \$600.00 smcs; Ky Warehouse \$1,507.00 smcs; Ky Winlectric \$158.42 smcs,co; Ky Winnelson \$18.26 smcs; Ky Yamaha \$261.90 smcs; Kersting,B \$12.06 smcs; Kersting,S \$43.17 smcs; Killion Motors \$27.75 smcs; Kindle \$20.98 smcs; Kleem \$716.17 smcs; Kmart \$92.06 smcs; Koch,B \$7.32 smcs; Konica Minolta \$912.52 smcs; Krueger,L \$56.00 smcs; Krull Ins \$1,950.00 smcs; Laserlinkgo \$319.00 smcs; Lawn Builders \$3,487.45 co; League of NE Municipalities \$652.00 smcs; Lindner,S \$265.24 smcs; Linweld \$245.27 smcs; Lopez,C \$45.00 smcs; Lovesaccom \$1,075.35 co; Lynaugh,J \$14.00 smcs; M&E Construction \$105.36 smcs; Mac Faucets \$750.08 smcs; Magic Cleaning Services \$4,550.00 smcs; Mail Express \$942.55 smcs; Main Street \$22,845.00 smcs; Marlatt Machine Shop \$1,182.49 smcs; Marriott \$312.60 smcs; Matheson Tri-Gas \$51.70 smcs; Medtech Forensics \$115.00 smcs; Menards \$3,324.48 smcs,co; Merryman Performing Arts \$120.34 smcs; Metlife \$19.00 ps; Michael Frederick \$44.00 smcs; Midwest Service \$2,194.70 smcs; Midwest Turf \$427.54 smcs; Miller Signs \$1,135.00 smcs,co; Misko's Sports \$32.99 smcs; Mostek Electric \$860.00 smcs; Mouser Electronics \$29.48 smcs; Municipal Emergency \$134.08 smcs; Municipal Supply \$350.85 smcs; Murphy Tractor \$25.80 smcs; Napa All Makes Auto \$349.30 smcs; NCS Equipment \$70.00 smcs; NE Child Support \$2,403.30 ps; NE Golf Assn \$294.94 smcs; NE Machinery \$863.35 smcs; NE PGA-Blue Gold \$60.00 smcs; NE Rec & Park Assn \$150.00 smcs; NE Rural Water Assn \$85.00 smcs; NE Sec of St \$30.00 smcs; NE Truck Center \$474.18 smcs; NeRPA \$60.00 smcs; Newegg \$344.64 smcs,co; Newman Signs \$477.87 smcs; NIMCO \$318.78 smcs; Norm's Plbg \$410.93 smcs,co; No. Amer Truck \$351.05 smcs; Northern Tool \$131.30 smcs; Northwest Electric \$92.55 smcs; Northwestern Energy \$2,939.34 smcs; NRPA \$845.10 smcs; O'Brien,S \$100.00 smcs; OCLC \$593.31 smcs; Octavio Manresa Cabreja \$42.71 smcs; Office Depot \$572.20 smcs; Office Max \$321.67 smcs; Officenet \$205.38 smcs; Old Navy \$55.92 smcs; On Site Mobile Sharpening \$86.82 smcs; O'Reilly Auto \$384.81 smcs; Oriental Trading \$213.97 smcs; Orscheln \$2,680.68 smcs; Oshkosh \$1,209.74 smcs; Paramount Linen \$337.29 smcs; Paypal \$692.91 smcs,co; Physio-Control \$1,300.00 smcs; Pioneer Research \$523.38 smcs; Pitney Bowes \$45.00 smcs; Pizza Hut \$17.89 smcs; Platte Valley Comm \$757.89 smcs; Pospapercom \$177.80 smcs; Pramac \$283.35 smcs; Presto-X \$63.00 smcs; Protection Guard \$6.08 smcs; Pump & Pantry \$72.19 smcs; Quill \$324.10 smcs; RW Sorensen Construction \$19,710.00 co; Random House \$1,112.36 smcs; Ready Mixed Concrete \$12,978.45 smcs,co; Reams \$1,011.98 smcs,co; Recorded Books \$2,742.86 smcs; Red Wing Software \$100.00 smcs; Redmans Shoes \$7,009.02 smcs; Reed,J \$35.74 smcs; Reinke's Heating \$171.00 smcs; Roberts,J \$97.91 smcs; Roper's Radiator \$65.00 smcs; Russell's Appliance \$2,055.00 co; Sage,P \$70.61 smcs; Sahling Kenworth \$902.42 smcs; Salina Blueprint \$973.00 co; Sally Beauty \$5.34 smcs; Sandhill Plastics \$96.28 smcs; Scheuffele,D \$80.25 smcs; School Equippers \$397.23 co; Seniornet \$99.00 smcs; Shopper \$1,981.33 smcs; SHRM NE \$244.00 smcs; Sign Center \$335.00 smcs; Simpson,J \$161.00 smcs; Sirchie Finger Print \$232.13 smcs; Sirsi Dynix \$22,725.06 smcs; Sister Cities Int'l \$150.00 smcs; Spangler,S \$79.22 smcs; Sports Village \$189.97 smcs; Stanley Security Solutions \$419.09 smcs; St Fire Marshal Training \$100.00 smcs; Steinbrink Landscaping \$931.83 smcs,co; Stocker,K \$115.00

smcs; Subway \$88.05 smcs; Sunmart \$30.49 smcs; Super Shine Auto \$35.50 smcs; Sutphen \$1,129.70 smcs; SYX Global \$1,264.00 co; Target \$375.95 smcs,co; Tessco \$166.98 smcs; Thompson Co \$315.05 smcs; Tielke's \$76.11 smcs; Tokay Software \$790.00 smcs; Tool Doctor \$25.00 smcs; Tractor Supply \$2,327.22 smcs; Tri City Outdoor Power \$293.68 smcs; TruGreen ChemLawn \$159.60 smcs; Turf Pro Landscaping \$5,000.00 co; Tye & Rademacher \$13,816.79 smcs; U Stop \$50.00 smcs; Ueda,N \$44.93 smcs; Unique Management \$259.55 smcs; United Seeds \$1,605.00 smcs; UNL Lied Center \$618.40 smcs; UPS \$251.47 smcs; USPS \$113.77 smcs; Van Diest Supply \$2,802.81 smcs; Van Wall Equipment \$34.80 smcs; VanCleave,A \$48.01 smcs; Vasquez,G \$50.00 smcs; Verizon Wireless \$257.17 smcs; Village Uniform \$160.20 smcs; Wafersealscom \$50.51 smcs; Walmart \$2,489.01 smcs; Wegner,T \$315.00 ps; Westin Crown Center \$231.62 smcs; Whelen Engineering \$233.75 smcs; Wick's Sterling Trucks \$163.94 smcs; Wiegand Security \$85.00 smcs; Wilke Donvans \$568.09 smcs,co; Wilkins Hinrichs \$3,360.04 co; WPCI \$357.00 ps; Yellow Cab \$43.22 smcs; Zulkoski,M \$7.47 smcs; Payroll Ending 11-5-2011 -- \$340,691.38. 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 December 13, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Accept the public improvements constructed under, and in accordance with, the terms of the Developer Constructed Infrastructure Agreements for Lot 16 of Block Two, Stoneridge Eighth Addition to the City of Kearney (Stoneridge Business Center) and a tract of land being part of Lot 1, Bent Bar C Subdivision East (Prince of Peace Church) all in Buffalo County, Nebraska and adopt **Resolution No. 2011-160**.

RESOLUTION NO. 2011-160

WHEREAS, on the 22nd day of June, 2010 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2010-120 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and General Properties L.L.C. for the construction of a sanitary sewer main improvement for Lot 16 of Block 2, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, on the 27th day of April, 2010 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2010-81 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Prince of Peace Catholic Church for the construction of paving, water, sanitary sewer and storm sewer on a tract of land being part of Lot 1, Bent Bar C Subdivision East (north side of 56th Street and west of Country Club Lane); and

WHEREAS, the Developers have constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of

Kearney the Developer has, by and through its attorney, certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney for Lot 16 of Block Two, Stoneridge Eighth Addition to the City of Kearney (Stoneridge Business Center) and a tract of land being part of Lot 1, Bent Bar C Subdivision East (Prince of Peace Church) all in Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the request submitted by Main Street Kearney to temporarily block off six parking stall in front of Annie Kaye and Company, 2201 Central Avenue, on December 1, 2011 from 8:00 a.m. until 10:00 p.m. for a live nativity scene that will be displayed during the Christmas Walk.

6. Approve Amendment No. 2 to the Consultant Agreement between the City of Kearney and Alfred Benesch & Company for construction observation services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport (AIP 3-31-0045-23) subject to approval by the F.A.A. and Nebraska Department of Aeronautics and adopt **Resolution No. 2011-161**.

RESOLUTION NO. 2011-161

WHEREAS, on February 9, 2010, the City Council passed Resolution No. 2010-26 authorizing the Mayor to execute a Consultant Agreement between the City of Kearney and HWS Consulting Group for design and bidding services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport (AIP 3-31-0045-23); and

WHEREAS, on July 13, 2010 the Council adopted Resolution No. 2010-135 approving Amendment No. 1 to the Consultant Agreement with Alfred Benesch & Company for preliminary design and bidding services to include rebidding, construction observation, and material testing services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport being funded under the FAA Airport Improvement Program (AIP 3-31-0045-23)

WHEREAS, it is mutually agreed between the parties to amend the Consultant Agreement for Services to include construction observation and material testing services.

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. 2 to the Consultant Agreement with Alfred Benesch & Company for construction observation and material testing services for the Terminal

Parking Rehabilitation and Expansion Project at the Kearney Regional Airport being funded under the FAA Airport Improvement Program (AIP 3-31-0045-23). A copy of Amendment No. 2, marked as Exhibit A, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Accept the bids received for the purchase of a Trommel Screen to be used at the Kearney Area Solid Waste Agency Landfill and award the bid to Vermeer of Lincoln, Nebraska in the amount of \$176,800.00.

8. Approve Application and Certificate for Payment No. 6 in the amount of \$228,093.29 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. 2011-162**.

RESOLUTION NO. 2011-162

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. 6 in the amount of \$228,093.29, 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	1,715,658.67
Retainage	85,782.93
Amount Due to Date	1,629,875.74
Less Previous Certificates for Payment	<u>1,401,782.45</u>
Current Payment Due	\$ 228,093.29

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

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2011.

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. 2 in the amount of \$162,125.37 submitted by Blessing LLC and approved by Miller & Associates for the 2010 Part 6 Improvements; Central Avenue from 18th Street to South Railroad Street and adopt **Resolution No. 2011-163**.

RESOLUTION NO. 2011-163

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2010 Part 6 Improvements; Central Avenue from 18th Street to South Railroad 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 \$162,125.37, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$886,999.00
Change Order No. 1 (10-25-2011)	<u>+ 30,861.75</u>
Contract Sum To Date	917,860.75
Gross Amount Due	496,956.55
Retainage	49,695.66
Amount Due to Date	447,260.90
Less Previous Certificates for Payment	<u>285,135.53</u>
Current Payment Due	\$162,125.37

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 22ND DAY OF NOVEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve Change Order No. 1 showing a decrease in the amount of \$13,239.00, Application and Certificate for Payment No. 1 in the amount of \$20,061.59 submitted by Midlands Contracting and approved by Miller & Associates for the 2011 Part 5 Improvements; Truck Washout Facility and adopt **Resolution No. 2011-164**.

RESOLUTION NO. 2011-164

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2011 Part 5 Improvements; Truck Washout Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$13,239.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and the City's engineer, have filed with the City

Clerk Application and Certificate for Payment No. 1 in the amount of \$20,061.59, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$150,967.35
Change Order No. 1 (11-22-2011)	- 13,239.00
Contract Sum To Date	137,728.35
Gross Amount Due	22,290.65
Retainage	2,229.07
Amount Due to Date	20,061.59
Less Previous Certificates for Payment	.00
Current Payment Due	\$ 20,061.59

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", and Application and Certificate for Payment No. 1, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Accept the bids received for the lighting fixtures of the Airport building occupied by Pramac located at 4970 Airport Road and award the bid to Nebraska Electrical in the amount of \$68,505.00.

12. Accept the bids received for the 2011 Part 8 Improvements; Airport Terminal Sign and award the bid to Sorensen Group in the amount of \$25,371.00.

13. Approve the recommendation from the City Manager on revising the ½ Cent Sales Tax Capital Improvement Plan to include \$50,000 to the World Theatre Restoration Project for sprinklers, \$15,000 to Kearney Sertoma Club for an outdoor park shelter at Dryden Park, and \$10,000 for engineering of the Harmon Park Rock Garden.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7689 – AMEND SECTIONS 8-805 AND 8-807 OF THE CITY CODE PERTAINING TO SCHOOL ZONES

Mayor Clouse stated that with the absence of Council members Buschkoetter and Lear, Ordinance No. 7689 would need to be placed on first reading

Moved by Clouse seconded by Kearney that Ordinance No. 7689 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7689 amending the following sections of Article 8 "Speed Limitations" of Chapter 8 "Police" of the City Code: Section 8-805 "School Zones" designating the schools zones and establishing the time limits to be 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 4:00 p.m., Monday through Friday inclusive, through the school year, including year round school;

and renaming Section 8-807 "School Crossings – Yellow Flashing Lights" designating the schools crossings with yellow flashing lights at Avenue N at 34th Street, 11th Street at Avenue C, and 17th Avenue at 41st Street and establishing the speed limit to be 25 miles per hour when flashing. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney. Nay: None. Buschkoetter and Lear absent. City Clerk read Ordinance No. 7689 by title on first reading.

VI. REGULAR AGENDA

ORDINANCE NO. 7690 – ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS

Mayor Clouse stated that with the absence of Council members Buschkoetter and Lear, Ordinance No. 7690 would need to be placed on first reading

On April 12, 2011, Supplemental Agreement No. 4 between the City of Kearney and the State of Nebraska Department of Roads was approved by the City Council setting forth the specifics regarding the construction and financing of the Kearney East Bypass Project. Pursuant to the Agreement, the City of Kearney is required to fund approximately \$1,444,777 in cash for Phase I project costs. It has been the City's intent to finance Phase I by issuing Highway Allocation Fund Pledge Bonds.

The total principal amount of the bonds required to finance Phase I of this project will be \$1,520,000.00. The bonds will have a ten-year maturity schedule with an estimated interest rate of 0.35% on the one-year bonds to 2.45% on the ten-year bonds. The annual payment on the bonds will be approximately \$167,000.00 each year for the ten years that the bonds are outstanding. The City will be required to include funding in its annual budget to pay the principal and interest on the bonds during the ten-year life of the bonds. Funding to pay the principal and interest on the bonds will come from Lottery Trust Fund.

Bruce Lefler from Ameritas presented this matter to the Council. He stated the amortization of those bonds is on a 10-year schedule to occur from December 2012 through December 2021. The cost of borrowing the \$1.5 million for that period of time is just shy of 2.17 percent over the two years including the issuance expenses. The bonds are very well received to the extent the majority of bond holders were to local institutions. The Council will be finalizing the terms of the issue next Tuesday.

Council member Kearney stated that he was aware that the bank he is employed by purchased some of these bonds and wanted to know if that would be a conflict of interest for him to vote on this issue. He also stated that he had no part in making that decision; he was simply informed they had made the purchase. City Attorney Michael Tye stated that as an employee of the bank he would not personally benefit from the bonds so that would not constitute a conflict of interest.

Moved by Kearney seconded by Lammers that Ordinance No. 7690 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7690 authorizing the issuance of Highway Allocation Fund Pledge Bonds of the City of

Kearney, Nebraska in the principal amount of \$1,520,000 for the purpose of paying the costs of constructing street improvements for the City; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the delivery of the bonds to the purchaser; and providing for the disposition of bond proceeds. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney. Nay: None. Buschkoetter and Lear absent. City Clerk read Ordinance No. 7690 by title on first reading.

ORDINANCE NO. 7680 ANNEXING 404 EAST 56TH STREET

Ordinance No. 7680 annexes property located at 404 East 56th Street. Most generally, the City Council always suspends the rules requiring the reading on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." The first reading was held on October 25, the second reading on November 8, and this is the final reading and passage of the ordinance.

Moved by Lammers seconded by Clouse that Ordinance No. 7680 be placed on third reading by title and that the City Clerk be permitted to read Ordinance No. 7680 annexing into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (404 East 56th Street). President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney. Nay: None. Buschkoetter and Lear absent. City Clerk read Ordinance No. 7680 by title on third reading.

Moved by Clouse seconded by Kearney that Ordinance No. 7680 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney. Nay: None. Buschkoetter and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7680 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

OPEN ACCOUNT CLAIMS: NPPD - \$73,436.28, PLATTE VALLEY STATE BANK - \$51,337.24, SCHOOL DISTRICT #7 - \$11,997.65

Mayor Clouse stated with the absence of Council members Buschkoetter and Lear, the Open Account Claims for NPPD and School District #7 will not be considered but placed on the December 13 Agenda. Moved by Kearney seconded by Lammers that the Open Account Claim in the amount of \$51,337.24 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Kearney, Lammers. Nay: None. Lear abstained. Buschkoetter and Lear absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

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

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**