

*Kearney, Nebraska
December 27, 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 December 27, 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, Bruce Lear, and Bob Lammers. Absent: Don Kearney. Wendell Wessels, Director of Finance; Michael Tye, City Attorney; 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: B.J. Simpson, Paul Brungardt, 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

There were no public hearings.

IV. CONSENT AGENDA

Moved by Lammers seconded by Lear that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

1. Approve Minutes of Regular Meeting held December 13, 2011.

2. Approve the following Claims:

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

3M \$2,641.55 smcs; AT&T \$277.16 smcs; Ace Hardware \$34.56 smcs; Air Science USA \$796.31 smcs; Alamar Uniforms \$4,113.38 smcs; Alertshirt \$541.94 smcs; Al-Jon \$1,643.40 smcs; All Makes Auto Supplies \$2,531.41 smcs; Allied Electronics \$71.36 smcs; Amazon Mktplace Pmts \$455.02 smcs; American \$1,509.39 smcs; Amer Fence \$4,097.03 smcs; Amer First Aid & Safety \$295.29 smcs; Amer Library Assn \$98.50 smcs; Amer Sealants Mktg \$50.00 smcs; AMSAN \$1,011.83 smcs; Analytical Services \$750.00 smcs; Anderson Bros \$161.78 smcs; APA Bookstore \$259.55 smcs; Apple Market \$20.30 smcs; Applied Ind Tech \$28.43 smcs; Arbys \$100.00 smcs; Ask Supply Co \$238.16 smcs; ASLA Member Services \$382.00 smcs; Audio Link \$566.29 smcs; Aurora COOP \$2,220.90 smcs; Baby Changing Stations \$207.26 smcs; Baker & Taylor Books \$3,086.60 smcs; Baltic Networks \$959.50 smcs; Beehive Industries \$7,697.00 smcs,co; Bennett,T \$1,141.50 smcs; Benson,G \$1,150.00 smcs; Best Books \$433.94 smcs; Blackburn Mfg \$165.64 smcs; Blessing \$93,016.07 co; BlueCross BlueShield of NE \$230,728.40 smcs; Blueglobes \$1,080.00 smcs; Bosselmans Energy \$31,281.97 smcs; Broadfoots \$750.00 smcs; Buffalo Co Treasurer \$39.00 co; Buffalo Outdoor Power \$90.52 smcs; Buhlke,D \$44.00 smcs; Builders Warehouse \$822.34 smcs; Buy.com \$799.96 smcs; Cabela's \$19.99 smcs; Capstone Press \$4,593.42 smcs; Carlson,D \$22.00 smcs; Carquest \$3,982.94 smcs; Carter,V \$327.75 smcs; Caseys \$60.71 smcs; Cash-Wa \$789.65 smcs; CDW Govt \$73.53 smcs; Center Point Large Print \$47.39 smcs; Central Fire & Safety \$31.50 smcs; Central Hydraulic Systems \$514.64 smcs; Central Ne Bobcat \$447.68 smcs; Centurion Technologies \$1,079.92 co; Century 21 Midlands \$1,000.00 smcs; Chamber of Commerce \$488.00 smcs; Charter Communications \$129.23 smcs; Chemsearch \$497.93 smcs; Chesterman \$93.60 smcs; Child's World \$1,150.90 smcs; Choyeski,L \$31.00 smcs; City of Ky \$9,758.12 ps; Clark,E \$14.56 smcs; Compandsave.com \$53.95 smcs; Complete Music & Video \$345.00 smcs; Conesco Life Ins \$19.00 ps; Construction Rental \$1,664.44 smcs; Copycat Printing \$288.35 smcs; CPS \$700.00 smcs; Credit Acceptance \$83.99 ps; Crossroads Ford \$617.68 smcs; CTO*GOTOMYPC.COM \$371.25 smcs; Culligan \$167.00 smcs; Cummins Central Power \$190.25 smcs; D&M Security \$64.50 smcs;

D&S Lighting \$31.60 smcs; Danko Emergency Equip \$83.16 smcs; Dell Marketing \$12,154.09 smcs,co; Delta Medical Systems \$176.80 smcs; DHHS Online Licensing \$1,380.00 smcs; Diamond Vogel Paint \$97.87 smcs; Dish Network \$122.52 smcs; DMI Dell K-12/Govt \$1,376.24 smcs; Dmilaco \$2,185.40 smcs,ps; Dog Poop Bags.com \$130.42 smcs; Dollar General \$12.84 smcs; Dominion Construction \$175.34 smcs; Duane Svec Advertising \$305.45 smcs; Dultmeier Sales \$427.35 smcs; Dutton-Lainson \$97.82 smcs; Eakes Office Plus \$9,564.89 co,smcs; Earl May \$22.95 smcs; Early Advantage \$2,960.37 smcs; Ecolab \$36.00 smcs; EMC Ins \$12,698.08 smcs; Envision Ware \$1,941.85 smcs; Erie Computer \$296.99 smcs; Eustis Body Shop \$182.50 smcs; Experts Exchange \$99.95 smcs; Fairbanks \$601.44 smcs; Fairfield Inn \$358.76 smcs; Fastenal \$80.21 smcs; FedEx Freight East \$64.96 smcs; Fiddelke HVAC \$14.00 smcs; Fisher Roofing \$5,795.00 smcs; Flohr,J \$22.00 smcs; Foster,D \$36.24 smcs; Fulton,K \$22.00 smcs; Gangwish Turf \$35.00 smcs; Gardels,L \$22.00 smcs; Garrett Tires \$33.00 smcs; Gaylord Bros \$356.44 smcs; GE Money Bank/Amazon \$2,394.38 smcs; Graham Tire \$88.32 smcs; Great Plains One Call Serv \$265.18 smcs; Hall,B \$22.00 smcs; Hampton Inn \$109.37 smcs; Hart,R \$15.00 smcs; HD Supply/Natl Waterworks \$1,163.37 smcs; Heartland Scuba Center \$17.50 smcs; Heiman Fire Equipment \$97.10 smcs; Hobby Lobby \$36.60 smcs; Holmes Plumbing & Heating \$895.31 smcs; Hotsy Equipment \$125.00 smcs; I-80 Eppley Express \$925.00 smcs; IAPE \$50.00 smcs; ICMA RC \$3,851.94 ps; Intermountain Sales \$371.00 smcs; IRS \$113,508.20 ps; Intuit Payment Solutions \$544.88 smcs; IPROMOTEU \$57.54 smcs; Jack Lederman \$323.45 smcs; Jacobson,P \$22.00 co; JC Penney \$288.70 smcs; Jensen Publishing \$26.00 smcs; Jerry's Sports Center \$162.50 smcs; JJ Keller & Associates \$358.94 smcs; JLC \$176,615.00 smcs; Johnstone Supply \$704.34 smcs,ps; Jr's Western Wear \$66.96 smcs,ps; K & K Parts \$587.86 smcs,co; Karre,E \$35.00 smcs; Kart-Man \$937.05 smcs; Ky Area Humane Soc \$6,825.00 smcs; Ky Clinic \$287.00 smcs; Ky Concrete \$17,770.56 smcs; Ky Crete & Block \$241.53 smcs; Ky Glass \$35.46 smcs; Ky Goodwill \$15.00 smcs; Ky Hub \$459.96 smcs; Ky Implement \$201.04 ps; Ky Quality Sew & Vac \$414.98 smcs; Ky Visitors Bureau \$33,657.00 smcs; Ky Winlectric \$110.59 co; Ky Winnelson \$114.02 ps; Ky Women's Club \$2,500.00 smcs; Ky Yamaha \$533.75 smcs; Ken & Al's \$81.62 smcs; Killion Motors \$44.97 ps; Kimball Midwest \$184.60 smcs; Kindel-WallstreetJournal \$14.99 smcs; Kindle-Denverpost \$5.99 smcs; K-mart \$89.97 smcs; Konica Minolta Business \$1,110.11 smcs,co; Labsafe \$232.66 smcs; Lawson Products \$731.41 co; LCL Truck Equipment \$270.48 smcs; Lead Marketing \$38.66 smcs; League of NE Municipalities \$278.00 smcs; Linweld \$561.67 ps; LTD Commodities \$163.15 smcs; Machines and Media \$169.00 smcs; Magic Cleaning Services \$6,460.00 smcs,co; Mail Express \$1,131.76 smcs; Marlatt Machine Shop \$318.79 smcs,co; Matt Friend Truck Equipment \$397.00 smcs; Matthew Bender \$338.10 smcs; McBee,S \$44.00 smcs; McDonalds \$100.00 smcs; Menards \$3,901.12 smcs; MetLife \$9.50 ps; Metro Tech Corp \$337.56 smcs,ps; Mid-NE Garage Doors \$425.00 smcs; Mid-State Engineering \$409.00 smcs; Midwest Storage Solutions \$8,842.50 smcs; Miller & Associates \$31,102.25 smcs; Miller Signs \$600.00 smcs; Moonlight Embroidery \$308.00 smcs; Municipal Supply \$2,193.09 smcs; Myseniorcenter.com \$170.00 smcs; Napa All Makes Auto Supply \$1,197.53 smcs; NCS Equipment \$548.59 smcs; NE Assn of Airport Officials \$250.00 er,ds; NE Child Support \$2,195.60 co,ds; NE League of Municipalities \$225.00 smcs; NE State Fire Marshall \$240.00 smcs; NE Truck Center \$613.26 smcs; NE Green Expo \$260.00 smcs; NE Safety/Fire \$175.00 smcs; Nelson,C \$22.00 co; Neon Design A-Sign \$290.30 smcs; New World Systems \$52,830.00 smcs; NFPA natl Fire Protect \$312.55 smcs; NGCSA

\$300.00 co; NMC \$75.63 ps; Norm's Plumbing \$337.95 smcs; North Central Air \$20.00 ps; Northern Plains States \$1,503.53 ps; Northwestern Energy \$3,089.77 smcs; NSC Northern Safety \$253.28 smcs; NSG Galeton Gloves \$519.46 smcs; OCLC \$590.75 smcs; Office Max \$1,519.45 smcs; Officenet \$73.58 smcs; Oriental Trading \$74.89 smcs; O'Reilly Automotive \$1,089.33 smcs; Orscheln \$586.24 smcs; Oshkosh Corp Mcneilus \$293.55 smcs; Panowicz,K \$30.00 smcs; Paramount Linen \$16.17 smcs; Paypal-Ebay \$2.25 smcs; Paypro US \$29.95 smcs; PCAN \$50.00 smcs; Peerless Machine & Mfg \$21,119.83 smcs; Phil Chalmers Training \$198.00 smcs; Pickens,C \$25.00 smcs; Pla Conference \$395.00 smcs; Platte Valley Comm \$1,030.60 smcs; Positive Promotions \$787.45 smcs; Potter,B \$8.44 smcs; Presenta Plaque \$217.31 smcs; Presto-X \$292.00 smcs; Priority Management System \$98.00 smcs; Provantage \$721.77 smcs; Quality Craft Tools \$54.00 smcs; Quill \$707.31 smcs; RW Sorensen Const \$650.00 smcs; Random House \$30.00 smcs; Rasmussen Mechanical Serv \$1,505.97 smcs; Ready Mix Concrete \$2,365.57 smcs; Reams \$725.60 smcs; Recognition Unlimited \$211.28 smcs; Recorded Books \$334.71 smcs; Recreonics \$1,164.02 smcs; Redmans Shoes & Ranchwear \$322.42 smcs; Reinke's Heating \$547.19 smcs; Relectric Supply \$661.65 smcs; Reserve Account \$750.00 smcs; S&B Heating \$212.80 smcs; SA Foster Lumber \$34.18 smcs; Safelite \$20.00 smcs; Sahling Kenworth \$658.95 smcs; Sandry Fire Supply \$200.00 smcs; Sears Dealer \$172.38 smcs; Setcom \$234.13 smcs; Shea,S \$336.00 smcs; Sherwin Williams \$114.95 smcs; SMH SSI \$1,049.41 smcs; Smith Signs \$700.00 smcs; Snap On Tools \$999.00 smcs; SQ Moonlight Embroidery \$242.00 smcs; ST of NE-Aeronautics \$805.00 smcs; Steinbrink Landscaping \$124.46 smcs; SYX Globalgov/Edsolutn \$760.00 smcs; Target \$544.27 smcs; Tarpomatic \$907.50 smcs; The Big Rack Shack \$175.00 smcs; The Creative Teacher \$3.21 smcs; The Depository Trust \$467,642.87 smcs; The Sporting Edge \$127.47 smcs; The Thompson \$36.67 smcs; Tiger Supplies \$363.18 smcs; Tractor Supply \$775.03 smcs; Trans Iowa Equipment \$866.54 smcs; Trashcansunlimited \$183.75 smcs; Tri City Outdoor Power \$73.70 smcs; Tri-City BMX \$818.39 smcs; Turner Body Shop \$75.00 smcs; ULINE \$18.01 smcs; Unique Management Services \$537.00 smcs; Unispace \$10,414.41 smcs; Unitedstates Boxcorp \$49.65 smcs; UNL Ctr for Applied Rural \$360.00 smcs; US Postal Service \$377.70 smcs; Usborne Books \$232.11 smcs; Vanderbilts.com \$134.99 smcs; Vaughn's Images \$144.45 smcs; Verizon \$89.97 smcs; Video Service of America \$1,604.14 smcs; Voss Lighting \$238.64 smcs; WW Grainger \$1,224.88 smcs; Wal-Mart \$1,948.17 smcs; Water Enviro Federation \$499.00 smcs; We Care Tree Care \$80.00 smcs; Wegner,T \$275.00 smcs; Wickham,S \$44.00 smcs; Wilke Donovan Truevalue \$387.44 smcs; Witmer Public Safety \$41.98 smcs; World Theatre Foundation \$50,000.00 smcs; WPCI \$185.50 smcs; www.nchsoftware.com \$65.52 smcs; www.newegg.com \$206.69 smcs; Yant Equipment \$810.00 smcs; Yournexttire \$150.00 smcs; Zimmerman Printers \$590.02 smcs; Payroll Ending 12-17-2011 -- \$350,419.60. 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 January 10, 2012 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Accept the letter submitted by Team Won to withdraw their bid submitted to purchase the southeast corner of 8th Avenue and 19th Street and to accept the bid

submitted by Robert Cook in the amount of \$22,000.00.

5. Approve Change Order No. 1 showing an increase in the amount of \$39,347.00 submitted by the World Theatre Restoration and adopt **Resolution No. 2011-169**.

RESOLUTION NO. 2011-169

WHEREAS, Central Contracting, Inc. of Kearney, Nebraska has performed services in connection with the World Theatre Restoration Project, and the engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$39,347.00 and will increase the contract time by 30 days, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$451,900.00
Change Order No. 1 (12-27-2011)	+ 39,347.00
Contract Sum to Date	\$491,247.00

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

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve Change Order No. 10 showing an increase in the amount of \$36,667.00 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. 2011-170**.

RESOLUTION NO. 2011-170

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. 10 showing an increase to the contract sum in the amount of \$36,667.00, 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)	+ 11,545.00
Change Order No. 8 (8-9-2011)	+ 43,513.00

Change Order No. 9 (9-27-2011)	+ 17,146.00
Change Order No. 10 (12-27-2011)	+ <u>36,667.00</u>
Contract Sum to Date	\$4,696,433.00

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

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve Amendment to the Use and Operations Agreement for Hangar T-926 between the City of Kearney and Li'l Red Aero, Inc. designating John Hamling as President and adopt **Resolution No. 2011-171**.

RESOLUTION NO. 2011-171

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Amendment to Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve the Agreement for Hangar T-419 at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc. and adopt **Resolution No. 2011-172**.

RESOLUTION NO. 2011-172

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Hangar T-419 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve Change Order No. 1 showing an increase in the amount of \$200,213.01 and Application and Certificate for Payment No. 7 in the amount of \$12,808.03

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. 2011-173.**

RESOLUTION NO. 2011-173

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 Change Order No. 1 showing an increase in the amount of \$200,213.01, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the contractor and the City's engineer have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$12,808.03, as shown on Exhibit "B" 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	1,729,140.81
Retainage	86,457.04
Amount Due to Date	1,642,683.77
Less Previous Certificates for Payment	<u>1,629,875.74</u>
Current Payment Due	\$ 12,808.03

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. 7, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

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. 3 in the amount of \$300,414.15 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. 2011-174.**

RESOLUTION NO. 2011-174

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. 3 in the amount of \$300,414.15, 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	747,675.05
Less Previous Certificates for Payment	<u>447,260.90</u>
Current Payment Due	\$300,414.15

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt Resolution No. 2011-175 approving the updated Americans with Disabilities Act (ADA) Transition Plan for the City of Kearney.

RESOLUTION NO. 2011-175

WHEREAS, the Americans with Disabilities Act "ADA" was enacted on July 26, 1990, providing comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications; and

WHEREAS, on October 28, 2008 the City Council adopted Resolution No. 2008-201 approving the Americans with Disabilities Transition Plan; and

WHEREAS, the City has analyzed and will continue to analyze all City policies, practices, buildings and parks ensuring individuals with disabilities are provided an opportunity for full participation in City programs, services, employment and building accessibility.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the updated Transition Plan dated December 27, 2011, marked as Exhibit "A", be and is hereby adopted.

PASSED AND APPROVED THIS 27TH DAY OF DECEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7693 CREATING PAVING DISTRICT NO. 2011-949

Items 1, 2, 3 and 4 of the Consent Agenda Ordinances pertain to infrastructure improvements for 50th Street and 17th Avenue. This spring the Public Works Department plans to pave 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition. The Utilities Department included funds in this year's budget to construct water and sanitary sewer mains in 50th Street before the pavement and storm sewer are constructed.

When Hoehner Estates Third Addition was platted the owners signed a Subdivision Agreement that stated they would not protest water, sewer and paving districts in the future. The Public Works Department is creating a paving district for 17th Avenue and 50th Street due to increased traffic caused by development located west of the Hoehner Estates Third Addition. The Utilities Department is creating water and sanitary sewer mains as connection districts in 50th Street because the sanitary sewer main will not be operational as a gravity sewer main until the sanitary sewer main is extended east of 17th Avenue to 11th Avenue and northward to 56th Street.

Council Member Lear introduced Ordinance No. 7693, being Subsection 1 of Agenda Item V creating Paving Improvement District No. 2011-949 for 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules. 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, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7693 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7693 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7693 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.

ORDINANCE NO. 7694 CREATING PAVING DISTRICT NO. 2011-950

Items 1, 2, 3 and 4 of the Consent Agenda Ordinances pertain to infrastructure

improvements for 50th Street and 17th Avenue. This spring the Public Works Department plans to pave 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition. The Utilities Department included funds in this year's budget to construct water and sanitary sewer mains in 50th Street before the pavement and storm sewer are constructed.

When Hoehner Estates Third Addition was platted the owners signed a Subdivision Agreement that stated they would not protest water, sewer and paving districts in the future. The Public Works Department is creating a paving district for 17th Avenue and 50th Street due to increased traffic caused by development located west of the Hoehner Estates Third Addition. The Utilities Department is creating water and sanitary sewer mains as connection districts in 50th Street because the sanitary sewer main will not be operational as a gravity sewer main until the sanitary sewer main is extended east of 17th Avenue to 11th Avenue and northward to 56th Street.

Council Member Lear introduced Ordinance No. 7694, being Subsection 2 of Agenda Item V creating Paving Improvement District No. 2011-950 for 17th Avenue from 49th Street Place north 522.66± feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules. 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, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7694 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7694 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7694 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.

ORDINANCE NO. 7695 CREATING WATER CONNECTION DISTRICT NO. 2011-1

Items 1, 2, 3 and 4 of the Consent Agenda Ordinances pertain to infrastructure improvements for 50th Street and 17th Avenue. This spring the Public Works Department plans to pave 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition. The Utilities Department included funds in this year's budget to construct water and sanitary sewer mains in 50th Street before the pavement and storm sewer are constructed.

When Hoehner Estates Third Addition was platted the owners signed a Subdivision Agreement that stated they would not protest water, sewer and paving districts in the future. The Public Works Department is creating a paving district for 17th Avenue and 50th Street due to increased traffic caused by development located west of the Hoehner Estates Third Addition. The Utilities Department is creating water and sanitary sewer mains as connection districts in 50th Street because the sanitary sewer main will not be operational as a gravity sewer main until the sanitary sewer main is extended east of 17th Avenue to 11th Avenue and northward to 56th Street.

Council Member Lear introduced Ordinance No. 7695, being Subsection 3 of Agenda Item V creating Water Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules. 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, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7695 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7695 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7695 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.

ORDINANCE NO. 7696 CREATING SEWER CONNECTION DISTRICT NO. 2011-1

Items 1, 2, 3 and 4 of the Consent Agenda Ordinances pertain to infrastructure improvements for 50th Street and 17th Avenue. This spring the Public Works Department plans to pave 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition. The Utilities Department included funds in this year's budget to construct water and sanitary sewer mains in 50th Street before the pavement and storm sewer are constructed.

When Hoehner Estates Third Addition was platted the owners signed a Subdivision Agreement that stated they would not protest water, sewer and paving districts in the future. The Public Works Department is creating a paving district for 17th Avenue and 50th Street due to increased traffic caused by development located west of the Hoehner

Estates Third Addition. The Utilities Department is creating water and sanitary sewer mains as connection districts in 50th Street because the sanitary sewer main will not be operational as a gravity sewer main until the sanitary sewer main is extended east of 17th Avenue to 11th Avenue and northward to 56th Street.

Council Member Lear introduced Ordinance No. 7696, being Subsection 4 of Agenda Item V creating Sewer Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules. 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, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7696 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7696 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7696 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.

VI. REGULAR AGENDA

MANAGER APPLICATION FOR KILEY KOSSMAN; VETERANS FW #759

Moved by Clouse seconded by Lear to remove from the table the application for manager for Kiley Kossman submitted by Veterans FW #759 located at 2215 1st Avenue in connection with their liquor license. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

An Application for Manager has been submitted by Veteran FW #759 in connection with their Class C-09025 liquor license located at 2215 1st Avenue. A background was conducted by the Police Department on Kiley Kossman as the applicant for Manager for the VFW and nothing was found that would prohibit Ms. Kossman from functioning as the manager. Some dated contacts were noted but none that would keep her from functioning in the position. According to the records at the Liquor Commission, the VFW had a violation for Selling to Minors in 2009.

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 Council adopted a Liquor License Policy on March 22, 2011. City staff developed a form entitled "Liquor License Training Compliance" requiring applicants to document and verify training compliance of their employees. Ms. Kossman has returned the form and copies of their Certificates of Training have been filed with the City Clerk.

B.J. Simpson presented this matter to the Council. All waitresses and bar tenders have taken the TIPS training and Certificates of Training have been filed with the City.

Moved by Lammers seconded by Lear to approve the application for manager for Kiley Kossman submitted by Veterans FW #759 located at 2215 1st Avenue in connection with their liquor license. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

OPEN ACCOUNT CLAIMS: PLATTE VALLEY STATE BANK - \$54,975.42, SCHOOL DISTRICT #7 - \$283.46

Mayor Clouse stated that with the absence of Council member Kearney and the abstention of Council members Buschkoetter and Lammers, the Open Account Claim for School District #7 will be placed on the next agenda for approval.

Moved by Buschkoetter seconded by Clouse that the Open Account Claim in the amount of \$54,075.42 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear abstained and Kearney absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

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

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**