

*Kearney, Nebraska  
July 24, 2012  
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 24, 2012, 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. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Jacque Haupt, Tony Jelinek, Jonathan Nikkila, Terry Eirich, Ken Tracy, Jeff Trimble, Steve Altmaier from KGFW Radio, Mary Jane Skala 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**

#### **CDBG 11-DTR-003, 10-TD-001, AND 11-NR-10 SECOND HEARING**

Mayor Clouse opened the public hearing to receive input on multiple Community Development Block Grants (11-DTR-003, 10-TD-001, and 11-NR-10) that the City has received over the past several years.

Jacque Haupt from Miller & Associates presented this matter to the Council. The World Theatre restoration was recently completed. They have just gone through the monitoring by CDBG. It is one of the CDBG's requirements to hold a public hearing to hear input after the project. The second project is the Brigham Lofts which is just initiating construction and is estimated to be done by the end of December 2012. There has been a preconstruction conference for it and the project has received NSP 3 funds. Those funds will flow through the City directly to the developer for the construction of apartments. The third project is the Downtown Revitalization area which was studied with a planning grant and is the first step in downtown revitalization. The City has recently been awarded funds to perform some construction in that area.

Mayor Clouse stated this is use of about \$1.7 million worth of projects they were able to leverage the sales tax to match on some of these grants. This shows a good use of the City's sales tax funds. Ms. Haupt stated that is also in addition to the investments made by the individuals in the community. Two out of the three projects are being done by private investors.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing to receive input on multiple Community Development Block Grants (11-DTR-003, 10-TD-001, and 11-NR-10) that the City has received over the past several years. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

### **IV. CONSENT AGENDA**

Mayor Clouse stated the Consent Agenda was amended on Monday, July 23, 2012 by adding Subsections 22 and 23.

Mayor Clouse also stated that Subsection 10 of the Consent Agenda is being postponed by City staff.

**10.** Accept the bids received for the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center and adopt Resolution No. 2012-119 awarding the bid. Moved by Lear seconded by Buschkoetter to postpone until August 14, 2012 Subsection 10 of the Consent Agenda. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 9 and 11

through 23 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

1. Approve Minutes of Regular Meeting held July 10, 2012.
2. Approve the following Claims:

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

42photocom \$84.95 smcs; AT&T \$244.88 smcs; Accuquilt \$48.00 smcs; Ace Hardware \$43.95 smcs; AccessData \$840.00 smcs; Adams Mystery Playhouse \$92.00 smcs; Adamson,T \$8.00 smcs; Advance Auto Parts \$11.98 smcs; Advance Pump \$608.18 smcs; Airgas \$142.97 smcs; Alfred Benesch \$1,883.52 co; All Makes Auto Supply \$1,461.57 smcs; Analytical Services \$1,500.00 smcs; Amazon \$965.12 smcs; American \$72.75 smcs; Amer Fence \$1,250.00 smcs; Amer First Aid \$495.02 smcs; Amer Red Cross \$15.00 smcs; Amer Signal \$8,375.00 co; Amsan \$735.08 smcs; Andersen Self Service \$17.39 smcs; Anderson,E \$11.00 smcs; Apex Superstore \$51.90 co; Apple \$128.32 smcs; Apple Market \$92.56 smcs; Applied Industries \$20.60 smcs; ARC Services \$2,695.00 smcs; Arrowhead Scientific \$20.84 smcs; Aschwege,T \$931.19 smcs; Ask Supply \$264.15 smcs; Audio Go \$195.91 smcs; Aurora Coop \$81.60 smcs; Baker & Taylor \$5,884.61 smcs; Baker,E \$12.77 smcs; Bamford \$844.00 smcs; Barlow,J \$400.00 smcs; Baughman,J \$92.40 smcs; Bells Curb Grinding \$2,440.00 co; Bennett,T \$1,043.25 smcs; Best Buy \$126.22 smcs; Bluecross Blueshield \$168,286.33 smcs; Bosselman Energy \$971.10 smcs; Broadfoot's \$22.50 smcs; Brodart Supplies \$58.44 smcs; Bruce Furniture \$98.00 co; Buckle \$545.70 smcs; Buffalo Co Sheriff \$118,688.58 smcs; Buffalo Outdoor Power \$526.70 smcs; Buggy Bath Car Wash \$144.00 smcs; Builders Warehouse \$1,484.91 smcs; Buycom \$45.44 co; Cabelas \$332.32 smcs; Cantral,K \$10.00 smcs; Capital Business Systems \$55.00 smcs; Carquest \$4,002.18 smcs; Casey's \$132.91 smcs; Cash-Wa \$12,941.85 smcs; CDW Govt \$393.70 smcs,co; Central Auto Electric \$208.54 smcs; Central Hydraulic \$4,076.84 smcs; Central NE Bobcat \$210.58 smcs; Central State Mueller \$1,341.74 smcs; Charter \$209.99 smcs; Chemsearch \$1,521.96 smcs; Chesterman \$1,597.40 smcs; Cisec \$50.00 smcs; City Glass \$149.81 smcs; City of Ky \$80,640.35 smcs,ps,co; Clear Bags \$45.45 smcs; Clevenger Oil \$522.60 smcs; Clkbankcom \$25.00 smcs; Cold Spring Granite \$828.00 smcs; Comfort Inn \$94.50 smcs; Community Action Partner \$3,008.93 co; Conseco Life Ins \$19.00 ps; Consolidated Fleet \$2,203.50 smcs; Construction Rental \$1,113.25 smcs,co; Copycat Printing \$1,021.79 smcs,co; Cornhusker Cleaning \$139.60 smcs; CPS \$180.00 smcs; Crane River Theater \$50.00 smcs; Creative Teacher \$37.20 smcs; Crossroads Ford \$225.30 smcs,co; Cummins Central Power \$251.19 smcs; CVI Kearney \$687.18 smcs; D&S Lighting \$56.76 smcs; Dahlstedt,R \$47.40 smcs; Dawson PPD \$45,681.78 smcs; Daylight Donuts \$149.20 smcs; Dell \$10,939.32 co; Depository Trust \$258,845.00 ds; Diamond Vogel \$166.19 smcs; Dillon,A \$25.00 smcs; Dish \$64.36 smcs; Dog Poop Bags \$74.25 smcs; DPC Ind \$6,323.92 smcs; Eakes \$1,529.78 smcs; Earl May \$34.99 smcs; Ecolab \$37.04 smcs; Esplund,J \$30.85 smcs; Eustis Body Shop \$225.00 smcs; EZ Turf \$18,542.64 co; Fairbanks \$8,691.98 smcs; Farmers Union \$46.00 smcs; Fastenal \$972.50 smcs;

Fedex \$23.47 smcs; Fiddelke \$80.00 smcs; Fireguard \$57.32 smcs; Fleetpride \$249.25 smcs; Footjoy \$62.34 smcs; Fred Pryor Career Track \$128.00 smcs; Frontier \$9,252.87 smcs; Gale \$1,601.73 smcs; Galls \$15.68 smcs; Garrett Tires \$4,832.65 smcs; Golf Course Superintendent \$340.00 smcs; Gottsch,A \$14.90 smcs; Gough,P \$150.00 smcs; Graham Tire \$30.86 smcs; Grainger \$888.35 smcs; Gray,U \$627.00 co; Great Plains One Call \$456.54 smcs; Griss,J \$71.87 smcs; GRSA Great Sand Dunes \$100.00 smcs; H&H Distributing \$1,554.00 smcs; Haarberg,R \$60.00 smcs; Hach Co \$825.81 smcs; Hands on Tools \$149.85 smcs; Harley Davidson \$915.98 smcs; HD Supply \$1,659.59 smcs; Helmer,N \$28.16 smcs; Henning,J \$100.00 smcs; High Country Restaurant \$913.30 smcs; Highsmith \$342.85 smcs; Hilti \$547.60 co; Historic Rail Adventures \$539.10 smcs; Hobby-Lobby \$343.96 smcs; Hoehner Turf \$131.05 smcs; Holmes Plumbing \$1,310.46 smcs; Hometown Leasing \$237.20 co; Hydrite Chemical \$3,606.57 smcs; ICMA RC \$3,855.71 ps; Industrial Fabrics \$1,517.73 smcs; IRS \$123,910.34 ps; Interstate Industrial \$1,285.92 smcs; IPMA \$369.00 smcs; iPromoTu \$133.46 smcs; J Gardner & Associates \$335.00 smcs; J&A Traffic Products \$2,729.00 smcs; J.J. Keller & Associates \$250.50 smcs; Jack Lederman \$967.39 smcs; John Deere Landscapes \$1,545.70 smcs; Johnson Controls \$1,450.00 smcs; Johnson Hardware \$210.00 co; Johnson Lawn & Landscapes \$1,950.00 co; Jorgensen,B \$25.89 smcs; K&F Associates \$1,592.50 smcs,co; K&K Parts \$263.50 smcs; Kasten,K \$11.67 smcs; Ky Concrete \$6,214.49 smcs,co; Ky Crete & Block \$1,854.02 smcs,co; Ky Glass \$60.00 smcs; Ky Hub \$2,236.57 smcs; Ky Humane Soc \$6,825.00 smcs; Ky Implement \$1,340.62 smcs; Ky Warehouse \$2,326.10 smcs; Ky Winlectric \$201.79 smcs; Ky Yamaha \$244.85 smcs; Ky Winnelson \$56.80 co; Kehl Tree Service \$2,285.00 smcs; Killion Motors \$91.45 smcs; Kimball Midwest \$167.76 smcs; Kindle \$24.28 smcs; K-Log \$404.41 co; Konica Minolta \$2,102.31 smcs; Ksprintscom \$85.55 smcs; Laser Art Design \$252.00 smcs; Lawson Products \$436.52 smcs; Lazlo's Brewery \$23.00 smcs; Liljehorn,J \$385.00 smcs; Linweld \$66.30 smcs; Locksmith Parts \$153.20 smcs; Logan Contractors Supply \$509.58 smcs; Lowe,T \$485.00 smcs; Luce,L \$36.30 smcs; Luther,M \$25.00 smcs; Magic Cleaning \$7,910.00 smcs; Mail Express \$1,014.76 smcs; Mangers,A \$56.00 smcs; Marlatt Machine Shop \$599.46 co; Masek Golf Car \$70.38 smcs; Matheson Tri-Gas \$62.10 smcs; McBride,S \$5.90 smcs; McDermott,R \$29.50 smcs; McMaster-Carr \$237.61 smcs; McMickell,C \$42.08 smcs; Menards \$2,407.19 smcs,co; Microtronics \$136.24 smcs; Midlands Molding \$50.00 smcs; Mid-State Engineering \$466.75 smcs; Midwest Labs \$4,550.00 smcs; Midwest Turf \$1,346.86 smcs; Miller & Associates \$26,200.53 smcs,co; Miller Signs \$1,045.00 smcs; Monoprice \$101.56 co; Moonlight Embroidery \$696.00 smcs; Moore Wallace \$624.24 smcs; Municipal Supply \$7,529.92 smcs,co; Napa All Makes \$213.70 smcs; Nashville Wraps \$1,194.50 smcs; NCS Equipment \$526.71 smcs,co; NE Child Support \$1,982.13 ps; NE Dept of Revenue \$27,982.00 smcs; NE Dept of Environmental \$15,132.94 smcs; NE Safety & Fire \$82.00 smcs; NE Truck & Equipment \$407.70 smcs; NE Truck Center \$645.92 smcs; NEland Distributors \$1,387.20 smcs; Netmotion Wireless \$1,047.45 co; New World Systems \$600.00 smcs; Newegg \$59.28 co; Newman Signs \$141.77 smcs; Nickerson,D \$30.00 smcs; Norm's Plumbing \$1,148.45 smcs; Northern Safety \$242.19 smcs; Northwest Electric \$282.67 smcs; Northwestern Energy \$1,308.61 smcs; NRG Media \$85.00 smcs; NSA/POAN Conference \$665.00 smcs; NWEA \$180.00 smcs; NYSCA \$210.00 smcs; OCLC \$636.00 smcs; Office Max \$890.03 smcs; Officenet \$278.01 smcs; Olive Software \$4,500.00 smcs; O'Reilly Auto \$725.34 smcs; Orscheln \$810.44 smcs; Oshkosh \$132.57 smcs; Outdoor Recreation \$1,561.00 smcs; Panowicz,K \$12.00 ps; Paramount Linen \$226.75 smcs; Party America \$12.05 smcs;

Pat's Plumbing \$165.00 smcs; Patterson,B \$86.92 smcs; Paypal \$310.75 co; PC Mall \$3,240.00 co; Pedalboatcom \$339.05 smcs; Peek,C \$201.09 smcs; Pet Kingdom \$85.68 smcs; Petpickups \$784.79 smcs; Petstar \$194.41 smcs; PGA Member Info Services \$952.00 smcs; Pickle-Ball \$378.57 smcs; Pioneer \$321.00 smcs; Pioneer Research \$591.03 smcs; Pitney Bowes \$107.47 smcs; Platte Valley Labs \$505.00 smcs; Platte Valley Comm \$792.44 smcs; Platte Valley State Bank \$35.00 smcs; Porter,S \$44.37 smcs; Power & Telephone Supply \$734.71 smcs; Presto-X \$315.02 smcs; Provantage \$2,077.98 co; Quality Inn & Suites \$513.66 smcs; Quill \$193.54 smcs; Radioshack \$6.59 smcs; Randolph,A \$31.80 smcs; Random House \$167.74 smcs; Ready Mixed Concrete \$37,432.42 co; Reams \$107.92 smcs,co; Recognition Unlimited \$47.23 smcs; Recorded Books \$548.87 smcs; Redman's Shoes \$335.98 co; Resource Management \$1,388.16 smcs; Riese,J \$50.00 smcs; RNDC-Eagle Division \$231.76 smcs; RNDC-Falcon Division \$487.79 smcs; Roberts,L \$23.16 smcs; Roper's Radiator \$65.00 smcs; Ruane,M \$17.81 smcs; Russell's Appliance \$103.86 smcs; Sacramento State College \$108.00 smcs; Sage,P \$21.40 smcs; Sapp Brothers \$29,633.59 smcs; Sara Lee Bakery \$61.10 smcs; Saylor,D \$6.00 smcs; Schoenhoser,S \$15.08 smcs; Schwans Home Service \$2,661.80 smcs; Seachord,K \$58.00 smcs; Shea,S \$384.00 smcs; Shop EZ \$10.67 smcs; Sitcorrectcom \$299.00 smcs; Soc for Human Resource \$180.00 smcs; SOS Portable Toilets \$105.00 smcs; Speedy Signs \$44.56 smcs; Sporting Edge \$45.00 smcs; Sports Village \$86.00 smcs; Springer Roofing \$21,565.85 smcs; Sprinkler Warehouse \$179.82 smcs; Squad-Fitters \$154.86 smcs; State of NE Dept of Labor \$5,537.67 smcs; Steel,K \$535.00 smcs; Steinbrink Landscaping \$3,272.17 smcs; Sterling Distributing \$625.40 smcs; Strategic Materials \$294.18 smcs; Sunmart \$105.97 smcs; Super Shine Auto Care \$46.50 smcs; Superior Signals \$995.00 smcs; Target \$84.05 smcs; Teledyne ISCO \$1,113.62 smcs; Texoma Golf \$578.28 smcs; Theis,J \$90.00 smcs; Thome,B \$293.00 smcs; Thompson,K \$14.87 smcs; Tielke's Sandwiches \$91.11 smcs; Tigerdirectcom \$326.72 co; Titleist \$699.76 smcs; Tractor-Supply \$527.78 smcs; Trans Iowa Equipment \$224.41 smcs; Tri City Outdoor Power \$530.59 smcs; Turner Body Shop \$75.00 smcs; Ullman,H \$38.00 smcs; Union Bank & Trust \$54,527.15 ps; UPRR \$2,185.45 smcs,er; Unique Management \$438.55 smcs; UPS \$53.12 smcs; USA Blue Book \$997.90 smcs; USDA-Aphis Animal \$85.00 smcs; USPS \$23.60 smcs; Van Diest Supply \$2,576.80 smcs; Vanhousen,D \$31.80 smcs; Vehicle Lighting \$160.41 co; Verizon Wireless \$1,110.34 smcs; Walgreens \$56.59 smcs; Walmart \$2,855.32 smcs; Walsh,C \$149.85 smcs; Walters Electric \$8,894.00 smcs; Ward Labs \$6.00 smcs; Warren-T Plumbing \$1,699.00 smcs; We Care Tree Care \$100.00 co; Wesels,W \$95.46 smcs; White,M \$36.77 smcs; Wicks Sterling Trucks \$305.75 smcs; Wigand Security \$90.00 smcs; Wilke's True Value \$132.66 smcs; WPCI \$132.00 smcs; Yant Equipment \$8,108.44 smcs; Yoder,K \$19.09 smcs; Zimmerman Printers \$185.65 smcs; Payroll Ending 7-14-2012 -- \$401,023.99. 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 14, 2012 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the KRAVE

Underground located in the Kaufmann Center, 2202 Central Avenue on August 11, 2012 from 6:00 p.m. until 12:00 a.m. for a reception.

5. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the KRAVE Underground located in the Kaufmann Center, 2202 Central Avenue on August 18, 2012 from 6:00 p.m. until 12:00 a.m. for a reception.

6. Adopt **Resolution No. 2012-116** appointing members to fill the vacancies/expiration on the following Boards/Commissions: Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Board of Adjustment, Community Redevelopment Authority, Downtown Improvement Board, Kearney Housing Agency, Library Advisory Board, Planning Commission, and Senior Services Advisory Board.

**RESOLUTION NO. 2012-116**

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**

Tim Higgins reappointed to July 31, 2017

Marvion Reichert reappointed to July 31, 2017

Kevin Witte reappointed to July 31, 2017

Kyle Flaherty appointed to fulfill term of Jerry Schroeder to July 31, 2015

**AIRPORT ADVISORY BOARD**

Kent Schroeder reappointed to July 31, 2017

**BOARD OF ADJUSTMENT**

Ron Ridgway reappointed to July 31, 2018

Brian Moore appointed to succeed Marlin Heiden to July 31, 2018

**COMMUNITY REDEVELOPMENT AUTHORITY**

Randy DeFreece reappointed to July 31, 2017

**DOWNTOWN IMPROVEMENT BOARD**

Jon Bokenkamp reappointed to July 31, 2017

**KEARNEY HOUSING AGENCY**

Barry Sherman reappointed to July 31, 2017

**LIBRARY ADVISORY BOARD**

Shawna Bowman reappointed to July 31, 2016

Carol Lomicky appointed to succeed Todd Herges to July 31, 2016

Kathleen Emken appointed to succeed Rebecca Evers to July 31, 2016

**PLANNING COMMISSION**

Stan Dart reappointed to July 31, 2015

Robert Cunningham reappointed to July 31, 2015

Andrew Williams reappointed to July 31, 2015

SENIOR SERVICES ADVISORY BOARD

Tim O’Dea reappointed to July 31, 2015  
Jackie Purdy reappointed to July 31, 2015  
Ruby Martin reappointed to July 31, 2015

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

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Accept the bids received for the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main and adopt **Resolution No. 2012-117** awarding the bid to Midlands Contracting in the amount of \$682,026.50.

**RESOLUTION NO. 2012-117**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on July 10, 2012 at 2:00 p.m. for the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost was \$729,199.30 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the sum of \$682,026.50 be accepted as the lowest responsible bid for 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Midlands Contracting of Kearney, Nebraska be and is the lowest responsible bidder for the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting of Kearney, Nebraska in the sum of \$682,026.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$729,199.30 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

- 8. Approve the Plans and Specifications for the Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport and set the bid opening date for August 9, 2012 at 10:00 a.m.
- 9. Adopt **Resolution No. 2012-118** accepting the Certificate of Substantial Completion for the World Theatre Restoration project submitted by the World Theatre Foundation.

**RESOLUTION NO. 2012-118**

WHEREAS, Central Contracting of Kearney, Nebraska has performed services in connection with the World Theatre Restoration project, and the World Theatre Foundation, Miller & Associates and Central Contracting have now certified that the work is completed as of June 18, 2012, as shown by Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby accepts the Certificate of Substantial Completion as shown on Exhibit "A".

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

- 11. Accept the bids received for the preparation and installation of sidewalks throughout the City of Kearney's Park & Recreation facilities and adopt **Resolution No. 2012-120** awarding the bid to GD Concrete Construction Inc. in the amount of \$128,450.00.

**RESOLUTION NO. 2012-120**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on July 19, 2012 at 2:00 p.m. for the preparation and installation of sidewalks throughout the City of Kearney's Park & Recreation facilities; and

WHEREAS, City staff has recommended the bid offered by GD Concrete Construction Inc. of Overton, Nebraska in the sum of \$128,450.00 be accepted as the lowest responsible bid for preparation and installation of sidewalks throughout the City of Kearney's Park & Recreation facilities.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City staff's recommendation is hereby accepted and approved, that GD Concrete Construction Inc. of Overton, Nebraska be and is the lowest responsible bidder for the preparation and installation of sidewalks throughout the City of Kearney's Park & Recreation facilities to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of GD Concrete

Construction Inc. of Overton, Nebraska in the sum of \$128,450.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**12.** Approve the recommendation from the Downtown Improvement Board to temporarily close Central Avenue from Railroad Street to 25th Street including intersections with the exception of 22nd Street on August 23, 2012 from 4:00 p.m. until 12:00 a.m. for the Destination Downtown event.

**13.** Approve the Plans and Specifications for the 2012 Part 4; Harmon Park Tennis Court Lighting and set the bid opening date for August 16, 2012 at 2:00 p.m.

**14.** Approve the Plans and Specifications for the 2012 Part 7; East I-80 Welcome Sign and set the bid opening date for August 16, 2012 at 2:00 p.m.

**15.** Adopt **Resolution No. 2012-121** approving Application and Certificate for Payment No. 2 in the amount of \$165,445.24 submitted by Blessing LLC and approved by Miller & Associates for the 2011 Part 9 Improvements consisting of Paving Improvement District No. 2011-949 for 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition, Paving Improvement District No. 2011-950 for 17th Avenue from 49th Street Place north 522.66± feet, Water Connection District No. 2011-1 and Sanitary Sewer Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet.

**RESOLUTION NO. 2012-121**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2011 Part 9 Improvements consisting of Paving Improvement District No. 2011-949 for 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition, Paving Improvement District No. 2011-950 for 17th Avenue from 49th Street Place north 522.66± feet, Water Connection District No. 2011-1 and Sanitary Sewer Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$165,445.24, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$662,615.50
Contract Sum To Date	662,615.50
Gross Amount Due	319,571.50
Retainage	31,957.15

Amount Due to Date	287,614.35
Less Previous Certificates for Payment	<u>122,169.11</u>
Current Payment Due	\$165,445.24

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 24TH DAY OF JULY, 2012.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**16.** Adopt **Resolution No. 2012-122** approving Application and Certificate for Payment No. 1 in the amount of 64,905.53 submitted by Midlands Contracting and approved by Miller & Associates for the 2011 Part 6 Improvements – Bid A consisting of Water District No. 2011-562 and Sanitary Sewer District No. 2011-502 for Country Club Lane from the south lot line of Lot 1 of Block Two, Aspen Meadows Second north to the north lot line of Lot 1 of Block One, Aspen Meadows Second; 37th Street from the west line of Country Club Lane to the west line of Lot 2 of Block Four, Meadowlark Estates Addition; and 25th Avenue Place from the north line of 37th Street to its terminus in a cul-de-sac.

**RESOLUTION NO. 2012-122**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2011 Part 6 Improvements – Bid A consisting of Water District No. 2011-562 and Sanitary Sewer District No. 2011-502 for Country Club Lane from the south lot line of Lot 1 of Block Two, Aspen Meadows Second north to the north lot line of Lot 1 of Block One, Aspen Meadows Second; 37th Street from the west line of Country Club Lane to the west line of Lot 2 of Block Four, Meadowlark Estates Addition; and 25th Avenue Place from the north line of 37th Street to its terminus in a cul-de-sac, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$64,905.53, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$231,818.00
Contract Sum To Date	231,818.00
Gross Amount Due	72,117.26
Retainage	7,211.73
Amount Due to Date	64,905.53
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 64,905.53

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**17.** Adopt **Resolution No. 2012-123** approving the Agreement between the City of Kearney and Nebraska Department of Roads for Project No. DPS-STP-10-2(116) for Phase II of the Kearney East Bypass project for utilities relocation from 11th Street to 56th Street.

**RESOLUTION NO. 2012-123**

WHEREAS, the City of Kearney and the State of Nebraska Department of Roads has started designing Phase II of the Kearney East Bypass project from 11th Street to 56th Street and need to procure a Consultant for the Preliminary Engineering and Construction Engineering services to design and oversee the construction of the City of Kearney’s municipal water and sewer utilities that are in conflict with the future bypass; and

WHEREAS, all work associated with the City owned and operated utilities will be relocated according to the LPA Guidelines Manual for Federal Aid Projects, with Bruce Grupe designated as the Responsible Charge (RC) to provide oversight for this phase of the project.

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Agreement between the City of Kearney and the State of Nebraska Department of Roads with regard to Project No. DPS-STP-10-2(116) (the Kearney East Bypass, 11th Street – 56th Street Project) regarding the relocation of utilities. A copy of said Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**18.** Adopt **Resolution No. 2012-124** accepting the Certificate of Substantial Completion submitted by Sorensen Group, Inc. and approved by Miller & Associates for the 2011 Part 8 Improvements; Airport Terminal Sign.

**RESOLUTION NO. 2012-124**

WHEREAS, Sorensen Group, Inc. of Kearney, Nebraska has performed services in connection with the 2011 Part 8 Improvements; Airport Terminal Sign, and Miller & Associates and Sorensen Group, Inc. have now certified that the work is completed as of April 6, 2012, as shown by Exhibit “A” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby accepts the Certificate of Substantial Completion as shown on Exhibit “A”.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**19.** Approve the application for a Special Designated License submitted by World Theatre Foundation to dispense beer, wine and distilled spirits at The World Theatre located at 2318 Central Avenue on August 10, 2012 from 5:00 p.m. until 12:00 a.m. for live music and a film.

**20.** Approve the application for a Special Designated License submitted by World Theatre Foundation to dispense beer, wine and distilled spirits at The World Theatre located at 2318 Central Avenue on August 24 and 25, 2012 from 5:00 p.m. until 12:00 a.m. each day for a fund raiser.

**21.** Adopt **Resolution No. 2012-125** amending Resolution No. 1997-106 and the Agreement to Extend Permit issued to Triangle Metals, LLC by changing the name on the Permit to Columbus Metal Industries – Kearney, LLC for property located at 4211 East 43rd Street.

**RESOLUTION NO. 2012-125**

WHEREAS, on July 8, 1997 the Council approved Resolution No. 1997-106 granting a Permit to Cross Utility Easement with Triangle Metals to construct a railroad spur line across a portion of a utility easement which lies in Lot 1, Kearney Industrial park Second Subdivision; and

WHEREAS, in 2011 an Agreement to Extend the Permit was granted allowing Triangle Metals LLC to construct and install an auto shredder on the said property; and

WHEREAS, Triangle Metals, LLC has undergone a reorganization and reformed to Columbus Metal Industries – Kearney, LLC and the Permit needs to reflect the name change.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Resolution No. 1997-106 and the Agreement to Extend Permit be and are hereby amended to reflect the name change from Triangle Metals LLC to Columbus Metal Industries – Kearney, LLC. Copies of Resolution No. 1997-106 and the Agreement to Extend Permit, marked as Exhibits “A” and “B” are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2012.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**22.** Approve the application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside the fenced area designated the dirt arena located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 17 and 18, 2012 from 3:00 p.m. until 12:00 a.m. for a monster truck race.

**23.** Approve the application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 18, 2012 from 2:00 p.m. until 12:00 a.m. for a reception.

## **V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **KVFD GRANT AWARD FROM MONSANTO FUND**

Mayor Clouse opened for discussion the Monsanto Fund Grant in the amount of \$20,000 awarded to the Kearney Volunteer Fire Department for the purchase of an inflatable decontamination shower.

In February of 2012, the Kearney Volunteer Fire Department submitted a grant application to the Monsanto Fund for the purchase of an inflatable decontamination shower. This purchase will provide access to immediate decontamination for large-scale incidents and to provide decontamination equipment to non-ambulatory casualties. The Kearney Volunteer Fire Department will use the portable decontamination shower purchased with this grant to provide on-site immediate decontamination at hazardous materials incidents ranging in size from small, limited scenes with few casualties to large incidents with mass casualties. KVFD anticipates providing this equipment not only in the Kearney service area, but also in the service areas of the eight rural departments which KVFD supports.

Fire Administrator Ken Tracy presented this matter to the Council. The purpose is to be used in case of mass decontamination in the event there would be a hazmat situation. Kearney is located on a very busy railroad spur. If there were to be an incident which would require mass decontamination, we now would have that ability. This shower accommodates anyone who is ambulatory which means even if they are on a gurney or stretcher they could be decontaminated before transporting to Good Samaritan where they could be decontaminated again.

Fire Chief Terry Eirich stated the way this came about was that last summer they had a mock drill training as a hazmat situation involving Monsanto with the kids they had detasseling. It was set up by Odessa with several departments involved including Monsanto and Good Samaritan. The drill was to see how well prepared they were for such an incident. The scenario was there were kids in the field working and a spray plane flew over and accidentally sprayed them with chemical. Then the fire department was paged to the scene. After the drill was over, they all sat down and critiqued what went well and what went badly.

As a Fire Department in Kearney, they believed setting up their decontamination shower was one of their minuses. The shower they got from the federal government was difficult to set up and without doing it on a regular basis, they were not very fast setting it up.

One of the issues noted was that they took too long to get it set up and began running the kids through. Monsanto stated they had a grant available for things like that. The Fire Administrator did a lot of work and got the grant ready and submitted. He was glad to say that KVFD was accepted to get the grant. The new shower they will be getting is very easy to set up (3-5 minutes). It should benefit all of Buffalo County because they have the Buffalo County Hazmat team. Kearney has the decontamination trailer and Gibbon has the hazmat trailer at their facility. Approximately eight departments cover Buffalo County.

Jeff Trimble from Monsanto stated he was presenting the check on behalf of Monsanto to the Kearney Volunteer Fire Department in the amount of \$20,000 for the decontamination shower. This is not only an asset to the Fire Department, but also the City of Kearney where businesses like Monsanto and their workers in the fields are definitely very busy during June and July. It is a benefit to the entire community to have this equipment in case the need arises.

Moved by Clouse seconded by Lammers to accept the Monsanto Fund Grant in the amount of \$20,000 to the Kearney Volunteer Fire Department for the purchase of an inflatable decontamination shower. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

**OPEN ACCOUNT CLAIM: NPPD - \$91,313.16**

Moved by Lammers seconded by Lear that Open Account Claim in the amount of \$91,313.16 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Kearney, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

**VII. REPORTS**

**CRUISE NITE**

Mayor and Council members thanked the law enforcement for their presence and supervision during Cruise Nite. It is a big event for Kearney and was successful.

**VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 7:12 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**