

*Kearney, Nebraska
February 28, 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 February 28, 2012, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. 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; Dan Lynch, Chief of Police; and Bruce Grupe, City Engineer were also present. Some of the citizens present in the audience included: Bob Harpst, Dennis Potthoff, Marvion Reichert, Jim Bunger, Jonathan Nikkila, Bob Karre, Steve Altmaier from KGFW Radio, Kevin Hervert from Kearney Hub, five UNK students.

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

Pastor Greg Swinney from Christian Student Fellowship provided the Invocation.

PLEDGE OF ALLEGIANCE

Three Boy Scouts from Troop 158 and ten Boy Scouts from Troop 139 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

½¢ SALES TAX CAPITAL IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager Michael Morgan presented this matter to the Council. Since the ½ cent sales tax was passed a few years ago, they have continued to add projects. Recently it was discussed that priority would be given to many street projects which will be occurring over the next few years. There are some One and Six Year street projects that are also on this list. Some of the major changes on some projects that have increased in the cost included:

- Yanney Park parking lot because they were not successful in securing a grant for half of that project; additional amount is \$150,000.
- The All-inclusive Playground project's cost has increased mainly due to adding some accessible parking and site improvements that must be done. That project is now budgeted at \$300,000.
- There are also some funds for the Park & Recreation and Library parking to do at least a phase project of \$100,000.
- Starting in 2012, some sidewalk work will be started, miscellaneous street repairs and asphalt street projects including the 5th Avenue project and 16th Street north of the Courthouse.
- The bonded projects are 2nd Avenue which is on the One and Six Year Plan and 50th Street and 17th Avenue improvements.

In October 2012 there is \$1.5 million towards a corporate/commercial type hangar at the airport for which they will issue revenue bonds. The last two payments for the airport terminal renovation will be paid. Monies continue to be set aside for City Hall HVAC system and other small projects. Downtown lighting projects will be implemented. The beautification projects should be finished up this week which have been funded and some completed in the past. Turkey Creek clean-up project is coming in under budget and will continue east of the canal which is further than expected until the matching funds they have received run out. Funds have been plugged in for the data site improvements (if needed in the future) for purchasing and any additional expenses associated with that project. It also includes meeting the City's reserves for its total debt service of 35 percent target which is at 17 percent. Another major project to be included in the upcoming year is Highway 30 and Avenue N from 25th Street to 28th Street. This is a brief overview of some of the projects that are out there.

A couple of the projects that are not included, but have been discussed are: the skateboard park although it has not been funded has some funds authorized for design and the Veterans War Memorial.

Mayor Clouse inquired about the funding for the World Theatre project. City Manager stated the amount of the change order on this agenda is the last commitment that the City has made. The additional funding necessary to meet the obligations in the contract are funded so there should not be any additional payout. Although there are always

things that a renovation project runs into, it will be their responsibility. No additional funding has been discussed with City staff.

Council member Lammers stated that the total cost of the All-inclusive Playground amount was \$468,000 and asked if \$300,000 was from the City. City Manager stated that \$300,000 was from the City and \$168,000 came from a specific donor, the Scott Morris Family, for equipment. The local group has raised approximately \$8,000 to go towards some of the costs. Although he mentioned some site improvement costs earlier in the report, there were also some engineering costs for the design. He believed the estimate for that project is high and may come in lower by doing some of the accessible things with their own staff or on a separate contract. That maximum number was plugged in to make sure the Council was aware of what the maximum estimated cost could be.

Bob Harpst, 912 11th Avenue, stated the Veterans War Memorial had been mentioned, but he wanted to give an update on that project. They are waiting on confirmation of the property before they seriously start raising money. He has been working with the City Manager, City staff and the Yanney Park Board and is in the process of getting some property. If it cannot go there, then they will go to plan B that is to be determined. He just wanted to let everyone know that this project is still very much alive, planning, redesigning and moving forward.

Marvion Reichert, 18 Rolling Hills, stated he was pleased to see the opening of the Crossroad Center. It is a good facility, but hopes there is not much need for it to show people are doing well. He also wants to see the skateboard park pushed up on the list. He has been pushing for it for the past 6-7 years and hopes to see it become a reality in the next five years or so.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the $\frac{1}{2}\%$ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the One & Six Year Street Improvement Plan and consider Resolution No. 2012-26.

City Engineer Bruce Grupe stated they have had no requests for revisions since the last meeting.

Council member Lammers asked if the street connecting 37th Street to 39th Street on Country Club Lane was going to be done by the developer. He gets a lot of questions from citizens about that. City Manager stated there has been a lot of discussion about that and is a developer driven project. It is interesting because some people want it and some people do not want it to occur. The developer is about at the limit of what he can do to achieve any other building permits. As they go north, it will have to be extended

completely to Country Club Lane. There is only a little more work that can be done before that. This development has a developer infrastructure agreement.

Director of Public Works, Rod Wiederspan, stated that districts were created this year for Country Club Lane up to 37th Street and then tied in over to 28th Street. When this project bid, the bids came in higher than the developer could pencil out to make it profitable on his project. The developer withdrew at that time. He anticipated if the economy picks up and prices come down a little more, the developer will probably be back, but right now he is not interested in going forward.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt **Resolution No. 2012-26** approving the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2012-26

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 7:00 p.m. on February 28, 2012, in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2013 and the Six Year City Street Plan ending September 30, 2018, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CDBG GRANT FOR DOWNTOWN REVITALIZATION ACTIVITIES

Mayor Clouse opened the public hearing concerning an application to the Department of Economic Development for a Community Development Block Grant for downtown revitalization activities and consider Resolution No. 2012-27.

Assistant City Manager Suzanne Brodine presented this matter to the Council. The Downtown Revitalization program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development. This grant is available for local governments to plan for and finance redevelopment in traditional downtown districts. The program is split into two phases: planning and construction/implementation. The City of Kearney received planning funds to complete a Downtown Revitalization Plan which was completed by RDG Planning & Design. This application is for Phase II which is for construction/implementation of the plan.

The City of Kearney is requesting \$350,000 for Phase II downtown revitalization activities. The City is required to provide a cash match of \$111,700. There are three areas of emphasis with this project which will aid in connectivity of the entire downtown area through improved aesthetics and navigational ease. The three areas of emphasis are outlined below:

- **Streetscape** – This project focuses on Central Avenue from 25th Street to 22nd Street. The streetscape project will include new energy efficiency lighting directed to enhance pedestrian walkways and contribute to the aesthetics of the district. The lighting will be the 2-Globe type lights on 12-foot light poles, not including intersection lighting which will be upgraded to provide additional street lighting outside of the scope of this grant. In addition to the lighting there will be the elimination of the existing in-ground planting beds on Central Avenue from Railroad Street to 25th Street which will reduce maintenance for City staff and expand sidewalk areas available to businesses for seating. Incorporated into the project should be a City Code change or policy guideline for seating/fenced areas on the public sidewalk. Tree planters on Central Avenue from Railroad Street to 25th Street, on 23rd Street from Avenue A to 1st Avenue, and on 24th Street from Central Avenue to 1st Avenue will be expanded and irrigated. New plantings will surround trees and trees may be replaced where it is deemed necessary by an arborist. These larger areas of landscaping contribute to a “neighborhood” atmosphere. Street furniture will not be replaced, rather rearranged to optimize placement. The streetscape plan will be phased, where phase I (described here) would be conducted under the downtown revitalization grant and following phases for the remaining district would be planned for under the ½ cent sales tax Capital Improvement Plan (CIP) (\$200,000 every other year for ten years). Staggering phases reduces immediate cost to the City, reduces burden to the district while sidewalks are torn up, and created graduated tree planting in keeping with the tree policy for the Downtown.

- **Green Space/Civic Space** – Two small green spaces will be developed to provide refuge during events and continue the “neighborhood” feeling promoted by the streetscape project. A new green space surrounding the Civil War monument in the MONA parking lot would replace an underutilized paved area and enhance the majority of Downtown events – which already takes place in that parking lot. The parking lot west of Cunningham’s Journal has non-irrigated green space with mature trees and barren medians. Irrigating and re-sodding the green space would create additional refuge areas and replacing the areas that will not support grass (due to high foot traffic and size) with stamped concrete will allow for additional street furniture in a high traffic parking lot that is used for many events. Both the Cunningham’s lot and the north side of the World Theatre will have City-owned electric meters installed for vendor / event use. These changes reduce maintenance, increase aesthetic appeal and “neighborhood” atmosphere, provide better venues for events and increase the value of the space to neighboring businesses.

- **Parking** – The 8-hour parking lot north of City Hall will receive aesthetic improvements such as landscaping and brick stamping. These improvements to the parking lot will increase connectivity throughout the district and enhance aesthetic appeal and “neighborhood” atmosphere. This lot would also have a City-owned electric meter installed for vendor/event use.

The City Council has set aside \$50,000 per year, over four years, to fund a capital improvement project in the Downtown district, which has accumulated to \$200,000.

Phase I of the DTR grant was matched with \$9,300 from this fund. The Downtown Improvement Board recommends using the remainder of these funds as the cash match for this grant project.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2012-27** approving the application to the Department of Economic Development for a Community Development Block Grant for downtown revitalization activities. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2012-27

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$350,000 for downtown revitalization activities.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held February 14, 2012.

2. Approve the following Claims:

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

A-1 Cleaning \$925.00 smcs; ABA Recovery Services \$140.11 ps; ABPA Region12 \$65.00 smcs; Ace Hardware \$197.33 smcs; Advisors Marketing \$545.43 smcs; Aflac \$3,196.16 ps; Alamar Uniforms \$53.89 smcs; Alfred Benesch \$2,874.40 co; All Makes Office Equip \$7,724.70 co; Allied Electronics \$116.03 smcs; Allmand Bros \$988.82 smcs; Amax Contracting \$283.20 smcs,co; Amazon \$510.05 smcs; American \$548.82 smcs; Amer Backflow \$70.00 smcs; Amsan \$161.00 smcs; Analytical Services \$1,125.00 smcs; Anderson Bros \$1,913.24 smcs; Anderson,S \$33.00 smcs; Apple Market \$23.05 smcs; Apple Online Store \$100.06 smcs; Applied Industrial Tech \$79.76 smcs; Ask Supply \$2,188.57 smcs,co; Aurora Cooperative \$2,619.76 ps; Aviva \$1,220.00 smcs; Baker & Taylor Books \$2,950.52 smcs; Bamford \$716.00 smcs; Battery Mart \$53.34 smcs; Bean,A \$25.00 smcs; Berg,B \$33.00 smcs; Big Rack Shack \$337.76 smcs; Blessing \$28,530.00 smcs,co; Bluecross Blueshield \$385,176.88 smcs; Bosselman \$1,768.00 smcs; Bray,C \$12.83 smcs; Broadfoot's \$1,990.00 smcs; Brown,C \$105.53 smcs; Bubble Factory \$128.45 smcs; Buffalo Co Reg Deeds \$20.50 smcs; Builders \$2,690.52 smcs,co; Buydigcom \$219.99 smcs; Cabela's \$42.07 smcs; Carquest \$4,376.47 smcs; Cash Wa \$1,459.12 smcs; Center Point Large Print \$70.11 smcs; Central Hydraulic \$1,376.83 smcs; Central State Wire \$5,586.53 smcs; CFA Software \$2,995.00 smcs; CH Diagnostic \$1,135.00 smcs; Charter \$39.99 smcs; Chartwells \$700.00 smcs; Chemsearch \$140.13 smcs; Chesterman \$461.75 smcs; Chief Supply \$138.39 smcs; CHS Agri Service Center \$720.09 smcs; City Glass \$64.95 smcs; City of Ky \$264,522.84 smcs,ps; Classic Car Collection \$105.00 smcs; Clines,T \$14.59 smcs; Coast to Coast Solutions \$207.62 smcs; Cold Spring Granite \$1,344.00 smcs; Community Action Partner \$11,217.00 co; Computer Hardware \$99.00 co; Computer Warehouse \$48.91 co; Construction Rental \$191.17 smcs; Cook Construction \$2,000.00 smcs; Copycat Printing \$1,220.84 smcs; Credit Management Services \$175.22 ps; Crossroads Ford \$83.97 smcs; CT Flags \$336.25 smcs; Culligan \$167.00 smcs; Cumbres & Toltec \$1,000.00 smcs; D&S Lighting \$701.29 smcs,co; Danko Emergency \$138.50 smcs; Dawson Co PPD \$21,797.90 smcs; Dell \$1,469.51 smcs; Demco \$11,063.57 co; Depository Trust \$2,625.00 ds; Diamond Vogel \$133.26 smcs; Dibbern, B \$585.82 smcs; Dish Network \$64.36 smcs; Displays 2 Go \$28.29 smcs; Displays and Holders \$239.15 smcs; Dogpoopbags.com \$313.97 smcs; Dollar General \$34.24 smcs; Drivers License Guide \$28.95 smcs; Dugan Business Forms \$522.54 smcs; Dutton-Lainson \$329.15 smcs; Eakes \$1,343.67 smcs,co; Ecolab \$36.00 smcs; Elliott Equipment \$1,290.11 smcs; EMC Ins \$1,140.21 smcs; Emergency Services \$13.78 smcs; Enterprise \$88.21 smcs; Erbsen,S \$33.00 smcs; Estes,B \$33.00 smcs; Eustis Body Shop \$75.00 smcs; Expression Wear \$502.90 smcs; Fairbanks \$1,634.53 smcs; Farmers Union \$19.11 smcs; Fastenal \$6,870.31 smcs,co; Fedex \$45.11 smcs; Fiddelke Heating \$191.29 smcs; Fleetpride \$1,942.63 smcs; Fore Reservations \$1,500.00 smcs; Frontier \$8,921.98 smcs; Fulton,K \$33.00 smcs; Garrett Tires \$4,106.75 smcs; Gasseling,L \$33.00 smcs; GE Money Bank \$1,647.65 smcs; General Spring of Kansas \$400.78 smcs; Google Quick Office \$4.99 smcs; Grainger \$2,876.22 smcs,co; Great Plains Motorcycle \$560.00 smcs; Gronewaller,B \$6.00 smcs; Hach Co \$742.50 smcs; Hahn,L \$66.00 smcs; Harrington,L \$33.00 smcs; Hayneedle \$469.99 co; HD Supply \$209.03 smcs; Hehnke,T \$33.00 smcs; Hilti \$510.20 co; Hobby-Lobby \$21.97 smcs; Holiday Inn \$8,112.69 smcs; Holmes Plumbing \$697.64 smcs; Horizon Designs \$1,050.00 smcs; Hrasky,D \$19.50 smcs; Hutchinson,J \$245.00 smcs; ICMA RC \$3,804.25 ps; IRS \$106,257.21 ps; Intl Society \$155.00 smcs; Jack Lederman \$977.97 smcs; JLC \$282,208.00 co; Johnson Controls \$1,217.51 smcs; Johnstone Supply \$322.10 smcs; Jones & Bartlett Learning \$56.97 smcs; Jones,P

\$33.00 smcs; Jorgenson Lockers \$432.50 smcs; Joseph's of Ky \$936.00 smcs; Just Blinds \$54.00 smcs; K&K Parts \$36.02 smcs; Kasan's \$24.06 co; Ky Clinic \$475.00 smcs,ps; Ky Coin Center \$30.00 smcs; Ky Comm Foundation \$150.00 smcs; Ky Crete & Block \$643.86 smcs; Ky Glass \$207.50 smcs; Ky Hub \$160.20 smcs; Ky Implement \$417.35 smcs; Ky United Way \$765.74 ps; Ky Warehouse \$92.34 smcs; Ky Winlectric \$221.25 smcs,co; Ky Winnelson \$70.18 smcs; Ky Yamaha \$71.30 smcs; Kelly Supply \$790.00 smcs; Killion Motors \$76.42 smcs; Kinder,D \$33.00 smcs; Kindle \$20.98 smcs; Kittle,D \$33.00 smcs; Lacy,M \$33.00 smcs; Lane,L \$33.00 smcs; Lawn Builders \$659.75 co; League of NE Municipalities \$140.00 smcs; Lebsock,A \$25.00 smcs; Ledsnsirenscom \$975.00 co; Linweld \$267.09 smcs; Lockmobile \$2.75 smcs; Loeffelholz,P \$66.00 smcs; Luke,D \$7.85 smcs; Mac Tools \$89.75 smcs; Magic Cleaning \$5,318.62 smcs; Mail Express \$867.66 smcs; Marlatt Machine Shop \$2,384.57 smcs; McCarty,D \$166.09 smcs; McLaughlin,P \$7.85 smcs; McMaster-Carr \$1,381.86 smcs; Menards \$3,533.73 smcs,co; Metlife \$7,362.59 ps; Michael Todd \$2,830.27 smcs; Micro Works Computer \$7,624.40 co; Mid-NE Garage Doors \$800.00 smcs; Mid-State Engineering \$159.25 co; Midwest Turf \$49.51 smcs; Miller & Associates \$1,050.00 smcs; Miller Signs \$65.00 smcs; Miller,J \$44.43 smcs; Misko's Sports \$42.78 smcs; Mitchell Repair \$780.00 smcs; Moonlight Embroidery \$376.00 smcs; Morse,S \$132.00 smcs; Myseniorcentercom \$890.00 smcs; Napa All Makes Auto \$139.35 smcs; NE Cemetery Assn \$40.00 smcs; NE Child Support \$2,195.60 ps; NE Dept of Revenue \$69,632.65 smcs,ps; NE Fire Sprinkler \$2,035.00 smcs; NE Game & Parks Comm \$1,000.00 smcs; NE Law Enforcement \$180.00 smcs; NE Professional Licensing \$80.00 smcs; NE Public Health \$641.00 smcs; NE Truck Center \$139.46 smcs; Nelson,C \$33.00 smcs; New World Systems \$600.00 co; Newegg \$17.98 co; Nintendo Power \$19.95 smcs; Northern Safety \$209.62 smcs; Northwest Electric \$1,521.69 smcs; Northwestern Energy \$1,221.91 smcs; OCLC \$457.90 smcs; Office Max \$2,258.26 smcs; Officenet \$647.03 smcs; O'Reilly Auto \$7.99 smcs; Oriental Trading \$250.00 smcs; Orscheln \$637.33 smcs; Overdrive \$1,500.00 smcs; Overhead Door \$105.20 smcs; Oxford University Press \$1,075.00 smcs; Paraben Corporation \$655.70 smcs; Paramount \$72.42 smcs; Party America \$8.58 smcs; Payflex Systems \$535.50 smcs,ps; Paypal \$1,871.48 smcs,co; Platte Valley Comm \$1,442.30 smcs; Presto-X \$214.00 smcs; Protex Central \$105.00 smcs; Provantage \$1,073.49 co; Pulliam,R \$140.00 smcs; Qualified Hardware \$300.00 smcs; Quill \$929.28 smcs; R&R Products \$61.75 smcs; Radio Shack \$3.41 smcs; Rall, Ruth \$132.00 smcs; Random House \$549.60 smcs; RDG Planning & Design \$5,895.00 smcs,co; Ready Mixed Concrete \$2,296.88 smcs; Recorded Books \$1,056.48 smcs; Reserve Account \$750.00 smcs; Resource Management \$1,077.12 smcs; RLS Construction \$279.99 co; Robert,J \$33.00 smcs; Roskop,D \$35.00 smcs; Rude,B \$33.00 smcs; Russell's Appliance \$1,863.00 co; SA Foster \$53.28 smcs; Safelite Auto Glass \$300.90 smcs; Sapp Bros \$25,276.29 smcs; Schanou,J \$14.40 smcs; Schluntz,N \$33.00 smcs; Sear,R \$95.22 smcs; Sears \$35.00 smcs; Sells,W \$875.00 smcs; Shea,S \$336.00 smcs; Sherwin Williams \$905.78 smcs; Simpson,J \$7.05 smcs; Sindt,D \$66.00 smcs; Sixel Consulting Group \$52,000.00 smcs; Smith Signs \$54.00 smcs; Snow,T \$400.00 smcs; Stanley Security \$301.44 smcs; Steffensmeier,J \$33.00 smcs; Stott,D \$46.00 co; Strategic Materials \$351.96 smcs; Streakwave Wireless \$208.79 co; SYX Global \$1,435.00 smcs,co; Target \$31.39 smcs,co; Thome,B \$12.37 smcs; Titleist \$9.44 smcs; Tractor Supply \$787.53 smcs; Trans Iowa Equipment \$267.68 smcs; Tri City Outdoor Power \$187.58 smcs; Tri-Cities Group \$855.00 smcs; Turner Body Shop \$3,620.00 smcs; Two Sister's Farms \$10,000.00 smcs; Union Bank \$54,241.06 ps; Unique Management Serv

\$375.90 smcs; United Air \$535.60 smcs; UNL \$60.00 smcs; UPS \$107.62 smcs,co; USPS \$284.80 smcs; Van Wall Equipment \$253.98 smcs; Verizon Wireless \$132.97 smcs,co; Vinylguard \$479.37 smcs; Vogt,C \$33.00 smcs; Walmart \$287.59 smcs,co; Watchguard Video \$70.00 ps; Wegner,T \$90.00 smcs; Weis Fire & Safety \$780.00 smcs; Wicks Sterling Trucks \$372.04 smcs; Wilke Donovans \$253.23 smcs; Wilson Doors \$582.49 smcs; Yaeger,L \$7.43 smcs; Yanda's Music \$20,479.14 co; Yant Equipment \$1,778.30 smcs; Youngs \$73.97 smcs; Payroll Ending 2-11-2012 -- \$339,106.09. 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 March 13, 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 Thunderhead Brewing Co., dba Thunderhead Brewing in connection with their Class I-47918 and Class LK-47920 catering liquor license to dispense beer and wine inside an enclosed 120' x 210' tent and fenced area located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on May 18, 2012 from 5:00 p.m. until 11:00 p.m. and on May 19, 2012 from 3:00 p.m. until 11:00 p.m. in connection with the Wine and Jazz Festival.
5. Adopt **Resolution No. 2012-28** approving T-Hangar A-5 Lease Agreement between the City of Kearney and Premier Aviation Training & Management, dba Kearney Aviation Center for storage purposes.

RESOLUTION NO. 2012-28

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar A-5 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Premier Aviation Training & Management, dba Kearney Aviation Center, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the Plans and Specifications for the 2010 Part 4 Improvements; Yanney Park Parking Lot and set the bid opening date for March 20, 2012 at 2:00 p.m.
7. Approve the Plans and Specifications 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 and set the bid opening date for March 20, 2012 at 2:00 p.m.

8. Approve the Plans and Specifications for the 2011 Part 14 Improvements; Avenue H Viaduct Repairs and set the bid opening date for March 20, 2012 at 2:00 p.m.
9. Accept the bids received for the purchase of a rear load refuse compactor truck and award the bid to Nebraska Truck Center in the amount of \$130,215.00.
10. Accept the bids received for the purchase of a side load refuse compactor truck and award the bid to Nebraska Peterbilt Ford in the amount of \$217,995.00.
11. Adopt **Resolution No. 2012-29** approving Change Order No. 4 showing an increase in the amount of \$23,766.00 submitted by the World Theatre Foundation.

RESOLUTION NO. 2012-29

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. 4 showing an increase to the contract sum in the amount of \$23,766.00 and increasing the contract time by 14 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
Change Order No. 2 (1-24-2012)	+ 11,468.00
Change Order No. 3 (2-14-2012)	+ 7,948.00
Change Order No. 4 (2-28-2012)	<u>+ 23,766.00</u>
Contract Sum to Date	\$534,429.00

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. 4, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Accept the bids received for the purchase of a 16-Foot Rotary Riding 4WD Diesel Mower and award the bid to Midwest Turf & Irrigation in the amount of \$71,634.00.
13. 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 March 24, 2012 from 3:00 p.m. until 12:00 a.m. for a reception.
14. 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 March 31, 2012 from 4:00 p.m. until 12:00 a.m. for a fund raiser.

15. Approve the request submitted by the Kearney Area Chamber of Commerce to conduct the first Crane Watch Festival parade for March 25, 2012 beginning at 4:00 p.m. The parade will begin on Central Avenue and Railroad Street, north on Central Avenue and ending at 24th Street.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 6596A CORRECTING LEGAL DESCRIPTION IN ORDINANCE NO. 6596

On December 14, 1999, the City Council approved the development of an industrial subdivision consisting of 31.61 acres located south of 39th Street and east of Antelope Avenue. As part of that development, the property needed to be rezoned from Agricultural District to Planned Light Industrial District. At that time, the final plat for Phase One known as Northeast Industrial Subdivision consisting of 9.07 acres was approved. While further development of the remaining property is being considered, it has been noted that the legal description that rezoned the property has an error that needs to be corrected.

Council Member Clouse introduced Ordinance No. 6596A, being Subsection 1 of Agenda Item V amending the legal description in Section 1 of Ordinance No. 6596 rezoning from District A, Agricultural District to District MP-1, Planned Light Industrial District property described as a tract of land being part of Government Lots 2 and 3, and the Northeast Quarter of the Northwest Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south side of 39th Street and east of Antelope Avenue), 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 Kearney 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, Lammers, Kearney, Buschkoetter, Lear. Nay: None. 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. 6596A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 6596A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 6596A 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

REDEVELOPMENT PROJECT IN AREA 5; LOPER SUITES, 2114 14TH AVENUE

Mayor Clouse stated the applicant has withdrawn the redevelopment project for Redevelopment Area #5 for an area described as the south 49 feet of Lot 2, all of Lots 3, 4, 5, 6, 9, 10, and the south 49 feet of Lot 11, all in Block 9, Kearney Land & Investment Company 2nd Addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom the west 92 feet of Lot 7 and the west 92 feet of the south 30 feet of Lot 8, Block 9 thereof (2214 14th Avenue). Therefore, no action was taken.

OPEN ACCOUNT CLAIMS: NPPD - \$349.18, SCHOOL DISTRICT #7 - \$2,744.05, MARILYN LAMMERS - \$33.00

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$349.18 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse abstained. Motion carried.

Moved by Lear seconded by Clouse that the Open Account Claim in the amount of \$2,744.05 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Kearney. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

Moved by Buschkoetter seconded by Clouse that the Open Account Claim in the amount of \$33.00 payable to Marilyn Lammers be allowed. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Kearney. Nay: None. Lammers abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:29 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

ATTEST:

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

MICHAELLE E. TREMBLY
CITY CLERK