

*Kearney, Nebraska
December 28, 2010
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 28, 2010, 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; Kirk Stocker, Director of Utilities; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Daniel Albert, Paul Brungardt, Ryan Brungardt and Nick Brungardt.

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 John Gosswein from Family of Christ Lutheran Church provided the Invocation.

PLEDGE OF ALLEGIANCE

Boy Scouts Ryan Brungardt and Nick Brungardt 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

ANNEXATION OF BROWN PROPERTIES; 1616 30TH AVENUE

Mayor Clouse opened the public hearing on the proposed annexation of the following tract of land to be included within the corporate limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue).

City Attorney Michael Tye presented this matter to the Council. The City has been investigating areas of the community that for one reason or another have not been annexed but are eligible for annexation. Most commonly, property is annexed into the corporate limits of the City through the subdivision process as the Final Plat for subdivided property contiguous to the corporate limits is filed at the Register of Deeds Office as "an addition to the City Of Kearney, Buffalo County, Nebraska." The City is then obligated to serve the property with municipal services within twelve months if the services are requested.

The second way to annex property is by agreement. The City received an agreement from the Brown Church Development favoring the annexation of their business which is located on the west side of 30th Avenue, 1616 30th Avenue. The Brown Development property is currently served with municipal services. The Council accepted the agreement on October 26, 2010.

In accordance with Section 19-929 of the Nebraska Statutes, "the municipal governing body shall not take final action on matters relating to...the annexation of territory...until it has received the recommendation of the planning commission if such commission in fact has been created and is existent." The Planning Commission considered the proposed annexation at a public hearing held on November 19, 2010 and was approved. There were no members of the public that testified at said hearing.

In accordance with Section 16-117 of the Nebraska Revised Statutes, the City Council, on December 14, 2010, passed a resolution stating its intent to annex, approved an annexation plan, and set the public hearing for comment on the proposed annexation before the City Council for December 28. The Council will receive comments from the public with regard to the annexation.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the proposed annexation of the following tract of land to be included within the corporate limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Mayor Clouse stated the agenda was amended on Monday to include Subsection 11 to the 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, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 14, 2010.
2. Approve the following Claims:

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

911 Custom \$17.00 smcs; A-1 Cleaning \$500.00 smcs; Afternooners \$21.00 smcs; Alamar Uniforms \$124.19 smcs; Amer First Aid & Safety \$164.54 smcs; Ask Supply \$258.58 smcs; Audio Go \$420.05 smcs; Aurora Cooperative \$54.40 smcs; Baker & Taylor Books \$2,625.43 smcs; Bells Curb Grinding \$160.00 co; Bennett,T \$846.00 smcs; Blackstone Audiobooks \$29.95 smcs; Bluecross Blueshield \$191,278.33 smcs; Bosselman \$93,408.48 smcs; Brabec,R \$550.00 smcs; Broadfoot's \$829.40 smcs,co; Buffalo Air Service \$2,627.11 smcs; Buffalo Co Treasurer \$10.00 co; Charter \$249.98 smcs; Chesterman \$57.28 smcs; Child's World \$2,124.85 smcs; City of Ky \$10,301.42 smcs,ps; College Savings Plan of NE \$200.00 ps; Conseco Life Insurance \$19.00 ps; Copycat Printing \$52.78 smcs; Credit Management Serv \$293.52 ps; Cummins Central Power \$938.99 smcs; Dawson Co PPD \$20,289.60 smcs; Depository Trust \$295,584.00 ds; Dirt Works \$11,135.00 smcs; Dish Network \$50.63 smcs; Dmilaco \$36.90 smcs; Dutton-Lainson \$372.01 co; Eakes \$323.39 smcs; Ecolab \$31.00 smcs; Elliott Equipment \$2,394.30 smcs; Farmers & Merchants Bank \$47.78 smcs; Farmers Union Coop \$28.00 smcs; Fiddelke Heating \$75.00 smcs; Footjoy \$49.64 smcs; Gale \$780.51 smcs; Galls \$263.93 smcs; Gangwish Turf \$190.50 smcs; Geotechnical Services \$1,903.00 co; Great Plains One Call \$298.87 smcs; Great Plains Safety \$150.00 smcs; Grupe,B \$91.50 smcs; Hart,S \$200.00 smcs; HD Supply \$474.47 smcs; Heggemeyer,L \$9.63 smcs; Honeywell First Responder \$18,132.05 smcs; HSBC Bank Nevada \$318.25 ps; IAEI \$32.00 smcs; IAPE \$50.00 smcs; ICMA RC \$4,096.41 ps; IRS \$108,097.81 ps; JLC \$310,388.00 co; Ky Area Storytelling \$600.00 smcs; Ky Clinic \$279.00 smcs,ps; Ky Concrete \$987.50 co; Ky Implement \$371.30 smcs; Ky Visitors Bureau \$30,844.73 smcs; Ky Yamaha \$7,450.00 co; Keogh,J \$35.38 smcs; Kiplinger Tax Letter \$67.00 smcs; Linweld \$35.80 smcs; Mac Tools \$243.77 smcs; Magic Cleaning \$1,400.00 smcs; Main Street Ky \$20,000.00 smcs; Marshall Cavendish \$2,949.20 co; Mathew Bender \$302.82 smcs; Metlife \$8.94 ps; Mid-Nebraska Garage Door \$100.00 smcs; Miller & Associates \$17,100.94 smcs,co; Mollard,H \$28.44 smcs; NE Aviation Council \$160.00 smcs; NE Child Support \$2,454.98 ps; NE Dept of Health & Human \$114.00 smcs; NE Dept of Revenue \$35,705.46 smcs; NE Rural Water Assn \$50.00 smcs; NE State Fire Marshal \$240.00 smcs; Nielsen,B \$31.00 smcs; Nova Fitness Equipment \$148.00 smcs; Office of Elevator Safety \$100.00 smcs; Olive Software \$2,818.72 smcs; Overhead Door \$111.10 smcs; Paramount Linen \$16.17 smcs; Ping \$490.50 smcs; Pitney Bowes \$223.95 smcs; Platte Valley Comm \$91.52 smcs; Postmaster \$70.00 smcs; Presto-X \$340.55 smcs; Quintana,A \$1.86 smcs; Random House \$360.80 smcs; Recognition Unlimited \$345.15 ps; Recorded Books \$132.22 smcs; Resource Management \$1,203.21 smcs; Snap-On Tools \$193.50 smcs; Sechtem,C \$21.78 smcs; Sesna,D \$21.86 smcs; Sherwin Williams \$124.17 smcs; Thomsen,J \$14.00 smcs; Turner Body Shop \$2,841.28 smcs; University of NE Lincoln \$60.00 smcs; Waggoner Plumbing \$1,197.00 smcs; Walsh,C \$80.32 smcs; Weigl

Publishers \$1,353.35 smcs; West Payment Center \$1,454.43 smcs; Wiederspan,R \$199.00 smcs; WPCI \$214.00 ps; Payroll Ending 12-18-2010 -- \$ 320,644.18. 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 11, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve Change Order No. 18 showing a decrease in the amount of \$378.00 submitted by Hausmann Construction and approved by Wilkins Hinrichs Stober Architects for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2010-232**.

RESOLUTION NO. 2010-232

WHEREAS, Hausmann Construction of Lincoln, Nebraska has performed services in connection with the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 18 showing a decrease to the contract sum in the amount of \$378.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$2,879,000.00
Change Order No. 1 (11-25-2008)	- 21,081.00
Change Order No. 2 (11-25-2008)	- 40,000.00
Change Order No. 3 (11-25-2008)	- 25,000.00
Change Order No. 4 (11-25-2008)	+ 4,900.00
Change Order No. 5 (2-24-2009)	- 1,959.00
Change Order No. 6 (3-10-2009)	- 7,226.00
Change Order No. 7 (4-14-2009)	+ 3,667.00
Change Order No. 8 (5-12-2009)	+ 3,072.00
Change Order Nos. 9 and 10 (9-8-2009)	+ 3,466.00
Change Order No. 11 (10-27-2009)	+ 10,220.00
Change Order No. 12 (11-10-2009)	+ 10,746.75
Change Order No. 13 (11-10-2009)	+ 1,660.00
Change Order No. 14 (12-22-2009)	+ 621.00
Change Order No. 15 (12-22-2009)	+ 1,711.00
Change Order No. 16 (3-9-2010)	+ 1,147.13
Change Order No. 17 (4-27-2010)	+ 929.00
Change Order No. 18 (12-14-2010)	<u>- 378.00</u>
 Contract Sum to Date	 \$2,829,413.88

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

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

5. Approve Change Order No. 1 showing a decrease in the amount of \$6,807.56, Application and Certificate for Payment No. 2-Final in the amount of \$311,130.27, accept the Certificate of Substantial Completion submitted by BSB Construction and approved by Miller & Associates for Phase I, Cell 5A Landfill Construction at the Kearney Area Solid Waste Agency Landfill and adopt **Resolution No. 2010-233**.

RESOLUTION NO. 2010-233

WHEREAS, BSB Construction from Curtis, Nebraska has performed services in connection with the Phase I, Cell 5A Landfill Construction at the Kearney Area Solid Waste Agency Landfill, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$6,807.56, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, BSB Construction and the City's engineer, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$311,130.27, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$459,638.10
Change Order No. 1 (12-28-2010)	- <u>6,807.56</u>
Contract Sum To Date	452,830.54
Gross Amount Due	452,830.54
Retainage	.00
Amount Due to Date	452,830.54
Less Previous Certificates for Payment	<u>141,700.27</u>
Current Payment Due	\$311,130.27

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 15, 2010, as shown by Exhibit "C" 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, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF DECEMBER, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Approve the bids received for the purchase of a side load refuse compactor truck used in the Sanitation Division and award the bid to New Way Trucks of Lincoln, Nebraska in the amount of \$226,849.00.

7. Approve Change Order No. 2 showing a decrease in the amount of \$11,106.87, Application and Certificate for Payment No. 4-Final in the amount of \$135,875.22, accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2010 part 2 Improvements – Bid B consisting of Paving Improvement District No. 2010-938 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; Paving Improvement District No. 2010-939 for 16th Avenue from 8th Street to 11th Street; Paving Improvement District No. 2010-940 for 15th Avenue from 8th Street to 11th Street and adopt **Resolution No. 2010-234.**

RESOLUTION NO. 2010-234

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2010 Part 2 Improvements – Bid B consisting of Paving Improvement District No. 2010-938 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; Paving Improvement District No. 2010-939 for 16th Avenue from 8th Street to 11th Street; Paving Improvement District No. 2010-940 for 15th Avenue from 8th Street to 11th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease in the amount of \$11,106.87, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and the City's engineer, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$135,875.22, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$698,752.00
Change Order No. 1 (9-28-2010)	+ 8,284.00
Change Order No. 2 (12-28-2010)	- <u>11,106.87</u>
Contract Sum To Date	695,929.13
Gross Amount Due	695,929.13
Retainage	.00
Amount Due to Date	695,929.13
Less Previous Certificates for Payment	<u>560,053.91</u>
Current Payment Due	\$135,875.22

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of December 9, 2010, as shown by Exhibit "C" 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, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve Change Order No. 4 showing an increase in the amount of \$8,628.00 submitted by Central Contracting and approved by Wilkins Hinrichs Stober Architects for the Kearney Regional Airport Terminal Addition and Renovation Project and adopt **Resolution No. 2010-235.**

RESOLUTION NO. 2010-235

WHEREAS, Central Contracting of Kearney, Nebraska has performed services in connection with the construction of the Kearney Regional Airport Terminal Addition and Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 4 showing an increase to the contract sum in the amount of \$8,628.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$694,450.00
Change Order No. 1 (9-28-2010)	+ 13,102.00
Change Order No. 2 (10-12-2010)	+ 6,621.00
Change Order No. 3 (11-9-2010)	+ 22,803.00
Change Order No. 4 (12-28-2010)	<u>+ 8,628.00</u>
Contract Sum to Date	\$745,604.00

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 DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve Addendum #2 to the South Central Area Law Enforcement Services (SCALES) Agreement to include the Lexington Police Department and adopt **Resolution No. 2010-236.**

RESOLUTION NO. 2010-236

WHEREAS, on July 25, 2006 the City Council passed and approved Resolution No. 2006-129 entering into an Interlocal Agreement with the cities of Kearney, Hastings, and Grand Island, and the counties of Buffalo, Adams, and Hall, Nebraska, which Agreement established a law enforcement alliance between the entities that allow for the equitable sharing of investigative resources on major criminal investigations, promote cooperation among area agencies to combat crime and criminals in the most effective manner possible, to create a mechanism by which purchases can be made jointly thereby reducing the costs for individual agencies and enhancing the abilities of all member agencies to acquire necessary investigative resources that might otherwise be too expensive, and to provide an example and leadership to other agencies in methods of cooperation and efficiency; and

WHEREAS, on December 23, 2008, the City Council adopted Resolution No. 2008-236 approving Addendum #1 to SCALES Interlocal Agreement for Cooperative Law Enforcement Services to include the Phelps County Sheriff's Office, Holdrege Police Department and the Aurora Police Department as members of the South Central Area Law Enforcement Services; and

WHEREAS, the Lexington Police Department has expressed a desire to enter into said Interlocal Agreement and become a member of the South Central Area Law Enforcement Services.

NOW, THEREFORE, 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 on behalf of the City of Kearney the "Addendum #2 to SCALES Interlocal Agreement for Cooperative Law Enforcement Services" as set forth in Exhibit "A", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the following Agricultural Leases at the Kearney Regional Airport from January 1, 2011 until December 31, 2011: B & B Bendfeldt Farms, L.L.C. and Brenda Bendfeldt (229 irrigated acres); David R. Fleming (383 non-irrigated acres); David R. Fleming (272 irrigated acres); Gary Henderson (34 irrigated acres); Tom Larsen and Ted Larsen (127 under pivot irrigated acres and 9 non-irrigated acres); Ron Hendrickson (75 dryland hay acres); and Lee Potter (62 irrigated acres) and adopt **Resolution No. 2010-237.**

RESOLUTION NO. 2010-237

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2011 until December 31, 2011:

- B & B Bendfeldt Farms, L.L.C. and Brenda Bendfeldt (229 irrigated acres) – annual cash rent is \$37,663.62;
- David R. Fleming (383 non-irrigated acres) – annual cash rent is \$26,810.00;
- David R. Fleming (272 irrigated acres) – annual cash rent is \$44,233.88;
- Gary Henderson (34 irrigated acres) – annual cash rent is \$5,389.00;
- Ron Hendrickson, dba "Agrident, Inc." (75 acres dry land hay) – annual cash rent is \$3,750.00;
- Tom Larsen and Ted Larsen (127 under pivot irrigated acres and 9 non-irrigated acres) – annual cash rent is \$21,182.02;
- Lee Potter (62 irrigated acres) – annual cash rent is \$10,106.00;

A copy of the Agreements, marked Exhibits "1", "2", "3", "4", "5", "6", "7", are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve the application for a Special Designated License submitted by Sports fans, LLC, dba Fanatics in connection with their Class C-78257 liquor license to dispense beer, wine and distilled spirits in the Great Platte River Road Archway Monument, One Archway Parkway on January 22, 2011 from 3:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7625 – ANNEXATION OF BROWN PROPERTIES, 1616 30TH AVENUE (PERTAINS TO PUBLIC HEARING 1)

Council Member Lear introduced Ordinance No. 7625, being Subsection 1 of Agenda Item VI annexing the following tract of land to be included within the corporate limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue), and moved that Ordinance No. 7625 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7625 on its first reading. Council Member Buschkoetter seconded the motion to place Ordinance No. 7625 on first reading. 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, Kearney. Nay: None. City Clerk read Ordinance No. 7625 by title on first reading.

SUNMART MANAGER APPLICATION FOR DANIEL ALBERT

Mayor Clouse opened for discussion the Manager Application for Daniel Albert submitted by U Save Foods, Inc., dba Sunmart #765 located at 3920 2nd Avenue in connection with their Class DK-24365 liquor license.

An Application for Manager has been submitted by U Save Foods, Inc., dba Sunmart #765 in connection with their Class DK-24365 liquor license located at 3920 2nd Avenue. A background was conducted on Daniel Albert as the applicant for Manager for Sunmart. Mr. Albert is the Store Director who has overall responsibilities for store operations. A background was conducted on Mr. Albert for the application. Nothing in the background would indicate he would not be suitable for this position. Mr. Albert has previous experience in this with other stores for which he has been the director. In June of 2009, the store was cited for sale to a minor. The store pled guilty and paid a fine for this offense. This was prior to Mr. Albert being named store director and this is the only violation since 1992.

Daniel Albert, 509 Grant Street, Holdrege, Nebraska, presented this matter to the

Council. He stated that each new member of his staff receives video training along with a reading program. They go through a one on one for approximately a 3-day period with each person who works in their liquor department. Employees are given refresher training about two to three times a year. He and some other members of his staff have completed further training so they can train staff.

Moved by Buschkoetter seconded by Clouse to approve the Manager Application for Daniel Albert submitted by U Save Foods, Inc., dba Sunmart #765 located at 3920 2nd Avenue in connection with their Class DK-24365 liquor license. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

AWARD BID FOR AIRPORT PARKING LOT REHABILITATION

Mayor Clouse opened for discussion the bids received for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23) and to consider Resolution No. 2010-238 awarding the bid to Blessing, LLC in the amount of \$696,717.50 contingent upon F.A.A. approval.

Airport Manager Jim Lynaugh presented this matter to the Council. The City bid the rehabilitation and expansion of the Airport Terminal parking lot early this year and only received two bids which were above the Engineer's Estimate. The City rejected those bids and on November 9, 2010 the City Council approved the rebidding of this project hoping for better bids for this coming spring season due to lower volume of upcoming local paving projects.

The proposed access road will be aligned with a future arterial road that is planned by the City on the west side of Airport Road. The new alignment will shift the access road intersection approximately 50 feet to the south. A one way loop road flow configuration has been designed. The use of one-way traffic, curb and gutters will allow efficient and safe drop off/pick up and parking for the public. A grassed island area/offset near the intersection with Airport Road is provided to allow for the development of a future left turn lane when required. This project includes the removal and replacement of the parking lot including area lighting. It will have approximately 130 parking stalls. On December 2, 2010 the City received the following three bids:

Contractor	Base Bid	DBE Minimum Commitment
Blessing, LLC, Kearney, Nebraska	\$696,717.50	6.08%
Paulsen, Inc., Cozad, Nebraska	\$846,534.50	6.63%
Cement Products, North Platte, Nebraska	\$1,219,962.50	6.51%

Alfred Benesch & Company submitted a letter recommending awarding the bid to Blessing, LLC for a total amount of \$696,717.50 contingent upon F.A.A. approval. It is anticipated that the project will be substantially completed within 70 calendar days. The Engineer's estimate of construction cost was \$878,794.50. This project is included in the 2011-2012 City of Kearney budget. The FAA will fund 95% of the project costs and the City of Kearney will be responsible for the remaining 5% of the project costs.

Moved by Clouse seconded by Kearney to approve the bids received for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23) and adopt **Resolution No. 2010-238** awarding the bid to Blessing, LLC in the amount of \$696,717.50 contingent upon F.A.A. approval. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2010-238

WHEREAS, Alfred Benesch & Company and the City of Kearney have reviewed the sealed bids which were opened on December 2, 2010 at 2:00 p.m. for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$878,794.50; and

WHEREAS, the said engineers have recommended the bid offered by Blessing, LLC of Kearney, Nebraska in the sum of \$696,717.50 be accepted as the lowest responsible bid; and

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 Blessing, LLC of Kearney, Nebraska be and is the lowest responsible bidder for the Kearney Regional Airport Terminal Parking Rehabilitation Project (AIP Project No. 3-31-0045-23) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing, LLC in the sum of \$696,717.50 be and is hereby accepted contingent upon F.A.A. approval.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$878,794.50 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 28TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CENTRAL NEBRASKA DRUG AND SAFE STREETS TASK FORCE AGREEMENT

Mayor Clouse opened for discussion the Memorandum of Understanding between the City of Kearney and the Federal Bureau of Investigation for the Central Nebraska Drug and Safe Streets Task Force and to consider Resolution No. 2010-239.

Chief of Police Dan Lynch presented this matter to the Council. The Kearney Police Department (KPD) has been a member of the "Tri-Cities Federal Drug Task Force" since its inception. Over the past several months, in order to better address the issues in this region, the Federal Bureau of Investigations (the Bureau) has sought and finally received the authorization to add the "Safe Streets" designation to this task force. Even

prior to the authorization, Kearney has participated on a regular basis with the task force, most recently in the arrest of several people in Grand Island.

The KPD is asking to continue its participation with this group to address not only the ongoing drug issues but to include the active investigation of gang activity and the associated violence. They met with the Special Agent who will have direct oversight of this effort as well as his Supervisor. They discussed at length the effort and the level of the department's participation. The KPD would have two people assigned to this effort, one considered full time and another considered part time. Both would be credentialed through the Bureau and authorized to work federal crimes under Title 18. By agreeing to this Memorandum of Understanding (MOU), the KPD would be qualified for some overtime reimbursement, equipment loans as well as vehicle usage.

Mayor Clouse asked if the two people assigned are different than those we presently have. Chief Lynch stated that technically, they will have one person considered a full time person and another considered a part time person. That does not mean that they will be assigned to work in Grand Island or any place else. They will be assigned to work in Kearney, but will allow the City to receive compensation for some overtime expenditures, additional equipment and possibly to include a vehicle. The resources of the task force, which include physical equipment and resources as well as support, would be included.

Council member Buschkoetter asked what the advantage of the additional half person is. Chief Lynch stated the advantages are the overtime, the vehicle, the additional resources to include some monies for equipment that they would not necessarily have. This will also give them an assisted U.S. Attorney who is prepared to and skilled at prosecuting certain Title 18 offenses. This will bring some experience to the central part of the state.

Mayor Clouse stated he thought Kearney had just added two officers through a grant. Chief Lynch stated that they did not add any officers; this just provided them with the designation so that they can work these cases at a federal level. City Manager Michael Morgan stated that Kearney has received some funds from a grant for two additional officers, but that is separate from this memorandum.

City Manager believes there is a misunderstanding because Kearney does not have a "gang officer" as has been reported. The Police Department has officers who investigate all types of crimes, including gang related crimes. They have some who have more training in this area and others who have more training in other areas. In this situation, it gives the Police Department some additional funds; however, not a significant amount. These funds are to cover occasional overtime for investigations related specifically to this mission that has been expanded. This is mainly due to the other cities which include Grand Island that has received a lot of emphasis lately. Chief Lynch stated this task force will include Grand Island, Hastings, Dawson County and Lexington. The task force was originally the Tri-City Task Force, comprised of Kearney Grand Island and Hastings.

Chief Lynch made it clear that these officers are not full time gang officers. These officers will participate with this task force but will remain in Kearney and perform their

duties. Part of their job will be to gather intelligence. City Manager added that there is not a position description in the Kearney Police Department that says "gang investigator". Every police officer is expected to perform these duties. He stated that other departments do it differently, but they believe it has been proven here that communication works best when it is shared within the group as a whole. From time to time, those individuals will change depending on their training and schedules. One person will be responsible to report to this group weekly (or as often as needed) to share information about suspects, arrestees who may violent or have gang ties. The rest of the time they will work and gather internal intelligence in order to disseminate it. The designated part time person will be the officer who happens to currently be assigned as the department's drug investigator. A lot of this information is shared with this group because there is crossover. People will rotate in and out of these positions over time. This will give officers more training opportunities.

Council member Lammers believed it was important that citizens know that Kearney has been involved in this Tri-City Drug Task Force since day one in 2005-2006. This will not change the function of the Drug Task Force. This is in addition to that and will add other dimensions to use to go after these people. City Manager stated in the media there has been a national effort, especially for larger cities, from the Federal Bureau and Attorney General to get involved in bringing down gang related crime to the lowest level. Omaha has had a safe streets task force for about seven years. Chief Lynch stated the original task force was a federal drug task force and still is in existence. Kearney has always been a participant in that federal Drug Task Force. This is just an addendum to that with the Safe Streets Act and Kearney will continue to participate.

Moved by Kearney seconded by Lammers to approve the Memorandum of Understanding between the City of Kearney and the Federal Bureau of Investigation for the Central Nebraska Drug and Safe Streets Task Force and adopt **Resolution No. 2010-239**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2010-239

WHEREAS, the Kearney Police Department has been a member of the "Tri-Cities Federal Drug Task Force" since its inception; and

WHEREAS, over the past several months, in order to better address the issues in this region, the Federal Bureau of Investigations has sought and finally received the authorization to add the "Safe Streets" designation to this task force; and

WHEREAS, the Kearney Police Department desires to continue its participation with this group to address not only the ongoing drug issues but to include the active investigation of gang activity and the associated violence; and

WHEREAS, it would be in the City's best interest to enter into an agreement with the Federal Bureau of Investigation allowing the Kearney Police Department to continue its participation with the Central Nebraska Drug and Safe Streets Task Force.

NOW, THEREFORE, 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 on behalf of the City of Kearney the "Federal Bureau of Investigation Central Nebraska Drug and Safe Streets Task Force Memorandum of Understanding" as set forth in Exhibit "A", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$427.95, PLATTE VALLEY STATE BANK - \$51,133.85, SCHOOL DISTRICT #7 - \$6,499.05

Moved by Lammers seconded by Buschkoetter that Open Account Claims in the amount of \$51,133.85 payable to Platte Valley State Bank, and in the amount of \$427.95 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear abstained. Motion carried.

Moved by Lear seconded by Clouse that Open Account Claims in the amount of \$6,499.05 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Kearney. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

VII. REPORTS

JANUARY 25, 2011 COUNCIL MEETING

Mayor Clouse stated that since the Chamber of Commerce Annual Meeting has been scheduled for January 25 which is also a Council meeting, the time of the Council meeting will be changed from 7:00 p.m. to 5:00 p.m.

PETERSON SENIOR ACTIVITY CENTER

City Manager Michael Morgan stated the Peterson Senior Activity Center has been open a year now and as stated in the news release the numbers participating in the center are impressive. They have far exceeded the original expectations. That information was forwarded to those who contributed to make it a success: Pete Peterson, Michael Yanney and Senator Ben Nelson with an invitation to come out whenever possible.

LISTENING SESSIONS

City Manager Michael Morgan stated the City continues to conduct listening sessions to gather input from citizens on projects they would like to see happen in the future.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:24 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**