

Kearney, Nebraska
May 26, 2015
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on May 26, 2015, 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, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; 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: JoAnn Anderson, Mike Kirkwood, Pat McLaughlin, Greg Urbanek, Kelly Hummel, Rob Taillon, Jon Loebig, Kelly Herron, Sandy Herron, Nathan Dennis, Shelley Dennis, Tehya Dennis, Cody Bolte, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, Brent Wiethorn from KKPR Radio.

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/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Two 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 on the wall of the Council Chambers.

OATH OF OFFICE; POLICE OFFICERS CODY BOLTE AND NATHAN DENNIS

City Clerk administered the oath of office to Police Officers Cody Bolte and Nathan Dennis. Other police officers and the families of these officers were present to congratulate them.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS**VACATE PORTION OF SPRUCE HOLLOW ESTATES FOURTH AND FIFTH AND REZONING EAST OF 11TH AVENUE BETWEEN WEST 57TH STREET PLACE AND WEST 58TH STREET**

Public Hearings 1, 2 and 3 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 9, 2015 Public Hearing 1 on the applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska.

Moved by Lammers seconded by Nikkila to postpone until June 9, 2015 Public Hearing 1 on the applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

FINAL PLAT FOR SPRUCE HOLLOW ESTATES SIXTH ADDITION

Public Hearings 1, 2 and 3 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 9, 2015 Public Hearing 2 on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska

Moved by Lammers seconded by Nikkila to postpone until June 9, 2015 Public Hearing 2 on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

DEVELOPMENT PLANS FOR 15 SINGLE FAMILY CONDOMINIUMS LOCATED EAST OF 11TH AVENUE BETWEEN WEST 57TH STREET PLACE AND WEST OF 58TH STREET

Public Hearings 1, 2 and 3 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 9, 2015 Public Hearing 3 on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska.

Moved by Lammers seconded by Nikkila to postpone until June 9, 2015 Public Hearing 3 on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 23 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 12, 2015.
2. Approve the following Claims:

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

1000BULBS.COM \$46.36 smcs; 5.11 TACTICAL \$45.99 ps; 7-Eleven \$27.01 smcs; 911 Custom \$279.40 co; A to Z \$230.60 smcs; A-1 Refrigeration \$2,501.70 co; AAA Party \$587.65 smcs; ABC Drug \$5.66 smcs; Ace Eaton Metals \$178.00 smcs,co; Ace Hardware \$64.25 smcs; Alamar \$3,335.80 smcs,ps; Alberts,K \$160.00 smcs; Alexander,S \$91.58 smcs; Alfred Benesch \$175.00 smcs; All Makes Auto \$2,501.76 smcs; All Partitions \$92.00 smcs; Allied Electronics \$16.53 smcs; Ally B Designs \$640.00 smcs; Amazon \$12,549.05 smcs,co; American \$866.71 smcs; Amer Air \$589.20 smcs; Amer Fence \$8,010.00 smcs; Amer First Aid \$378.62 smcs; Amer Red Cross \$868.00 smcs; Andersen Wrecking \$55.00 smcs; Anderson,S \$307.05 smcs; Aprons & Smocks \$93.97 smcs; ARC Services Training \$457.00 smcs; Archway \$24.00 smcs; Arp,R \$470.00 smcs; Ask Supply \$407.37 smcs; Aurora Coop \$126.40 smcs; AWWA.org \$178.00 smcs; B&H Photo \$249.95 smcs; Baird Holm \$498.00 smcs; Barelman,B \$12.46 smcs; Barnes & Noble \$175.89 smcs; Bells Construction \$800.00 smcs,co; Big Apple Fun Center \$30.00 smcs; Big Rack Shack \$389.64 smcs; Biltoft,A \$45.00 smcs; Blackburn Mfg \$272.75 smcs; Blender,A \$5.34 smcs; BlueCross BlueShield \$256,268.33 smcs; BNA Touring \$1,750.00 smcs; Bosselman \$6,622.84 smcs; Bowman,M \$250.00 smcs; Bowman,R \$400.00 smcs; Bradley,R \$8.85 smcs; Broadfoot's \$2,476.00 smcs; Brodart Co \$289.65 smcs; Bruha,S \$550.00 smcs; BSN Sport Supply \$128.20 smcs; Buckle \$396.00 ps; Buffalo Co Sheriff \$55.63 smcs; Buffalo Co Treasurer \$100.25 smcs,co; Buffalo Outdoor Power \$760.74 smcs; Buggy Bath Car Wash \$19.00 smcs; Builders \$1,492.86 smcs,co; Burns,G \$26.05 smcs; Cabela's \$56.73 smcs; Carlson,A \$250.00 smcs; Carquest \$1,921.68 smcs; Carstens,C \$59.18 smcs; Caseys \$151.86 smcs; Cash Wa \$937.87 smcs; Cengage Learning \$63.00 smcs; Center Point Publishing \$72.71 smcs; Central & Fire Safety \$235.50 smcs; Central Hydraulic \$1,053.09 smcs; Central NE Bobcat \$68.40 smcs; Cernousek,J \$105.00 smcs; Charter \$778.74 smcs; ChemSearch \$307.27 smcs; Chicken Coop \$50.00 smcs; Cintas \$251.96 smcs; City of Ky \$35,145.04 ps,smcs,co; Clark Enersen Partners \$18,476.86 co; Classic Car Collection \$32.00 smcs; CNA Ins \$80.00 smcs; Coach Master's \$116,500.00 co; Coldspring \$1,762.80 smcs; Compasscom \$50.00 smcs; Coney Island Café \$22.26 smcs; Conseco Life Ins \$19.00 ps; Consolidated Management \$47.50 smcs; Construction Rental \$3,069.28 smcs,co; Copycat Printing \$3,397.90 smcs; Corner Stop \$25.00 smcs; Cracker Barrel \$598.27 smcs; Crane River Theater \$4,225.00 smcs; Crossroads Ford \$28.38 smcs; Culligan \$217.60 smcs; Cummins Central Power \$1,002.46 smcs; Curbit \$2,268.00 smcs; D&K Products \$10,547.93 smcs; Dairy Queen \$30.00 smcs; Dale Foster Sales \$45.56 smcs; Danko Emergency \$4,454.78 smcs,co; Davis Equipment \$1,075.70 smcs; Dawson PPD \$39,923.06 smcs,co; Deadwood Gluch Resort \$200.00 smcs; Dell \$229.48 co; Demco \$665.31 smcs; Dent Popper \$475.00 smcs; Depository Trust \$303,328.75 ds; Dish \$179.00 smcs; DogPoopBags.com \$354.75 smcs; Dottsich,C \$21.04 smcs; Douglas,B \$11.62 smcs; DPC Industries \$23,177.62 smcs; Dreamstime.com \$29.98 smcs; Dultmeier Sales \$622.34 smcs; Dutton Lainson \$138.13 smcs; DW Management \$4,500.00 smcs; Eakes \$1,216.23 smcs; Earl May Seed \$67.93 smcs; Economy Candy \$323.97 smcs; Eileens Cookies \$770.90 smcs; Elliott Equipment \$1,117.28 smcs; EMC

Ins \$9,190.69 smcs; Enterprise \$376.51 smcs; Entertainment Group \$350.00 smcs; Environmental Express \$53.65 smcs; Erbsen,S \$77.00 smcs; Evodesk \$677.00 co; Express Time Systems \$76.55 smcs; Expression Wear \$131.00 smcs; Fairbanks \$1,377.97 smcs,co; Family Fresh Market \$45.69 smcs; Fast Mart \$45.17 smcs; Fastenal \$939.37 smcs; Fedex \$84.05 smcs; Fireguard \$1,093.65 smcs; Focus Family \$71.98 smcs; Frontier \$9,531.97 smcs; Fun Express \$93.95 smcs; Gale Research \$829.95 smcs; Galeton Gloves \$756.00 smcs; Gander Mountain \$179.96 smcs; Gangwish Turf \$48.00 smcs; Garrett Tires \$5,857.07 smcs; GD Construction \$5,280.00 smcs; General Traffic Controls \$6,603.75 smcs; Global Industrial \$46.90 smcs; Gotocitrix.com \$468.00 smcs; Graham Tire \$1,397.37 smcs; Graham,A \$31.65 smcs; Grainger \$1,816.47 smcs; Granite City \$60.81 smcs; Graphic Screen Printing \$104.00 smcs; Gray,C \$60.00 smcs; Great Plains Subs \$25.00 smcs; Grote,M \$40.87 smcs; H&H Distributing \$848.05 smcs; Hach \$1,608.65 smcs; Hastings Canvas \$25.00 smcs; HD Supply \$3,343.76 smcs; Hilltop Mall \$31.00 smcs; Hilton Garden Inn \$108.90 smcs; Hipke,A \$4.52 smcs; HOA Solutions \$2,805.60 smcs; Hobby-Lobby \$333.86 smcs; Hoelsing,K \$18.11 smcs; Holiday Inn \$83.00 smcs; Holmes Plbg \$1,731.22 smcs,co; Hometown Leasing \$265.92 smcs; Hooker Bros Sand \$632.45 smcs; HP Home Store \$128.39 smcs; Husker Auto Group \$29,465.00 co; Hy-vee \$153.00 smcs; ICMA RC \$4,440.01 ps; InsiteInstrumentation \$218.00 smcs; Intermountain Valve \$301.78 smcs; IRS \$133,842.56 ps; Int'l Assn of Fire Chiefs \$234.00 smcs; Jack Lederman \$146.80 smcs; Jack's Uniforms \$106.94 smcs; James,D \$200.00 smcs; James,M \$20.19 smcs; Jimmy Johns \$25.00 smcs; JJ Keller & Assoc. \$87.95 smcs; John Deere Landscapes \$1,985.73 smcs; Johnson Service \$1,692.70 smcs; Johnson,T \$41.30 smcs; Johnstone Supply \$206.62 smcs; K&K Parts \$850.96 smcs; Kasson B&B \$142.00 smcs; Ky Chamber Comm \$370.00 smcs; Ky Cinema 8 \$30.00 smcs; Ky Clinic \$724.00 ps; Ky Concrete \$5,276.98 smcs,co; Ky Crete & Block \$6,852.91 smcs,co; Ky Goodwill \$49.22 smcs; Ky Hub \$5,602.80 smcs; Ky Power Sports \$1,085.68 smcs; Ky Tire & Auto \$207.98 smcs; Ky Towing \$285.00 smcs; Ky Warehouse \$1,271.05 smcs; Ky Winlectric \$114.24 smcs; Ky Winnelson \$647.87 smcs,co; Kelly Supply \$872.31 smcs; Kimball Midwest \$763.72 smcs; Kittle,A \$51.00 smcs; KK Auctions \$852.24 smcs; Kluthe,M \$22.51 smcs; Kmart \$59.99 smcs; Konica Minolta \$693.83 smcs; Kring,J \$150.00 smcs; Kruid,K \$41.70 smcs; KSPprints.com \$452.80 smcs; Kwiatkowski,L \$60.00 smcs; Landmark Implement \$1,804.47 smcs; Lawson Products \$806.35 smcs; LCL Truck Equipment \$1,057.70 co; LECC \$360.00 smcs; Lefeber,N \$94.99 smcs; Leising,A \$13.06 smcs; Lincoln Winwater Works \$526.87 smcs; Lindstadt,J \$30.47 smcs; LinkedIn \$199.00 smcs; Lippold,G \$135.00 smcs; Little Caesars \$17.75 smcs; Lockmobile \$75.85 smcs; Mail Express \$161.07 smcs; Main,A \$92.27 smcs; Mankin,J \$35.85 smcs; Masek Golf Car \$34.97 smcs; Matheson Tri-Gas \$273.10 smcs; Meier,R \$435.40 co; Menards \$5,465.91 smcs,co; Merryman Performing Arts \$910.00 smcs; Midway Chevrolet \$147.22 smcs; Midwest Labs \$4,257.50 smcs; Midwest Turf \$1,753.34 smcs; Miller & Associates \$12,000.00 smcs; Miller Signs \$1,150.00 smcs,co; Mirror Image Car Wash \$230.80 smcs; Moonlight Embroidery \$96.00 smcs; Morpho Trak \$10,155.00 smcs; Morris Press \$489.86 smcs; Most Dependable Fountains \$3,420.00 smcs; Mouser Electronics \$458.04 smcs; Moyer Instruments \$360.31 smcs; NASRO \$40.00 smcs; Nat'l Alliance for You \$350.00 smcs; NCL of Wisconsin \$252.74 smcs; NCS Int'l Code Council \$189.00 smcs; NE Army National Guard \$15.00 smcs; NE Central Seniors Golf \$85.00 smcs; NE Child Support \$2,951.35 ps; NE Dept of Revenue \$50,682.74 smcs; NE Dept Environmental \$90,012.23 smcs,ds; NE Library Assn \$100.00 smcs; NE Softball Assn \$2,250.00 smcs; NE Truck Center \$1,605.20

smcs; NEland Distributors \$1,508.62 smcs; Newman Signs \$45.72 smcs; NLETC \$190.00 smcs; NMC Rental \$754.15 smcs; North Platte Telegraph \$245.04 smcs; Northern Safety \$179.64 smcs; Northgate Vet Clinic \$255.00 smcs; Northwestern \$4,972.65 smcs; NP Construction \$625.00 smcs; NRG Media \$54.00 smcs; NYSCA \$20.00 smcs; OCLC \$607.10 smcs; Office Depot \$300.33 smcs; Office Max \$1,180.22 smcs; Officenet \$989.54 smcs; O'Hara Lindsay \$2,000.00 smcs; Omaha World Herald \$235.06 smcs; One Call Concepts \$573.85 smcs; O'Reilly Auto \$539.89 smcs; Orr,L \$100.00 smcs; Orscheln \$1,097.18 smcs; Outdoor Recreation \$761.00 co; Overhead Door \$89.00 smcs; Palensky,M \$20.19 smcs; Paramount Linen \$223.55 smcs; Pat's Plbg \$725.00 smcs; Paypal-benjohana \$99.92 smcs; Paypal-cpumedicsll \$76.85 co; Paypal-ebaymarketplcugd \$533.11 co; Paypal-industrials \$92.22 smcs; Paypal-presigefla \$177.29 smcs; Paypal-storewolf \$2,987.55 co; Peerless Machine \$8,718.36 co; Pepper Jax \$24.70 smcs; Peters,M \$37.47 smcs; Petersen,R \$430.70 smcs; Pitney Bowes \$90.00 smcs; Platte Electric \$63.59 smcs; Platte Valley Comm \$1,297.52 smcs,co; Platte Valley Labs \$167.50 smcs; Plixer Int'l \$899.00 smcs; Prestige Group \$69.00 smcs; Presto-X \$479.68 smcs; Prime Communications \$2,835.77 smcs; Proactive Sports \$631.33 smcs; Promos On-Time \$156.71 smcs; Provantage \$6,359.68 smcs,co; Pukka \$1,982.40 smcs; Quill \$488.17 smcs; Quizno's Sub \$25.00 smcs; Rainbow Online Sales \$168.45 smcs; Rasmussen Mechanical \$2,982.49 smcs; RDO Truck Center \$1,037.24 smcs; Ready Mixed Concrete \$11,176.76 co; Reams \$489.94 smcs; Recovery Systems \$417.65 smcs; Redbox \$14.46 smcs; Rokit \$650.00 smcs; Rongisch,W \$37.47 smcs; Ropers Radiator \$895.00 smcs; RTI \$520.00 smcs; S&S Worldwide \$64.06 smcs; Sahling Kenworth \$33.36 smcs; Saltzgaber,S \$15.94 smcs; Sanitation Products \$235.26 smcs; Sapp Bros \$20,903.42 smcs; School District #7 \$9,683.10 smcs; Sears Hometown \$29.99 smcs; Shell Oil \$51.00 smcs; Sherwin Williams \$4,736.00 smcs; Sich,M \$40.49 smcs; Signature USA \$390.60 smcs; Skala,M \$32.31 smcs; Snap-On Tools \$439.00 smcs; Soca Juke Box \$1,000.00 smcs; Sorensen Group \$14,419.75 co; SOS Portable Toilets \$115.00 smcs; Stagecoach \$35.31 smcs;Stamps.com \$4.99 smcs; Stegman,A \$1.56 smcs; Steinbrink Landscaping \$8,179.55 smcs; Strasburg,A \$17.88 smcs; Strategic Materials \$694.92 smcs; Stuchlik,S \$62.51 smcs; Subway \$44.22 smcs; Sunbelt Rentals \$367.26 smcs; Superbrightlightsleds.com \$111.66 smcs; Superior Signals \$560.39 smcs; Supply Works \$1,543.71 smcs; Target \$90.34 smcs; Terry's Tickets \$100.00 smcs; Texoma Golf \$1,146.50 smcs; Theis,J \$80.00 smcs; Thermo Fisher Scientific \$114.94 smcs; Thompson Info \$999.99 smcs; Titleist \$348.45 smcs; Tour Edge \$37.44 smcs; Tractor-Supply \$457.10 smcs; Trans Iowa-Equipment \$150.00 smcs; TS Auto Glass \$35.00 smcs; Turfwerks \$237.10 smcs; Union Bank & Trust \$63,431.34 ps; Unique Management \$358.00 smcs; United Airlines \$738.70 smcs; United Seeds \$1,630.00 smcs; UPS \$109.91 smcs; USPS \$139.12 smcs; Valentino's \$322.27 smcs; Verizon \$262.34 smcs; Verne Simmonds Co \$126.00 smcs; Vistaprint.com \$19.97 smcs; Waggoner,L \$10.18 smcs; Walgreens \$24.28 smcs; Wal-mart \$1,872.25 smcs; Walter's Electric \$6,550.00 co; Watchguard Video \$989.00 smcs,co; Waterlink \$2,857.80 smcs; Weather Apparel \$156.45 smcs; Webstaurant Store \$22.80 smcs; Whentowork \$180.00 smcs; Wick's Sterling Trucks \$238.04 smcs; Wilke's True Value \$324.93 smcs; Winter Equipment \$808.56 smcs; Wittmus,L \$34.95 smcs; WPCI \$424.50 ps; Yanda's \$1,500.00 smcs; Yant Equipment \$250.00 smcs; Zoro Tools \$445.53 smcs; Payroll Ending 5-16-2015 -- \$393,415.93. 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 June 9, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.
- 4. Adopt **Resolution No. 2015-106** removing parking on the west side of Kea West Avenue from 11th Street south to the City limits.

RESOLUTION NO. 2015-106

WHEREAS, with the development Yanney Park, the Kearney Regional Medical Center, along with the Ed Broadfoot & Sons Sand & Gravel business, the City has determined it is necessary to prohibit parking on the west side of Kea West Avenue; and

WHEREAS, the Public Works Department and the Police Department have reviewed the situation and found that there is an apparent safety concern with pedestrians, traffic and truck traffic and have recommended that the west side of Kea West Avenue from 11th Street south to the City limits be designated as “No Parking” at any time.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the west side of Kea West Avenue from 11th Street south to the City limits be and is hereby designated as “No Parking” at any time.

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating the area as directed by this Resolution.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 5. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building (alternate location is Exhibit Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 13, 2015 from 6:00 p.m. until 1:00 a.m. for a dance.
- 6. Accept the bids received for 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps (CDBG 14-CR-004) and adopt **Resolution No. 2015-107** awarding the bid to Dan Roeder Concrete in the amount of \$194,689.50.

RESOLUTION NO. 2015-107

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 18, 2015 at 2:00 p.m. for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps; and

WHEREAS, the Engineer’s Estimate for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps was \$170,720.00; and

WHEREAS, the said engineers have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$194,689.50 be accepted as the lowest responsible bid for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the

City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$194,689.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps was \$170,720.00 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 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Accept the bids received for 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue and adopt **Resolution No. 2015-108** awarding the bid to Blessing Construction in the amount of \$554,294.65.

RESOLUTION NO. 2015-108

WHEREAS, Olsson Associates and the City of Kearney have reviewed the sealed bids which were opened on May 18, 2015 at 2:00 p.m. for the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue; and

WHEREAS, the Engineer's Estimate for the 2015 Part 4 Improvements was \$694,777.00; and

WHEREAS, the said engineers have recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$554,294.65 be accepted as the lowest responsible bid for the 2015 Part 4 Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Blessing Construction be and is the lowest responsible bidder for the 2015 Part 4 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction in the amount of \$554,294.65 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2015 Part 4 Improvements was \$694,777.00 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 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Accept the bids received for 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition and adopt **Resolution No. 2015-109** awarding the bid to Dan Roeder Concrete in the amount of \$845,939.25.

RESOLUTION NO. 2015-109

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 18, 2015 at 2:00 p.m. for the 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition; and

WHEREAS, the Engineer's Estimate for the 2015 Part 8 Improvements was \$810,378.00; and

WHEREAS, the said engineers have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$845,939.25 be accepted as the lowest responsible bid for the 2015 Part 8 Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2015 Part 8 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$845,939.25 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2015 Part 8 Improvements was \$810,378.00 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 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Accept the bids received for the construction of the Household Hazardous Waste Facility and adopt **Resolution No. 2015-110** awarding the bid to RMV Construction Company in the amount of \$525,227.96.

RESOLUTION NO. 2015-110

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 19, 2015 at 2:00 p.m. for the Household Hazardous Waste Facility; and

WHEREAS, the Engineer’s Estimate for the Household Hazardous Waste Facility ranged from \$450,000.00 to \$550,000.00; and

WHEREAS, the said engineers have recommended the bid offered by RMV Construction Company of Kearney, Nebraska in the amount of \$525,227.56 be accepted as the lowest responsible bid for the Household Hazardous Waste Facility.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer’s recommendation is hereby accepted and approved, that RMV Construction Company be and is the lowest responsible bidder for the Household Hazardous Waste Facility to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of RMV Construction Company in the amount of \$525,227.56 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Estimate for the Household Hazardous Waste Facility ranged from \$450,000.00 to \$550,000.00 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 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 10. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2016:
 Countryside Mobile Park, 1920 15th Avenue
 Merriweather Mobile Home Village, 914 West 17th Street
 Rodeo Court, 2414 West 24th Street
 R-Villa East, 2500, 2719, 2803 West 24th Street
 R-Villa West, 2500, 2719, 2803 West 24th Street
 R-Villa South, 2500, 2719, 2803 West 24th Street
 Villa Park, 2703 West 24th Street

- 11. Adopt **Resolution No. 2015-111** approving Application and Certificate for Payment No. 2 in the amount of \$100,671.55 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition.

RESOLUTION NO. 2015-111

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot

line of Lot 5, Block Two, Marlatt Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$100,671.55 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|-------------------|
| Original Contract Sum | \$203,669.00 |
| Change Order No. 1 (2-24-2015) | + <u>3,354.00</u> |
| Contract Sum To Date | 207,023.00 |
| Gross Amount Due | 199,211.00 |
| Retainage (10%) | 9,960.55 |
| Amount Due to Date | 189,250.45 |
| Less Previous Certificates for Payment | <u>88,578.90</u> |
| Current Payment Due | \$100,671.55 |

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 26TH DAY OF MAY, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

12. Adopt **Resolution No. 2015-112** approving Change Order No. 4 for an increase in the amount of \$8,202.30, Application and Certificate for Payment No. 8 in the amount of \$194,572.17 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C.

RESOLUTION NO. 2015-112

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 4 showing an increase in the amount of \$8,202.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 8 in the amount of \$194,572.17 as shown on Exhibit "B" attached hereto and made a part hereof by reference as follows:

| | |
|---------------------------------|-------------------|
| Original Contract Sum | \$2,474,168.95 |
| Change Order No. 1 (8-26-2014) | + 17,375.00 |
| Change Order No. 2 (11-25-2014) | + 11,757.75 |
| Change Order No. 3 (4-28-2015) | + <u>4,300.00</u> |
| Contract Sum To Date | 2,507,601.70 |
| Gross Amount Due | 1,870,444.60 |

| | |
|--|---------------------|
| Retainage (10%) | 187,044.46 |
| Amount Due to Date | 1,683,400.14 |
| Less Previous Certificates for Payment | <u>1,488,827.97</u> |
| Current Payment Due | \$ 194,572.17 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 4, as shown on Exhibit "A" and Application and Certificate for Payment No. 8, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

13. Adopt Resolution No. 2015-113 approving Application and Certificate for Payment No. 7 in the amount of \$592,856.77 submitted by Midlands Contracting and approved by Miller & Associates for 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

RESOLUTION NO. 2015-113

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$592,856.77 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | \$5,513,218.10 |
| Change Order No. 1 (5-12-2015) | + \$36,900.00 |
| Change Order No. 2 (5-12-2015) | + <u>\$4,814.00</u> |
| Contract Sum To Date | 5,554,932.10 |
| Gross Amount Due | 3,444,638.85 |
| Retainage (10%) | 344,463.89 |
| Amount Due to Date | 3,100,174.97 |
| Less Previous Certificates for Payment | <u>2,507,318.20</u> |
| Current Payment Due | \$ 592,856.77 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for

Payment No. 7, as shown on Exhibit "A", be and is hereby accepted and approved.
 PASSED AND APPROVED THIS 26TH DAY OF MAY, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

14. Adopt **Resolution No. 2015-114** approving Change Order No. 1 for an increase in the amount of \$40,765.12 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850[±] feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500[±] feet as platted in Lot 1, Bearcat Corner.

RESOLUTION NO. 2015-114

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850[±] feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500[±] feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$40,765.12, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

| | |
|--------------------------------|----------------|
| Original Contract Sum | \$1,814,396.00 |
| Change Order No. 1 (5-26-2015) | + 40,765.12 |
| Contract Sum to Date | \$1,855,161.12 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

15. Adopt **Resolution No. 2015-115** approving Application and Certificate for Payment No. 3 in the amount of \$57,350.00 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

RESOLUTION NO. 2015-115

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the UV Disinfection Building at the Platte River Well Field, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$57,350.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|-----------------------|
| Original Contract Sum | <u>\$1,535,860.00</u> |
| Contract Sum To Date | 1,535,860.00 |
| Gross Amount Due | 868,900.00 |
| Retainage (10%) | 43,445.00 |
| Amount Due to Date | 825,455.00 |
| Less Previous Certificates for Payment | <u>768,105.00</u> |
| Current Payment Due | \$ 57,350.00 |

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

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt **Resolution No. 2015-116** approving the Minimum Standards and Rules and Regulations for Commercial Aviation Services at the Kearney Regional Airport.

RESOLUTION NO. 2015-116

WHEREAS, the Federal Aviation Administration has guidelines for provisions required in an airport's rules and minimum standards document for Part 139 commercially certified airports; and

WHEREAS, the intent of these rules and regulations is to ensure the safe, efficient and orderly operations of the Airport and to affirm the compliance with minimum aviation policies, procedures, regulations and standards as prescribed by the Federal Aviation Regulations, the Nebraska State Laws, and the Airport Operating Policies; and

WHEREAS, on May 24, 2005 the City Council adopted Airport Rules and Regulations and Minimum Standards which need to be revised; and

WHEREAS, the Kearney Regional Airport has revised the Rules and Regulations and Minimum Standards for Commercial Aviation Services to be implemented at the Kearney Regional Airport, a copy marked as Exhibit "A" is 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, that the Rules and Regulations and Minimum Standards for Commercial Aviation Services to be implemented at the Kearney Regional Airport be and are hereby adopted and approved.

BE IT FURTHER RESOLVED that Resolution No. 2005-77 passed and approved on the 24th day of May, 2005 be and is hereby repealed in its entire.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits at Country House, 5605 Avenue K on June 10, 2015 from 3:00 p.m. until 11:00 p.m. for a business reception.

18. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on June 13, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

19. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on June 20, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

20. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on June 20, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

21. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits at Kearney Powersports located at 511 South 2nd Avenue on June 26, 2015 from 5:00 p.m. until 11:00 p.m. for a beer garden.

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-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on June 27, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

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-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on June 27, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7999 – VACATE PORTION OF PROPOSED INDUSTRIAL SUBDIVISION

Council Member Lear introduced Ordinance No. 7999 vacating a tract of land being part of Lots 13 and 14, Avenue B, and 1st Street of Proposed Industrial Subdivision, located in the South Half of Section 21 and part of the North Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street, approximately one half mile east of Cherry 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 Buschkoetter seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. 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. 7999 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7999 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7999 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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$83,739.60 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

City Manager Michael Morgan reported that the Department of Roads finally concurs with the City that the intersections of 2nd Avenue and 48th Street and 2nd Avenue and 56th Street warrant left turn signals.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:37 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**