

*Kearney, Nebraska
November 24, 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 November 24, 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. Absent: Bob Lammers and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; 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: Darren Robinson, Tim Hughbanks, Jacque Haupt, Shelley Dennis, 4 UNK students, Steve Altmaier from KGFW Radio, Amanda Brandt from Kearney Hub, Brent Wiethort 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

The Council members led the 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.

TIM HUGHBANKS INSURANCE UPDATE

Tim Hughbanks from Barney Insurance updated the Council on the City's insurance and provided graphs. Overall there have been relatively little changes in the premium for the whole year. Package premium is up slightly; they are looking at a seven percent overall increase this year. With the exception of a couple larger work comp claims, the premium reflects good claims experience.

Mr. Hughbanks discussed the summary of premiums. EMC decided to make significant

reductions in other areas because of the larger work comp claims to try and offset some of the increase. The work comp premium is a little less out of their control.

In an effort to try and maintain a level premium for the City, the underwriting staff has gone back and made some rate reductions even though with property value increases and other factors.

The premium increase on the property is up slightly but it is not as much as it would have been with that much of a premium increase. There was a slight rate reduction there, the City has more autos than they have had. Eight new vehicles than last year and the auto premium actually dropped this year, again which was another effort to try to compensate for some of the other changes.

The inland marine equipment is up, that is contractors equipment, road equipment and that is up in value. Payroll is up, number of personnel, firefighters, police officers all of those things contribute to a higher insurance premium generally.

He thanked the City Manager and his leadership with regards to safety for the entire staff. He works closely with Shelley Dennis and Shawna Erbsen; they do an outstanding job everyday of keeping track of these things for the City. It makes it a lot easier for Barney Insurance to get things going.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CDBG GRANTS 14-CR-004 AND 14-CR-104

Mayor Clouse opened the public hearing to receive input on two Community Development Block Grants: 14-CR-004 and 14-CR-104 for community revitalization activities.

Jacque Haupt from Miller & Associates presented this matter to the Council. She stated these are grants that they have already completed the work and construction is done. This is an opportunity for people to be heard regarding their thoughts on how the grant went. One of the projects was in the area of Bryant Elementary and the other was Emerson Elementary with sidewalks, ramps and one street.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Lear to close the hearing for the purpose of receiving input on two Community Development Block Grants: 14-CR-004 and 14-CR-104 for community revitalization activities. Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Lammers and Nikkila absent. Motion carried.

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 21 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held November 10, 2015 and Minutes of Special Meeting held November 17, 2015.

2. Approve the following Claims:

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

B&H Photo \$61.89 co; 1000bulbs.com \$276.90 smcs; 4Imprint \$233.86 smcs; A Wireless \$28.07 smcs; Accuquilt \$572.22 smcs; Ace Hardware \$12.15 smcs; Advance Auto Parts \$29.97 smcs; Alamar \$140.98 ps; Alamar Uniforms \$1,117.49 smcs; Alamo Rental \$155.66 smcs; Alertshirt \$2,479.26 smcs; All Makes Auto \$4,275.74 smcs; Amazon \$6,126.39 smcs,co; American \$61.94 smcs; Amer First Aid \$221.02 smcs; American Locker Security \$251.10 smcs; Amer Red Cross \$247.00 smcs; Americinn \$172.51 smcs; Anythingtruck.com \$102.53 smcs; Apple Market \$72.32 smcs,ps; ARC Services \$119.00 smcs; ARFF Working Group \$95.00 smcs; Ask Supply \$3,148.95 smcs; Aurora Coop \$3,568.95 smcs; Aussie Hydraulics \$211.69 smcs; Bamford \$250.00 smcs; Bartels,L \$50.00 smcs; Beehive Industries \$7,679.00 smcs; Big Rack Shack \$1,152.95 smcs,co; Big Red Auto Glass \$219.42 smcs; Blackstone Audio Books \$446.24 smcs; Blauvelt,C \$290.00 smcs; BlueCross/BlueShield \$298,915.77 smcs; Blueglobes \$182.22 smcs; Books Galore \$172.83 smcs; Bosselman \$12,341.87 smcs; Branson Craft Mall \$420.03 smcs; Brilliance Publishing \$101.96 smcs; Briseno,P \$119.60 smcs; Bristol,N \$12.54 smcs; Brown Shoe Fit \$500.00 smcs; BSN Sport Supply \$446.32 smcs; Buffalo Co Reg Deeds \$72.00 smcs; Buffalo Outdoor Power \$925.50 smcs,co; Buffalo Wild Wings \$31.24 smcs; Buggy Bath Car Wash \$77.35 smcs; Builders \$733.61 smcs; Butler,B \$468.95 smcs; Butterfield,D \$36.06 smcs; Buysm Sod \$402.50 smcs; Cabela's \$668.20 smcs; Camden Hotel \$193.44 smcs; Camera Doctor \$343.16 smcs; Capital Business \$255.00 smcs; Carquest \$1,668.31 smcs; Casey's \$11.82 smcs; Cash Wa \$2,067.67 smcs; CBA Lighting \$996.36 smcs; CBI Cleverbridge \$29.95 smcs; CDW Govt \$3,495.44 co; Cenex \$116.31 smcs; Central Hydraulic \$1,075.73 smcs; Central NE Bobcat \$33.98 smcs; Changing the Game \$1,000.00 smcs; Charter \$789.20 smcs; Chesterman \$339.75 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$124.18 smcs; Cinatl,R \$66.17 smcs; Cintas \$270.88 smcs; City of Ky \$19,284.61 smcs,ps; Clark Enersen Partners \$27,931.98 co; Clay Cooper Theatre \$20.00 smcs; Clearstream Recycling \$687.00 smcs; Coast to Coast \$218.00 smcs; Community Action Partner \$428.00 smcs; Consec Life \$19.00 ps; Consolidated Management \$185.00 smcs; Construction Rental \$834.80 smcs; Cooperative Producers \$154.42 smcs; Copycat \$142.90 smcs; Corky Canvas \$1,655.00 smcs; Cowpoke \$100.00 smcs; Cracker Barrel \$183.41 smcs; Creativemarket.com \$15.00 smcs; CSI Forensic Supply \$29.35 smcs; CSO Research \$100.00 smcs; Culligan \$148.50 smcs;

Cummins Central Power \$1,166.46 smcs; Danko Emergency \$45.97 smcs; Davis Equipment \$1,960.61 smcs; Dawson PPD \$2,981.88 smcs; Daylight Donuts \$356.92 smcs; Dell \$4,843.08 smcs,co; Delta Air \$972.40 smcs; Depository Trust \$22,698.75 ds; Diamond Vogel \$62.77 smcs; Displays2go.com \$51.30 smcs; Dogpoopbags.com \$557.25 smcs; Don's Hobby Guns \$70.00 smcs; Dowhy Towing \$100.00 smcs; DPC Industries \$6,199.25 smcs; Dreamstime.com \$39.00 smcs; Dultmeier Sales \$287.15 smcs; Dutton-Lainson \$41.14 smcs; Eakes \$3,462.33 smcs,co; Earl May Seed \$865.50 smcs; Easy Picker Golf Products \$154.18 smcs; Ed Broadfoot & Son \$288.66 smcs; Eileens Cookies \$38.00 smcs; Embassy Suites \$371.24 smcs; EMC Ins \$4,029.40 smcs; Entenmann-Rovin \$539.90 smcs; Enterprise Electric \$91.00 smcs; Eustis Body Shop \$130.00 smcs; Express Carriage Park \$7.00 ps; Expression Wear \$2,563.20 smcs; Exxonmobile \$8.50 smcs; Facebook \$19.98 smcs; Factory Direct Craft \$83.70 smcs; Family Fresh \$14.69 smcs; Fastenal \$640.17 smcs; Fearnley,M \$88.75 smcs; Fiddelke \$29.00 smcs; Fluidtech \$173.72 smcs; Fort Bend Services \$5,653.44 smcs; Friesen Chevrolet \$124.97 smcs; Frontier \$9,245.17 smcs; Fuel Tech \$177.28 smcs; Fyr-Tek \$1,049.01 smcs; Gale Research \$77.87 smcs; Garrett Tires \$5,742.59 smcs; Glock Professional \$250.00 smcs; Gogoair.com \$16.00 smcs; GPM \$23,580.00 co; Graham Tire \$103.36 smcs; Grainger \$1,358.81 smcs,co; Graphic Screen Printing \$52.00 smcs; Hach Co \$655.47 smcs; Halstead,A \$31.00 smcs; Hampton Inn \$363.30 co; Hansen,A \$23.34 smcs; HD Supply \$13,526.62 smcs; Hilti \$329.00 smcs; Hireright \$303.86 smcs; Hitch \$15.35 smcs; Hobby-Lobby \$167.55 smcs; Hoehner Turf \$150.00 smcs; Holmes Plbg \$466.81 smcs; Hometown Leasing \$265.92 smcs; Hotsy Equipment \$7,000.00 co; HTM Sales \$2,143.85 smcs; Hunt,R \$45.00 smcs; Hyatt Hotels \$1,801.50 smcs; Hy-Vee \$50.00 smcs; ICMA \$4,344.59 ps; IIMC \$195.00 smcs; IRS \$140,993.71 ps; Itunes \$6.41 co; Jack Lederman \$1,408.45 smcs; Jack's Uniforms \$737.10 smcs; Jacobi,K \$46.52 smcs; JEO Consulting \$19,984.43 smcs; John Deere Landscapes \$2,873.10 smcs; Johnstone Supply \$187.01 smcs; JP Boiler \$2,556.00 smcs; Ky Area Community \$20.00 smcs; Ky Barbershoppers \$200.00 smcs; Ky Chamber of Comm \$25.00 smcs; Ky Clinic \$1,246.00 ps; Ky Concrete \$19,414.42 co; Ky Crete & Block \$1,140.81 co; Ky Hub \$3,508.92 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Powersports \$50.14 smcs; Ky Storytelling \$300.00 smcs; Ky Towing & Repair \$100.00 smcs; Ky Visitors Bureau \$55,222.71 smcs; Ky Warehouse \$197.90 smcs; Ky Winlectric \$280.41 smcs; Ky Winnelson \$724.52 smcs; Kelly Supply \$1,156.87 smcs; King,A \$90.00 smcs; Kiplinger Editors \$49.00 smcs; Kiplinger Tax Letter \$76.00 smcs; Konica Minolta \$364.69 smcs; Korth,C \$90.00 smcs; Kowalek,G \$468.95 smcs; Krause,T \$70.75 smcs; Landmark Implement \$200.71 smcs; Larue Distributing \$36.90 smcs; Lawn Builders \$3,389.20 co; Lawson Products \$416.92 smcs; League of NE Municipalities \$855.00 smcs; LeFeber,N \$340.00 smcs; Legal Sea Foods \$100.02 smcs; Liberty Cleaners \$50.00 smcs; Libra,C \$3.94 smcs; Lincoln Airport Parking \$32.50 smcs; Linner,A \$100.00 smcs; Livewire Supply \$100.94 smcs; Lockmobile \$73.95 smcs; Logmein.com \$99.00 smcs; L-Tron \$742.20 co; Lybarger,L \$45.00 smcs; Mail Express \$3,565.34 smcs; Marlatt Machine Shop \$270.65 smcs; Marriott Cornhusker \$682.65 smcs; Mascoelectr \$168.55 smcs; Matheson \$1,295.44 smcs; McAfee \$2,063.04 smcs; Medicbatteries.com \$112.55 smcs; Menards \$3,367.46 smcs,co; Mendlik,Z \$49.13 smcs; Merryman Performing Arts \$905.63 smcs; Messenger \$47.25 smcs; Microfilm Imaging \$783.00 co; Microsoft Store \$213.98 smcs; Middleton Electric \$360.20 smcs; Midway Chrysler \$212.94 smcs; Midwest Labs \$2,157.50 smcs; Midwest Turf \$41.24 smcs; Miller Signs \$130.00 smcs; Miller,J \$340.00 smcs; Mirror Image Car Wash \$506.10 smcs; Moonlight Embroidery \$1,139.90 smcs; Mower Medic

\$39.90 smcs; Municipal Emergency \$3,759.08 smcs; Municipal Supply \$24,066.17 smcs; Nanfita,A \$43.38 smcs; Navigator Motorcoaches \$175.00 smcs; NE Arborists Assn \$850.00 smcs; NE Child Support \$2,598.05 ps; NE Dept of Labor \$140.00 smcs; NE Game & Parks \$15.00 smcs; NE Golf Assn \$200.00 smcs; NE Machinery \$256.82 smcs; NE Municipal Clerks Assn \$35.00 smcs; NE Peterbilt \$3,145.58 smcs; NE Truck Center \$1,236.43 smcs; NeRPA \$175.00 smcs; New West Orthopaedic \$50.00 ps; Nielsen,B \$63.94 smcs; Nolda,J \$261.00 smcs; Norm's Plbg \$2,911.79 smcs; Northern Safety \$406.45 smcs; Northshore \$24.44 smcs; Northwest Electric \$589.54 smcs; Northwestern \$2,322.77 smcs; No-Spill Systems \$129.10 smcs; Nova Fitness \$5,394.00 ps; Novus \$35.00 smcs; NRG Media \$54.00 smcs; OCLC \$630.59 smcs; Officemax \$288.80 smcs; Officenet \$566.56 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; Old Ebbitt Grill \$119.73 smcs; Olsson Associates \$7,097.28 co; One Call Concepts \$580.05 smcs; O'Reilly Auto \$12.32 smcs; O'Reilly Automotive \$2,092.70 smcs; Oriental Trading \$68.43 smcs; Orscheln \$213.74 smcs; Outdoor Recreation \$5,671.40 smcs; Palick,A \$90.00 smcs; Paramount \$481.45 smcs; Party City \$60.91 smcs; Paypal-3CMA \$390.00 smcs; Paypal-Dell Mkt \$395.89 smcs; Paypal-Dynamicresa \$216.01 co; Paypal-Ebay Marktplc \$3,693.29 smcs,co; Paypal-Elizchaudry \$210.00 co; Paypal-Indiana Ind \$148.71 smcs; Paypal-Janeeryanpr \$17.99 smcs; Paypal-Mbsolutions \$720.00 smcs; Paypal-Metropc \$139.49 co; Paypal-Nebraskawat \$760.00 smcs; Paypal-Nechapterin \$135.00 smcs; Paypal-Opportunity \$450.00 co; Paypal-Sum of One \$1,852.80 co; Peerless Machine \$37,548.24 co; Penworthy Co \$696.71 smcs; Pep Co \$172.68 smcs; Pickens,C \$50.00 smcs; Pickleball Central \$116.73 smcs; Pierce Arrow Theater \$25.00 smcs; Pitney Bowes \$90.00 smcs; Platinum Awards \$46.01 smcs; Platte Valley Automart \$130.53 smcs; Platte Valley Comm \$456.36 smcs; Postage Refill \$900.00 smcs; PP*Obrienwhole \$599.99 smcs; Prestige Group \$53.68 smcs; Presto-X \$661.54 smcs; Provantage \$591.59 smcs; Pumps of Oklahoma \$1,138.19 smcs; Pure Platinum \$195.00 smcs; Qualifiedhardware.com \$728.00 smcs; Quest Software \$584.52 smcs; Quill \$522.01 smcs; Rail Yardfit \$519.00 smcs; Rakuten.com \$552.00 co; Ramada Columbus \$185.93 smcs; Rasmussen Mechanical \$248.31 smcs; RCL Products \$231.06 smcs; Ready Mixed Concrete \$14,600.69 co; Reams \$1,037.75 smcs; Recognition Unlimited \$98.84 smcs,co; Recorded Books \$1,029.03 smcs; Red Top Cab \$17.14 smcs; Redman's Shoes \$710.49 smcs; Reinke's \$1,069.00 smcs; Resource Management \$1,163.52 smcs; Richter,R \$3.57 smcs; Rocket Jump Store \$21.29 smcs; Safelite Online Payments \$226.89 smcs; Sahling Kenworth \$23.95 smcs;S ally Beauty \$5.09 smcs; Sanitation Products \$396.95 smcs; Sapp Bros \$15,722.80 smcs; Sawin,M \$100.00 smcs; Schindler Elevator \$992.52 smcs; See Clear Cleaning \$2,050.00 smcs; Sell,S \$10.21 smcs; Sherwin Industries \$469.23 smcs; Sherwin Williams \$78.60 smcs; Sirchie Finger Print \$337.97 smcs; Sloggett,M \$40.99 smcs; Snap-On Tools \$430.50 smcs; Spikeball \$118.00 smcs; Sporting Edge \$79.98 smcs; Stamps.com \$4.99 smcs; Staples Direct \$38.45 smcs; Strategic Materials \$370.52 smcs; Steinbrink's \$1,896.43 smcs; Stroud,J \$90.00 smcs; Sun Life Financial \$61,360.48 smcs; Sunbelt Rentals \$87.94 smcs; Sungard Public Sector \$33,805.85 smcs; Super Shine Auto Care \$37.50 smcs; Supplyhouse.com \$74.75 smcs; Supplyworks \$1,279.80 smcs; Table Group \$507.23 smcs; Target \$255.60 smcs; Taxi Cab \$16.74 smcs; Tennis Courts Unlimited \$9,850.00 co; Terry's Tickets \$295.74 smcs; Theis,J \$40.00 smcs; Ticket Omaha \$2,753.50 smcs; Tielke's \$63.50 smcs; Tigerdirect.com \$252.34 co; Titan Machinery \$483.65 smcs; Tractor-Supply \$1,191.21 smcs,co; Trans Iowa Equipment \$604.18 smcs; Trausch,A \$139.98 smcs; Travelocity.com \$95.51 smcs; Trojan Worldwide \$89.50 smcs; TruGreen

ChemLawn \$170.00 smcs; TS Auto Glass \$17.00 smcs; Turkey Creek Garden \$240.00 smcs; U Stop \$36.33 smcs; Ultimate Office Solution \$977.67 smcs; Uncommon USA \$151.39 smcs; Union Bank \$69,630.60 ps; Unique Management \$259.55 smcs; UNK \$40.00 smcs; UPS \$102.70 smcs; USA Communications \$150.95 smcs; USPS \$292.54 smcs,co; USTA Membership \$35.00 smcs; Verizon \$1,691.64 smcs; Video Kingdom \$214.96 smcs; Walgreens \$3.73 smcs; Wal-mart \$678.78 smcs; Walsh,C \$151.00 smcs; Walter's Electric \$500.00 smcs; Ward Labs \$38.50 smcs; Wash Metrorail \$10.00 smcs; Westin Crystal City \$939.03 smcs; Wick's Sterling Trucks \$883.10 smcs; Wilke's True Value \$497.76 smcs; Winchester Trim \$1,493.86 smcs; WPCI \$317.50 ps; Xavus \$300.00 smcs; Xtreme Photo \$20.00 smcs; Yant Equipment \$225.97 smcs; Payroll Ending 11-14-2015 -- \$399,410.52. 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 December 8, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the construction of a Vehicle Storage Building for the Utilities Department and set the bid opening date for January 19, 2016 at 2:00 p.m.
5. Adopt Resolution No. 2015-236 approving the Nebraska Community Energy Alliance Interlocal Cooperation Agreement (Amended and Restated as of September 2015) with the Cities of Kearney, Bellevue, Central City, Gothenburg, Holdrege, Lexington, Nebraska City, Seward, South Sioux City and Wayne to promote transportation and housing choices that include lifecycle cost of ownership, retained energy value, and economic competitiveness by coordinating and leveraging federal and state policies and investments to community projects demonstrating direct high impact.

RESOLUTION NO. 2015-236

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney, that the President be and is hereby authorized and directed to execute the Nebraska Community Energy Alliance Interlocal Cooperation Agreement (Amended and Restated as of September 2015) with the Cities of Kearney, Bellevue, Central City, Gothenburg, Holdrege, Lexington, Nebraska City, Seward, South Sioux City and Wayne to promote transportation and housing choices that include lifecycle cost of ownership, retained energy value, and economic competitiveness by coordinating and leveraging federal and state policies and investments to community projects demonstrating direct high impact and authorizes the Mayor to execute said Agreement on behalf of the City. A copy of the Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt Resolution No. 2015-237 approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates for Community Development Block Grant Program CR Phase III (Grant No. 15-CR-004).

RESOLUTION NO. 2015-237

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds for a Community Development Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Administrator in connection with the management and supervision relating to Grant Number 15-CR-004 relating to the community revitalization project, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt Resolution No. 2015-238 appointing Chais Meyer to fulfill the term of Walter Martin on the Downtown Improvement Board and Dick Johnson to fulfill the term of Delbert Brock on the Senior Services Advisory Board.

RESOLUTION NO. 2015-238

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, a vacancy currently exists on the Downtown Improvement Board and the Senior Services Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to fulfill the vacated terms as indicated:

DOWNTOWN IMPROVEMENT BOARD

Chais Meyer appointed to fulfill the term vacated by Walter Martin to July 31, 2018.

SENIOR SERVICES ADVISORY BOARD

Dick Johnson appointed to fulfill the term vacated by Delbert Brock to July 31, 2017.

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

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt Resolution No. 2015-239 approving Application and Certificate of Payment No. 2 in the amount of \$100,957.27 submitted by Dan Roeder Concrete and approved by Miller & Associates 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.

RESOLUTION NO. 2015-239

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$100,957.27 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$845,939.25</u>
Contract Sum To Date	845,939.25
Gross Amount Due	782,113.75
Retainage (10%)	78,211.38
Amount Due to Date	703,902.37
Less Previous Certificates for Payment	<u>602,945.10</u>
Current Payment Due	\$100,957.27

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2015-240 approving Application and Certificate of Payment No. 3 in the amount of \$127,607.23 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue.

RESOLUTION NO. 2015-240

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$127,607.23 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$281,250.00
Change Order No. 1 (7-14-2015)	- 43,652.50
Contract Sum To Date	237,597.50
Gross Amount Due	209,597.50
Retainage (5%)	10,479.88
Amount Due to Date	199,117.63
Less Previous Certificates for Payment	71,510.40
Current Payment Due	\$127,607.23

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 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt Resolution No. 2015-241 approving Change Order No. 1 showing an increase of \$2,500.00 and Application and Certificate of Payment No. 4 in the amount of \$49,113.00 submitted by GD Concrete Construction and approved by Miller & Associates for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps.

RESOLUTION NO. 2015-241

WHEREAS, GD Concrete Construction of Overton, Nebraska has performed services in connection with the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps, 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 \$2,500.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and;

WHEREAS, GD Concrete Construction and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$49,113.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$215,620.00
Change Order No. 1 (11-24-2015)	+ 2,500.00
Contract Sum To Date	218,120.00
Gross Amount Due	216,385.00
Retainage (10%)	21,638.50
Amount Due to Date	194,746.50

Less Previous Certificates for Payment	<u>145,633.50</u>
Current Payment Due	\$ 49,113.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A" and Application and Certificate for Payment No. 4, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt Resolution No. 2015-242 approving Application and Certificate of Payment No. 5 in the amount of \$603,693.69 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements – Bid B 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. 2015-242

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements – Bid B 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 Application and Certificate for Payment No. 5 in the amount of \$603,693.69 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	+ 40,765.12
Change Order No. 2 (10-27-2015)	<u>+ 1,903.13</u>
Contract Sum To Date	1,857,064.25
Gross Amount Due	1,257,149.54
Retainage (5%)	62,857.48
Amount Due to Date	1,194,292.06
Less Previous Certificates for Payment	<u>590,598.37</u>
Current Payment Due	\$ 603,693.69

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

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Adopt Resolution No. 2015-243 approving Change Order No. 2 showing a decrease in the amount of \$6,030.00, Application and Certificate of Payment No. 3-Final in the amount of \$67,023.38 and accepting the Certificate of Substantial Completion submitted by Ramos Construction and approved by Miller & Associates for the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1.

RESOLUTION NO. 2015-243

WHEREAS, Ramos Construction of Shelton, Nebraska has performed services in connection with the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$6,030.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and;

WHEREAS, Ramos Construction and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$67,023.38 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$219,556.00
Change Order No. 1 (10-27-15)	+ 65,890.00
Change Order No. 2 (11-24-15)	- <u>6,030.00</u>
Contract Sum To Date	279,416.00
Gross Amount Due	279,416.00
Retainage (0%)	.00
Amount Due to Date	279,416.00
Less Previous Certificates for Payment	<u>212,392.62</u>
Current Payment Due	\$ 67,023.38

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 11, 2015, 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. 3-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt Resolution No. 2015-244 approving Application and Certificate of Payment No. 13 in the amount of \$40,357.67 submitted by Midlands Contracting and approved by Miller & Associates for 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.

RESOLUTION NO. 2015-244

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. 13 in the amount of \$40,357.67 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	5,378,169.40
Retainage (10%)	537,816.94
Amount Due to Date	4,840,352.46
Less Previous Certificates for Payment	<u>4,799,994.80</u>
Current Payment Due	\$ 40,357.67

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

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt Resolution No. 2015-245 approving Application and Certificate for Payment No. 9-Final in the amount of \$76,665.26 and accepting the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

RESOLUTION NO. 2015-245

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. 9-Final in the amount of \$76,665.26 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	1,535,732.26
Retainage (0%)	.00
Amount Due to Date	1,535,732.26
Less Previous Certificates for Payment	<u>1,459,067.00</u>
Current Payment Due	\$ 76,665.26

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 28, 2015, as shown by Exhibit "B" 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 Application and Certificate for Payment No. 9-Final, as shown on Exhibit "A" and the Certificate of Substantial Completion as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt Resolution No. 2015-246 approving Application and Certificate for Payment No. 3-Final in the amount of \$75,176.36 and accepting the Certificate of Substantial Completion submitted by Trojan Technologies and approved by Miller & Associates for the UV Disinfection Building Equipment at the Platte River Well Field.

RESOLUTION NO. 2015-246

WHEREAS, Trojan Technologies of London, Ontario, Canada has performed services in connection with the UV Disinfection Building Equipment 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-Final in the amount of \$75,176.36 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$254,490.00
Change Order No. 1 (7-28-2015)	<u>+ 13,996.95</u>
Contract Sum To Date	268,486.95
Gross Amount Due	268,486.95
Retainage (0%)	.00
Amount Due to Date	268,486.95
Less Previous Certificates for Payment	<u>193,310.59</u>
Current Payment Due	\$ 75,176.36

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 28, 2015, as shown by Exhibit "B" 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 Application and Certificate for Payment No. 3-Final, as shown on Exhibit "A" and the Certificate of Substantial Completion as shown on Exhibit "B" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt Resolution No. 2015-247 approving Change Order No. 1 showing a decrease in the amount of \$2,420.50, Application and Certificate of Payment No. 2-final in the amount of \$69,974.07 and accepting the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps.

RESOLUTION NO. 2015-247

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$2,420.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and;

WHEREAS, Dan Roeder Concrete and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$69,974.07 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$194,689.50
Change Order No. 1 (11-24-2015)	<u>- 2,420.50</u>
Contract Sum To Date	192,269.00
Gross Amount Due	192,269.00
Retainage (0%)	.00
Amount Due to Date	192,269.00
Less Previous Certificates for Payment	<u>122,294.93</u>
Current Payment Due	\$ 69,974.07

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 31, 2015, 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 is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Adopt Resolution No. 2015-248 approving Application and Certificate for Payment No. 1 in the amount of \$193,641.30 submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 6 Improvements consisting of Water Connection District No. 2015-1 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition and Sanitary Sewer Connection District No. 2015-1 in Landon Street from Central Avenue east to the east line of Lot 71, Riverside Addition.

RESOLUTION NO. 2015-248

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 6 Improvements consisting of Water Connection District No. 2015-1 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition and Sanitary Sewer Connection District No. 2015-1 in Landon Street from Central Avenue east to the east line of Lot 71, Riverside Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$193,641.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$267,567.00</u>
Contract Sum To Date	267,567.00
Gross Amount Due	215,157.00
Retainage (10%)	21,515.70
Amount Due to Date	193,641.30
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$193,641.30

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

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

18. Approve the Plans and Specifications for the 2015 Part 2 Improvements consisting of Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition and set the bid opening date for December 15, 2015 at 2:00 p.m.

19. Accept the bids received for the construction of the Cemetery Retaining Wall and adopt Resolution No. 2015-249 awarding the bid to Linhart Construction from Omaha, Nebraska in the amount of \$24,656.19.

RESOLUTION NO. 2015-249

WHEREAS, Miller & Associates and the City of Kearney reviewed the sealed bids which was opened on November 17, 2015 at 2:00 p.m. for the construction of the Cemetery Retaining Wall; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$39,810.00; and

WHEREAS, the staff has recommended the bid offered by Linhart Construction from Omaha, Nebraska in the amount of \$24,656.19 be accepted as the lowest responsible bid for the construction of the Cemetery Retaining Wall.

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 Linhart Construction be and is the lowest responsible bidder for the construction of the Cemetery Retaining Wall to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Linhart Construction in the amount of \$24,656.19 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer’s Opinion of Probable Construction Cost for in the amount of \$39,810.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

20. Adopt Resolution No. 2015-250 approving the Lease Agreement for Annex A and Annex B located behind the Airport Building located at 4980 Airport Road between the City of Kearney and Contractor Services, Inc. for the storage of road/highway barricades.

RESOLUTION NO. 2015-250

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 Lease Agreement for Annex A and Annex B located behind the Airport Building located at 4980 Airport Road for the storage of road/highway barricades, on behalf of the City of Kearney, Nebraska, with Contractor Services, Inc. The Agreement, marked Exhibit “1”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

21. Approve the applications 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 inside the Exposition Building and the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, December 18, 2015 and again on Saturday, December 19, 2015 from 3:00 p.m. until 12:00 a.m. for Bull Riding event.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

KEARNEY HOUSING AGENCY ANNUAL REPORT

Mayor Clouse opened for discussion the Kearney Housing Agency Annual Report submitted by Executive Director Carrie Hardage.

Carrie Hardage presented this matter to the Council. The Kearney Housing Agency owns and manages 463 rental units in Buffalo and Kearney County. The total subsidies received for housing from the Federal Government was \$1,441,633.22.

The Family Self-Sufficiency Program is where they encourage and try to assist the residents that are willing and able to work to increase the family income. They had 54 program participants and are only available to those living in Kearney Manor, Scattered Sites or Vouchers. They cannot offer it to everyone. Ten graduated; they set down a 5-year plan and what they would like to achieve in those five years. Two participants actually purchased a home.

The Elderly Supportive Services helps the seniors or those with disabilities to be able to stay in their own home because it is independent living as long as possible. The daily noon meal is served Monday-Friday and for the fiscal year they have served 15,550 meals. The Kearney Housing Agency subsidizes and pays the staff for that program. With the funding from the State and from residents it paid for all the supplies and food and that is the goal.

The Kearney Manor Resident Council is new for the fiscal year. HUD stipulates that if the residents will hold an election that all residents are allowed to vote in and elect officers. They then have a say in how a portion of the capital funds are spent with certain guidelines having to be meant. It really gives the residents ownership of what is done with the capital funding. They were able to sponsor a little league soccer team in the community and they also gave some money to Northwest Elementary music program.

One thing the Housing Urban Development really encourages is awarding contracts or hiring citizens that are recipients of housing assistance. For current fiscal year, eight of the staff is either current or previous housing assistance recipients.

Moved by Clouse seconded by Lear to accept the Kearney Housing Agency Annual Report as submitted by Executive Director Carrie Hardage. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

NORTHWESTERN ENERGY FUNDS FOR MARSHALL ENGINES

Mayor Clouse opened for discussion the use of Northwestern Energy funds for Marshall Engines to assist in providing natural gas infrastructure to their new facility located on Lot 1, Cherry Avenue Industrial Park, an addition to the City of Kearney (southeast corner of Cherry Avenue and UPRR) and to consider Resolution No. 2015-251.

Darren Robinson, President of the Economic Development Council of Buffalo County, presented this matter to the Council. Marshall Engines put forward a request for Northwestern Energy funds to help them install a high capacity natural gas line to their new facility. Marshall Engines uses specialized testing equipment for their engines and requires a much larger capacity gas line.

The cost of the line is \$84,000 and the board approved a request to the City Council to use the Northwestern funds at fifty percent or \$42,000 for approval for construction of the line.

The purpose of the Northwestern funds program is to mutually benefit the City and Northwestern by providing an annual source of funds to be used for economic development purposes in growth in the cities.

He believes the use fits perfectly to what the fund was designated for and helps them address additional growth possibility to the company and part of the their commitment. It is anticipated that they will be open at the beginning of the year with the \$20 million facility and will create 12 new full-time jobs.

Moved by Buschkoetter seconded by Lear to adopt **Resolution No. 2015-251** approving the use of Northwestern Energy funds for Marshall Engines to assist in providing natural gas infrastructure to their new facility located on Lot 1, Cherry Avenue Industrial Park, an addition to the City of Kearney (southeast corner of Cherry Avenue and UPRR). Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Lammers and Nikkila absent. Motion carried.

RESOLUTION NO. 2015-251

WHEREAS, the Economic Development Council of Buffalo County has recommended to the City Council that \$42,000.00 of the NorthWestern Energy Funds be used for Marshall Engines to assist in providing natural gas infrastructure to their new facility located on Lot 1, Cherry Avenue Industrial Park, an addition to the City of Kearney (southeast corner of Cherry Avenue and UPRR); and

WHEREAS, the City Council has deemed it to be in the best interests of the City of Kearney to commit \$42,000.00 of the NorthWestern Energy Funds as requested.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve \$42,000.00 of the NorthWestern Energy Funds for Marshall Engines to assist in providing natural gas infrastructure to their new facility located on Lot 1, Cherry Avenue Industrial Park, an addition to the City of Kearney (southeast corner of Cherry Avenue and UPRR).

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute all grant related documents.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

EXERCISE OPTION TO PURCHASE 40-ACRE TRACT AT TECH PARK

Mayor Clouse opened for discussion authorizing the City Manager to execute the Option to Purchase the additional 40 acres at the Tech Park and to consider Resolution No. 2015-252.

City Attorney Michael Tye presented this matter to the Council. This resolution will authorize the City Manager to exercise an option to purchase a parcel of property adjacent to the Tech Park. They previously were looking on the large project at the Tech Park. Initially they not only purchased the original parcel they also then purchased a 53-acre parcel across the drainage way but also took an option on the 40 acre parcel as well not knowing exactly how they might configure.

This was a 5-year option with increasing amounts and it will expire if they do not exercise at the end of the year and the resolution would allow the City Manager to exercise that option with a closing to happen sometime after the beginning of the year. The purchas price is \$793,560. This allows the City to exercise that option and close sometime after the first of the year.

Moved by Clouse seconded by Lear to adopt **Resolution No. 2015-252** authorizing the City Manager to execute the Option to Purchase the additional 40 acres at the Tech Park. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

RESOLUTION NO. 2015-252

WHEREAS, on August 24, 2010 the City Council held a public hearing and authorized the City Attorney and City Manager to complete negotiations for the possible purchase of an additional 40 acres on a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska; and

WHEREAS, the City entered into an Option Agreement showing the City's intent to possibly purchase the additional property within a 5-year period which will expire on December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager is hereby authorized and directed to proceed with the City's intent to exercise its option to purchase this additional 40-acre parcel.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIM

With the absence of Council members Nikkila and Lammers and the abstention of Mayor Clouse, the Open Account Claim to NPPD will be placed on the next agenda for approval.

VII. REPORTS

City Manager stated he was going to report on the Airport Runway Rehabilitation. With the absence of Council members Lammers and Nikkila he postponed it until the next meeting.

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 5:50 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

ATTEST:

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

MICHAELLE E. TREMBLY
CITY CLERK