

*Kearney, Nebraska
February 28, 2017
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 February 28, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Lauren Brandt, Deputy City Clerk; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, 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, Danny Starostka, Jordan Starostka, Brent Yaw, Dan Lillis, Andy Harter, Jason Whalen, Mike Konz from Kearney Hub, Kyle LaBoria from KGFW 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

Pastor John Watson provided the invocation.

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.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

½ ¢ SALES TAX CAPITAL IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney.

City Manager Michael Morgan presented this matter to the Council. There are several future projects involving streets. Most of the listed trail work has been completed. When the City goes back and looks through all of the suggestions provided years ago, there were a few areas that the City still has not made significant progress on or spent significant funds. One area would be the Harmon Park pool which was talked a lot about during the suggestions. Although the City has added several splash grounds with more to come, he believes one area to look at is how to update the pool house itself. The pool is in good condition but the facilities could be updated. Then at some point, the City will need to consider replacement of the slide (which is not on the list) and is an expensive item.

The City continues to meet the goals established with respect to the amount of funds being used for debt service. The City has met the targets that Council set up for the foreseeable future. As known, sales tax numbers are declining. No increases for the most part are budgeted in sales tax receipts, which is somewhat concerning but the City is able to accommodate. The City did not receive any input from the public over the last weeks with the announcement of the public hearing. He would remind citizens that as promised, there is a list of every project that has been funded and the amount on the City's website.

In addition, the City does maintain an identified but unfunded list as certain projects come up where there is not sufficient funding for the foreseeable future. Some of the projects that the City has moved back since the sales tax project started include the City Hall HVAC, which is coming up to its 40-year life, that has had to be moved back due to lack of funds. Another project that has moved some throughout the years is the additional fire station but in the interim, the City has built the fire station at the Kearney Airport. The City will continue to look for the additional fire station site and that is on the list as well.

Council Member Lammers asked about the additional pool in southwest Kearney. City Manager stated that this pool is much newer and there are no real issues. The City has done some pretty significant improvements over the past few years and some amenities were added at that pool that was requested a few years ago. So overall, it is in good shape and certainly well used. There has been some talk about adding a splash ground near the Harmon Park Pool as the smaller children's pool is not as utilized. Another item that the City is looking at is how to provide better shade around the splash grounds, which is a challenge as those shade structures are expensive but the City is going to look at other alternatives. East Brooke Park will be the newest park with a splash ground and then the City will begin evaluating other areas with the Park and Recreation staff and board.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

ONE AND SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the adoption of the One and Six Year Street Improvement Plan and consider Resolution No. 2017-23.

Assistant Public Works Director Andy Harter presented this matter to the Council. He stated at the February 14 meeting he presented all the projects. Other than comments received from Council members during that meeting, the Public Works Department had not received any comments from the public up to this point. Other than the comments received on how the City designs 11th Street, as mentioned by Council Member Nikkila at the last meeting, will all be taken into consideration and at this point, there have been no other additional requests.

Council Member Lammers asked about Pony Express Road north of 39th Street. He mentioned that it is deteriorating, especially where the street curve slightly and he has received some comments from citizens in regards to that street. Assistant Public Works Director stated that specifically he could not answer on that street but he could definitely look into it. Council Member Nikkila agreed with Council Member Lammers comments on the roughness of the street.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Buschkoetter to close the hearing and adopt Resolution No. 2017-23 approving the One and Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2017-23

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

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on February 28, 2017 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2018 and the Six Year City Street Plan ending September 30, 2023, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held February 14, 2017.
2. Approve the following Claims:

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

A-1 Refrigeration \$120.00 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$17.10 smcs; Alertshirt \$5.00 smcs; Alfa Laval \$122.62 smcs; Alfred Benesch \$13,829.80 co; All Makes Auto \$500.16 smcs; Amazon \$6,403.18 smcs,co; American \$417.75 smcs; Amer Air \$698.00 co; American Assn Notaries \$32.90 smcs; Amer Fence \$3,924.24 smcs,co; Amer First Aid \$364.53 smcs; Amz*Enjoybestprice \$160.15 co; Amz*Yangyu \$50.00 smcs; Anderson Bros \$215.81 smcs; ARC Services \$27.00 smcs; Arctic Refrigeration \$287.01 smcs; Arrowhead Scientific \$226.24 smcs; Ask Supply \$1,406.75 smcs; Athene Annuity \$1,220.00 ps; Aurora Coop \$833.34 smcs; Aussie Hydraulics \$17.60 smcs; Auto Value \$3,684.90 smcs; Baker & Taylor \$4,693.58 smcs; Ballastshop \$129.44 smcs; Bamford \$4,270.24 smcs; Baum Hydraulics \$106.28 smcs; BCCHP.org \$20.58 smcs; Bike Shed \$973.99 smcs; BK Development \$40,133.69 co; Blackstone Audiobooks \$240.00 smcs; Blick Art Material \$233.74 smcs; BlueCross/BlueShield \$312,284.93 smcs; Bosselman \$17,472.39 smcs; Broadfoot's \$1,029.50 smcs; BSN Sports Supply \$298.96 smcs; Buffalo Outdoor Power \$20.59 smcs; Bugay,T \$89.89 smcs; Buggy Bath \$77.35 smcs; Buildasign.com \$8.00 smcs; Builders \$1,568.33 smcs; Buzz's Marine \$96.28 smcs; Cabela's \$49.98 smcs; Canva.com \$10.00 smcs; Capital Business \$627.95 smcs; Capitol Celebrations \$200.00 smcs; Cardconnect \$7,068.00 co; Carquest \$710.61 smcs; Carroll Emerson \$360.79 smcs; Cash Wa \$477.86 smcs,co; CDW Government \$1,790.16 smcs; Cengage Learning \$319.12 smcs; Center Point Publishing \$74.01 smcs; Central Fire & Safety \$613.00 smcs; Central Hydraulic \$2,010.15 smcs; Central NE Bobcat \$1,219.75 smcs; CFA Software \$2,995.00 smcs; Charter \$783.10 smcs; Chemsearch \$305.00 smcs; Chesterman \$209.20 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$45.20 smcs; Cintas \$241.86 smcs; CIOX Health \$20.00 smcs; City of Ky \$10,729.74 co,smcs,ps; Compass Software \$955.37 smcs; Compressed Air Systems \$31.54 smcs; Consec Life Ins \$19.00 ps; Construction Rental \$1,537.14 smcs; Control Yours \$370.00 smcs; Copycat \$155.25 smcs; Cornhusker Cleaning \$20.10 smcs; Country Inn & Suites \$40.33 smcs; Courtyard \$737.16 smcs; Crown Awards \$165.72 smcs; Culligan \$111.50 smcs; Dana Point Development \$25,794.24 co; Danko Emergency \$9,470.44 smcs,co; Dawson PPD \$19,325.59 smcs; Daylight Donuts \$97.00 smcs; Degy Booking \$1,125.00 smcs; Delight Donuts \$157.00 smcs; Dell \$2,032.16 co; Demco \$982.37 smcs; DHHS \$80.00 smcs; Diversified \$393.00 co; Dockladders \$326.35 smcs; Dollar-General \$27.66 smcs; Dreamstime.com \$39.00 smcs; Eakes \$4,258.80 smcs; EB NE Aviation \$95.00 co;

Ecessa \$225.00 smcs; E-Conolight \$509.95 smcs; Eileen's Cookies \$28.50 smcs; Embassy Suites \$1,086.77 smcs; EMC Ins \$10,611.15 smcs; Eshleman,A \$49.12 smcs; Eustis Body Shop \$160.00 smcs; Excal Visual \$413.75 smcs; Express Sharpening \$110.00 smcs; Facebook \$82.24 smcs; Fair Play Scoreboards \$1,970.00 smcs; Fairbanks \$606.00 smcs; Family Fresh \$47.62 smcs; Family Practice \$137.00 ps; Farmers Union \$23.00 smcs; Fastenal \$319.50 smcs; Faucet Depot \$203.86 smcs; Fireguard \$266.44 smcs; Fresh Water Systems \$90.64 smcs; Frontier \$9,432.07 smcs; Fun Express \$177.37 smcs; Galls \$206.25 smcs; Garage Door Zone \$58.61 smcs; Garrett Tires \$6,904.25 smcs; Glendale Parade \$194.00 smcs; Glow With Us \$113.57 ps; Grainger \$1,312.19 smcs; GI Physical \$90.00 smcs; Harshbarger,D \$39.73 smcs; HD Supply \$30,794.58 smcs, co; Hilton,K \$23.30 smcs; Hobby-Lobby \$350.42 smcs; Holmes Plbg \$54.42 smcs; Home Depot \$100.21 smcs; Hometown Leasing \$265.92 smcs; HOSA \$651.00 smcs; Hotel RL \$201.60 smcs; IACP Net \$1,225.00 smcs; IBI Supplyworks \$2,350.24 smcs; ICMA \$4,712.03 ps; Insultab \$423.50 smcs; IPMA-HR \$752.40 smcs; IRS \$147,826.24 ps; Jack Lederman \$465.30 smcs; Jack's Uniforms \$192.83 smcs; James,D \$80.00 smcs; Jimmy Johns \$78.25 smcs; Johnson Controls \$3,928.00 smcs; Johnson Service \$1,675.00 smcs; Johnstone Supply \$333.64 smcs; Jones Automotive \$991.73 smcs; Kansas City Royals \$2,090.00 smcs; Kart-Man \$997.66 smcs; Ky Ace Hardware \$185.47 ps; Ky Chamber Comm \$20.00 smcs; Ky Clinic \$508.00 smcs; Ky Concrete \$116.90 smcs; Ky Crete & Block \$1,625.47 smcs; Ky Hub \$850.40 smcs; Ky Power Sports \$256.18 smcs; Ky Towing \$185.00 smcs; Ky Visitors Bureau \$67,353.07 smcs; KVF D \$150.00 smcs; Ky Warehouse \$176.20 smcs; Ky Winlectric \$15.22 smcs; Ky Winnelson \$30.82 smcs; Kelly Supply \$1,407.87 smcs; Kulhanek Enterprises \$500.00 smcs; La Crosse Technology \$16.95 smcs; Landmark Implement \$502.71 smcs; Lawn Builders \$798.74 smcs; LCL Truck \$59.97 smcs; Liberty Cleaners \$30.94 smcs; Lincoln Winwater \$689.00 smcs; LMC Truck \$2,672.40 smcs; Lockmobile \$8.25 smcs; Mail Express \$20.26 smcs; Marlatt Machine \$232.03 smcs; Matheson \$323.32 smcs; Matt Friend Truck \$3,827.25 co; McCarty,D \$8.05 smcs; McDermott & Miller \$25,710.00 smcs; Medicbatteries.com \$86.92 smcs,ps; Menards \$2,811.32 smcs,co; Merryman Performing Arts \$78.05 smcs; Microsoft \$605.99 smcs; Mid Amer Signal \$718.24 smcs; Midwest Breathing \$285.19 smcs; Midwest Connect \$821.61 smcs; Midwest Radar \$920.00 co; Miller & Associates \$238,143.08 co; Miller,M \$43.49 smcs; Mirror Image \$665.40 smcs; Moonlight Embroidery \$3,095.60 ps; Municipal Supply \$5,780.09 smcs; Murphy Tractor \$1,330.00 smcs; Myseniorcenter.com \$890.00 smcs; Nat'l Alliance for You \$328.86 smcs; NE Child Support \$2,188.20 ps; NE DOL/Office Safety \$120.00 smcs; NE Environmental Products \$2,821.50 co; NE Law Enforcement \$102.00 smcs; NE Library Assn \$170.00 smcs; NE Notary Assn \$154.00 smcs; NE Peterbilt \$428.71 smcs; NE Public Health \$536.80 smcs; NE Safety & Fire \$195.00 smcs; NE Truck Center \$1,520.33 smcs; NE Well Drillers \$300.00 smcs; Nebrands Media \$129.80 smcs; Network Fleet \$94.75 smcs; Network Solutions \$75.98 smcs; Newman Signs \$145.40 smcs; NNLA \$180.00 smcs; Northern Safety \$99.00 smcs,co; Northwest Electric \$647.35 smcs; Northwestern Energy \$13,385.37 smcs; NRG Media \$54.00 smcs; OCLC \$654.27 smcs; Officemax \$631.35 smcs; Officenet \$1,010.22 smcs; O'Hara Lindsay \$2,000.00 smcs; O'Reilly Auto \$171.15 smcs; Orscheln \$87.60 smcs; Otto Environmental \$10,604.00 smcs; Outdoor Custom Sportswear \$564.77 smcs; Outofprintclothing \$168.00 smcs; Overdrive \$1,500.00 smcs; Paramount \$393.35 smcs,co; Pat's Plbg \$250.00 smcs; Paypal*Abarerlyinc \$244.99 smcs; Paypal*Airtrvlgrp \$380.00 smcs; Paypal*Asap Parts \$128.89 co; Paypal*Chazmiller7 \$682.99 smcs; Paypal*Cnhrma \$30.00 co;

Paypal*Fnwirelessw \$219.99 smcs; Paypal*Hillcountry \$101.50 smcs; Paypal*Nebraskacle \$616.00 smcs; Paypal*Prestigefla \$280.37 smcs; Paypal*Shenzhenchi \$9.48 co; Paypal*Simsrecycli \$367.98 smcs; Peerless Machine \$277.50 smcs; Penguin Random House \$90.00 smcs; Penworthy \$451.81 smcs; Pep Co \$3,286.34 smcs; Pet Pick Ups \$1,059.90 smcs; Petro Oasis \$39.34 smcs; Phillips 66 \$76.36 smcs; Pitney Bowes \$159.76 smcs; Pizza Hut \$70.78 smcs; Platte Valley Auto \$245.80 smcs; Platte Valley Comm \$307.26 smcs; Portable Computer \$596.00 smcs,co; Pot O' Gold Productions \$155.00 smcs; Potter,B \$31.00 smcs; Presto-X \$627.03 smcs; Prime Comm \$652.50 smcs; Provantage \$1,045.95 smcs; Public Risk Mgmt \$385.00 smcs; Pump & Pantry \$63.20 smcs; Qualified Hardware \$536.00 smcs; Reams \$533.92 smcs; Recorded Books \$399.89 smcs; Regency Lodge Hotel \$90.99 smcs; Rice,C \$60.23 smcs; Robb,S \$356.26 smcs; Roeder Land & Cattle \$534.00 co; Rylind Mfg \$1,189.00 smcs; S&B Heating \$408.05 smcs; Safelite Auto \$257.06 smcs; Sahling Kenworth \$120.76 smcs; Salinet Sciences \$1,800.00 smcs; Sampson Construction \$105,625.00 co; Sanitation Products \$301.80 smcs; Sapp Bros \$16,853.10 smcs; Sato America \$609.35 smcs; Saylor Screenprinting \$273.00 smcs; SCC \$283.50 smcs; Schindler Elevator \$2,971.13 smcs; Schmidt,A \$31.00 smcs; Sears \$137.96 smcs; Sirchie Vehicles \$108,712.47 co; Small,J \$10.00 smcs; Springer Roofing \$625.00 smcs; Steinbrink,A&T \$236.16 smcs; Strategic Materials \$385.56 smcs; Sunny Bunny Easter Eggs \$312.15 smcs; Taco Johns \$135.78 smcs; Target \$46.48 smcs; Ticket Omaha \$402.50 smcs; Titan Machinery \$1,154.87 smcs,co; Tractor-Supply \$908.62 smcs; Trans Iowa Equipment \$305.18 smcs; Tri-Cities Group \$185.65 smcs; Tri-Co Glass \$916.25 smcs; Trophy Depot \$20.52 smcs; Tyler Business Forms \$98.48 smcs; Tyler Technologies \$900.00 smcs; Union Bank \$202,745.57 smcs,ps; Unique Management \$187.95 smcs; UNL Agronomy \$540.00 smcs; UNMC \$85.00 smcs; UPS Store \$22.61 smcs; USA Comm \$155.95 smcs; USPS \$266.26 smcs; Vanhorn,E \$19.04 smcs; Varidesk \$870.00 smcs; Verizon \$40.01 smcs; Volleyballusa.com \$226.58 smcs; Walgreens \$43.30 smcs,co; Wal-Mart \$1,055.79 smcs,co; Walters Electric \$160.00 smcs; Wick's Sterling Trucks \$1,015.40 smcs; Wilke's True Value \$711.36 ps; WPCI \$160.50 smcs; Yanney Heritage Park \$2,493.36 co; Yant Equipment \$461.23 smcs; Zoro Tools \$59.85 smcs; Payroll Ending 2/18/2017 -- \$405,805.32. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set March 14, 2017 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exhibit Building (alternate location and date is April 15 in Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, April 14, 2017 from 6:00 p.m. until 1:00 a.m. for a dance.
5. Adopt Resolution No. 2017-24 authorizing the execution and delivery of a Master Governmental Lease Purchase Agreement providing financing for a dump truck and motor grader for the Public Works Department.

RESOLUTION NO. 2017-24

WHEREAS, a resolution of the governing body of the City of Kearney, Nebraska authorizing the execution and delivery of a Master Governmental Lease-Purchase Agreement with respect to the acquisition, purchase, financing and leasing of certain equipment for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and

WHEREAS, the City of Kearney (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Nebraska is authorized by the laws of the State of Nebraska to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment, the Lessee proposes to enter into that certain Master Governmental Lease-Purchase Agreement (the "Agreement") with Wells Fargo Equipment Finance, Inc. (the "Lessor"), the form of which have been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment to be therein described on the terms and conditions therein provided.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska as follows:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement is hereby approved in substantially the form presented at this meeting. With such insertions, omissions and changes as shall be approved by the Mayor of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such document being conclusive evidence of such approval; and the Mayor of the Lessee is hereby authorized and directed to execute, and the City Clerk of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and any related Exhibits attached thereto and to deliver the Agreement including such Exhibits to the respective parties thereto and the City Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this resolution, the Agreement nor any other instrument shall be constructed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or

against its taxing power, except to the extent that the rental payments payable under the Lease are special limited obligations of the Lessee as provided therein.

Section 4. Appointment of Authorized Lessee Representatives. The Finance Director and City Clerk of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This resolution shall be effective immediately upon its approval and adoption.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by Matt Mattson to conduct the Highway Creepers 4th Rock N Rods Car Show and temporarily close Central Avenue from south of South Railroad Street to 18th Street, and 19th Street from 1st Avenue to Central Avenue from 9:00 a.m. until 4:00 p.m. on April 22.

7. Approve the Plans and Specifications for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill and set the bid opening date for March 21, 2017 at 2:00 p.m.

8. Adopt Resolution No. 2017-25 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 3 through 14 of Block 4, Windsor Estates Seventh Addition.

RESOLUTION NO. 2017-25

WHEREAS, on the 14th day of June, 2016 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2016-97 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Johnson Imperial Home Company to construct paving, water, sanitary sewer and storm sewer improvements to serve Lots 3 through 14 of Block Four, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, sanitary sewer and storm sewer to serve the property described as Lots 3 through 14 of Block Four, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the application for a Special Designated License submitted by Kearney Lodging, LLC, dba Ramada Kearney in connection with their Class CK-096499 liquor license to dispense alcoholic liquors inside The Archway, 3060 East 1st Street, on Friday, March 24, 2017 from 5:00 p.m. to 12:00 a.m. for a wedding rehearsal dinner.

10. 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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Thursday, March 23, 2017 from 3:00 p.m. until 12:00 a.m. for a company event.

11. 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 liquor license to dispense alcoholic liquor inside Midway Chevrolet, 515 2nd Avenue, on Thursday, March 23, 2017 from 3:00 p.m. until 10:00 p.m. for a business event.

12. 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 liquor license to dispense alcoholic liquor inside the Heartland Bank, 212 East 56th Street, on Thursday, March 30, 2017 from 4:00 p.m. until 10:00 p.m. for a business event.

13. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor inside the Classic Car Museum, 3600 East Highway 30 Suite B, on Friday, March 31, 2017 from 4:00 p.m. until 10:00 p.m. for a business event.

14. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311

liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 1, 2017 from 3:00 p.m. until 1:00 a.m. for a fundraiser.

15. 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 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 8, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

16. 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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, April 21, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 29, 2017 from 3:00 p.m. until 1:00 a.m. for a 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 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 29, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

PURCHASE AGREEMENT WITH MIDWEST PARTITIONS, INC.

Regular Agenda items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion the Purchase Agreement between the City of Kearney and Midwest Partitions, Inc. for a tract of land being part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4970 Airport Road).

City Attorney Michael Tye presented this matter to the Council. This matter involves two agreements that are connected. The first is the purchase agreement for the sale of the Pramac (previously known as the Coleman Powermate building) and the second is the Development and Annexation Agreement. Through the efforts of the Development Council, the City has found someone who is interested in purchasing the Pramac building and making some significant improvements. The building has been vacant for

eight months plus. There has been an effort to try and find someone who could put that building back to use. Midwest Partitions Incorporated has made a proposal to purchase the building for \$800,000 in addition to making improvements to the building, in a minimum amount of \$500,000, which will include improving the façade along Airport Road towards the east side of the building. It also will include constructing screening fencing along the other side of the property as it faces Patriot Park. Midwest Partitions will create a minimum of 30 full-time jobs at this location and will maintain those jobs for at least three years. They will complete the improvements of the \$500,000 plus within two years.

Also included in the agreement is consent that the property would be annexed once the City has the legal ability to annex the property. They would agree to pay any assessments on the side streets once those streets need to be improved. There is also a right of first refusal that is part of this transaction so the City would have the right to re-purchase the property within five years after the closing of this sale if Midwest Partitions were for some reason sell the property.

Council Member Clouse stated that it is important for everyone to understand that the City has had this building listed through various sources and have had no offers at all on the price it was appraised at. So even though this is below the appraised price, the City has used due diligence in trying to get the appraised value on the property.

Moved by Clouse seconded by Lammers to adopt Resolution No. 2017-26 approving the Purchase Agreement between the City of Kearney and Midwest Partitions, Inc. for a tract of land being part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4970 Airport Road). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2017-26

WHEREAS, the City of Kearney owns the large industrial building on Airport Road that had previously been leased to Pramac as well as Coleman/Powermate; and

WHEREAS, the City has received a formal offer by a letter of intent from Midwest Partitions, Inc., a Nebraska company which would establish a manufacturing business at this location; and

WHEREAS, Midwest Partitions, Inc. and the City of Kearney have agreed to execute a Real Estate Purchase Agreement, 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, to authorize the City Manager to execute the Real Estate Purchase Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

**DEVELOPER INFRASTRUCTURE AND ANNEXATION AGREEMENT WITH
MIDWEST PARTITIONS, INC.**

Regular Agenda items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion the Developer Infrastructure and Annexation Agreement between the City of Kearney and Midwest Partitions, Inc. for a tract of land being part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4970 Airport Road).

Moved by Lammers seconded by Nikkila to adopt Resolution No. 2017-27 approving the Developer Infrastructure and Annexation Agreement between the City of Kearney and Midwest Partitions, Inc. for a tract of land being part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4970 Airport Road). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2017-27

WHEREAS, Midwest Partitions, Inc., a Nebraska company desires to purchase from the City of Kearney the large industrial building on Airport Road that had previously been leased to Pramac as well as Coleman/Powermate; and

WHEREAS, Midwest Partitions, Inc., will enter into a Developer Infrastructure and Annexation Agreement with the City of Kearney agreeing that should future infrastructure improvements or annexation occurs that it will not object to such process. A copy of said Developer Infrastructure and Annexation Agreement, 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, to authorize the Mayor and City Clerk to execute the Developer Infrastructure and Annexation Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Buschkoetter that the Open Account Claim in the amount of \$81,365.96 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

Council members congratulated the boys and girls at Kearney Catholic and Kearney High for going to the State to compete in basketball.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:47 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**