

*Kearney, Nebraska
May 23, 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 May 23, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Lauren Brandt, Deputy City Clerk; Michaelle Trembly, City Clerk; Michael Tye, City Attorney; 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. Members of the media present included 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 Jonathan Lumbard provided the Invocation.

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.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE LOT 1, HILLTOP MALL SUBDIVISION AND FINAL PLAT FOR HILLTOP MALL SECOND

Mayor Clouse stated Public Hearings 1 and 2 pertaining to the development of property located northeast of 2nd Avenue and 48th Street, west of Herbergers will remain on the table until June 13, 2017. Therefore, no action was taken.

DEVELOPMENT PLANS FOR NORTHEAST OF 2ND AVENUE AND 48TH STREET, WEST OF HERBERGERS

Mayor Clouse stated Public Hearings 1 and 2 pertaining to the development of property located northeast of 2nd Avenue and 48th Street, west of Herbergers will remain on the table until June 13, 2017. Therefore, no action was taken.

AMEND LAND USE MAP FOR NORTHWEST CORNER OF 48TH STREET AND 11TH AVENUE

Moved by Lammers seconded by Lear to remove from the table Public Hearings 3 through 6 pertaining to the development of property located at the northwest corner of 48th Street and 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Absent: Nikkila. Motion carried.

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Medium Density Residential property described as a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue) and consider Resolution No. 2017-74. Planning Commission recommended approval.

Craig Bennett presented this matter to the Council. This property includes 2.21 acres, 1-lot subdivision that is located west of 11th Avenue and north of 48th Street. The property is adjacent to the west side of 11th Avenue which is already platted with the portion of Fountain Hills that was on the east side when 10th Avenue was platted. The current property is zoned Agricultural and is requested to be rezoned from Agricultural to R-2. The property is bounded on the south by R-1 and on the east by R-3/PD. The existing land use map is LDR and another request of this project is to modify the future land use map from LDR to MDR. Another component of this project for the developer includes extending 11th Avenue in the form of a right-a-way easement that will be recorded and is similar to what was done for Country Club Lane, north of Lighthouse Point, all the way to 56th Street. The developer's intention is to construct the rural northern area. Originally, the preliminary plat included four lots with an eyebrow but there is now only one lot with the eyebrow and the R-2 zoning which allows for duplexes.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2017-74 approving the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Medium Density Residential property described as a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2017-74

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue also being the Southeast corner of Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the ACTUAL POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of Block 4 of said Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block 4 a distance of 40.19 feet a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line of Block 4 a distance of 182.10 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3 of said Block 4; thence N 63°37'38" E a distance of 411.56 feet to a 5/8" rebar w/cap at the Northwest corner of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 25°29'30" E on the West line of said 11th Avenue a distance of 16.90 feet to a 5/8" rebar w/cap; thence continuing on said West line of 11th Avenue on a tangent curve to the Right having a central angle of 67°54'14", a radius of 267.00 feet, an arc length of 316.43 feet, and a chord bearing S 08°27'38" W a distance of 298.24 feet; thence S 42°24'45" W continuing on said West line of 11th Avenue a distance of 187.56 feet to the Point of Beginning, containing 2.21 acres, more or less, Buffalo County, Nebraska from Low Density Residential to Medium Density Residential, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Low Density Residential to Medium Density Residential the use classification for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue also being the Southeast corner of Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the ACTUAL POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of Block 4 of said Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block 4 a distance of 40.19 feet a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line of Block 4 a distance of 182.10 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3 of said Block 4; thence N 63°37'38" E a distance of 411.56 feet to a 5/8" rebar w/cap at the Northwest corner of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 25°29'30" E on the West line of said 11th Avenue a distance of 16.90 feet to a 5/8" rebar w/cap; thence continuing on said West line of 11th Avenue on a tangent curve to the Right having a central angle of 67°54'14", a radius of 267.00 feet, an arc length of 316.43 feet, and a chord bearing S 08°27'38" W a distance of 298.24 feet; thence S 42°24'45" W continuing on said West line of 11th Avenue a distance of 187.56 feet to the Point of Beginning, containing 2.21 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

REZONING NORTHWEST CORNER OF 48TH STREET AND 11TH AVENUE

Moved by Lammers seconded by Lear to remove from the table Public Hearings 3 through 6 pertaining to the development of property located at the northwest corner of 48th Street and 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Absent: Nikkila. Motion carried.

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District property described as a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue) and consider Ordinance No. 8145.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District property described as a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue) and introduced Ordinance No. 8145 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 Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8145. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. 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. 8145 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8145 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8145 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.

FINAL PLAT FOR FOUNTAIN HILLS NINTH ADDITION

Moved by Lammers seconded by Lear to remove from the table Public Hearings 3 through 6 pertaining to the development of property located at the northwest corner of 48th Street and 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Absent: Nikkila. Motion carried.

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for

Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue) and consider Resolution No. 2017-75.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt Resolution No. 2017-75 approving the Applications submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2017-75

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Ninth Addition, an addition to the City of Kearney, Nebraska for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue also being the Southeast corner of Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the ACTUAL POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of Block 4 of said Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block 4 a distance of 40.19 feet a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line of Block 4 a distance of 182.10 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3 of said Block 4; thence N 63°37'38" E a distance of 411.56 feet to a 5/8" rebar w/cap at the Northwest corner of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 25°29'30" E on the West line of said 11th Avenue a distance of 16.90 feet to a 5/8" rebar w/cap; thence continuing on said West line of 11th Avenue on a tangent curve to the Right having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing S 08°27'37" W a distance of 298.24 feet; thence S 42°24'45" W continuing on said West line of 11th Avenue a distance of 187.56 feet to the Point of Beginning, containing 2.21 acres, more or less, Buffalo County, Nebraska duly made

out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

ANNEXATION OF FOUNTAIN HILLS NINTH ADDITION

Moved by Lammers seconded by Lear to remove from the table Public Hearings 3 through 6 pertaining to the development of property located at the northwest corner of 48th Street and 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Absent: Nikkila. Motion carried.

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue) and consider Resolution No. 2017-76.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2017-76 approving the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 48th Street and 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2017-76

WHEREAS, an Application has been submitted by Miller & Associates for Grand West, LLC for the inclusion of Fountain Hills Ninth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue also being the Southeast corner of Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the ACTUAL POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of Block 4 of said Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block 4 a distance of 40.19 feet a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line of Block 4 a distance of 182.10 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3 of said Block 4; thence N 63°37'38" E a distance of 411.56 feet to a 5/8" rebar w/cap at the Northwest corner of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 25°29'30" E on the West line of said 11th Avenue a distance of 16.90 feet to a 5/8" rebar w/cap; thence continuing on said West line of 11th Avenue on a tangent curve to the Right having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing S 08°27'37" W a distance of 298.24 feet; thence S 42°24'45" W continuing on said West line of 11th Avenue a distance of 187.56 feet to the Point of Beginning, containing 2.21 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 21, 2017 on the inclusion of Fountain Hills Ninth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on May 9, 2017 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Fountain Hills Ninth Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the

City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Fountain Hills Ninth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that Item 5 has been withdrawn by the applicant.

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 4 and 6 through 21 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 9, 2017.

2. Approve the following Claims:

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

1000bulbs.com \$77.85 smcs; 24 Hour Tees \$895.50 smcs,ps; 3Gstore.com \$1,216.36 co; 4Imprint \$1,937.71 smcs; Accuquilt \$102.98 smcs; Acushnet \$447.74 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$34.99 smcs; Advance Services \$105.00 smcs; Adventure Enterprises \$150.00 smcs; Agri Coop \$1,826.58 smcs; All Makes Auto \$2,399.44 smcs; All Star Pro Golf \$309.10 smcs; Alyaqoubi,A \$8.89 smcs; Amazon \$4,131.28 smcs,co; American \$242.61 smcs,co; Amer Fence \$11,365.00 smcs; Amer First Aid \$242.35 smcs; Amer Legion Emblem \$149.38 smcs; Amer Library Assn \$179.00 smcs; Amer Red Cross \$435.00 smcs; Andersen Wrecking \$85.00 smcs; Apple Market \$25.98 smcs; Appliance Service Center \$259.95 smcs; Applied Industrial \$1,364.69 smcs; Arnett,L \$16.13 smcs; Arrow Seed \$114.25 co; Ask Supply \$3,632.17 smcs; Aurora Coop \$980.00 smcs; Auto Value \$95.71 smcs; Baird Holm \$6,610.00 smcs; Baker & Taylor \$6,923.67 smcs; Barney Abstract \$450.00 smcs; BCCHP.org \$391.65 smcs; Beacon Athletics \$293.00 smcs; Berg, B \$266.00 smcs; Big Rack Shack \$875.00 smcs; Blue 26 Security \$199.99 smcs; BlueCross/BlueShield \$152,441.58 smcs; Boardtronics \$419.51 smcs; Boogaarts \$11.04 smcs; Bosselman \$19,301.03 smcs; Bowman,M \$250.00 smcs; Brandt,M \$18.13 smcs; Briseno,P \$143.64 smcs; Broadfoot's \$1,402.50 smcs; Broweleit,C \$31.00 smcs; Bruha,S \$360.00 smcs; BSN Sport Supply \$233.61 smcs; Buckmaster,P \$40.35 smcs; Buffalo Co Treasurer \$104.18 smcs,co; Buffalo Outdoor Power \$981.46 smcs; Builders \$1,155.84 smcs,co; Byrne,D \$25.18 smcs; Cabela's \$1,525.67 smcs; Cable Express \$5.78 co; Candy,P \$115.00 smcs; Capital Business \$358.14 smcs; Care Citrix \$468.00 smcs; Carlson,E \$36.84

smcs; Carquest \$628.29 smcs; Carrot Top \$13.91 smcs; Casey's \$38.45 smcs; Cash Wa \$705.51 smcs,ps; Cenex \$44.18 smcs; Central Hydraulic \$689.27 smcs; Central NE Bobcat \$1,143.44 smcs; Cerda,R \$42.20 smcs; CH Diagnostic \$490.00 smcs; Charter \$1,153.63 smcs; Chemsearch \$305.00 smcs; Chesterman \$1,653.15 smcs; Chicken Coop \$50.00 smcs; Cintas \$244.55 smcs; City Glass \$158.04 smcs; City of Ky \$17,897.25 smcs,ps; Civic Plus \$3,500.00 smcs; Clark Enersen \$10,460.70 co; CNA Ins \$40.00 smcs; Coldspring \$246.60 smcs; Collinson Enterprises \$26.50 smcs; Collison,C \$10.62 smcs; Comm Action Partnership \$514.00 smcs; Compass Navigation \$2,500.00 smcs; Conesco Life Ins \$19.00 ps; Consolidated Mgmt \$26.22 smcs; Construction Rental \$2,854.09 smcs,co; Control Yours \$285.00 smcs; Cooperative Producers \$692.80 smcs; Copycat Printing \$1,080.89 smcs,co; Corky Creations \$300.00 smcs; Cox,E \$115.00 smcs; Cracker Barrel \$550.39 smcs; Crane River Theater \$300.00 smcs; Culligan \$324.60 smcs; Dawson PPD \$26,735.48 smcs; Delight Donuts \$28.50 smcs; Dell \$624.75 co; Dennis,N \$343.00 smcs; Depository Trust \$2,510,121.40 ds; Dino O'Dell \$350.00 smcs; DnT Portable Buildings \$4,905.00 co; Dollar-General \$17.84 smcs; Dowhy Towing \$200.00 smcs; DPC Inds \$8,759.15 smcs; Eagle Distributor \$1,928.40 smcs; Eagle Engraving \$43.45 smcs; Eakes \$493.96 smcs; Ehrlich-Rentokil \$96.38 smcs; Eileen's Cookies \$15.00 smcs; EMC Ins \$10,523.84 smcs; Ereplacementparts.com \$44.10 smcs; Eustis Body \$100.00 smcs; Facebook \$81.11 smcs; Factor Tactica \$47.52 smcs; Family Fresh \$15.80 smcs; Farm House Café \$596.11 smcs; Fastnal \$284.72 smcs,co; Fedex \$72.27 smcs; Fireguard \$63.79 smcs; Firespring \$277.20 smcs; Fleecs,C \$8.64 smcs; Focus on the Family \$48.00 smcs; Fort Bend Services \$5,653.44 smcs; Foster,J \$650.00 smcs; Fowler,A \$365.00 smcs; Friesen Chevrolet \$450.43 smcs; Frontier \$9,581.30 smcs; Fun Express \$428.82 smcs; Fyr-Tek \$2,100.55 smcs; Gale \$210.29 smcs; Galeton Gloves \$953.25 smcs; Galls \$64.15 ps; Gannon Travel \$420.00 smcs; Garrett Tires \$5,351.52 smcs; Gehl Foods \$298.00 smcs; Gideon,K \$28.43 smcs; Glendale Parade Store \$56.05 smcs; Grainger \$1,097.38 smcs; GI Clinic \$266.00 smcs; GI Physical \$120.00 smcs; Great Plains Safety \$350.00 smcs; Greyhouse Publishing \$307.00 smcs; Hach \$710.13 smcs; Harrington,N \$59.46 smcs; HD Supply \$3,177.90 smcs; Hinrichsen,J \$185.00 smcs; HOA Solutions \$314.30 smcs; Hobby-Lobby \$109.65 smcs; Holmes Plbg \$967.65 smcs,co; Holtz Inds \$966.00 smcs; Hometown Leasing \$265.92 smcs; Hy-Vee \$560.89 smcs; IBT \$19.11 smcs; ICMA RC \$5,232.39 ps; Identity Automation \$1,450.00 smcs; Idexx Distribution \$441.03 smcs; IES Commercial \$7,532.82 co; Infogroup \$385.00 smcs; Inland Truck Parts \$479.73 smcs; Int'l Assn of Fire Chiefs \$677.00 smcs; IPMA \$93.71 smcs; IRS \$151,275.56 ps; J&B Powder Coating \$2,000.00 co; Jack Lederman \$533.94 smcs; James,D \$460.00 smcs; JC Masonry \$1,500.00 smcs; JCB Enterprises \$64.00 smcs; Jensen,B \$11.99 smcs; Judd Hoos & Funk \$4,500.00 smcs; Ky Ace \$350.27 smcs; Ky Animal Shelter \$7,381.25 smcs; Ky Centre Vac \$184.00 smcs; Ky Concrete \$202.80 smcs; Ky Crete & Block \$1,130.53 smcs; Ky Hub \$9,815.36 smcs; Ky Towing \$547.50 smcs; Ky Visitors Bureau \$127,060.63 smcs; Ky Warehouse \$1,476.47 smcs; Ky Winlectric \$4,042.83 smcs; Ky Winnelson \$8.82 smcs; Keenan,T \$17.95 smcs; Kelly Supply \$1,154.62 smcs; Kimball Midwest \$368.60 smcs; Konica Minolta \$333.75 smcs; Kulhanek Enterprises \$600.00 smcs; La Cross Technology \$16.95 smcs; Landmark Implement \$2,343.61 smcs; Lawn & Pet Supply \$83.50 smcs; Lerner Publishing \$159.90 smcs; Lincoln Tent & Awning \$4,200.00 smcs; Lincoln Winwater \$279.84 smcs; Lips Printing \$163.04 smcs; Little Caesars \$123.25 smcs; Lockmobile \$175.40 smcs; Longleaf Services \$238.49 smcs; Love S Country \$64.50 smcs; Macroplant \$43.19 co; Mad Science of Iowa \$525.00 smcs; Magnuson,S \$43.98 smcs;

Mail Express \$48.68 smcs; Marlatt Machine \$513.42 smcs; Marlow,C \$11.99 smcs; Matheson \$448.98 smcs; McDonald,C \$26.45 smcs; Mead Lumber \$126.96 smcs,co; Mellen & Associates \$5,470.52 smcs; Menards \$4,671.38 smcs,co; Michael Burke Psy.D \$6,750.00 smcs; Mid Amer Signal \$10,995.00 smcs; Midway Chevrolet \$44.82 smcs; Midwest Connect \$177.06 smcs; Midwest Laboratories \$31.50 smcs; Midwest Turf \$30,263.56 co; Milco Environmental \$2,080.75 smcs; Mile High Shooting \$61.32 smcs; Miller Signs \$144.00 co; Miller,J \$14.20 smcs; Miller,M \$19.54 smcs; Minitex \$218.00 smcs; Miracle Recreation \$885.00 co; Mirror Image \$171.20 smcs; Moonlight Embroidery \$2,328.25 smcs; Most Dependable Fountains \$4,050.00 co; Mostek Electric \$599.33 smcs; Muller,W \$120.00 smcs; Municipal Supply \$4,734.86 smcs; Nature-Watch \$383.63 smcs; Navigator Motorcoaches \$1,750.00 smcs; NE Peterbilt \$230.54 smcs; NE Child Support \$1,997.13 ps; NE Dept Environmental \$150.00 smcs; NE Dept of Agriculture \$360.00 smcs; NE Dept of Labor \$43.00 smcs; NE Law Enforcement \$150.00 smcs; NE Machinery \$417.64 smcs; NE Rural Water \$575.00 smcs; NE Softball Assn \$1,935.00 smcs; NE Truck Center \$317.14 smcs; NE Crime Comm \$50.88 smcs; NEland Distributors \$2,559.05 smcs; Network Fleet \$94.75 smcs; Northern Safety \$185.40 smcs; Northern Tool \$245.14 smcs; Northwestern Energy \$4,708.57 smcs; Novus \$40.00 smcs; NRG Media \$110.00 smcs; O'Reilly Auto \$42.27 smcs; Oak Creek Engineering \$22,315.70 co; Office Depot \$737.83 smcs; Office Max \$904.01 smcs; Officenet \$418.29 smcs; O'Hara Lindsay \$2,000.00 smcs; Ohri, Ryan \$363.00 smcs; O'Reilly Auto \$1,432.62 smcs; Orscheln \$793.09 smcs; Otto Environmental \$24,602.00 smcs; Outdoor Custom Sportswear \$457.72 smcs; Overhead Door \$900.00 smcs; Paramount \$297.77 smcs; Park Seed \$16.51 smcs; Party America \$35.87 smcs; Paypal*Allybdesign \$650.00 smcs; Paypal*Impusetech \$340.00 co; Paypal*Martys \$32.95 smcs; Paypal*Neplanzone \$485.00 smcs; Paypal*Recongroup \$134.70 co; Paypal*Usmicro \$193.53 co; Pelton,K \$37.72 smcs; Penguin Random House \$57.75 smcs; Pep Co \$86.34 smcs; Phillips 66 \$50.00 smcs; Ping \$1,687.66 smcs; Platte Valley Auto \$323.39 smcs,co; Platte Valley Comm \$1,021.85 smcs; Platte Valley Labs \$892.50 smcs; Postage Refill \$975.00 smcs; Prestige Group \$150.00 smcs; Presto-X \$339.08 smcs; Proactive Sports \$490.80 smcs; Progressive Business \$299.00 smcs; Provantage \$183.48 smcs; PSS/CSS Presentation \$629.84 co; QA Balance \$125.00 smcs; Qualified Hardware \$1,320.00 smcs; Quality Inn \$171.38 smcs; Quality Memorials \$75.00 smcs; Quill \$170.27 smcs; Rasmussen Mechanical \$125.00 smcs; Ready Mixed Concrete \$33,679.26 smcs,co; Reams \$4,128.66 smcs; Recorded Books \$154.68 smcs; Redbox \$6.42 smcs; Rehbein,T \$14.20 smcs; Robles,K \$55.00 smcs; RR Donnelley \$488.66 smcs; S&S Worldwide \$513.41 smcs; S.A. Foster Lumber \$24.13 smcs; Salter,J \$29.16 smcs; Sapp Brothers \$17,693.52 smcs; Schools In \$45.45 smcs; Schuyler,P \$10.20 smcs; Sherwin Williams \$253.56 smcs; Shopper, the \$968.14 smcs; Show Stopper Kites \$200.00 smcs; Showcases \$1,560.60 smcs; Sign Center \$395.00 smcs; Silverstone Group \$4,580.00 smcs; Sims,V \$100.00 smcs; Siteone Landscape \$4,375.06 smcs; Skeeter Barnes \$4,768.70 smcs; Slegl,S \$6.25 smcs; Softley,A \$25.00 smcs; Song,L \$24.82 smcs; Spady,M \$8.73 smcs; Stafford,M \$23.02 smcs; Stagecoach \$33.00 smcs; Steinbrink Landscaping \$169.99 smcs; Strong Towns \$25.00 smcs; Suchsland,T \$23.30 smcs; Summers,D \$5.70 smcs; Sunbelt Rentals \$353.05 smcs; Sungard \$16,625.58 co; SupplyWorks \$4,080.69 smcs; Sutphen \$749.46 smcs; Sweet,T \$240.00 smcs; Target \$276.42 smcs; Thompson,S \$1,125.00 smcs; Thrasher Basement \$250.00 co; Titan Machinery \$431.27 smcs; Tractor-Supply \$1,002.24 smcs; Tuckwood,A \$17.04 smcs; Turner Body Shop \$200.00 smcs; Uline \$294.70 smcs; Union Bank \$72,427.76 ps; United Seeds \$1,847.00 smcs; UPS \$44.86

smcs; US Chemical Storage \$12,226.00 co; USA Communications \$155.95 smcs; USPS \$220.72 smcs; Valmont \$600.00 co; Van Diest \$1,805.13 smcs; Vault Self-Storage \$556.00 smcs; Verizon \$40.01 smcs; Walgreens \$40.76 smcs; Wal-Mart \$1,888.16 smcs,co; Walters Electric \$1,125.00 smcs; Ward Labs \$88.00 smcs; Weedcove \$1,750.00 smcs; Weller,B \$11.80 smcs; Wesco \$2,579.00 smcs; When to Work \$120.00 smcs; Wilke Contracting \$100,871.10 smcs; Wilke's True Value \$245.22 smcs,co; Wirlessoem \$30.98 smcs; Worthington Direct \$225.34 smcs; WPCI \$52.50 ps; Yancy,A \$370.00 smcs; Yanda's \$14,061.00 smcs,co; Yellowgrass Touring \$2,000.00 smcs; Zinghoppers \$375.00 smcs; Zoro Tools \$119.38 smcs; Payroll Ending 5-13-2017 -- \$432,318.78. 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 13, 2017 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2017-81 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Grand West, LLC and Anna Stehlik, Trustee for the construction of paving, water, sanitary sewer and storm sewer for 11th Avenue Extension in Fountain Hills Subdivision.

RESOLUTION NO. 2017-81

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for 11th Avenue Extension in Fountain Hills Subdivision, Buffalo County, Nebraska" between the City of Kearney and Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, for the construction of paving, water, sanitary sewer, and storm sewer improvements for 11th Avenue Extension in Fountain Hills Subdivision, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

5. WITHDRAWN. 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 alcoholic liquor in the Exhibit Building (alternate location and date is June 17 in Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 17, 2017 from 6:00 p.m. until 1:00 a.m. for a dance.

6. Adopt Resolution No. 2017-83 approving the request submitted by Buffalo County to vacate Cherry Avenue from Highway 30 north to 39th Street and to vacate portion of a County road located in Freeze Addition.

RESOLUTION NO. 2017-83

WHEREAS, Section 39-1725 of the Nebraska Revised Statutes requires approval of the governing body of a city of the first class when a public road is to be vacated and is within the area of the zoning jurisdiction of such city; and

WHEREAS, Buffalo County has received a petition requesting to vacate a portion of Cherry Avenue from East Highway 30 north to 39th Street as located in Sections 32 and 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, a copy of Buffalo County Resolution No. 2017-14, marked as Exhibit A, is attached hereto and made a part hereof by reference; and

WHEREAS, Buffalo County has received a petition requesting to vacate a portion of a county road in Freeze Addition located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, a copy of Buffalo County Resolution No. 2017-13, marked as Exhibit B, is attached hereto and made a part hereof by reference; and

WHEREAS, the City of Kearney has determined to be in the best interests of the City to allow Buffalo County to vacate the requested roads as described in Exhibits "A" and "B".

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney, Nebraska hereby grants permission to Buffalo County to vacate only a portion of Cherry Avenue from East Highway 30 north to 39th Street as described in Exhibit "A" and to vacated the County road in Freeze Addition as described in Exhibit B.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

7. Adopt Resolution No. 2017-84 approving Application and Certificate for Payment No. 1 in the amount of \$163,283.63 submitted by Blessing Construction and approved by Olsson Associates for the 2016 Part 2 Improvements consisting of Paving Improvement District No. 2016-982 for Avenue A from the north lot line of Lot 27, thence south to the south lot line of Lot 558, all in Southwest Quarter School Section Addition; AND 31st Street from Avenue A to Avenue D.

RESOLUTION NO. 2017-84

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 2 Improvements consisting of Paving Improvement District No. 2016-982 for Avenue A from the north lot line of Lot 27, thence south to the south lot line of Lot 558, all in Southwest Quarter School Section Addition; AND 31st Street from Avenue A to Avenue D, and the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$163,283.63 as shown on Exhibit "A" attached hereto and made a part hereof by

reference and as follows:

Original Contract Sum	<u>\$1,009,972.80</u>
Contract Sum To Date	1,009,972.80
Gross Amount Due	181,426.26
Retainage (10%)	18,142.63
Amount Due to Date	163,283.63
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 163,283.63

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 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

8. Adopt Resolution No. 2017-85 approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

RESOLUTION NO. 2017-85

WHEREAS, the "Policy Manual for the Kearney Public Library and Information Center" of the Kearney Public Library and Information Center was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012 and again on April 13, 2015 the Council approved the revised policy by Resolution Nos. 2012-59 and 2015-74 respectively; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2015 by Resolution No. 2015-74 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

9. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:

a) Mattie Davis to close the three parking stalls located directly in front of The World

Theatre on June 10, 2017.

- b) Community Olympiad 5K Run/Walk to use A Avenue, 28th Street, F Avenue, 27th Street, I Avenue, Tabor Place, 34th Street, G Avenue, 33rd Street and H Avenue (alternate location is 31st Street, Central Avenue, 28th Street, F Avenue, 27th Street, I Avenue, Tabor Place, 34th Street, G Avenue, 33rd Street and H Avenue) on June 24 from 7:30 a.m. until 9:00 a.m.

10. Adopt Resolution No. 2017-86 approving Amendment No. 4 to the Consultant Agreement with Alfred Benesch and Company for Project No. 3-31-0045-030 for the reconstruction of primary Runway 18/36.

RESOLUTION NO. 2017-86

WHEREAS, on June 28, 2016 the City Council adopted Resolution No. 2016-102 approving Amendment No. 1 and Amendment No. 2 to the Consultant Agreement with Alfred Benesch & Company for Project No. 3-31-0045-030 for the reconstruction or rehabilitation of primary Runway 18/36 which is being funded under the FAA Airport Improvement Program; and

WHEREAS, on March 14, 2017 the City Council adopted Resolution No. 2017-33 approving Amendment No. 3 to the Consultant Agreement with Alfred Benesch and Company for Project No. 3-31-0045-030 for the reconstruction or rehabilitation of primary Runway 18/36; and

WHEREAS, near the end of the final design phase of the Runway 18/36 Reconstruction project at the Kearney Regional Airport, the Federal Aviation Administration (FAA) NAVAIDs Office changed project managers assigned to the Reimbursable Agreement work (NAVAIDs) for this project; and

WHEREAS, Amendment No. 4 includes the additional design costs to revise the NAVAID deliverables in accordance with the new project manager’s directives and to complete the mandatory site visit/meeting; and

WHEREAS, the Amendment No. 4 has been approved by the Nebraska Department of Aeronautics (NDA) and the FAA;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 4 to the Consultant Agreement with Alfred Benesch and Company. Amendment No. 4, marked as Exhibit “A” is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

11. Adopt Resolution No. 2017-87 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

RESOLUTION NO. 2017-87

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska,

that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
 LAUREN BRANDT
 DEPUTY CITY CLERK

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

12. Adopt Resolution No. 2017-88 approving Application and Certificate for Payment No. 1 in the amount of \$18,606.60 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.

RESOLUTION NO. 2017-88

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$18,606.60 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$2,572,124.59</u>
Contract Sum To Date	2,572,124.59
Gross Amount Due	20,674.00
Retainage (10%)	2,067.40
Amount Due to Date	18,606.60
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 18,606.60

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 23RD DAY OF MAY, 2017.

ATTEST:
 LAUREN BRANDT
 DEPUTY CITY CLERK

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

13. Adopt Resolution No. 2017-89 approving Change Order No. 1 for a decrease in the amount of \$380.00, Application and Certificate for Payment No. 1-Final in the amount of \$87,783.00 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 13 Improvements – Bid A; Tech One Boulevard and Global Drive.

RESOLUTION NO. 2017-89

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an decrease to the contract sum in the amount of \$380.00 for the addition of Alternate Bid A to complete the water and sewer of Global Drive and Tech One Boulevard from Global Drive west to Antelope Avenue, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$87,783.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$88,163.00
Change Order No. 1 (5-23-2017)	<u>- 380.00</u>
Contract Sum To Date	87,783.00
Gross Amount Due	87,783.00
Retainage (0%)	0.00
Amount Due to Date	87,783.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$87,783.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 30, 2017 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. 1-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

14. Adopt Resolution No. 2017-90 approving Change Order No. 2 for an increase in the amount of \$16,009.88 and Application and Certificate for Payment No. 3 in the amount of \$98,996.94 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 13 Improvements – Bid B; Tech One Boulevard and Global Drive.

RESOLUTION NO. 2017-90

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$16,009.88 for the addition of Alternate Bid B to complete the paving of Global Drive and Tech One

Boulevard from Global Drive west to Antelope Avenue, 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. 3 in the amount of \$98,996.94 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$372,734.15
Change Order No. 1 (4-25-2017)	<u>+ 225,714.35</u>
Contract Sum To Date	598,448.50
Gross Amount Due	470,455.75
Retainage (10%)	- 47,045.58
Amount Due to Date	423,410.18
Less Previous Certificates for Payment	<u>324,413.24</u>
Current Payment Due	\$ 98,996.94

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, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
 LAUREN BRANDT
 DEPUTY CITY CLERK

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

15. Adopt Resolution No. 2017-91 approving Change Order No. 1 for a decrease in the amount of \$27,461.00, Application and Certificate for Payment No. 1-Final in the amount of \$88,446.65 and accept the Certificate of Substantial Completion submitted by HD Supply Waterworks and approved by Miller & Associates for the Fixed Base Radio Read System.

RESOLUTION NO. 2017-91

WHEREAS, HD Supply Waterworks of Omaha, Nebraska has performed services in connection with the first phase of the project which included antennae, radio equipment, software and 3,000 radio read units to attach to existing touch read meter pads, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an decrease to the contract sum in the amount of \$27,461.00 for the first phase of the project which included antennae, radio equipment, software and 3,000 radio read units to attach to existing touch read meter pads, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 10-Final in the amount of \$88,446.65 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$652,123.27
Change Order No. 1 (5-23-2017)	<u>- 27,461.00</u>
Contract Sum To Date	624,662.27

Gross Amount Due	624,662.27
Retainage (0%)	0.00
Amount Due to Date	624,662.27
Less Previous Certificates for Payment	<u>536,215.62</u>
Current Payment Due	\$ 88,446.65

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 27, 2017, 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. 1-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

16. Adopt Resolution No. 2017-92 approving Application and Certificate for Payment No. 1 in the amount of \$54,369.65 submitted by Blessing, LLC and approved by Miller & Associates for the Archway Hike/Bike Trail, Phase II.

RESOLUTION NO. 2017-92

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the Archway Hike-Bike Trail; Phase II from Cherry Avenue to Sweetwater Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$54,369.65 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$298,792.50</u>
Contract Sum To Date	298,792.50
Gross Amount Due	60,410.72
Retainage (10%)	6,041.07
Amount Due to Date	54,369.65
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 54,369.65

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 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

17. Approve the Plans and Specifications for AIP Project No. 3-31-0045-030/031 for Runway 18/36 Reconstruction at the Kearney Regional Airport and set the bid opening date for June 15, 2017.

18. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2018: Restrictions Permit Applications as follows:

- a) Cornhusker Mobile Home Park, 1115 Avenue C
- b) Countryside Mobile Park, 1920 15th Avenue
- c) Merriweather Mobile Home Village, 914 West 17th Street
- d) Rodeo Court, 2414 West 24th Street
- e) R-Villa East, 2500, 2719, 2803 West 24th Street
- f) R-Villa West, 2500, 2719, 2803 West 24th Street
- g) R-Villa South, 2500, 2719, 2803 West 24th Street
- h) Villa Park, 2703 West 24th Street
- i) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue

19. Accept the bids received for the construction of a Vehicle Storage Building for Public Works and to adopt Resolution No. 2017-93 awarding the bid to GD Concrete Construction, Inc. in the amount of \$413,600.00.

RESOLUTION NO. 2017-93

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the sealed bids which were opened on May 2, 2017 at 2:00 p.m. for the construction of a Vehicle Storage Building for Public Works; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project ranges from \$325,000.00 to \$425,000.00; and

WHEREAS, Oak Creek Engineering and the City have recommended the bid offered by GD Concrete Construction, Inc. of Overton, Nebraska in the amount of \$413,600.00 be accepted as the lowest responsible bid for the construction of a Vehicle Storage Building for Public Works.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that GD Concrete Construction, Inc. be and is the lowest responsible bidder for the construction of a Vehicle Storage Building for Public Works to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of GD Concrete Construction, Inc. in the amount of \$413,600.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount range of \$325,000.00 to \$425,000.00 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 23RD DAY OF MAY, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 10, 2017 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 liquor license to dispense alcoholic liquor inside Babl Kitchen and Bath located at 1209 Avenue A, Suite 1, on Thursday, September 28, 2017 from 4:00 p.m. until :00 a.m. for a business after hours.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$81,166.23 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Clouse abstained and Nikkila absent. Motion carried.

VII. REPORTS

Council Member Buschkoetter reminded everyone of the Patriot Park Grand Opening set for Thursday, May 25, 2017.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:39 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
DEPUTY CITY CLERK**