

Kearney, Nebraska
June 27, 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 June 27, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Bob Lammers. Absent: Jonathan Nikkila. Michael Morgan, City Manager; 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 LaBorie from KGFW Radio and Mike Konz from Kearney Hub.

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 Kelly Larsen 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

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

Mayor Clouse stated the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC to (1) vacate Lot 1, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8144; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue) were withdrawn by the developer. According to the City Code, any matter tabled by a motion of the Council must be acted upon prior to the adjournment of the third regular meeting following the meeting at which the matter was tabled. Therefore, no action was taken.

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

Mayor Clouse stated the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers) were withdrawn by the developer. According to the City Code, any matter tabled by a motion of the Council must be acted upon prior to the adjournment of the third regular meeting following the meeting at which the matter was tabled. Therefore, no action was taken.

BOARD OF EQUALIZATION

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2015-976, 2015-977, 2015-978, 2015-979, 2015-980; Water District Nos. 2015-579, 2015-580, 2015-581, 2015-582; Sanitary Sewer District Nos. 2015-516, 2015-517, 2015-518, 2015-519 and to consider Resolution No. 2017-111.

Paving Improvement District Nos. 2015-976, 2015-977; Water District No. 2015-579; Sanitary Sewer District No. 2012-516 -- These districts were created on August 25, 2015. They are public improvements for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue.

Paving Improvement District Nos. 2015-978, 2015-979; Water District Nos. 2015-580, 2015-581; Sanitary Sewer District Nos. 2015-517, 2015-518 -- These districts were created on August 25, 2015. They are public improvements for 9th Avenue from 10th Street south to its terminus in a cul-de-sac AND 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau.

Paving Improvement District No. 2015-980; Water District No. 2015-582; Sanitary Sewer District No. 2015-519 -- These districts were created on December 22, 2015. They are public improvements for 46th Street Place from Avenue R to its terminus in a cul-de-sac.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. Attached is the schedule showing the assessments for each parcel for each paving, water and sanitary sewer districts. These districts have been completed and, in order to satisfy state law, when water and sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within 50 days (August 16) or they can pay the assessment over a 5-year period for water and sanitary sewer and over a 10-year period for paving.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing for the Council to meet as the Board of Equalization and adopt Resolution No. 2017-111 approving the assessment costs in connection with Paving Improvement District Nos. 2015-976, 2015-977, 2015-978, 2015-979, 2015-980; Water District Nos. 2015-579, 2015-580, 2015-581, 2015-582; Sanitary Sewer District Nos. 2015-516, 2015-517, 2015-518, 2015-519. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

PROPOSED ACQUISITION

Mayor Clouse opened the public hearing on the proposed acquisition of an interest in real property by purchase of Lots 1 through 12, inclusive, SunRise Estates, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2017-112.

City Attorney Michael Tye presented this matter to the Council. He stated this matter involves the acquisition of a parcel located on Avenue N, specifically Lots 1 through 12 of SunRise Estates. On the June 13, 2017, Council approved the purchase agreement of the parcel. Tonight's action would be accepting the deed for the parcel, which is a little over 9 acres. The parcel was previously platted for residential lots and may involve a replat in the future. The City is acquiring the parcel for a potential location for a water tower and possible additional fire station. The purchase price is \$350,000.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2017-112 approving the acquisition of an interest in real property by purchase of Lots 1 through 12, inclusive, SunRise Estates, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 14 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 Special Meeting held June 13, 2017 and Minutes of Regular Meeting held June 13, 2017.

2. Approve the following Claims:

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

AAA Northstar Flag \$202.95 smcs; Ace Hardware \$9.99 smcs; Ace Irrigation \$185.78 smcs; Acushnet \$1,899.52 smcs; Adobe \$288.76 smcs; Advance Auto \$348.95 smcs; AED Superstore \$20.56 smcs; Agri Coop \$2,336.58 smcs; All City Glass \$3,475.00 smcs; All Makes Auto \$286.42 smcs; Amazon \$3,251.44 smcs, co; American \$370.84 smcs; American First Aid \$922.07 smcs; American Legion \$218.97 smcs; Americinn \$97.61 smcs; Anderson Brothers \$12,604.75 smcs; Apache Camper Center \$9.04 smcs; Apple Market \$4.01 smcs; ARC Services \$1,072.00 smcs; Ask Supply \$1,532.84 smcs; Aurora Coop \$51.44 smcs; Aussie Hydraulics \$1,916.60 smcs; Auto Value \$236.18 smcs; Baker & Taylor \$5,377.92 smcs; Baltic Networks \$124.45 smcs; Bamford \$475.00 smcs; Barco Municipal \$830.05 smcs; Baruth,K&A \$67.12 smcs; Basford,S \$25.82 smcs; Beacon Athletics \$851.00 smcs; Beans,J \$19.98 smcs; Belson Outdoors \$1,247.34 co; Blackstone Audiobooks \$323.97 smcs; Blessing \$6,852.60 smcs; Blevins,D \$720.00 smcs; Boardtronics \$692.41 smcs; Boogaarts \$30.55 smcs; Books Galore \$513.49 smcs; Bosselman \$6,164.70 smcs; Branson Surrey Inn \$500.00 smcs; Broadfoot's \$1,976.50 smcs; Brodart Supplies \$39.72 smcs; Bruha,S \$410.00 smcs; BSN Sport \$913.83 smcs; Buckner,N \$75.00 smcs; Buffalo Co. Board Comm. \$15,353.70 co; Buffalo Co. Register Deeds \$847.00 smcs; Buffalo Outdoor Power \$657.93 smcs; Builders \$2,092.82 smcs, co; Cabela's \$1,932.30 smcs, co; Capital Business System \$312.34 smcs; Card My Yard \$56.00 smcs; Career Cruising \$799.00 smcs; Carquest \$6,197.22 smcs; Casey's \$183.03 smcs; Cash Wa \$17,623.72 smcs; Casper Natrona Co \$475.00 smcs; CBA Lighting \$830.05 smcs; Cellar \$30.00 smcs; Central Hydraulic \$1,719.57 smcs; Central NE Bobcat \$741.91 smcs, co; Central NE Sod \$8,340.00 co; CH Diagnostic \$640.00 smcs; Charter \$489.66 smcs; Chemsearch \$305.00 smcs; Chesterman \$3,224.65 smcs; Chez Bubba Café \$944.53 smcs; Chief Supply \$235.24 smcs; Cinium Financial Services \$89,405.22 smcs; Cintas \$336.39 smcs; City Glass \$359.44 smcs; City of Ky \$18,205.92 smcs,ps; City Plumbing \$204.75 smcs; Coldspring \$479.00 smcs; Comfy Bowl \$100.00 smcs; Comm. Action Partnership \$42.70 smcs; Compasscom \$124.95 smcs; Consolidated Electric \$77.25 smcs; Construction Gear \$111.56 smcs; Construction Rental \$848.01 smcs; Control Yours \$285.00 smcs; Copycat Printing \$903.63 smcs, co; Corporate Edge \$940.00 smcs; CPS \$665.01 smcs; CR Toys \$64.99 smcs; Creative Teacher \$12.00 smcs; Crocker,T \$9.46 smcs; Crystal Clean \$452.00 smcs; Culligan \$111.50 smcs; Cummins \$502.46 smcs;

Cypress Information \$926.10 smcs; Danko Emergency \$84.85 smcs; Daphne's Headcovers \$92.95 smcs; Davis,P \$77.03 smcs; Delight Donuts \$55.00 smcs; Depository Trust Co \$363,343.75 ds; Do My Own Pest Control \$126.24 smcs; Dog Poop Bags \$987.87 smcs; Don's Hobby Guns \$96.00 smcs; Duluth Trading \$41.65 ps; Dunkin Donuts \$30.00 smcs; Dunn,E \$26.52 smcs; Eakes \$4,299.20 smcs; Earl May \$654.90 smcs; EB NE Environment \$420.00 smcs; Ebsco Information \$3,525.00 smcs; Eileen's Cookies \$480.00 smcs; Embassy Suites \$1,477.89 smcs; EMC Insurance \$6,286.21 smcs; Ensley Electrical \$6,461.70 smcs , co; Enterprise \$250.81 smcs; Ereplacement \$15.09 smcs; Eversm Becki \$360.00 smcs; Facebook \$98.05 smcs; Fastenal \$1,206.09 smcs, co; Federal Signal \$10,018.09 co; FedEx \$38.81 smcs; Fireguard \$498.44 smcs; Firehouse Subs \$30.00 smcs; Fleetpride \$2,015.50 smcs; Frankey,J \$20.23 smcs; Fuel Tech \$653.00 smcs; Fulcrum Biometrics \$99.05 co; Gale \$500.04 smcs; Galeton Gloves \$1,179.00 smcs; Galindo,D \$21.06 smcs; Gamma Sports \$300.97 smcs; Gangwish Turf \$4,986.37 smcs, co; Garrett Tires \$1,595.15 smcs; Gear For Sports \$602.05 smcs; Graham Tire \$32.00 smcs; Grainger \$502.30 smcs; Granicus \$12,888.16 smcs; Graybar Electric \$515.24 smcs; Hach \$668.67 smcs; Hansen,S \$23.27 smcs; HD Supply \$10,175.18 smcs; Highbanks Hall of Fame \$318.00 smcs; Hilltop Mall \$101.00 smcs; HOA Solutions \$586.24 smcs; Hobby-Lobby \$622.83 smcs; Holiday Inn Express \$933.12 smcs; Holmes Plumbing \$1,946.55 smcs, co; Hornungs Golf Products \$231.76 smcs; Hy-Vee \$139.21 smcs; ICMA \$5,413.14 ps; Int'l Institute \$125.00 smcs; IRS \$174,029.34 ps; J&A Traffic \$10.32 smcs; Jack Lederman \$1,110.71 smcs; Jack,R \$41.90 smcs; Jack's Uniforms \$1,176.77 smcs; James,D \$240.00 smcs; JJ Keller \$995.00 smcs; Johnson Service \$42,889.50 smcs; Johnstone Supply \$9.78 smcs; Joola North America \$299.80 smcs; Justblinds.com \$166.92 smcs; Kart-Man \$997.66 smcs; Kates Boylston \$65.00 smcs; Ky Ace \$198.46 smcs; Ky Caribou \$15.00 smcs; Ky Chamber \$880.00 smcs; Ky Cinema 8 \$100.00 smcs; Ky Clinic \$404.00 ps; Ky Concrete \$8,640.73 smcs, co; Ky Crete & Block \$2,961.30 smcs, co; Ky Hub \$2,508.75 smcs; Ky Quality Sew \$32.98 smcs; Ky Tire \$191.97 smcs; Ky Towing \$100.00 smcs; Ky Warehouse \$357.07 smcs; Ky Winlectric \$356.44 smcs, co; Ky Winnelson \$79.96 smcs; Kelly Supply \$986.37 smcs; Konica Minolta \$1,341.62 smcs; Krohn,B \$100.00 smcs; KRVN-FM \$171.00 smcs; Kully Supply \$224.04 smcs; Kval \$111.77 smcs; Lake Fountain \$225.00 smcs; Landmark Implement \$1,265.60 smcs; Lavicky,S \$41.25 smcs; Liberty Cleaners \$56.80 smcs; Library Ideas \$7,725.00 smcs; Lincoln WWA \$369.25 smcs; Lion Country Supply \$33.85 smcs; Lips Printing \$63.19 smcs; Lockmobile \$60.30 smcs; L-Tron \$518.00 smcs; Mail Express \$22.70 smcs; Marcon \$546.43 smcs; Marlatt Machine Shop \$631.53 smcs; Matheson \$372.96 smcs; Mayberry's \$522.98 smcs; Mead Lumber \$371.72 co; Medicbatteries.com \$47.81 smcs; Menards \$5,729.83 smcs, co; Mid American Signal \$770.00 smcs; Mid-Plains Equipment \$317.60 smcs; Midway Chrysler \$100.00 smcs; Midwest Connect \$525.52 smcs; Midwest Laboratories \$10.50 smcs; Midwest Striping \$18,253.00 smcs; Miller & Associates \$1,499.50 smcs; Mirror Image \$183.00 smcs; Moonlight Embroidery \$1,925.50 smcs; Mosaic \$75.19 smcs; Motorola \$20,008.50 smcs; Municipal Supply \$3,995.78 smcs; NASP \$477.00 smcs; Nationwide Dandy \$146.42 smcs; Nat'l Alliance for You \$328.93 smcs; Navigator Motorcoaches \$175.00 smcs; NCHsoftware.com \$25.22 co; NE Child Support Pyt. Ctr. \$1,766.36 ps; NE Dept. of Environment \$266,154.85 ds,smcs; NE Environmental Products \$393.96 smcs; NE Library Commission \$2,330.30 smcs; NE Machinery \$4,267.48 smcs; NE Peterbilt \$178.23 smcs; NE Truck Center \$1,831.84 smcs; Netmotion Wireless \$1,060.79 co; Network Fleet \$94.75 smcs; Network Solutions \$159.96 smcs; NFPA \$175.00 smcs; Norther

Safety \$290.57 smcs; Northern Tool \$564.72 co; Northwestern \$3,165.83 smcs; Novus \$40.00 smcs; NRG Media \$915.00 smcs; NSF Ticket Office \$550.00 smcs; Oak Creek Engineering \$12,867.25 co; OCLC, Inc \$654.79 smcs; Office Depot \$362.94 smcs; Officemax \$1,761.41 smcs, co; O'Hara Lindsay \$2,000.00 smcs; Oncourt Offcourt \$54.00 smcs; Orscheln \$1,306.05 smcs; Osborne,P \$4.74 smcs; OTC Brands \$1,267.02 smcs; Outdoor Recreation Prods \$247.00 co; Paramount \$312.83 smcs; Parker,D \$350.00 smcs; Party America \$2.99 smcs; Paypal*Microtechsl \$249.90 smcs; Paypal*Neplanzone \$40.00 smcs; Peerless Machine \$108.14 smcs; Penguin Random House \$116.25 smcs; Penworthy \$392.33 smcs; Pep Co \$86.34 smcs; Pet Pick Ups \$535.79 smcs; Pioneer Manufacturing \$1,346.25 smcs; Pioneer Revere \$373.65 smcs; Platinum Awards \$138.95 co; Platte Valley Auto \$621.26 smcs; Platte Valley Comm. \$296.25 smcs; Pot O'Gold Productions \$155.00 smcs; Presto-X \$414.00 smcs; Proactive Sports \$592.00 smcs; Provantage \$180.93 smcs; Qualified Hardware \$390.00 smcs; Quill \$685.74 smcs; Ravenna Goodfellow's \$920.35 smcs; RDG Planning \$3,000.00 smcs; Ready Mixed Concrete \$16,573.22 co; Reams \$1,376.31 smcs, co; Recorded Books \$161.09 smcs; Redbox \$4.82 smcs; Redman's S+A259hoes \$306.00 smcs; Reinke's Heating \$531.17 smcs; Rentokil \$96.38 smcs; Rheome Tree \$1,100.00 smcs; Rhodus,D \$95.00 smcs; Ring.com \$30.00 smcs; Riverdale Ready Mix \$239.63 co; Roesler,A \$14.96 smcs; S&S Worldwide \$147.97 smcs; S.A. Foster Lumber \$30.86 smcs; Sam's Club Direct \$1,606.27 smcs; Sapp Brothers \$16,057.97 smcs; Saylor Screenprinting \$187.00 ps; Schindler Elevator \$862.08 smcs; School Outfitters \$230.98 smcs; Scooter's \$30.00 smcs; Seritage SRC Finance \$1,777.20 smcs; Sherwin Williams \$1,734.73 smcs; Sid Dillon Ford \$36,406.00 co; Sign Center \$234.00 smcs; Siteone Landscape \$1,784.81 smcs; Snap-On Tools \$4,044.94 smcs, co; Snyder Mini Mart \$80.00 smcs; Sportable Scoreboards \$90.00 smcs; Steinbrink Landscaping \$8,741.96 smcs; Sunbelt Rentals \$950.27 smcs; Super Shine Auto \$8.75 smcs; Superior \$101,695.00 smcs; Superior Estate \$495.85 smcs; Supplyworks \$670.70 smcs; Sustainablesupply.com \$293.30 smcs; Sutton,S \$202.50 smcs; Target \$387.15 smcs; Terry's Tickets \$100.00 smcs; Tielke's Sandwiches \$223.92 smcs; Titan Machinery \$15,358.79 smcs; Tractor-Supply \$1,450.30 smcs; Trans Iowa Equipment \$305.18 smcs; Tri-Cities Group \$126.40 smcs; TruGreen ChemLawn \$372.00 smcs; TS Auto Glass \$35.00 smcs; TSI Store \$968.14 smcs; Turner Body Shop \$257.00 smcs; Tyler Technologies \$3,000.00 co; Uline \$368.35 smcs; Union Banks & Trust \$1,100,429.72 ps, ds; Union Pacific Railroad \$100.00 er; Unique Management Serv. \$366.95 smcs; United Seeds \$999.00 smcs; United States Treasury \$1,059.94 smcs; University of Missouri \$11,000.00 smcs; UNK/Loper Athletic Club \$1,160.00 smcs; UPS \$311.61 smcs; USA Blue Book \$667.41 smcs; USPS \$446.61 smcs; Valentino's \$280.00 smcs; Van Diest Supply \$987.75 smcs; Verizon \$1,707.50 smcs; Vermeer Equipment \$1,043.48 smcs; Video Service America \$1,110.00 smcs; Walgreens \$38.94 smcs; Wal-Mart \$2,929.26 smcs, co; Walters Electric \$570.00 smcs; Ward Laboratories \$157.50 smcs; Watchguard Video \$1,151.00 co; Wesspur Tree \$100.88 smcs; Whalen,J \$660.00 smcs; When To Work \$240.00 smcs; Wilke's True Value \$573.04 smcs; Worley Monument \$280.00 smcs; WPCI \$107.00 ps; Yanda's Music \$1,560.00 smcs, co; ZeroFriction, LLC \$663.38 smcs; Zoro Tools \$106.51 smcs; Payroll Ending 6/10/2017 -- \$494,733.05. 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 July 11, 2017 at

5:30 p.m. as date and time for hearing on those applications where applicable.

- 4. Adopt Resolution No. 2017-113 approving the Employment Agreement between the City of Kearney and Michael Morgan.

RESOLUTION NO. 2017-113

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager, pursuant to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager continue to be paid an annual salary of One Hundred Ninety Four Thousand Three Hundred Thirty Four Dollars (\$194,334); said salary to be paid bi-weekly from any City funds in such proportionate amounts as the City Manager may determine.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the Employment Agreement.

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 5. Adopt Resolution No. 2017-114 approving Application and Certificate for Payment No. 2 in the amount of \$146,406.00 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. 2017-114

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. 2 in the amount of \$146,406.00 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	344,099.59
Retainage (10%)	34,409.96
Amount Due to Date	309,689.63
Less Previous Certificates for Payment	<u>163,283.63</u>
Current Payment Due	\$ 146,406.00

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

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2017-110 approving the Developer Constructed Infrastructure Agreement for Brookstone Gardens Addition between the City of Kearney and VSL Kearney, LLC and Vetter Holdings, Inc.

RESOLUTION NO. 2017-110

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Brookstone Gardens Addition" between the City of Kearney and VSL Kearney, LLC and Vetter Holdings, Inc., for the construction of paving, water, sanitary sewer, and storm sewer improvements to serve Brookstone Gardens Addition, an addition to the City of Kearney, 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 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

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

a) Bryce Jensen on behalf of The World Theatre 5th Anniversary Party for the temporary closure of the alley located between 1st Avenue and Central Avenue from 23rd Street to 24th Street on July 8, 2017.

b) Laura Mattheis on behalf of UNK-LPAC Homecoming for the temporary closing Central Avenue from 25th Street to Railroad Street, Railroad Street from Central Avenue to 3rd Avenue, 3rd Avenue from Railroad Street to 21st Street, 21st Street from 3rd Avenue to 8th Avenue, 8th Avenue from 20th Street to 21st Street, 20th Street from 8th Avenue to 9th Avenue on September 16, 2017

c) Andy Donovan on behalf of the KHS Marching Band Festival for the temporary closure of 30th Avenue from 11th Street to the southern end of Kearney High School on September 23, 2017.

d) Andy Donovan on behalf of the Nebraska State Bandmaster Association State Marching Contest for the temporary closure of 30th Avenue from 11th Street to the southern end of Kearney High School on October 21, 2017.

e) North Pole Express for the temporary closing of the parking lot located north of the Museum of Nebraska Art and six parking spaces in front of Tru Café, 2100 Central Avenue on November 28, 29, 30, December 5, 6, 7, 11, 12, 13, 14, 2017.

8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Application for Reconstruction submitted by Casey's Retail Company dba Casey's General Store #2038 in connection with their Class B-045844 liquor license located at 2710 West 24th Street.

9. Adopt Resolution No. 2017-115 approving T-Hangar C-06 Lease Agreement at the Kearney Regional Airport between the City of Kearney and John Jacobsen.

RESOLUTION NO. 2017-115

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar C-06 Lease Agreement, on behalf of the City of Kearney, Nebraska, with John Jacobsen, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Accept the bids received for the AIP Project No. 3-31-0045-030/031 for Runway 18/36 Reconstruction at the Kearney Regional Airport and adopt Resolution No. 2017-116 awarding the bid to Paulsen, Inc. in the amount of \$11,894,678.80.

RESOLUTION NO. 2017-116

WHEREAS, Alfred Benesch and Company and the City of Kearney have reviewed the sealed bids which were opened on June 15, 2017 at 2:00 p.m. for the Runway 18/36 Reconstruction (AIP 3-31-0045-030/031) at the Kearney Regional Airport; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$12,738,700.40; and

WHEREAS, Alfred Benesch and Company and the City have recommended the bid offered by Paulsen, Inc. of Cozad, Nebraska in the amount of \$11,894,678.80 be accepted as the lowest responsible bid for Runway 18/36 Reconstruction (AIP 3-31-0045-030/031) at the Kearney Regional Airport.

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 Paulsen, Inc. be and is the lowest responsible bidder for the Runway 18/36 Reconstruction (AIP 3-31-0045-030/031) at the Kearney Regional Airport to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Paulsen, Inc. in the amount of \$11,894,678.80 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$12,738,700.40 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 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2017-117 approving Change Order No. 3 for a decrease in the amount of \$562.25, Application and Certificate for Payment No. 4-Final in the amount of \$190,485.95, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive – Bid B (paving and storm sewer).

RESOLUTION NO. 2017-117

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. 3 showing an decrease to the contract sum in the amount of \$562.25 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, Midlands Contracting, Inc. and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$190,485.95 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 (3-31-2017)	+ 225,714.35
Change Order No. 2 (5-4-2017)	+ 16,009.88
Change Order No. 3 (6-27-2017)	- 562.25
Contract Sum To Date	613,896.13
Gross Amount Due	613,896.13
Retainage (0%)	0.00
Amount Due to Date	613,896.13
Less Previous Certificates for Payment	423,410.18
Current Payment Due	\$190,485.95

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 31, 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. 3, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are

hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2017-118 approving Application and Certificate for Payment No. 2 in the amount of \$181,360.19 submitted by Blessing, LLC and approved by Miller & Associates for the Archway Hike/Bike Trail, Phase II.

RESOLUTION NO. 2017-118

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. 2 in the amount of \$181,360.19 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	261,922.04
Retainage (10%)	- 26,192.20
Amount Due to Date	235,729.84
Less Previous Certificates for Payment	<u>- 54,369.65</u>
Current Payment Due	\$ 181,360.19

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

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Accept the bids received for the resurfacing of the Yanney Park Playground and adopt Resolution No. 2017-119 awarding the bid submitted by Fry & Associates in the amount of \$79,779.00.

RESOLUTION NO. 2017-119

WHEREAS, the City of Kearney have reviewed the sealed proposals which were opened on June 5, 2017 for the removal of the current poured-in-place surface and replacement with a new rubber tile surface at Yanney Heritage Park; and

WHEREAS, the City of Kearney requested proposals not to exceed the amount of \$80,000.00; and

WHEREAS, the City of Kearney has reviewed and recommended the proposal

offered by Fry & Associates of Kansas City, Missouri in the amount of \$79,779.00 be accepted as the lowest responsible proposal for the removal of the current poured-in-place surface and replacement with a new rubber tile surface at Yanney Heritage Park.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the proposal submitted by Fry & Associates be accepted as the lowest responsible bidder for the removal of the current poured-in-place surface and replacement with a new rubber tile surface at Yanney Heritage Park to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Fry & Associates in the amount of \$79,779.00 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 27TH DAY OF JUNE, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Accept the proposals received for the emergency roadway repairs to Parklane Drive (46th Street and approximately 305 feet north).

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8156 GRANTING NON-EXCLUSIVE FRANCHISE TO WINDSTREAM OF THE MIDWEST, INC.

The City of Kearney has been discussing an extension of its telecommunications franchise with Windstream. The ordinance sets forth the terms upon which Windstream would continue to be allowed to use City right-of-way for telecommunication purposes. The term of this Franchise Ordinance is five years and may be renegotiated thereafter. Windstream will continue to be obligated to pay telecommunication occupation tax as well as other fees.

Council Member Clouse introduced Ordinance No. 8156, 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 Lammers seconded the motion to suspend the rules for Ordinance No. 8156. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. 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. 8156 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8156 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. 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. 8156 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.

ORDINANCE NO. 8157 GRANTING NON-EXCLUSIVE FRANCHISE TO VIAERO WIRELESS

The City of Kearney has been discussing an extension of its telecommunications franchise with Viaero. The ordinance sets forth the terms upon which Viaero would continue to be allowed to use City right-of-way for telecommunication purposes. The term of this Franchise Ordinance is five years and may be renegotiated thereafter. Viaero will continue to be obligated to pay telecommunication occupation tax as well as other fees.

Council Member Clouse introduced Ordinance No. 8157, 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 Lammers seconded the motion to suspend the rules for Ordinance No. 8157. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. 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. 8157 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8157 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. 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. 8157 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR EAST OF 27TH AVENUE AND NORTH OF 11TH STREET

Mayor Clouse opened for discussion the redevelopment project submitted by VSL Kearney, LLC for Redevelopment Area #10 for an area described as Lot 1, Brookestone Gardens Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of 27th Street and north of 11th Street) and to consider Resolution No. 2017-121.

Assistant City Manager Paul Briseno presented this matter to the Council. This item is for Vetter Organization also known as VSL Kearney, LLC. When completed, this facility will add over \$1,000,000.00 in added value. The actual project is valued at \$24,000,000.00. Staff and CRA recommend TIF at a value of \$1,941,316.00 at 58 percent of the annual incremental real estate tax not to exceed 15 years for streets, utilities, landscaping and other items.

Moved by Lear seconded by Buschkoetter to approve the finding that the redevelopment project set forth in the application submitted by VSL Kearney, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 58 percent of the estimated project costs, not to exceed the lessor of \$1,941,316.00, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2018 and to adopt Resolution No. 2017-120 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with VSL Kearney, LLC. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

VII. REPORTS

Council member Lammers thanked SoCore for their commitment to Kearney at the ground breaking that occurred earlier in the morning. Their commitment makes Kearney the largest solar location in the state.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:43 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**