

*Kearney, Nebraska
July 25, 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 July 25, 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; Lauren Brandt, City Clerk; Wendell Wessels, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Assistant 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 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 Sean Dougherty provided the Invocation.

PLEDGE OF ALLEGIANCE

Council members led audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

OATH OF OFFICE TO POLICE OFFICERS JON ALSTROM, BRETTE SCHUTTE AND CODY WELDON

City Clerk administered the oath of office to Police Officer Jon Alstrom, Brette Schutte and Cody Weldon. Other police officers and the officer's family were present to congratulate them.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Lammers seconded by Lear that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Special Meeting held July 11, 2017, Minutes of Special Joint Meeting held July 12, 2017 and Minutes of Regular Meeting held July 11, 2017.

2. Approve the following Claims:

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

2co.com \$100.00 Smcs; 3gstore.com \$1,257.97 Co; 4imprint \$462.29 Smcs; Ace Irrigation \$1,041.95 Smcs; Acushnet \$1,998.13 Smcs; Adobe \$32.09 Smcs; Advance Auto Part \$114.22 Smcs; Agri Coop \$953.54 Smcs; Alfred Benesch \$5,001.90 Co; All Makes Auto \$1,835.38 Smcs; Allied Electronics \$334.03 Smcs; Amazon \$4,884.26 smcs,co; American \$187.81 Smcs; American First Aid \$333.31 Smcs; Andersen Wrecking \$65.00 Smcs; Anderson Bros. \$325.18 Smcs; Apple Market \$4.27 Smcs; ARC \$1,079.00 Smcs; Arctic Refrigeration \$183.76 Smcs; Ask Supply \$1,755.43 Smcs; ASP Enterprises \$2,608.00 Smcs; Athey,M \$36.07 Smcs; Aurora Coop \$100.56 Smcs; Auto Value \$1,727.00 Smcs; Baker & Taylor \$5,127.48 Smcs; Battery Junction \$10.59 Smcs; Bauer Underground \$13,175.85 Smcs; Beans,J \$28.62 Smcs; Bells Construction \$840.00 Co; Berke,N \$100.00 Smcs; Bike Shed \$21.98 Smcs; Blackstone Audiobooks \$305.97 Smcs; Blessing \$88,357.95 Co; BlueCross/BlueShield \$158,237.57 Smcs; Bohlmann \$136.67 Smcs; Boogaarts \$53.98 Smcs; Brownells \$112.94 Smcs; Bruha,S \$200.00 Smcs; BSB Construction \$197,921.96 Co; BSN Sport Supply \$296.78 Smcs; Buffalo Co. Historical Soc. \$91.67 Smcs; Buffalo Co. Sheriff \$157,281.71 Smcs; Buffalo Outdoor Power \$651.76 Smcs; Buggy Bath Car \$13.00 Smcs; Builders \$1,385.20 smcs,co; Bungler,A \$34.98 Smcs; Cabela's \$399.92 Co; Camera Doctor \$513.95 Smcs; Camron \$85,455.37 Smcs; Canva.com \$2.00 Smcs; Capital Business \$254.12 Smcs; Carquest \$1,074.51 Smcs; Casey's \$110.06 Smcs; Cash Wa \$5,766.69 Smcs; Cenex Farmers \$46.00 Smcs; Cental NE Sod \$11,637.00 Co; Central Fire & Safety \$87.50 Smcs; Central Hydraulic \$328.77 Smcs; Central NE Bobcat \$841.26 Smcs; CH Diagnostic \$640.00 Smcs; Charter \$734.43 Smcs; Chemsearch \$305.00 Smcs; Chesterman \$3,999.65 Smcs; Chicken Coop \$100.00 Smcs; Chief Supply \$33.69 Smcs; Cintas \$222.99 Smcs; City of Ky \$24,982.60 smcs,ps; CMS Communications

\$140.00 Co; Coldspring \$866.70 Smcs; Comm. Act. Part.of Mid NE \$444.00 Smcs; Compass \$25.00 Smcs; Compasscom \$249.90 Smcs; Construction Rental \$1,816.22 smcs,co; Control Yours \$100.00 Smcs; Copycat Printing \$26.20 Smcs; Country Partners \$16,156.19 Smcs; Crawford,D \$45.00 Smcs; Creative Teacher \$17.00 Smcs; Crop Production Services \$1,409.70 Smcs; Crystal Clean \$96.00 Smcs; Culligan \$346.50 Smcs; Cummins \$665.62 Smcs; Cutter & Buck \$723.60 Smcs; D&D Industries \$442.00 Co; Davis Equipment \$1,856.80 Smcs; Dawson Public Power \$47,143.23 Smcs; Dell \$2,496.00 Co; Demco \$123.67 Smcs; Deterdings \$4,554.86 Smcs; Deutz Corp \$86.11 Smcs; Diamond Vogel \$448.22 Smcs; Dino O'Dell \$15.00 Smcs; Dmilaco \$262.50 Smcs; Dollar General \$55.62 Smcs; Dowhy Towing \$450.00 Smcs; DPC Industries \$11,510.17 Smcs; Dutton-Lainson \$6,967.86 smcs,co; Eagle Distributing \$1,987.95 Smcs; Eakes \$1,559.94 Smcs; Earthgrains \$29.00 Smcs; Ebersole,A \$22.75 Smcs; Ed Broadfoot & Sons \$620.00 Smcs; Edgerton Explorit Center \$669.12 Smcs; Ehrlich-Rentokil \$51.00 Smcs; Eileen's Cookie \$22.50 Smcs; Elliott Equipment \$1,124.96 Smcs; EMC Insurance \$9,767.76 Smcs; Enterprise \$422.79 Smcs; Epic Sports \$209.76 Smcs; Facebook \$138.48 Smcs; Family Fresh \$28.86 Smcs; Fastenal \$295.82 Smcs; Federal Signal \$604.93 Smcs; Fire Protection \$462.00 Smcs; First National Bank \$40.00 Smcs; Fixemer,A \$30.00 Smcs; Fleetpride \$527.76 Smcs; Ford,M \$27.43 Smcs; Frontier \$343.13 Smcs; Fullerton Inn \$1,320.00 Smcs; Gale \$971.45 Smcs; Gangwish Turf \$105.00 Co; Garrett Tires \$6,842.42 Smcs; Glass Doctor \$869.99 Smcs; Glenn,A \$32.66 Smcs; Godaddy.com \$59.88 Smcs; Golf the West \$999.99 Smcs; Goodbran,R \$87.65 Smcs; Graham Tire \$1,873.42 Smcs; Grainger \$1,002.24 Smcs; Grey House Publishing \$194.95 Smcs; Gurney \$459.65 Smcs; Hach \$1,441.47 Smcs; Hali-Brite \$547.30 Smcs; HD Supply \$3,398.34 Smcs; Hilti \$1,243.40 Co; Hireright \$34.64 Smcs; Hobby-Lobby \$231.71 Smcs; Holmes Plumbing \$786.69 smcs,co; Hotel Booking \$7.99 Smcs; Hy Vee \$106.09 Smcs; Ibsen,J \$300.00 Smcs; ICMA \$5,372.83 Ps; Int'l Public Mgmt \$397.00 Smcs; IRS \$172,181.12 Ps; Jack Lederman \$431.91 Smcs; Jack's Uniforms \$980.11 Smcs; James, Dave \$90.00 Smcs; JCB Delivery \$110.00 Smcs; JCI Industries \$1,080.00 Smcs; Jensen,C \$35.00 Smcs; Johnson Controls \$10,255.09 Smcs; Johnson Hardware \$663.00 Smcs; Johnstone Supply \$776.62 Smcs; Jonathan Park Audio \$239.94 Smcs; Jones Automotive \$401.41 Smcs; Kart-Man \$998.66 Smcs; Ky Ace \$51.45 Smcs; Ky Animal Shelter \$7,381.25 Smcs; Ky Clinic \$250.00 Ps; Ky Comm. Foundation \$6,000.00 Smcs; Ky Concrete \$14,621.75 smcs,co; Ky Crete & Block \$713.80 Smcs; Ky Hub \$1,799.21 Smcs; Ky Power Sports \$924.96 Smcs; Ky Quality \$16.99 Smcs; Ky Towing \$200.00 Smcs; Ky Visitors Bureau \$42,615.44 Smcs; Ky Warehouse \$1,279.96 Smcs; Ky Winlectric \$433.37 Smcs; Ky Winnelson \$782.46 Smcs; Kelly Supply \$1,190.69 Smcs; Konica Minolta \$1,122.95 Smcs; KRVN \$186.00 Smcs; KSDS \$156.00 Smcs; Kucera Painting \$4,000.00 Smcs; Landmark Implement \$7,335.98 smcs,co; Lavista Homeowners Assoc \$575.97 Smcs; Lawson Products \$137.12 Smcs; LCL Truck Equipment \$1,736.00 Smcs; Lehn,S \$25.00 Smcs; Lillis,D \$64.80 Smcs; Lincoln Chamber Comm \$198.00 Smcs; Lincoln Waste Water \$358.66 Smcs; Lincoln Winwater \$2,199.00 Smcs; LinkedIn \$168.28 Smcs; Logan Contractors \$4,142.25 Co; Longleaf Srvices \$141.64 Smcs; Lopez,C \$10.04 Smcs; Machines & Media \$132.00 Co; Magic Cleaning \$2,150.00 Smcs; Mail Express \$17.97 Smcs; Marlatt Machine \$392.97 Smcs; Mascoelectr \$540.52 Smcs; Masek Golf \$157.62 Smcs; Matheson \$198.33 Smcs; Matthies,L \$21.00 Smcs; McDonald's \$11.66 Smcs; Mead Lumber \$105.28 Smcs; Medicbatteries.com \$86.91 Smcs; Meet Healthy \$500.00 Smcs; Mefferd,E \$777.00 Smcs; Menards \$5,674.26 smcs,co; Mid American Signal \$3,050.00 Smcs; Midland Scientiic \$45.00

Smcs; Mid-NE Garage Doors \$150.00 Smcs; Midwest Connect \$292.20 Smcs; Midwest Pump \$91.00 Smcs; Midwest Turf \$1,962.04 Smcs; Milco Environmental \$1,450.15 Smcs; Molina,M \$549.33 Smcs; Monoprice \$109.64 Smcs; Moonlight Embroidery \$5,659.50 Smcs; Moonlight Horseshoeing \$45.00 Smcs; Mostek Electric \$165.47 Smcs; Municipal Supply \$6,398.62 Smcs; Murphy \$51.86 Smcs; Nat'l Hole In One \$261.00 Smcs; Nat'l Institute Senior Center \$145.00 Smcs; NCOA \$175.00 Smcs; NE Arborists \$50.00 Smcs; NE Child Support Pyt. Ctr. \$1,766.36 Ps; NE Dept Environmental \$18,423.18 Smcs; NE Dept HHS \$78.75 Smcs; NE Dept. Revenue \$27,713.00 Smcs; Ne Library Assoc. \$180.00 Smcs; NE License Beverage \$200.00 Smcs; NE Machinery \$1,246.97 Smcs; NE Main Street \$300.00 Smcs; NE Safety & Fire \$290.00 Smcs; NE Salt & Grain \$35,243.20 Smcs; NE Truck Center \$1,271.41 Smcs; NE Turfgrass Assn. \$80.00 Smcs; Nebraskaland Distributors \$1,206.25 Smcs; Nelson's Furniture \$566.10 Smcs; Network Fleet \$94.75 Smcs; Network Solutions \$79.98 Co; Nevco \$122.77 Smcs; Newman Signs \$4,505.84 Smcs; Northern Safety \$305.28 Smcs; Northgate Veterinary \$417.00 Smcs; Northwest Electric \$1,624.84 Smcs; Northwestern Energy \$6,233.96 Smcs; No-Spill Systmes \$302.00 Smcs; Notary Public \$96.00 Smcs; Novus \$40.00 Smcs; Oak Creek Engineering \$6,632.50 Co; OCLC \$654.79 Smcs; Officemax \$722.34 smcs,co; O'Hara Lindsay \$2,000.00 Smcs; One Call Concepts \$598.77 Smcs; O'Reilly Automotive \$850.52 Smcs; Orscheln \$1,075.38 Smcs; OTC Brands \$632.14 Smcs; Outdoor Custom \$2,302.46 Smcs; Outdoor Recreation \$1,219.50 Smcs; Paramount \$290.76 Smcs; Parr Public Safety \$17.94 Co; Party America \$37.74 Smcs; Payflex Systems USA \$42.50 Smcs; Paypal*Cnhrma \$175.00 Smcs; Paypal*Coloradofir \$835.00 Smcs; Paypal*Izinner \$263.92 Smcs; Pedalboat.com \$356.89 Smcs; Peerless Machine \$3,896.08 Smcs; Penguin Random \$180.00 Smcs; Pet Kingdom \$99.65 Smcs; PGA Member Info \$484.00 Smcs; Phillips,D \$10.48 Smcs; Physio Control \$145.00 Smcs; Pioneer Randustrial \$1,875.00 Co; Pitney Bowes \$44.40 Smcs; Platt Electric \$792.16 smcs,co; Platte River Harley Davidson \$450.91 Smcs; Platte Valley Auto Mart \$697.37 Smcs; Platte Valley Comm. \$831.20 Smcs; Platte Valley Laboratories \$62.50 Smcs; Pop,A \$36.03 Smcs; Portable Computer Systems \$575.23 Co; Postermymwall \$2.99 Smcs; Praire Tactical \$5,000.00 Co; Presto-X \$461.00 Smcs; Priceline \$254.56 Smcs; Proactive Sports \$1,517.26 Smcs; PSC Motor \$1,070.50 Smcs; Qtech Automation \$4,443.00 Smcs; Quill \$1,021.64 Smcs; RDJ Specialities \$624.94 Smcs; Ready Mixed Concrete \$25,093.85 Co; Reams \$4,397.37 smcs,co; Recorded Books \$446.03 Smcs; Recreonics \$4,170.22 Smcs; Redbox \$1.61 Smcs; Reinke's \$3,593.60 Smcs; Republic National \$921.46 Smcs; Rheome Tree \$1,210.00 Smcs; Riverdale Ready Mixed \$4,080.00 Co; Russell's Appliance \$749.00 Smcs; S&B Heating \$292.50 Smcs; SA Foster \$13.00 Smcs; Sahling Kenworth \$1,107.97 Smcs; Sampson Construction \$126,883.00 Co; Sandbag Store \$409.45 Smcs; Sanitation Products \$42.82 Smcs; Sapp Brothers \$12,835.65 Smcs; Schwans \$3,926.93 Smcs; Scooter's \$10.00 Smcs; Seamons,C \$24.79 Smcs; Sears.com \$127.99 Smcs; See Clear Cleaning \$2,050.00 Smcs; Seth Killion Construction \$625.00 Smcs; Sheldon,C \$51.00 Smcs; Sherwinn Willaims \$191.41 Smcs; Shotoski Services \$300.00 Smcs; Sign Center \$75.00 Smcs; Silverstone Group \$4,720.00 Smcs; Siteone Landscape \$3,410.51 smcs,co; Skeeter Barnes \$140.00 Smcs; Small Engine \$51.85 Smcs; Smartsign \$88.36 Smcs; SOS Portable Toilets \$565.00 Smcs; Southeast Comm. College \$303.75 Smcs; Southern Glazers \$2,810.74 Smcs; Sprinkler Warehouse \$118.12 Smcs; Starbucks \$10.00 Smcs; Steinbrinks \$3,961.56 smcs,co; Stolley Park Veterinary \$245.82 Smcs; Strategic Materials \$364.06 Smcs; Strecker,A \$19.26 Smcs; Suburban Fire Protection \$2,214.50 Ps; Sun Development \$7,844.18 Smcs; Sunbelt Rentals \$42.97 Smcs;

Superior Outdoor Power \$3,026.30 Co; Supplyhouse \$84.51 Smcs; Supplyworks \$1,058.75 Smcs; Sweat,A \$30.00 Smcs; T&T Mobile Washing \$450.00 Smcs; Target \$243.58 Smcs; Terry's Transport \$1,100.00 Smcs; Thompson Co. \$138.63 Smcs; Tielke's Sandwiches \$146.91 Smcs; Tractor-Supply \$549.15 Smcs; Tracy,Z \$30.00 Smcs; Trade Well Pallet \$1,700.00 Smcs; Tri State Oil Reclaimers \$546.50 Smcs; Turner Body Shop \$100.00 Smcs; Union Bank & Trust \$75,199.04 Ps; Union Pacific Railroad \$2,783.54 Er; Unique Management \$313.25 Smcs; UPS \$77.71 Smcs; USPS \$246.45 smcs,co; Van Diest \$8,299.90 Smcs; Vern Waskom Co \$277.50 Smcs; W.T. Cox \$73.00 Smcs; Walgreens \$112.38 Smcs; Wal-mart \$2,870.23 Smcs; Walsh,C \$139.00 Smcs; Walters Electric \$531.89 Smcs; Waterlink \$668.73 Smcs; Weis Equipment \$260.00 Smcs; When to Work \$160.00 Smcs; Wilco Life \$19.00 Ps; Wilke's True Value \$722.23 Smcs; WPCI \$53.50 Ps; WPSG \$160.95 Smcs; Yancy,A \$300.00 Smcs; Yant Equipment \$8,636.07 Co; Zeller,R \$47.00 Smcs; Zoro Tools \$90.04 Smcs; Payroll Ending 07/08/2017 -- \$487,880.34. 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 August 8, 2017 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-121750 liquor license application and manager application for Philip Piper submitted by REPI LLC, dba Lumbergs located at 14 East 21st Street.

5. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor as follows:

a) Inside Cope Stadium on UNK Campus located at 2708 12th Avenue, on Thursday, August 10, 2017 from 4:00 p.m. until 10:00 p.m. for a business after hours event;

b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 12, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

c) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 19, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

d) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, and in a 100' x 50' outdoor fenced area located west of the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, August 19, 2017 from 5:00 p.m. until 12:00 a.m. for a cage fighting event;

e) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 19, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

f) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N and in a 100' x 50' outdoor fenced area located west of the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, August 20, 2017 from 12:00 p.m. until 12:00 a.m. and on Monday, August 21, 2017 from 9:00 a.m. until 10:00 p.m. for the solar eclipse event;

g) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 26, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

h) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 26, 2017 from 3:00 p.m. until 1:00 a.m. for a quinceanera;

i) In a 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Thursday, August 31, 2017 from 4:00 p.m. until 12:00 a.m. for a football tailgating event;

j) In a 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, September 16, 2017 from 11:00 a.m. until 5:00 p.m. for a football tailgating event;

k) Inside The Archway located at 3060 East 1st Street, on Saturday, September 30, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

l) In a 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, October 7, 2017 from 11:00 a.m. until 5:00 p.m. for a football tailgating event;

m) In a 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, October 21, 2017 from 11:00 a.m. until 5:00 p.m. for a football tailgating event; and

n) In a 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, November 4, 2017 from 11:00 a.m. until 5:00 p.m. for a football tailgating event.

6. Approve the application for a Special Designated License submitted by Chug A Lug Sports Bar, Inc., dba Chug-A-Lug Bar & Grill in connection with their Class CK-042049 liquor license to dispense alcoholic liquor inside an outdoor area measuring 54'x32' located directed outside of Chug-A-Lug Bar & Grill located at 1115 East 25th Street on Saturday, September 30, 2017 (alternate date would be Saturday, October 7, 2017) from 7:00 a.m. to 11:30 p.m. for a BBQ challenge.

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

a) Nebraska 150 Express submitted by Jayne Meyer for the temporary closure of 1st Avenue from 21st Street to Railroad Street, Central Avenue from 21st Street to Railroad Street, Avenue A from 21st Street to Railroad Street, Railroad Street from 1st Avenue to Avenue A (includes the closure of the railroad crossing), Public Parking Lot located north of the railroad tracks from 1st Avenue through Central Avenue on August 6, 2017.

b) Platte River Mural submitted by Derek Rusher to close the eight parking stalls located on 21st Street between 1st Avenue and Central Avenue, directly north of Bruce's Furniture (located at 2026 Central Avenue) on August 7 – August 27, 2017.

8. Accept the report from the City Clerk on the insufficiency of objection/protest filed in connection with Ordinance No. 8151 creating Paving Improvement District No. 2017-985, Ordinance No. 8152 creating Water District No. 2017-585, Ordinance No. 8153 creating Sanitary Sewer Improvement District No. 2017-522 all for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

9. Adopt Resolution No. 2017-130 appointing citizens to serve on the Advisory

Board of Park & Recreation Commissioners, Airport Advisory Board, Civil Service Commission, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Planning Commission and Senior Services Advisory Board.

RESOLUTION NO. 2017-130

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS

Lee Greenwald reappointed to July 31, 2022

Kevin Witte reappointed to July 31, 2022

Kathy English (County Appointment) appointed to succeed Marvion Reichert to July 31, 2022

AIRPORT ADVISORY BOARD

Jacob Barth appointed to fulfill term of Leonard Skov to July 31, 2018

Kent Schroeder reappointed to July 31, 2022

CIVIL SERVICE COMMISSION

Lynn Johnson reappointed to July 31, 2023

COMMUNITY REDEVELOPMENT AUTHORITY

Richard Peters appointed to succeed Randy DeFreece to July 31, 2022

DOWNTOWN IMPROVEMENT BOARD

David Brandt reappointed to July 31, 2022

GOLF ADVISORY BOARD

Austin Hendrickson appointed to succeed Ken Nikels to July 31, 2021

Nick Erdman reappointed to July 31, 2021

KEARNEY HOUSING AGENCY

Scott Benson appointed to succeed Barry Sherman to July 31, 2022

PLANNING COMMISSION

Jack McSweeney reappointed to July 31, 2020

Jim McKeon reappointed to July 31, 2020

SENIOR SERVICES ADVISORY BOARD

Patricia Candy reappointed to July 31, 2020

Dick Johnson reappointed to July 31, 2020

Deanna Jesse appointed to fulfill term of Ruby Martin to July 31, 2018

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

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2017-131 approving the Lease Agreement between the City of Kearney and Kearney Raceway Park for property located at the Kearney Regional Airport.

RESOLUTION NO. 2017-131

BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Lease Agreement, on behalf of the City of Kearney, Nebraska, with Kearney Raceway Park, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2017-132 approving Change Order No. 1 showing an increase in the amount of \$8,233.75, Application and Certificate for Payment No. 3-Final in the amount of \$109,414.10 and accept the Certificate of Substantial Completion submitted by Wilke Contracting and approved by Oak Creek Engineering for the 2015 Part 16 Improvements; Country Club Lane Bridge.

RESOLUTION NO. 2017-132

WHEREAS, Wilke Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 16 Improvements; Country Club Lane Bridge, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$8,233.75 and Application and Certificate for Payment No. 3-Final in the amount of \$109,414.10 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$315,457.75
Change Order No. 1 (7-25-2017)	<u>8,233.75</u>
Contract Sum To Date	323,691.50
Gross Amount Due	323,691.50
Retainage (0%)	.00
Amount Due to Date	323,691.50
Less Previous Certificates for Payment	<u>214,277.40</u>

Current Payment Due

\$109,414.10

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 26, 2017, as shown by Exhibit "B" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1 and Application and Certificate for Payment No. 3-Final, as shown on Exhibit "A" and the Certificate of Substantial Completion as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Approve the Plans and Specifications for the Harvey Park Ballfield Lighting and set the bid opening date for August 15, 2017 at 2:00 p.m.

13. Approve the Plans and Specifications for the TechONE Crossing Sign and set the bid opening date for August 15, 2017, 2017 at 2:00 p.m.

14. Adopt Resolution No. 2017-133 approving Application and Certificate for Payment No. 3 in the amount of \$340,069.66 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. 2017-133

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. 3 in the amount of \$340,069.66 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	721,954.77
Retainage (10%)	72,195.48
Amount Due to Date	649,759.29
Less Previous Certificates for Payment	<u>309,689.63</u>
Current Payment Due	\$ 340,069.66

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

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2017-134 approving Engineering Agreement for Downtown Revitalization between the City of Kearney and Miller & Associates in connection with improvements on Central Avenue from 22nd Street to Railroad Street for design, construction observation, construction staking and preparation of as-built drawing services for Downtown Revitalization Phase II-15-DTR-104.

RESOLUTION NO. 2017-134

WHEREAS, the City of Kearney and Miller & Associates Consulting Engineers desire to enter into an Engineering Agreement for Downtown Revitalization in connection with improvements on Central Avenue from 22nd Street to Railroad Street for design, construction observation, construction staking and preparation of as-built drawing services for Downtown Revitalization Phase II-15-DTR-104.

NOW THEREFORE BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Stanley Clouse, Mayor of the City of Kearney, Nebraska be and is hereby authorized and directed to execute the attached Engineering Agreement for Downtown Revitalization between the City of Kearney, Nebraska and Miller & Associates Consulting Engineers. The Agreement, marked as Exhibit A, is attached hereby and made a part hereof by reference. PASSED AND APPROVED THIS 25TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8165 AMENDING CHAPTER 1 OF CITY CODE REGULATING AUTHORIZED EXPENDITURES

Council Member Lear introduced Ordinance No. 8165 amending Section 1-1510 of Chapter 1 "Administration" of the City Code to add a length of service of 10 years and good standing to the requirements for employees receiving plaques, certificates of achievement or items of value as authorized expenditures, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out

the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8165. 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. 8165 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 Buschkoetter seconded by Clouse that Ordinance No. 8165 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. 8165 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. 8166 ADOPTING 2017 EDITION OF THE NATIONAL ELECTRICAL CODE

Council Member Lear introduced Ordinance No. 8166 amending Section 1-1510 of Chapter 1 "Administration" of the City Code to add a length of service of 10 years and good standing to the requirements for employees receiving plaques, certificates of achievement or items of value as authorized expenditures, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8166. 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. 8166 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 Buschkoetter seconded by Clouse that Ordinance No. 8166 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. 8166 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$113,894.16 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Clouse abstained. Motion carried.

VII. REPORTS

VIII. ADJOURN

Moved by Lear seconded by Clouse that Council adjourn at 5:38 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
CITY CLERK**