

*Kearney, Nebraska
August 22, 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 August 22, 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, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Lauren Brandt, City Clerk; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; 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 Adrian Boykin provided the Invocation.

PLEDGE OF ALLEGIANCE

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

None.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held August 8, 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 \$86.88 smcs; Ace Irrigation \$55.05 smcs; Acushnet \$237.00 smcs; Adobe \$32.09 smcs; Agent Fee \$40.00 smcs; Akehi,K \$47.36 smcs; Alfred Benesch \$1,822.71 co; All Makes Auto \$2,168.58 smcs; Alley Rose \$75.00 smcs; Alstrom,J \$23.54 smcs; Amazon \$5,864.02 smcs,co; American \$185.63 smcs; American Fence \$2,503.00 smcs; American First Aid \$288.41 smcs; American Library Assn \$144.95 smcs; American Paper Optics \$25.24 smcs; Anderson,S \$229.95 smcs; Animoto \$264.00 smcs; Anova \$169.86 co; Apple Market \$18.72 smcs; ARC Network \$275.00 smcs; Arctic Refrigeration \$421.20 smcs; Arrowhead Scientific \$471.03 smcs; Ask Supply \$1,120.51 smcs; ASP Enterprises \$518.00 smcs; Aurora Coop \$52.00 smcs; Aussie Hydraulics \$17.60 smcs; Auto Value \$1,222.43 smcs; Awards Unlimited \$300.80 smcs; Axon Enterprises \$954.54 smcs; B&H Photo \$539.77 smcs; Baker & Taylor \$4,173.57 smcs; Barco Municipal \$862.50 smcs; Barcode Discount \$887.33 smcs; Bear Frame \$117.10 smcs; Best Western \$1,168.72 smcs; Bike Shed \$4,745.00 ps; Blackstone Audio \$397.98 smcs; BlueShield/BlueCross \$171,773.70 smcs; Boardtronics \$428.15 smcs; Boogaarts \$9.46 smcs; Borer,K \$31.00 smcs; Bosselman \$23,173.09 smcs; Brad Rodgers MD Family \$303.00 ps; Broadfoot's \$972.00 smcs; Brooks,G \$100.00 smcs; Brownells \$9.74 smcs; Bruha,S \$160.00 smcs; BSB Construction \$85,044.63 co; Buffalo Co 4-H Shooting \$4,047.08 smcs; Buffalo Outdoor Power \$7,390.06 smcs,co; Buggy Bath \$23.00 smcs; Builders \$2,038.74 smcs,co; Cabela's \$42.79 smcs; Camera Doctor \$323.59 smcs; Capital Business \$293.00 smcs; Carquest \$621.12 smcs; Casey's \$77.67 smcs; Cash-Wa \$17,862.49 smcs; Cenex \$38.28 smcs; Cengage \$68.25 smcs; Central Fire & Safety \$18.50 smcs; Central Hydraulic \$274.16 smcs; Central NE Bobcat \$702.93 smcs,co; Central NE Senior Golf \$66.00 smcs; Central States Industrial \$2,199.80 smcs; Certified Power \$1,452.29 smcs; CH Diagnostics \$640.00 smcs; Charter \$519.02 smcs; Chemsearch \$924.49 smcs; Chesterman \$250.00 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$230.78 smcs; Chism,P \$34.03 smcs; Cintas \$246.05 smcs; Cit Group \$1,630.84 smcs; City of Ky \$82,741.52 smcs,ps; Cleverbridge \$84.39 co; Coldspring \$914.80 smcs;

Compasscom \$124.95 smcs; Constantcontact.com \$546.00 smcs; Construction Rental \$512.79 smcs; Control Yours \$200.00 smcs; Cool Tech \$175.50 smcs; Copycat Printing \$562.03 smcs; Country Home Products \$69.96 smcs; CPS \$287.10 smcs; Cracker Barrel \$355.67 smcs; Crown Awards \$383.78 smcs; Cudaback,P \$20.41 smcs; Culligan \$494.48 smcs; Cummins \$192.78 smcs; Custom Products \$1,821.00 smcs; Dan Roeder Construction \$191,425.03 smcs; Danko Emergency \$443.41 smcs; Davis Equipment \$2,294.11 smcs; Dawson Public Power \$46,309.93 smcs; Daylight Donuts \$94.61 smcs; Defensive Edge Training \$790.00 smcs; Delight Donuts \$74.25 smcs;Dell \$6,416.99 co;Demco \$994.46 smcs; Deterdings \$513.60 smcs; Dibbern,M \$17.48 smcs; Dmilaco \$163.50 smcs; DollarTree \$4.28 smcs; Dowhy Towing \$950.00 smcs; Dutton-Lainson \$6,834.30 smcs,co; Eagle Distributing \$3,152.00 smcs; Eakes \$2,749.49 smcs,co; Earl May \$94.85 smcs; Easy Pickers \$612.92 smcs; Ehrlich-Renokil \$51.00 smcs; Ellingson,K \$32.65 smcs; Elliott Equipment \$605.29 smcs; EMC Insurance \$5,999.89 smcs; Emily Arrow Music \$1,007.91 smcs; Emotorpro \$185.18 smcs; Enforcement Video \$304.00 smcs; Enterprise \$20.12 smcs; Erbert & Gerbert \$363.87 smcs; Erbsen,S \$32.00 smcs; Eustis Body Shop \$100.00 smcs; Exxonmobil \$30.70 smcs; Eynetich,J \$102.80 smcs; Facebook \$172.44 smcs; Family Fresh \$223.02 smcs; Family Practice \$1,784.00 ps; Fastenal \$1,010.16 smcs; Fire Rescue TV \$684.00 smcs; Fireguard \$181.12 smcs; Frontier \$345.34 smcs; Galls \$102.22 smcs,ps; Gangwish Turf \$88.13 smcs; Garrett Tires \$9,219.17 smcs; General Traffic \$1,474.18 smcs; Glow With Us \$107.85 smcs; Gov't Finance Officers \$275.00 smcs; Graham Tire \$4,249.72 smcs; Grainger \$1,014.67 smcs; Grand Island Physical \$75.00 smcs; Grones Outdoor Power \$30.56 smcs; HD Supply \$10,187.13 smcs; Hilliard,L \$1,274.10 co; Hobby-Lobby \$582.11 smcs; Hoff,D \$72.17 smcs; Holmes Plumbing \$1,180.04 smcs; Home Depot \$30.50 smcs; Howe,C \$77.30 smcs; HRDirect \$948.25 smcs; Huntly,B \$23.50 smcs; Hy-Vee \$249.78 smcs; ICMA \$5,370.77 ps; Internal Revenue \$173,819.40 ps; Jack Lederman \$976.41 smcs; Jack's Uniforms \$2,204.46 smcs; James,D \$3,473.50 smcs; Johnson Controls \$294.40 smcs; Johnson Service \$10,545.00 smcs; Johnstone Supply \$18.16 smcs; Justbats.com \$100.00 smcs; Kansas City Royals \$430.00 smcs; Ky Ace \$99.66 smcs; Ky Animal Shelter \$7,381.25 smcs; Ky Arts Council \$2,400.00 smcs; Ky Chamber \$255.00 smcs; Ky Clinic \$794.00 ps; Ky Concrete \$17,363.38 smcs,co; Ky Crete & Block \$1,997.80 co; Ky Hub \$4,599.85 smcs; Ky Power Sports \$188.80 smcs; Ky Towing \$925.00 smcs; Ky Visitors Bureau \$200.00 smcs; Ky Warehouse \$1,123.82 smcs; Ky Winlectric \$11.36 smcs; Ky Winnelson \$11.86 smcs; Kelly Supply \$920.50 smcs; Kennedy,R \$41.72 smcs; Knox Company \$33.00 smcs; Kring,J \$816.00 smcs; La Quinta \$72.60 smcs; Landmark Implement \$1,020.45 smcs; Laser Art Design \$238.00 smcs; Lawrence,R \$50.81 smcs; Lawson Products \$678.25 smcs; League Of NE Municipalities \$3,853.00 smcs; Lied Center \$118.36 smcs; Lightbulb & Ballast \$64.95 smcs; Lincoln Pizza Ranch \$654.93 smcs; Lincoln Winwater Works \$378.39 smcs; Linkedin \$150.00 smcs; Little Caesars \$54.00 smcs; Luke,D \$27.50 smcs; Mac Tools \$86.50 smcs; Magic Cleaning \$400.00 smcs; Mail Express \$53.50 smcs; Marlatt Machine \$1,355.17 smcs,co; Marriott \$227.96 smcs; Matheson \$753.85 smcs; Menards \$3,647.49 smcs; Merryman \$548.23 smcs; Mid-Iowa Solid Waste \$546.21 smcs; Midlands Contracting \$2,090.00 smcs; Midwest Connect \$9,622.44 smcs; Midwest Turf \$294.78 smcs; Miller & Associates \$67,799.60 co; Miller Signs \$3,803.00 co; Mirror Image \$507.70 smcs; Moonlight Embroidery \$4,454.26 smcs; Morgan,M \$25.50 smcs; Morphotrak \$11,196.00 smcs; Mortensen,M \$100.00 smcs; Most Dependable Fountains \$78.46 smcs; Municipal Supply \$4,550.05 smcs; Murphy Express \$57.98 smcs; Museum of NE Art \$111.17 smcs; NASB \$150.00 smcs;

National Tool Warehouse \$278.63 smcs; NE Child Support Pyt. Ctr. \$1,766.36 ps; NE DOL/Office Safety \$48.00 smcs; NE Environmental \$326.40 smcs; NE Hotel Properties \$85.11 smcs; NE Library Commission \$3,246.90 smcs; NE Machinery \$754.15 smcs; NE Peterbilt \$606.53 smcs; NE Safety & Fire \$125.00 smcs; Nebraskaland Distributors \$3,335.30 smcs; Network Fleet \$94.75 smcs; NI NDA Device \$62.25 smcs; Northwestern Energy \$3,381.79 smcs; NRG Media \$820.00 smcs; Oak Creel Engineering \$7,999.16 co; OCLC \$690.87 smcs; Odeys \$1,180.00 smcs; Office Max \$1,582.20 smcs; Officenet \$405.40 smcs; O'Hara Lindsay \$2,000.00 smcs; Omaha Print \$189.90 smcs; Omaha Zoo \$954.30 smcs; One Call Concepts \$431.82 smcs; O'Reilly Auto \$1,258.54 smcs; Orscheln \$728.81 smcs; OTC Brands \$359.31 smcs; Out of Print \$120.00 smcs; Paramount \$505.31 smcs; Parkink \$987.30 smcs; Party America \$10.02 smcs; Party City \$89.47 smcs; Pathology Services \$62.25 ps; Paypal*Airtrvlgrp \$2,500.00 smcs; Paypal*Nebraskawat \$490.00 smcs; Pedalboat.com \$433.07 smcs; Pen Air \$427.40 smcs; Penguin Random House \$172.50 smcs; Pet Picks-up \$202.94 smcs; PGA Member Info \$484.00 smcs; Pioneer Trails \$482.00 smcs; Platinum Awards \$129.88 smcs; Platte Valley Auto Mart \$739.34 smcs; Platte Valley Comm. \$3,411.16 smcs,co; Postage Refill \$1,950.00 smcs; Pot O' Gold \$155.00 smcs; Powell,M \$52.33 smcs; Premier Police Training \$750.00 smcs; Presto-X \$275.00 smcs; Provantage \$3,863.24 co; PSS/CSS Presentation \$490.62 co; Quill \$301.58 smcs; Rathe,V \$15.10 smcs; Ready Mixed Concrete \$16,891.73 co; Reams \$1,527.03 smcs; Recorded Books \$1,419.28 smcs; Redbox \$6.42 smcs; Redman's Shoes \$102.00 smcs; Reinke's \$169.50 smcs; Rest & Relaxation Tours \$250.00 smcs; Rheome Tree \$990.00 smcs; Riverdale Ready Mix \$2,344.98 smcs,co; Robinson,T \$30.78 smcs; Rodriquez,M \$5.83 smcs; Rogue Fitness \$193.84 ps; Roper's Radiator \$110.00 smcs; Route 26 Mart \$40.13 smcs; S&S Worldwide \$81.63 smcs; Sahling Kenworth \$225.00 smcs; Sandry Fire \$595.80 smcs; Sanitation Products \$383.05 smcs; Saylor Screenprinting \$513.00 smcs; School District #7 \$487.80 smcs; Schroer,F \$332.99 co; Schwans \$2,696.37 smcs; See Clear Cleaning \$350.00 smcs; Sherwin Williams \$199.21 smcs; Silverstone Group \$4,720.00 smcs; Siteone Landscapes \$2,895.13 smcs; Smith,N \$62.00 smcs; Snap-On Tools \$119.95 smcs; Society for Human Resource \$199.00 smcs; Solid Waste Association \$212.00 smcs; SOS Portable Toilets \$295.00 smcs; Sozo American Cuisine \$75.00 smcs; Steinbrink's \$3,396.68 smcs,co; Stitch 3 \$44.00 ps; Strategic Materials \$336.86 smcs; Strecker,A \$19.26 smcs; Strong,H \$4.23 smcs; Stroud,J \$24.99 smcs; Suburban Fire District \$123,120.50 co; Sunbelt Rentals \$29.98 smcs; Superior \$37,691.48 co; Supplyworks \$1,699.72 smcs; Sutphen \$28.22 smcs; Target \$267.96 smcs; Team Effort \$137.70 smcs; Terry's Transport \$13,625.00 smcs; The Badaxx \$724.96 smcs; Tielke's Sandwiches \$69.48 smcs; Titan Machinery \$1,177.90 smcs; Totally Promotional \$298.50 smcs; Tracfone \$21.93 smcs; Tractor-Supply \$776.25 smcs; Trane supply \$535.59 smcs; Trans Iowa Equipment \$452.22 smcs; Tri County Glass \$789.00 smcs; Turfwerks \$677.16 smcs; Turner Body Shop \$2,684.97 smcs; Tye Law Firm \$13,194.10 smcs; Underground Construction \$1,912.50 smcs; Union Bank \$76,679.98 ps; Unique Management \$223.75 smcs; United Airlines \$464.80 smcs; UnitedStatesFlag \$131.04 smcs; UPS Store \$97.48 smcs;USA Bluebook \$253.96 smcs; USA Communications \$321.89 co; USPS \$149.94 smcs; USTA Membership \$35.00 smcs; Van Diest \$2,699.55 smcs; Varidesk \$990.00 co; Verizon \$106.95 smcs; Walmart \$2,528.13 smcs; Walters Electric \$2,686.45 smcs,co; Ward Laboratories \$19.25 smcs; Warren-T Plumbing \$599.82 smcs;WEF Main \$148.00 smcs; Weides,T \$15.00 smcs; Weight,C \$950.00 co; Weis Fire \$270.00 smcs; Wilco Life \$19.00 ps; Wilke's \$395.10 smcs; Willow Creek Assn. \$267.00 smcs; Woosley,C \$26.12 smcs; WPCI

\$107.00 ps; Zoro Tools \$130.72 smcs; Payroll Ending 8/5/2017 -- \$490,178.01. 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 September 12, 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 manager application for Matthew King submitted by Peak Interest LLC, dba Pizza Hut located at 1412 2nd Avenue in connection with their Class A-033603 liquor license.
5. Accept the bids received for the purchase of a 1-Ton 4x4 Crew Cab Pick-Up with Utility Box used in the Water Production Division of the Utilities Department and award the bid to Midway Chevrolet in the amount of \$39,789.00.
6. Adopt Resolution No. 2017-143 approving the final allocation of levy authority in the amount of \$146,450.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2017-2018 and the final allocation of levy authority in the amount of \$50,616.00 for Offstreet Parking District No. 1 for fiscal year 2017-2018.

RESOLUTION NO. 2017-143

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 10, 2017, a preliminary request for levy allocation in the amount of \$146,450.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 5, 2017, a preliminary request for levy allocation in the amount of \$50,616.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$146,450.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2017 and a final allocation of levy authority of \$50,616.00 is hereby approved for Offstreet Parking District No. 1 for 2017.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2017, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 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) On June 27, 2017 City Council approved the temporary closing of 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 for the UNK-LPAC Homecoming. Additional temporary closures have been requested for parade line up and include: 23rd Street from Central Avenue to Avenue E, 24th Street from Central Avenue to Avenue E, Avenue A from 22nd Street to 25th Street, Avenue B from 22nd Street to 24th Street, Avenue C from 22nd Street to 25th Street, Avenue D from 22nd Street to 25th Street.

b) Jasmin McGinnis to temporarily close 15th Street from 2nd Avenue to 3rd Avenue and a small portion of the alley located directly west of Baristas located at 1502 2nd Avenue on September 16, 2017 for a Specialty Coffee Extravaganza event.

8. Adopt Resolution No. 2017-144 approving the Parking License Agreement between the City of Kearney and the University of Nebraska Medical Center for the storage of a mobile simulation unit in property located at 4580 Airport Road.

RESOLUTION NO. 2017-144

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 Parking License Agreement, on behalf of the City of Kearney, Nebraska, with the Board of Regents of the University of Nebraska, a public body corporate of the State of Nebraska and governing body of the University of Nebraska Medical Center, the Agreement, marked Exhibit "1", and the Map of the Building, marked Exhibit "2" are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2017-145 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Jonathan Collins, Ben Kinnison, Keith Musil, Andrew Olson, Tyler Wrabbe and Zachry Vasquez.

RESOLUTION NO. 2017-145

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as a volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. 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 cater and dispense alcoholic liquor as follows:

- a) Inside The World Theatre located at 2318 Central Avenue on Thursday, September 21, 2017 from 3:00 p.m. until 11:00 p.m. for a business event;
 - b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 23, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;
 - c) Inside the Classic Car Museum located at 3600 U.S. Highway 30, Suite B, on Monday, September 25, 2017 from 5:00 p.m. until 10:00 p.m. for a social hour;
 - d) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 30, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;
 - e) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 30, 2017 from 3:00 p.m. until 1:00 a.m. for Oktoberfest event;
 - f) Inside the Buffalo County Extension Building located at 1400 East 34th Street, on Saturday, September 30, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;
- and

g) Inside a private residence and an outdoor tent area measuring 30'x85' adjacent to the private residence as shown on the diagram, both located at 1111 East 47th Street on Saturday, September 30, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

11. Approve the application for a Special Designated License submitted by Kearney Area Chamber of Commerce to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 30, 2017 from 4:00 p.m. until 11:00 p.m. each day for a fall fund raiser festival known as Oktoberfest.

12. Approve the application for a Special Designated License submitted by Prairie Pride Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 30, 2017 from 4:00 p.m. until 11:00 p.m. each day for a fall fund raiser festival known as Oktoberfest.

13. Approve the application for a Special Designated License submitted by Thunderhead Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 30, 2017 from 4:00 p.m. until 11:00 p.m. each day for a fall fund raiser festival known as Oktoberfest.

14. Approve the application for a Special Designated License submitted by Borgata Brewing/Distilling Inc. dba Brickway Brewing to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 30, 2017 from 4:00 p.m. until 11:00 p.m. each day for a fall fund raiser festival known as Oktoberfest.

15. Approve the application for a Special Designated License submitted by No Coast Brewing LLC dba First Street Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 30, 2017 from 4:00 p.m. until 11:00 p.m. each day for a fall festival known as Oktoberfest.

16. Adopt Resolution No. 2017-146 approving Application and Certificate for Payment No. 3 in the amount of \$49,247.15 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. 2017-146

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. 3 in the amount of \$49,247.15 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	83,007.05
Retainage (10%)	8,300.71
Amount Due to Date	74,706.35
Less Previous Certificates for Payment	<u>25,459.20</u>
Current Payment Due	\$ 49,247.15

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 22ND DAY OF AUGUST, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Approve the application for a Special Designated License submitted by CSI Bladen, Inc. to dispense alcoholic liquor inside The Archway located at 3060 East 1st Street, and in a 31' x 25' outdoor fenced area located north of The Archway located at 3060 East 1st Street on Saturday, October 7, 2017 from 4:30 p.m. until 1:00 a.m. for a reception.

18. Adopt Resolution No. 2017-147 accepting the bids received for the Harvey Park Ballfield Lighting and award the bid to Ensley Electric in the amount of \$515,000.00.

RESOLUTION NO. 2017-147

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 15, 2017 at 2:00 p.m. for the removal and replacement of ball field lighting for Harvey Park Ball Fields (Bid A was for Metal Halide and Bid B was for LED lighting); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$400,000.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Ensley Electric of Grand Island, Nebraska in the amount of \$515,000.00 for Bid A (Metal Halide) be accepted as the lowest responsible bid for the removal and replacement of ball field lighting for Harvey Park Ball Fields.

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 Ensley Electric be and is the lowest responsible bidder for the removal and replacement of ball field lighting for Harvey Park Ball Fields to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Ensley Electric in the amount of \$515,000.00 for Bid A (Metal Halide) be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$400,000.00 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 22ND DAY OF AUGUST, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8171 GRANTING NON-FRANCHISE TO UNITE PRIVATE NETWORKS, LLC

Council Member Nikkila introduced Ordinance No. 8171 granting a non-exclusive franchise to Unite Private Networks, LLC to construct, install, operate, maintain or otherwise locate telecommunication facilities in public ways within the City of Kearney, 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 Lear seconded the motion to suspend the rules for Ordinance No. 8171. 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, Nikkila. Nay: None. 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. 8171 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, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8171 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8171 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. 8172 CREATING PAVING IMPROVEMENT DISTRICT NO. 2017-987

Council Member Nikkila introduced Ordinance No. 8172 creating Paving Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue, 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 Lear seconded the motion to suspend the rules for Ordinance No. 8172. 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, Nikkila. Nay: None. 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. 8172 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, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8172 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8172 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. 8173 AMENDING SECTIONS OF ARTICLE 15 OF CHAPTER 1 OF CITY CODE INCREASING THE MINIMUM BIDDING AMOUNT

Council Member Nikkila introduced Ordinance No. 8173 amending Article 15 "Purchasing" of Chapter 1 "Administration" of the City Code as follows: Section 1-1505 "Formal Contract Procedure", Section 1-1506 "Informal Purchasing" and Section 1-1507 "Professional Services" to increase the minimum bidding amount requirements to \$40,000.00 and clarifying the language, 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 Lear seconded the motion to suspend the rules for Ordinance No. 8173. 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, Nikkila. Nay: None. 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. 8173 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, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8173 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8173 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

KEARNEY AREA ANIMAL SHELTER ANNUAL REPORT PRESENTATION AND RENEWAL OF THE ANNUAL AGREEMENT

Mayor Clouse opened for discussion the acceptance of the Kearney Area Animal Shelter Annual Report submitted by Director of Operations Jamie Jensen and to consider Resolution 2017-148 approving the proposed agreement between the City of Kearney and the Kearney Area Animal Shelter for continued care of animals that are impounded by the City, setting forth the Shelter's obligations with reference to caring for these animals.

Kearney Area Animal Shelter (KAAS) Director of Operations Jamie Jensen presented this matter to the Council. She stated that KAAS would like to come to City Council meetings frequently to provide an update on the shelter and inform on news and updates occurring at the shelter. Ms. Jensen stated that KAAS does ensure that all animals being reclaimed and those animals being picked up by the City officials are current on their rabies shot. This protocol is state law and is something that KAAS does enforce and check on. If the animal is not current, then KAAS will get the animal current on a rabies shot.

At KAAS, all pets that are adopted are spayed or neutered, fully vaccinated for their age, microchipped, dewormed, given a tag and collar. KAAS always wants to ensure that the first few steps outside of KAAS are the safest. Since opening in 2006, KAAS has had 7,699 adoptions and 4,417 animals that have been reclaimed by their owners. As part of the KAAS mission, they do not impose any time limits and do not euthanize for space, which is KAAS's own decision and own mission to stand behind.

KAAS tries hard to fulfill their mission by reducing overhead costs while keeping the animal welfare a number one priority. The KAAS contract with the City is helping to keep the animals taken care of that are brought in by the City but if KAAS decides to hold onto the animal for two months, that decision is up to KAAS and they understand that they will need to make up that cost.

KAAS is always seeking out other avenues of support in the area. An upcoming event that is occurring with KAAS is the Moonlight Masquerade Gala. This event will be held at the Kearney Country Club and is open to the public. Citizens do not have to be members of the Kearney Country Club to attend. The KAAS is selling tickets for a silent auction, wine bar, cash bars, hors d' oeuvres, caricatures and more. KAAS is really trying to find new avenues of gaining support financially from the people of Kearney and not just relying on the City of Kearney. KAAS also wants to develop pillars of support not only from the City but from the community, who really care about pets and make sure to possibly help fund the KAAS mission.

KAAS would like to thank everyone for their support and the City staff for helping make little repairs around the shelter such as replacing lights and painting lines in the parking

lot. Those little repairs add up. KAAS is also very appreciative of the City helping acquire a new industrial size dryer. KAAS would like to open up the idea of partnering with the City as far as a conducting a spay or neuter program or any other ideas as far as controlling the pet population problem. KAAS receives daily calls on pets that are living in the streets.

Mayor Clouse asked since KAAS imposes no time limits, are there animals at the KAAS that have been there for 10 years or a longer period of time. Ms. Jensen stated no, KAAS does not have any animals that have been there since they have opened besides the KAAS mascot cat that lives at the shelter permanently. At some point, the animal would get unhealthy if staying at the shelter for a long period of time. Generally dogs get adopted within weeks of being on the adoption floor but cats tend to be at the shelter a little longer.

Council Member Lammers asked if there is an average time for the animals to stay at the shelter. Ms. Jensen stated the average stay is approximately 21 days for both dogs and cats combined. Animals legally become property of KAAS after 72 hours and can then put the animal up for adoption. Council Member Lammers asked if the City's commitment is basically for the three day (72 hour) period. Ms. Jensen stated yes, that is correct.

Council Member Buschkoetter asked how long has KAAS been microchipping. Ms. Jensen stated that KAAS has been microchipping all of the animals up for adoption for two years now. KAAS does offer this service to the public. If a citizen's pet is from KAAS, they can bring the animal in for \$20 and have them chipped.

Council Member Nikkila asked how frequently are the police officers picking up stray animals and dropping them off at KAAS. Ms. Jensen stated every day; the police officers have access 24 hours a day, 365 days of the year to the facility, likely averaging two to three drop offs a day, but sometimes more.

Council Member Nikkila asked how many employees were employed at KAAS. Ms. Jensen stated currently the shelter has 12 employees but upwards of 400 volunteers. Volunteers supplement what the employees cannot get done on a day-to-day basis.

Mayor Clouse asked if the City of Kearney has a big problem with pet control. Ms. Jensen stated with cats, yes. Cats are always being brought in. The problem is not necessarily the cat; it is whether or not the cat is fixed. If not fixed, cats can have two to three litters a year. KAAS can only have a certain number of cats due to a Nebraska Department of Agriculture license that limits a legal capacity of 150 animals. The spay and neuter programs have worked in other cities but Ms. Jensen is not sure of the details for those programs or where to begin to get those programs started. Council Member Lammers asked if there are repeat offenders who continuously drop off cats. Ms. Jensen stated yes.

Mayor Clouse stated on a more serious note he knows that the KAAS staff has worked extensively with the City Manager on coming up with a dollar amount. In the agreement, when talking about funding for capital consideration and maintenance, even though the City is able to provide assistance currently, this does not mean that the assistance is

always a requirement. Ms. Jensen stated she understands and appreciates that.

Moved by Buschkoetter seconded by Clouse to accept the Kearney Area Animal Shelter Annual Report submitted by Director of Operations Jamie Jensen and approve the agreement between the City of Kearney and the Kearney Area Animal Shelter for continued care of animals that are impounded by the City, setting forth the Shelter's obligations with reference to caring for these animals. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$129,169.11 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:48 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**