

Kearney, Nebraska
October 24, 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 Tuesday, October 24, 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; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Jason Whalen, Fire Administrator; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Kyle LaBoria from KGFW and Mike Konz from the 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 Brian Klein 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

PERMANENT RIGHT-OF-WAY & UTILITY EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Right-of-Way & Utility Easement on property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2017-175.

Tony Jelinek, Director of Utilities presented this matter to the Council. This item involves the agreement to finish the right-of-way acquisition for 11th Avenue for which the City prepared a Developer Constructed Infrastructure Agreement with Grand West. Grand West has completed the water and sanitary sewer and is currently working on the pavement portion of the project. Grand West will tie back in with the southern portion of 11th Avenue when the area is developed and paved, possibly within the next year.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2017-175 approving the proposed acquisition for a Permanent Right-of-Way & Utility Easement on property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2017-175

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Right-of-Way & Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee has granted to the City of Kearney, Nebraska a Permanent Right-of-Way & Utility Easement as follows:

PERMANENT RIGHT OF WAY & UTILITY EASEMENT

A tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska dedicated for Permanent Right-of-Way and Utility Easement purposes. Said Permanent Right-of-Way and Utility Easement to be 33.00 feet on each side of following described centerline: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E

on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B", Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue of Fountain Hills Third Addition and on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue of Fountain Hills Third Addition a distance of 472.28 feet; thence continuing on said West line of 11th Avenue of Fountain Hills Third Addition and on a tangent curve to the Left having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing N 08°27'37" E a distance of 298.24 feet to a 5/8" rebar w/cap; thence N 25°29'30" W continuing on the West line of said 11th Avenue of Fountain Hills Third Addition a distance of 16.90 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 67°27'24" E on the North line of said Fountain Hills Third Addition a distance of 33.02 feet to the centerline of said 11th Avenue of Fountain Hills Third Addition, and the ACTUAL POINT OF BEGINNING; thence N 25°29'29" W a distance of 292.57 feet; thence Northerly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 300.00 feet, an arc length of 94.27 feet, and a chord bearing N 16°29'20" W a distance of 93.89 feet; thence N 07°29'11" W a distance of 703.10 feet to the centerline of 11th Avenue as shown and dedicated on the South line of Fountain Hills Second Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska and the POINT OF TERMINATION. The side lines of said 66.00 feet wide Permanent Right-of-Way and Utility Easement to be lengthened or shortened to form a continuous strip, said 66.00 foot Easement contains 1.65 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way & Utility Easement granted by Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held October 10, 2017.
2. Approve the following Claims:

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

Alfred Benesch \$3,828.07 co; 1000bulbs.com \$203.66 smcs; 4Imprint \$186.59 smcs; Abebooks.com \$11.75 smcs; Adams Mystery Playhouse \$1,976.00 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$15.98 smcs; Affordable Safety \$198.99 smcs; Alert All \$2,499.50 smcs; All Makes Auto \$3,061.08 smcs; Alley Rose \$50.00 smcs; Ally B Designs \$760.00 smcs; Amazon \$6,158.44 smcs,co; American First Aid \$939.29 smcs; American Legion Emblem \$46.85 smcs; American Library Assn. \$856.67 smcs; American Water Works \$1,826.00 smcs; Americinn \$205.52 smcs; Anderson Brothers \$12,697.15 smcs; Arbor Day Foundation \$35.00 smcs; ARC Services \$281.00 smcs; Arp,R \$684.00 smcs; Ask Supply \$1,074.39 smcs; Aurora Coop \$55.84 smcs; Aussie Hydraulics \$153.99 smcs; AW Direct \$24.98 smcs; Axmann,J \$6.16 smcs; B2 Environment \$400.00 smcs; Baird Holm \$11,422.50 smcs; Baker & Taylor \$1,774.07 smcs; Barney Insurance \$18,969.00 smcs; Bear Frame \$127.75 smcs; Bedford,S \$574.00 smcs; Benson,G \$740.00 smcs; Berens-Tate Consulting \$2,500.00 smcs; Berg,J \$574.00 smcs; Bill's Trailer \$35.00 smcs; Blackstone Audio \$642.37 smcs; Blink Art Materials \$132.97 smcs; BlueCross BlueShield \$79,315.44 smcs; Blueglobes \$12.70 smcs; Bosselman Energy \$33,350.12 smcs; Brester Construction \$1,107.00 smcs; Bridgett Lavene Consulting \$1,666.67 smcs; Broadcast Music \$37.80 smcs; Broadfoot's \$1,147.00 smcs; Brodart Supplies \$44.11 smcs; BSN Sport Supply \$160.27 smcs; Buffalo Co. Economic Dev. \$150,000.00 smcs; Buffalo Co. Treasurer \$27.68 smcs; Buffalo Outdoor Power \$2,396.83 smcs; Build-Charge.com \$169.65 smcs; Builders \$1,796.55 smcs,co; Busyshade.com \$329.00 smcs; Cabela's \$14,805.57 smcs; Capital Business Systems \$815.97 smcs; Card My Yard \$71.10 smcs; Carolina Environmental \$250.67 smcs; Carquest \$3,574.38 smcs; Casey's General Store \$60.27 smcs; Cash Wa \$319.20 smcs; Center Point Publishing \$75.96 smcs; Central Comm. College \$500.00 smcs; Central District Health \$4,718.00 smcs; Central Hydraulic \$1,011.45 smcs; Central NE Bobcat \$255.02 co; Centurion \$260.50 smcs; Charter \$776.47 smcs; Chemsearch \$305.00 smcs; Chesterman \$2,038.50 smcs; Chicken Coop \$50.00 smcs; Cintas \$246.05 smcs City Glass \$154.00 smcs; City of Ky \$53,176.02 smcs; CKC \$28.15 smcs; Clark Enersen Partners \$5,655.50 co; Coldspring \$246.60 smcs; Compass Tools \$325.00 smcs; Compasscom \$124.95 smcs; Consolidated Management \$387.97 smcs; Construction Rental \$1,694.16 smcs; Control Yours \$200.00 smcs; Copycat \$1,479.69 smcs; Core & Main \$83.21 smcs; Cornhuskers Square \$22.50 smcs; Cosugi \$100.00 smcs; Country Home Products \$194.94 smcs; Crop Production Services \$1,741.56 smcs; Culligan \$127.50 smcs; Cummins \$1,591.78 smcs; Damratowski,M \$100.00 smcs; Davis Equipment \$1,777.94 smcs; Dawson Public Power \$36,940.34 smcs; Daylight Donuts \$45.33 smcs; Dell \$687.19 smcs; Department of Airports \$3,990.00 smcs; Depository Trust Co. \$7,476,641.25 ds; Deterdings Hot Tubs \$302.70 smcs; Diamond Tours \$3,675.00 smcs; Dish \$113.03 smcs; Dollar General \$20.87 smcs; Doty,C \$50.00 smcs; Dowhy Towing \$300.00 smcs; DPC Industries \$6,431.42 smcs; Dultmeier Sales \$430.16 smcs; Eakes \$2,397.34 smcs; EB Tree Risk \$53.74 smcs; Ehrlich-Rentokil \$51.00 smcs; Eileen's Cookie \$55.00 smcs; Elliott Equipment \$2,151.99 smcs; EMC Insurance \$656,082.65 smcs; ESRI \$107.00 smcs; Eustis Body Shop \$200.00 smcs; Evers,B \$873.00 smcs; Express Carriage Park

\$7.50 smcs; Expression Wear \$1,800.00 smcs; Facebook \$70.73 smcs; Fairbanks Farm \$350.00 smcs; Family Fresh \$42.23 smcs; Fastenal \$1,582.68 smcs; Fedex \$185.56 smcs; Fiddelke Heating \$244.63 smcs; First Lutheran \$79.80 smcs; Fore Better Golf \$772.45 smcs; Fort Ky Shooting \$6,750.00 smcs; Frontier \$9,680.63 smcs; Fyr-Tek \$3,507.00 smcs; G&L Clothing \$72.00 smcs; Gale \$1,168.53 smcs; Game Time \$144.96 co; Garrett Tires \$9,540.24 smcs; GD Construction \$186,120.00 smcs; Gear for Sports \$5,103.87 smcs; Gearhart,M \$40.52 smcs; Gelpro \$361.70 smcs; GI Physical Therapy \$127.50 ps; Global Industrial \$269.80 smcs; Glock Professional \$250.00 smcs; Graham Tire \$1,549.68 smcs; Grainger \$1,446.53 smcs; Graphic Vision \$3,092.88 smcs; Great Plains Asbestos \$1,000.00 smcs; Great Plains Safety \$795.00 smcs; Hach \$727.14 smcs; Harshbarger,K \$720.00 smcs; Hastings Tribune \$136.60 smcs; Heggemeyer,L \$13.37 smcs; Hill,E \$20.12 smcs; Hobby Lobby \$557.57 smcs; Holmes Plumbing \$146.36 smcs,co; Homedepot.com \$200.79 smcs; Hooker Brothers \$244.26 smcs; Hotsy Equipment \$265.21 smcs; Huerta's Upholstery \$25.00 smcs; ICMA \$6,545.39 smcs,ps; Int'l Assn. of Plumbing \$70.00 smcs; Intl Assoc. for Identification \$80.00 smcs; Int'l Code Council \$95.00 smcs; IRS \$165,318.55 ps; Isaac,B \$13.36 ps; Island Supply Welding \$96.40 smcs; Jack Lederman \$626.31 smcs; Jack's Uniforms \$234.88 smcs; Johnson Controls \$4,368.20 smcs; Johnson Service \$1,040.00 smcs; Johnstone Supply \$59.08 smcs; Jones Automotive \$292.39 smcs; JR's Roofing \$64.12 smcs; Kart-Man \$998.68 smcs; KDD Investments \$141.72 smcs; Ky Ace Hardware \$96.16 smcs; Ky Animal Shelter \$10,120.00 smcs; Ky Clinic \$160.00 ps; Ky Concrete \$10,851.85 smcs,co; Ky Crete & Block \$1,684.36 smcs,co; Ky Hub \$1,594.08 smcs; Ky Hy-Vee \$100.00 ps; Ky Towing \$300.00 smcs; Ky Volunteer Fire \$241.45 smcs; Ky Warehouse \$3,019.97 smcs; Ky Winlectric \$2,260.16 smcs; Ky Winnelson \$43.20 smcs; Kelly Supply \$1,237.84 smcs; Kimball Midwest \$324.85 smcs; Kimball,K \$75.00 smcs; Konica Minolta \$1,166.64 smcs; Kwik Trip \$30.50 smcs; Lamar \$1,200.00 smcs; Lambert's Café \$1,080.56 smcs; Landmark Implement \$608.81 smcs; Larue Distributing \$35.60 smcs; Lawn Builders \$150.00 smcs; Lawson Products \$252.91 smcs; Lazlo's Brewery \$24.66 smcs; Lifeline Training \$447.00 smcs; Linke,L \$574.00 smcs Lips Printing \$121.59 smcs; Lockmobile \$11.50 smcs; Lombard,J \$85.00 smcs; Magic Cleaning \$1,100.00 smcs; Marlow White Uniforms \$941.95 smcs; Marpa Group \$140.00 smcs; Marriott \$254.50 smcs; Masek Golf Car Co \$3,651.50 smcs; Matheson \$339.11 smcs; McGraw,R \$60.00 smcs; Mead Lumber \$70.74 smcs; Menards \$3,543.08 smcs,co; Microsoft Store \$427.98 smcs; Mid American Signal \$219.00 smcs; Mid-Iowa Solid Waste \$729.92 smcs; Mid-NE Garage Doors \$286.00 smcs; Midwest Connect \$3,637.06 smcs; Midwest Laboratories \$42.00 smcs; Midwest Turf \$152.21 smcs; Miles Tactical \$400.95 smcs; Miller,J \$145.00 smcs; Mirror Image Car Wash \$389.90 smcs; Mobotrex \$350.00 smcs; Moonlight Embroidery \$100.00 smcs; Municipal Supply \$6,134.69 smcs; Myseniorcenter.com \$240.00 smcs; National Recreation \$850.00 smcs; Navigator Motorcoaches \$3,051.00 smcs; NCL of Wisconsin \$688.84 smcs; NE Child Support Center \$1,545.05 ps; NE Code Officials Assoc. \$250.00 smcs; NE Crane \$61.81 smcs; NE Dept. of Revenue \$28,244.00 smcs; NE Dept. Environmental \$17,167.50 smcs; NE DMV \$13.20 smcs; NE Library Assn. \$170.00 smcs; NE Municipal Clerks Assn. \$45.00 smcs; NE Safety & Fire \$350.50 smcs; NE Safety Council \$650.00 smcs; NE Truck Center \$1,950.91 smcs; Network Fleet \$94.75 smcs; NLETC \$200.00 smcs; Norfolk Public Library \$150.00 smcs; Norm's Plumbing \$138.06 smcs; Northwestern Energy \$1,932.69 smcs; NRG Media \$820.00 smcs; Nat'l Alliance Youth Sports \$80.00 smcs; Oak Creek Engineering \$6,582.75 co; OCLC \$690.87 smcs; OfficeMax \$1,225.35 smcs,co; O'Hara Lindsay \$2,000.00 smcs;

Omaha Compound \$875.40 smcs; One Call Concepts \$549.93 smcs; Online Labels \$178.83 smcs; O'Reilly Auto \$1,029.13 smcs; Orscheln \$573.26 smcs; OTC Brands \$1,257.34 smcs; Otto Environmental \$25,566.00 smcs; Overhead Door \$74.57 smcs; Panera Bread \$42.78 smcs; Paramount \$401.94 smcs; Party America \$41.96 smcs; Paypal*IAPE \$93.90 smcs; Paypal*ITT \$639.99 smcs; Paypal*NTOA \$1,400.00 smcs; Paypal*Office Depot \$570.23 smcs; Paypal*Timtimng \$42.48 smcs; PCAN \$50.00 smcs; Penguin Random House \$82.50 smcs; Penworthy \$359.97 smcs; Person,E \$10.59 smcs; Philby,J \$100.00 smcs; Physical Education \$317.51 smcs; Physio Control \$891.00 smcs; Pickle Ball Central \$200.00 smcs; Picmonkey \$47.88 smcs; Ping \$913.78 smcs; Pipemarker.com \$56.88 smcs; Platinum Awards \$180.81 smcs; Platte Valley Auto Mart \$34.00 smcs; Platte Valley Comm \$321.10 smcs; Playtime \$7,196.00 co; Pot O' Gold \$155.00 smcs; Prestige Group \$419.00 smcs; Presto-X \$169.00 smcs; Qualified Hardware \$162.00 smcs; Quill \$969.37 smcs; Radisson Hotel \$455.40 smcs; Rainbow Online \$29.28 smcs; Ramp,P \$100.00 smcs; Raymond Geddes & Co. \$23.35 smcs; Ready Mixed Concrete \$13,875.95 smcs,co; Reams \$223.82 smcs; Recorded Books \$1,699.00 smcs; Red Lobster \$50.00 smcs; Redbox \$9.64 smcs; Redman's Shoes \$329.99 smcs; Ruhter,S \$89.72 smcs; Sage,P \$69.86 smcs; Sahling Kenworth \$65.41 smcs; Sampson Construction \$46,000.00 co; Sandry Fire Supply \$71.82 smcs; Sapp Brothers \$86,375.88 smcs; Sargent Drilling \$1,125.00 smcs; Saylor Screenprinting \$581.60 ps; SCC-On Line \$303.75 smcs; Schwarz,J \$25.15 smcs; Sears \$55.76 smcs; See Clear Cleaning \$2,050.00 smcs; Sherwin Williams \$44.29 smcs; Shirt Shack \$348.29 smcs; Sign Center \$40.00 smcs; Signalisation Ver-Mac \$170.00 smcs; Siteone Landscapes \$6,864.54 smcs,co; Silverstone Group \$4,720.00 smcs; Smartsign \$81.55 smcs; Southwest Sales \$8,223.02 smcs; Sozo American Cuisine \$50.00 smcs; Sporting Edge \$817.41 smcs; Steinbrinks \$1,573.65 smcs; Stevenson,Z \$100.00 smcs; Stoney Creek Hotel \$1,699.60 smcs; Supply Works \$1,843.67 smcs; Tactical Range \$446.00 smcs; Target \$623.20 smcs; Taubenheim,M \$88.23 smcs; Thompson Co. \$65.36 smcs; Thompson,J \$19.01 smcs; Ticket Omaha \$1,000.00 smcs; Tigerseal Products \$66.22 smcs; Titan Machinery \$20.75 smcs; TM*Garth Brooks \$3,621.84 smcs; Tractor-Supply \$75.33 smcs; Trans Iowa Equipment \$95.31 smcs; Tri Co Equipment \$1,169.80 smcs; Tri-Co Glass \$354.00 smcs; Uline \$664.57 smcs; Union Bank & Trust \$79,902.94 smcs,ps; Unique Mgmt. Services \$286.40 smcs; United \$25.00 smcs; United Seeds \$1,582.50 smcs; UNK \$50.00 smcs; UPS \$127.38 smcs; USA Communications \$153.95 smcs; USDA-Aphis Animal \$10.00 smcs; USPS \$251.37 smcs; Van Wall \$27.67 smcs; Varidesk \$450.00 smcs; Verizon \$64.08 smcs; Video Kingdom \$356.98 smcs; Virtues Group \$127.00 smcs; Vista Flags \$61.77 smcs; Waldinger Corp. \$516.54 smcs; Wal-Mart \$1,553.94 smcs; Wasteworks \$650.00 co; Waterlink \$668.73 smcs; Waytek \$44.29 smcs; Wef Main \$83.00 smcs; When to Work \$200.00 smcs; Wilke's True Value \$158.39 smcs; Witmer Public Safety \$731.17 smcs; WPCI \$394.50 ps; Wunderkinder.com \$49.99 smcs; Yanda's \$292.15 co; Yant Equipment \$145.00 smcs; Zion Nat'l Park \$190.00 smcs; Payroll Ending 10/14/2017 -- \$441,960.81. 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 November 14, 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 Gerald Rehtus submitted by Wal-Mart Stores Inc., dba Walmart Store 598 located at 5411 2nd Avenue in connection with their Class D-031733 liquor license.

5. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Mileta Vista Winery in connection with their YK077615 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on November 11, 2017 from 8:30 a.m. until 4:30 p.m. for a wine tasting event.

6. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney NE dba Alley Rose in connection with their Class IK-021763 liquor license to cater and dispense alcoholic liquor inside Viaero Wireless located at 1920 West 24th Street on Thursday, November 16, 2017 from 5:00 p.m. to 7:00 p.m. for a business after hours event.

7. Approve the application for a Special Designated License submitted by Kearney Investment Corporation, dba Holiday Inn in connection with their Class CK-017964 liquor license to dispense alcoholic liquors inside The Archway, located at 3060 East 1st Street on Thursday, November 30, 2017 from 5:00 p.m. until 10:00 p.m. for a social event/reception.

8. Adopt Resolution No. 2017-176 approving Change Order No. 2 showing a decrease in the amount of \$24,314.25, Application and Certificate for Payment No. 4-Final in the amount of \$88,911.67, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street.

RESOLUTION NO. 2017-176

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$24,314.25 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$88,911.67 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 448,188.75
Change Order No. 1 (9-12-2017)	+ 2,364.82
Change Order No. 2 (10-24-2017)	<u>- 24,314.25</u>
Contract Sum To Date	426,239.32
Gross Amount Due	426,239.32
Retainage (0%)	.00

Amount Due to Date	426,239.32
Less Previous Certificates for Payment	<u>- 337,327.65</u>
Current Payment Due	\$ 88,911.67

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 30, 2017, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, 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 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2017-177 approving Application and Certificate for Payment No. 5 in the amount of \$614,008.30 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. 2017-177

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. 5 in the amount of \$614,008.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$2,572,124.59
Change Order No. 1 (9/26/2017)	<u>+ 161,146.05</u>
Contract Sum To Date	2,733,270.64
Gross Amount Due	955,659.70
Retainage (10%)	<u>- 95,565.97</u>
Amount Due to Date	860,093.73
Less Previous Certificates for Payment	<u>246,085.43</u>
Current Payment Due	\$ 614,008.30

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. 5 as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Accept the bids received for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition and adopt Resolution No. 2017-178 awarding the bid to Blessing Construction in the amount of \$365,152.20.

RESOLUTION NO. 2017-178

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 17, 2017 at 2:00 p.m. for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$418,315.00; and

WHEREAS, Olsson Associates and the City have recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$365,152.20 be accepted as the lowest responsible bid for 2017 Part 2 Improvements.

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 Blessing Construction be and is the lowest responsible bidder for the 2017 Part 2 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction in the amount of \$365,152.20 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$418,315.00 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 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Accept the bids received for the purchase of a Vehicle Fire Training System for the Kearney Volunteer Fire Department and award the bid to Bullex in the amount of \$57,021.00.

12. Adopt Resolution No. 2017-179 approving T-Hangar C-07 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Kaufmann Center, LLC.

RESOLUTION NO. 2017-179

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-07 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Kaufmann Center, LLC, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve the purchase of Self-Contained Breathing Apparatus (SCBA) equipment in the amount of \$357,037.34 for the Kearney Volunteer Fire Department.

14. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and/or Parking Restrictions Permit Application submitted by Bridgett Lavene on behalf of Downtown Kearney to use 4 parking stalls in front of 2218 Central Avenue, 9 parking stalls in front of 13 East 22nd Street, 4 parking stalls in front of 2223 Central Avenue, and 4 parking stalls in front of 2100 Central Avenue on November 30, 2017 for the annual Downtown Christmas Walk.

15. Adopt Resolution No. 2017-180 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Waggoner Investments, LLC for the construction of a water main and sanitary sewer main for part of Lots 4 and 5, Tract G, all located in Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2017-180

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Waggoner Plumbing Site Development" between the City of Kearney and Waggoner Investments L.L.C., for the construction of a water main and sanitary sewer main improvements to serve part of Lot 4 and Lot 5, Tract G, all in the City of Kearney, located in the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., 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 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Adopt Resolution No. 2017-181 approving Change Order No. 2 showing an decrease in the amount of \$23,596.35 and Application and Certificate for Payment No. 6-Final in the amount of \$20,866.25, and accept the Certificate of Substantial Completion 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. 2017-181

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 Change Order No. 2 showing a decrease to the contract sum in the amount of \$23,596.35 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Olsson Associates have filed with the City Clerk Application and Certificate for Payment No. 6-Final in the amount of \$20,866.25 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,009,972.80
Change Order No. 1 (9-26-2017)	+ 14,306.22
Change Order No. 1 (10-24-2017)	- <u>23,596.35</u>
Contract Sum To Date	1,047,875.37
Gross Amount Due	1,000,682.67
Retainage (0%)	.00
Amount Due to Date	1,000,682.67
Less Previous Certificates for Payment	<u>979,816.42</u>
Current Payment Due	\$20,866.25

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 16, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 6-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 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR 2601 AVENUE N

Mayor Clouse opened for discussion the redevelopment project submitted by Construction Rentals, Inc. for Redevelopment Area #5 for an area described as part of Lot 5, Block 58, Lots 1 through 10, Block 59 and Lots 2 through 5, Block 60, East Lawn Addition to the City of Kearney, Buffalo County, Nebraska and vacated Avenue O and 26th Street, all in the City of Kearney, Buffalo County, Nebraska (2601 Avenue N) consider Resolution No. 2017-182.

Assistant City Manager Paul Briseno presented this matter to the Council. The item is for Construction Rental which is located adjacent to Avenue N and Highway 30. Construction Rental is recommending demolition of two buildings close to Avenue N to build a new facility for administration. The proposed project also includes adding increased landscaping to an area next to the corridor of Highway 30 and Avenue N.

The current value of the area is \$381,000. The new estimate is approximately \$1,100,000 with the increase increment of \$718,495. CRA as well as City Staff recommend the project to be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$346,000 for eligible costs.

Craig Bennett from Miller & Associates stated the plan is to demolish both of the buildings but will demolish the east building first while Construction Rental remains in the other building. Construction Rental will build the new building and will transition into the new building. During that time, Construction Rental will transition and demolish the second building. There will be green space all the way along the corridor. The area containing storage that is fenced off on the south will be converted to grass and trees, providing a nice buffer for visitors entering the southern corridor along the highway.

The property is zoned M-1 and is in CRA District #5. Mr. Bennett described the exterior features of the proposed building including utilities, HVAC and floorplan, which contains three separate units: main office/store front, open shop which is heated and cold storage.

Council Member Lammers asked about the \$82,000 for public parking facilities and what was all included with the parking. Mr. Bennett stated that based on TIF qualifications for TIF, paving improvements can include concrete or pervious/impervious surfaces. Construction Rental has parking which is eligible for paving improvements, not only for public parking lots but parking for the public place of business.

Moved by Lear seconded by Buschkoetter finding that the redevelopment project set forth in the application submitted by Construction Rental, Inc. 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 90 percent of the annual increment in real estate taxes, not to exceed the lessor of \$346,000 beginning with Tax Year 2018 and to adopt Resolution No. 2017-182 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Construction Rental, Inc. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2017-182

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as part of Lot 5, Block 58, Lots 1 through 10, Block 59 and Lots 2 through 5, Block 60, East Lawn Addition to the City of Kearney, Buffalo County, Nebraska and vacated Avenue O and 26th Street, all in the City of Kearney, Buffalo County, Nebraska (Parcel ID 602110000); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as part of Lot 5, Block 58, Lots 1 through 10, Block 59 and Lots 2 through 5, Block 60, East Lawn Addition to the City of Kearney, Buffalo County, Nebraska and vacated Avenue O and 26th Street, all in the City of Kearney, Buffalo County, Nebraska (Parcel ID 602110000) is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community 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 interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as part of Lot 5, Block 58, Lots 1 through 10, Block 59 and Lots 2 through 5, Block 60, East Lawn Addition to the City of Kearney, Buffalo County, Nebraska and vacated Avenue O and 26th Street, all in the City of Kearney, Buffalo County, Nebraska (Parcel ID 602110000) shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the

Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$117,189.28 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

Moved by Clouse seconded by Lammers that the Open Account Claim in the amount of \$16.05 payable to Goodwill be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter abstained. Motion carried.

VII. REPORTS

Rod Wiederspan, Director of Public Works provided an update on the construction of 56th Street and 17th Avenue. The entire project will be completed next spring, due to the winter weather hold. Mayor Clouse asked when the traffic signals will be installed at 56th Street and 17th Avenue. Mr. Wiederspan stated the City working hard to get the signals installed since 56th Street and 17th Avenue will likely open in the next four weeks. The signals can continue being worked on throughout the winter.

City Manager, Michael Morgan gave an update on various City projects. The airport runway construction has started with great work already put forth from the contractor, Paulsen. The City and Paulsen worked together to expedite and convert a five page project to a two page project. The primary runway was closed last Monday and Paulsen has removed all of the lights. The milling operation began on Wednesday which is the first phase in removing the top layers of the runway portions. Unlike the original contract which is was slated to run from April 2018 through December 15th, 2018; the new target date has been set for September 1, 2018 due to work beginning sooner than expected.

The Department of Transportation, Essential Air Service Division awarded Skywest was to North Platte and Scottsbluff. The City expects that award in the new few weeks. The City's potential contract is a little different because Skywest has to include an extended start date which Skywest does not do very often.

Council Member Lammers wants to congratulate the Rotary Clubs on a successful Dancing with the Stars. He would also like to congratulate Kearney High Football team

on an undefeated season and #1 seed in Class A and Kearney Catholic Football team for qualifying for playoffs.

Council Member Buschkoetter wanted to thank the Kearney Little League, who made a donation for Patriot Park.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:52 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**