

*Kearney, Nebraska  
November 28, 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 November 28, 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, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator 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 Mitch Ivey 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.

### **OATH OF OFFICE TO POLICE OFFICERS PAUL COX, JASON GARRELS, JORDAN HAWKINS AND ZACHARY SCHWARZ**

City Clerk administered the oath of office to Police Officer Paul Cox, Jason Garrels, Jordan Hawkins and Zachary Schwarz. 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**

### **VACATE MULTIPLE LOTS AND BLOCKS IN HONEY HILLS ESTATES ADDITION AND REZONING OF PROPERTY LOCATED NORTH OF 39TH STREET AND EAST OF 11TH AVENUE AND CENTURY ROAD**

Mayor Clouse stated the City received notification from the Developer requesting to withdraw the Applications submitted by Buffalo Surveying Corporation for Travis and Nicole Edeal to (1) vacate a tract of land comprising of Lots 1 through 11 inclusive, Block One, Lots 13 through 23 inclusive, Block One, Lots 1 through 4 inclusive, Block Two, Lots 1 through 8 inclusive, Block Three, Lots 1 through 12 inclusive, Block Four, all of Century Road, all of 9th Avenue, all of 10th Avenue and all of 40th Street, all in Honey Hill Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots, Blocks, Road, Avenues and Street in said Honey Hill Estates Addition; and (2) rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District and District C-O, Office District property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue and Century Road). Therefore, no action was taken.

### **AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED NORTH OF 39TH STREET AND EAST OF 11TH AVENUE AND CENTURY ROAD**

Mayor Clouse stated the City received notification from the Developer requesting to withdraw the Application submitted by Buffalo Surveying Corporation for Travis and Nicole Edeal for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Neighborhood Mixed Use property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue and Century Road). Therefore, no action was taken.

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR LOYD GLEN ESTATES**

Mayor Clouse stated the City received notification from the Developer requesting to withdraw the Application submitted by Buffalo Surveying Corporation for Travis and Nicole Edeal for the Final Plat and Subdivision Agreement for Loyd Glen Estates, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a

tract of land comprising of Lots 1 through 3 inclusive, and part of Lot 4 and part of Lots 16 through 23 inclusive, Block One, Lots 1 through 4 inclusive, Block Two, Lots 1 through 8 inclusive, Block Three, part of Century Road, part of 9th Avenue, and part of 10th Avenue, all in Honey Hill Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots, Blocks, Road, and Avenues in said Honey Hill Estates Addition to be vacated, and being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue and Century Road). Therefore, no action was taken.

#### **IV. CONSENT AGENDA**

Moved by Lammers seconded by Nikkila that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held November 14, 2017.

2. Approve the following Claims:

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

3GStore \$1,216.36 co; 4Imprint \$832.97 smcs; AAA Rents \$97.54 smcs; AASHTO \$25.00 smcs; Acushnet \$218.61 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$11.75 smcs; Agri Coop \$287.70 smcs; Alertshirt \$7,194.98 smcs; All Makes Auto \$2,524.69 smcs; Allied Electronics \$11.29 smcs; Amazon \$3,148.08 smcs,co; American Legion \$164.16 smcs; American \$52.13 smcs; American First Aid \$332.49 smcs; Americinn \$113.04 smcs; ARC Services \$146.00 smcs; Ask Supply \$743.96 smcs; Aurora Coop \$1,878.16 smcs; Aussie Hydraulics \$193.24 smcs; Auto Value \$2,428.02 smcs; Baker & Taylor \$3,035.34 smcs; Baltic Networks \$389.61 co; Bamford \$1,282.50 smcs; Battery Sharks \$84.00 co; Bauer Underground \$6,456.00 smcs; Bed Bath & Beyond \$42.79 smcs; Blackburn Manufacturing \$259.62 smcs; Blackstone Audio \$533.21 smcs; Blasting Impressions \$17.00 smcs; BlueCross/BlueShield \$157,686.74 smcs; Boersma,C \$82.90 smcs; Books Galore \$10,676.22 smcs; Bosselman \$5,124.42 smcs; Brandt,L \$100.00 smcs; Bretts Show \$15.00 smcs; Brooks,B \$32.41 smcs; Brown's Shoe \$399.99 smcs; Buffalo Outdoor Power \$474.02 smcs; Buggy Bath \$10.00 smcs; Builders \$812.55 smcs; Butler,B \$1,351.16 smcs; Cabela's \$21.38 smcs; Capital Business Systems \$678.64 smcs; Capstone Press \$3,604.18 smcs; Carquest \$681.95 smcs; Carrot Top Industries \$810.76 smcs; Cash-Wa \$582.35 smcs; CDW Government \$1,751.44 co; Cenex \$24.00 smcs; Central Electronics \$87.98 smcs; Central Hydraulic \$283.86 smcs; Central NE Bobcat \$36,050.33 smcs,co; Central NE Sod Supply \$685.00 smcs; Charter \$776.46 smcs; Chemsearch \$305.00 smcs; Chesterman \$42.85 smcs; Chicken Coop \$50.00 smcs; Cintas \$246.05 smcs; City of Ky \$1,983.23 co; City of Ky \$339,325.17 smcs,ps; Comm. Health Charities \$6.00 ps; Consolidated Management \$412.33 smcs; Construction Rental \$1,367.55 smcs; Control Yours

\$200.00 smcs; Copycat \$217.18 smcs; Core & Main \$1,847.90 smcs; Cornhusker Cleaning \$433.67 smcs; Cracker Barrel \$1,508.88 smcs; Culligan \$199.50 smcs; Cummins \$2,389.18 smcs; Davis Equipment \$867.01 smcs; Dawson Public Power \$24,743.47 smcs; Daylight Donuts \$109.71 co; Dell \$8,662.62 smcs,co; Depository Trust Co. \$20,703.75 ds; Diamond Tours \$17,291.00 smcs; Diamond Vogel \$717.26 smcs; Diffuser Specialist \$85.73 smcs; Discount Plastic Bags \$73.92 smcs; Dish \$113.03 smcs; Dogpoopbags.com \$258.08 smcs; Dowhy Towing \$150.00 smcs; Eakes \$3,432.16 smcs; EB Tree Risk Assessment \$376.18 smcs; E-Conolight \$149.98 smcs; Ehrlich-Rentokil \$51.00 smcs; Ellmers,R \$100.00 smcs; EMC Insurance \$25,943.29 smcs; Ensley Electrical \$472.00 smcs; Entenmann-Rovin \$115.50 smcs; Eustis Body Shop \$265.00 smcs; Evers,B \$225.00 smcs; Facebook \$213.80 smcs; Family Fresh \$12.99 smcs; Farmers Union \$910.00 smcs; Fastenal \$610.67 smcs; Felsburg,H \$1,105.00 smcs; Flag Co \$237.57 smcs; Fleshman,T \$192.83 smcs; Flynn,B \$106.50 smcs; Frontier \$9,575.73 smcs; Fry & Associates \$43,238.40 co; G&L Clothing \$72.00 smcs; Gale/Cengage \$322.38 smcs; Gametime \$244.10 smcs; Garrett Tires \$8,679.22 smcs; GD Construction \$17,697.00 smcs; Gempler's \$290.87 smcs; Generations Learning \$480.00 smcs; Grainger \$1,506.29 smcs; Greenheck Fan \$197.66 smcs; Hach \$626.07 smcs; Hampton Inns \$253.64 smcs; Harms,M \$39.70 smcs; Harrison,P \$10.72 smcs; Hinz,E \$13.07 smcs; Hobby-Lobby \$562.87 smcs; Hoffman,G \$38.76 smcs; Holiday Inn \$122.08 smcs; Holmes Plumbing \$380.69 smcs; HP.com \$582.04 smcs; Hughett,J \$47.26 smcs; Hy-Vee \$155.62 smcs; IAEI \$456.00 smcs; ICMA \$5,134.06 ps; ID Security \$53.89 co; Int'l code Council \$115.00 smcs; Int'l Institute \$200.00 smcs; Ipex \$3,000.00 smcs; IRS \$158,634.41 ps; Jack Lederman \$242.29 smcs; Jack's Uniforms \$80.94 smcs; Jimmy Johns \$460.20 smcs; Johnstone Supply \$270.94 smcs; Jones Automotive \$210.84 smcs; Karlberg,T \$47.75 smcs; Ky Ace Hardware \$272.05 smcs; Ky Clinic \$180.00 ps; Ky Concrete \$7,101.66 co; Ky Crete & Block \$565.52 smcs,co; Ky Hub \$2,266.08 smcs; Ky Power Sports \$130.95 smcs; Ky Public Schools \$8,137.50 co; Ky Towing \$213.50 smcs; Ky United Way \$618.40 ps; Ky Warehouse \$272.90 smcs; Ky Winlectric \$4,957.33 smcs,co; Kelly Supply \$333.51 smcs; Kids & Dreams Foundation \$2,000.00 smcs; Konica Minolta \$410.01 smcs; Kusmaul \$260.17 smcs; Landmark Implement \$184.40 smcs; Leatherworks \$375.00 smcs; Lif,D \$145.00 smcs; Lillis,D \$64.00 smcs; Lind Electronic Design \$277.79 smcs; Lockmobile \$21.60 smcs; Logmein.com \$249.99 smcs; Longfellow,S \$77.84 smcs; Mac Tools \$119.32 smcs; Marlatt Machine \$429.87 smcs; Matheson \$352.98 smcs; McAlister's \$543.94 smcs; MDI Worldwide \$595.40 smcs; Mead Lumber \$70.36 smcs; Medic Batteries \$128.41 smcs; Menards \$3,172.34 smcs; Mendez,M \$18.68 smcs; Merryman \$134.82 smcs; Michaels Stores \$42.82 smcs; Mid-Iowa Solid Waste \$360.34 smcs; Midwest Connect \$522.35 smcs; Midwest Laboratories \$2,085.00 smcs; Midwest Turf \$167.05 smcs; Mike Holt Enterprise \$80.44 smcs; Mirror Image North \$14.00 smcs; Missouri Star Quilt \$540.00 smcs; Moore & O'Connor Const. \$1,250.00 smcs; Municipal Supply \$11,681.60 smcs; Navas,K \$54.86 smcs; Navigator Motorcoaches \$175.00 smcs; NCL Of Wisconsin \$551.26 smcs; NE Child Support Pyt \$2,336.70 ps; NE Dept Environmental \$269,400.86 smcs,ds; NE Dept. Revenue \$105,529.11 smcs,ps; NE Equipment \$37.84 smcs; NE Machinery \$3,483.71 smcs; NE Safety & Fire \$385.00 smcs; NE Statewide Arboretum \$130.00 smcs; NE Truck Center \$2,014.59 smcs; NeRPA \$240.00 smcs; Network Fleet \$94.75 smcs; NIFA \$75.00 smcs; North Platte Telegraph \$283.33 smcs; Northern Safety \$475.59 smcs; Northern Tool \$794.49 smcs; Northwestern Energy \$2,263.69 smcs; Newman Signs \$11,310.90 smcs; OCLC \$690.32 smcs; Officemax \$762.72 smcs,co; Officenet \$375.61 smcs; Olsson Associates

\$651.25 co; O'Reilly Auto \$212.69 smcs; Orscheln \$441.49 smcs; Outdoor Recreation \$1,830.00 co; Paramount \$236.36 smcs; Paulsen \$635,736.51 co; Payflex \$531.25 ps; Paypal \$1,073.07 smcs,co; Penworthy \$394.87 smcs; Pet Pick Ups \$535.54 smcs; Phillips,D \$35.18 smcs; Pilotshop.com \$57.75 smcs; Pizza Hut \$51.97 smcs; Platinum Awards \$94.90 smcs,ps; Platte Valley Auto Mart \$1,105.60 smcs; Postage Refill \$975.00 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$283.00 smcs; PrinterOn \$395.00 smcs; Psychological Resources \$1,080.00 smcs; QuickBooks \$235.35 co; Quill \$687.84 smcs; Quiznos \$18.19 smcs; Ready Mix Concrete \$11,257.22 smcs,co; Recorded Books \$219.09 smcs; Red Cross \$308.07 smcs; Redbox \$38.52 smcs; Redman's \$699.75 smcs; Rheome Tree \$880.00 smcs; Roberts,S \$9.07 smcs; Roesler,A \$15.99 smcs; Rogue Fitness \$245.01 ps; Rokform.com \$49.99 co; Rosenthal,B \$57.24 smcs; RP &MM Properties \$70.25 smcs; Russell's Appliance \$100.00 smcs; Sahling Kenworth \$53.18 smcs; Sandbag Store \$320.00 smcs; Sapp Bros \$19,473.33 smcs; Schindler Elevator \$1,118.16 smcs; Sears \$169.97 smcs; Sherwin Williams \$223.63 smcs; SHRM Member \$199.00 smcs; Simon & Schuster \$712.80 smcs; Shirt Shack \$507.18 smcs; Siteone Landscapes \$1,736.00 smcs; Sivits,Z \$44.76 smcs; Smartnfinal \$11.12 smcs; Snap-On Tools \$999.99 smcs; Sorensen,T \$53.73 smcs; Spangler Candy \$49.04 smcs; Spracklen-Russell Const. \$75.64 smcs; Sprinkler Warehouse \$1,154.99 smcs; Steinbrink Landscaping \$737.94 smcs,co; Stitch 3 \$17.00 ps; Strategic Materials \$338.42 smcs; Sunbelt Rentals \$133.86 smcs; Super Seer \$514.59 smcs; Super Shine \$72.00 smcs; Superior \$38,354.67 smcs,co; Target \$47.92 smcs; Thompson Co. \$126.78 smcs; Titan Machinery \$49.00 smcs; Tonerbuzzdog.com \$149.95 smcs; Tractor-Supply \$1,000.53 smcs; Trans Iowa Equipment \$224.26 smcs; Travel Insured Int'l \$2,444.00 smcs; Trenton Snow \$1,514.00 smcs; Tri State Oil Reclaimers \$157.75 smcs; TruGreen ChemLawn \$170.00 smcs; Turner Body Shop \$8,721.15 smcs; Tyler Business Forms \$749.05 smcs; Uline \$39.80 smcs; Union Bank & Trust \$76,431.85 ps; Unique Management \$304.30 smcs; United Seeds \$997.50 smcs; Universal Merc Exchange \$764.72 smcs; University of NE-Omaha \$616.00 smcs; UNK \$48.68 ps; USPS \$214.80 smcs; Varidesk \$550.00 smcs; Verizon \$96.29 smcs; Video Kingdom \$135.96 smcs; Walcott,C \$15.31 smcs; Walgreens \$14.41 smcs; Wal-mart \$504.33 smc, co; Walter's Electric \$2,001.44 smcs; Wilke's True Value \$27.57 smcs; Workboots USA \$209.90 smcs; WPCI \$183.50 ps; Zoro Tools \$404.94 smcs; Payroll Ending 11/25/17 -- \$432,036.61. 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 December 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 Class C-122147 liquor license application and manager application for Jody Spilde submitted by Fox Creek Catering LLC, dba The Church Key located at 1912 Central Avenue.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Michelle Rempel submitted by Cigarette Store Corp, dba Smoker Friendly/SF Liquors 16 located at 1325 2nd Avenue, Suite I in connection with their Class C-094153 liquor license.

6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Matthew Nickerson submitted by Event Center Operations LLC, dba Tri City Events Center located at 609 Platte Road in connection with their Class CK-084864 liquor license.
7. Approve the application for a Special Designated License submitted by Kearney Steak Company, dba Whiskey Creek Steakhouse in connection with their Class IK-035628 catering liquor license to dispense alcoholic liquor inside The Archway located at 3060 East 1st Street on Saturday, December 16, 2017 from 5:00 p.m. until 12:00 a.m. for a Christmas party.
8. Adopt Resolution No. 2017-197 approving Application and Certificate for Payment No. 6 in the amount of \$705,011.19 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. 2017-197

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. 6 in the amount of \$705,011.19 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	1,647,478.86
Retainage (10%)	- <u>82,373.94</u>
Amount Due to Date	1,565,104.92
Less Previous Certificates for Payment	<u>860,093.73</u>
Current Payment Due	\$ 705,011.19

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 6 as shown on Exhibit "A", be and is hereby accepted and approved.  
 PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2017.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

9. Adopt Resolution No. 2017-198 approving participation of the Kearney Volunteer Fire Department in the Volunteer Emergency Responders Incentive Act.

**RESOLUTION NO. 2017-198**

WHEREAS, on April 18, 2016, the governor of Nebraska approved the Volunteer Emergency Responders Incentive Act (LB886) which allows a \$250 tax credit for volunteer emergency responders;

WHEREAS, in order for volunteer emergency responders to qualify for the tax credit, volunteer emergency responders must attain a minimum of 50 out of 100 points for which points are awarded for participation in training, emergency response, meetings, and by holding elected or appointed positions;

WHEREAS, a requirement of the Volunteer Emergency Responders Incentive Act is the confirmation and approval of the program by the governing body of such city, village, or rural or suburban fire protection district; and

WHEREAS, the Kearney Volunteer Fire Department desires to participate in the Volunteer Emergency Responders Incentive Act and shall submit documentation annually to the City Council for the approval and certification of those volunteers who have qualified and are listed as active volunteer firefighters for the Kearney Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the participation of the Kearney Volunteer Fire Department in the Volunteer Emergency Responders Incentive Act be and is hereby approved.

PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**10.** Adopt Resolution No. 2017-199 approving Change Order No. 1 showing a decrease in the amount of \$796.00, Application and Certificate for Payment No. 3 in the amount of \$119,116.80 submitted by GD Concrete Construction, Inc. and approved by Oak Creek Engineering for the construction of a Vehicle Storage Building for Public Works.

**RESOLUTION NO. 2017-199**

WHEREAS, GD Concrete Construction, Inc. of Overton, Nebraska has performed services in connection with the construction of a Vehicle Storage Building for Public Works, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$796.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, GD Concrete Construction, Inc. and Oak Creek Engineering have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$119,116.80 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$413,600.00
Contract Sum To Date	413,600.00
Gross Amount Due	380,512.00
Retainage (10%)	38,051.20
Amount Due to Date	342,460.80

Less Previous Certificates for Payment	<u>223,344.00</u>
Current Payment Due	\$119,116.80

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

PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2017-200 approving the Interlocal Cooperation Act Agreement Continuing the Kearney Area Solid Waste Agency.

**RESOLUTION NO. 2017-200**

WHEREAS, both the State and Federal laws have mandated that the City of Kearney and Buffalo County, Nebraska must provide for disposal of solid waste in accordance with the required criteria, standards and procedures; and

WHEREAS, the Integrated Solid Waste Management Act, Sections 13-2001 to 13-2043, R.R.S., authorizes, in conjunction with the authority granted by the Interlocal Cooperation Act, the formation of an agency to provide any service, facility or system required by the Integrated Solid Waste Management Act; and

WHEREAS, the City Council of the City of Kearney, Nebraska hereby finds and determines that it is in the best interests of the citizens of the City of Kearney and Buffalo County to extend the Interlocal Cooperation Act Agreement continuing the Kearney Area Solid Waste Agency that was originally created on January 26, 1993.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute said Interlocal Cooperation Act Agreement Continuing the Kearney Area Solid Waste Agency, a copy of which Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference, with Buffalo County, Nebraska

PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

12. Approve the purchase of a 2018 Elgin Eagle Sweeper on a 2018 Freightliner M2 Chassis submitted by Nebraska Environmental Products under the National Joint Powers Alliance in the amount of \$221,315.10 to be used in Public Works/Transportation.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8197 AMENDING SECTION 8-617 "CHEMICAL TESTS; REFUSAL; PENALTIES" OF ARTICLE 6 "OPERATION OF VEHICLES" OF CHAPTER 8 "POLICE" OF CITY CODE**

Council Member Clouse introduced Ordinance No. 8197 authorizing the issuance of Public Safety Equipment Tax Anticipation Bonds of the City of Kearney, Nebraska, in the principal amount of \$425,000 for the purpose of paying the cost of purchasing new self-contained breathing apparatuses (SCBA) and related accessories and a vehicle fire training system, both to serve the City's fire department and related equipment along with miscellaneous costs associated therewith related; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules for Ordinance No. 8197. 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, Nikkila. Nay: None. Lear 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. 8197 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, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8197 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8197 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**

### **ORDINANCE NO. 8198 AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS**

Mayor Clouse opened for discussion the issuance of Public Safety Equipment Tax Anticipation Bonds of the City of Kearney, Nebraska, in the principal amount of \$425,000 for the purpose of paying the cost of purchasing new self-contained breathing apparatuses (SCBA) and related accessories and a vehicle fire training system, both to serve the City's fire department and related equipment along with miscellaneous costs associated therewith related and to consider Ordinance No. 8198.

Wendell Wessels, Finance Director presented this matter to the Council. He stated in the current year budget the 2017-2018 budget includes the purchase of SCBA's and a vehicle fire simulator for the Fire Department. As indicated in the 2017-2018 budget, the funding source for the City's share of the fire rescue truck will be from proceeds received from the issuance of Series 2017B Public Safety Tax Anticipation Bonds.

Council approved the purchase Self-Contained Breathing Apparatus (SCBA) and accessories from Sandry Fire Supply in the amount of \$357,037.34 on October 24, 2017. This equipment was included in the FY18 and will be funded by issuing Series 2017 Public Safety Equipment Tax Anticipation Bonds that are being considered tonight.

The Series 2017B Public Safety Tax Anticipation Bonds will be dated December 28, 2017 and the final payment will be on December 15, 2032. The interest rate for the Bonds is estimated at 1.45% on the one-year bonds to 3.25% on the fifteen-year bonds and the total principal amount of the Bonds is \$425,000.00. The new bonds will have a fifteen-year maturity schedule. The City will be required to include appropriate funding in its annual budget (Public Safety Tax Anticipation Bond Fund) to pay the principal and interest on the Bonds during the twenty-year life of the Bonds.

Council Member Nikkila asked Jason Whalen, Fire Administrator to discuss what this new equipment would mean for the Fire Department and how the technology is changing; particularly the benefit, why the equipment is necessary and what is the difference in the new equipment from what the Fire Department currently has.

Mr. Whalen stated it is unbelievable how quickly technology changes in fire service. In particular the safety features involving communication, which is one of the greatest problems and hazards that the Fire Department experiences when fighting fires. The new air packs technology is unbelievable and includes Bluetooth sound and microphone. The safety abilities of the new air pack are lighter and more comfortable. In particular, the new safety and communication features are what the Fire Department is very excited for; changing the way the Fire Department does things tremendously.

Mr. Whalen stated when the City of Kearney first switched to air packs many years ago; the air packs at that time were the new, greatest thing and were 3,000 PSI system. As time has gone on, bigger departments have shifted towards the newer 4,500 PSI systems. The NFPA no longer certifies the 3,000 PSI's. The Fire Departments current 3,000 PSI systems are still certified but having trouble getting parts and finding replacement packs.

The Fire Department was going to have to spend a lot of money to buy new bottles for the old air tanks that were not going to last a lifetime. Fiscally, the Fire Department discussed this issue and decided that it made more sense to go with the new system now.

Council Member Bushkoetter asked does that mean at 4,500 PSI you have more airtime. Mr. Whalen stated that a 4,500 PSI system is a more high pressure system

meaning the firefighters will have a little more airtime but the biggest difference is in the pressure of the system, which will be a great addition to the department.

Council Member Nikkila introduced Ordinance No. 8198 authorizing the issuance of Public Safety Equipment Tax Anticipation Bonds of the City of Kearney, Nebraska, in the principal amount of \$425,000 for the purpose of paying the cost of purchasing new self-contained breathing apparatuses (SCBA) and related accessories and a vehicle fire training system, both to serve the City's fire department and related equipment along with miscellaneous costs associated therewith related; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchase, 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. 8198. 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, Nikkila, Lammers, Buschkoetter. Nay: None. Lear 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. 8198 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8198 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8198 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.

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Buschkoetter that the Open Account Claim in the amount of \$325.38 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Nikkila. Nay: None. Clouse abstained. Lear absent. Motion carried.

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$82,204.32 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers. Nay: None. Clouse abstained. Lear absent. Motion carried.

**VII. REPORTS**

Council Member Buschkoetter congratulated Coach Brandon Cool and the Kearney High School football team on their runner up placement at the state tournament as well as a terrific season.

Council Member Lammers congratulated the newly sworn in police officers and appreciated City staff on their efforts to recruit law enforcement positions.

**VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 5:50 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**LAUREN BRANDT  
CITY CLERK**