

Kearney, Nebraska
April 24, 2018
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 April 24, 2018 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; Dan Lynch, Chief of Police; Eric Hellriegel, Project Coordinator and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: 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

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and 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

KAPPAS ENTERPRISES CONDITIONAL USE PERMIT

Mayor Clouse opened the public hearing on the Application submitted by Werner Construction, Inc. for Kappas Enterprises for a Conditional Use Permit to operate a temporary sand and gravel batch plant on property zoned District AG, Agricultural District and described as Government Lots 1, 2, 3, 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (335 Cherry Avenue) and to consider Ordinance No. 8242.

Assistant City Manager, Paul Briseno, presented this matter to the Council. This property is located east of Cherry Avenue, North of I-80, and in proximity to the Hike/Bike Trail. The request is for extraction materials and a batch plant to operate adjacent to the lake.

Terry Wilhelms on behalf of Werner Construction, Inc., also presented this matter to the Council. Mr. Willhelms stated they are comfortable with the proposed changes and thanked the DRT.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Werner Construction, Inc. for Kappas Enterprises for a Conditional Use Permit to operate a temporary sand and gravel batch plant on property zoned District AG, Agricultural District and described as Government Lots 1, 2, 3, 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (335 Cherry Avenue) and introduced Ordinance No. 8242 to include modified Conditions 7 and 16 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 Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8242. 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, Lear, Nikkila, Lammers, Buschkoetter. 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. 8242 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8242 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8242 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.

CODE AMENDMENTS

Mayor Clouse opened the public hearing on the Proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 21-103 “Additional Requirements” of Chapter 21 “District R-3, Urban Residential Multi-Family District (Medium-Density)” to remove the current language of additional requirements and replace with language of notification of additional accessory building and group residential; (b) Section 22-103 “Additional Requirements” of Chapter 22 “District R-4, Urban Residential Multi-Family District (High-Density)” to add language of notification of additional accessory building requirements; (c) Section 47-104 “Setback Adjustments” of Chapter 47 “Supplemental Development Regulations” to add language pertaining to the placement of the UDLO swimming pool setback requirements together with the addition of swimming pool setbacks in complexes of more than six residential units following sub-item B-6; (d) Section 47-105 “Accessory Buildings” of Chapter 47 “Supplemental Development Regulations” to add language pertaining to additional requirements involving the addition of the UDLO parking area, accessory buildings, and garage setback requirements regarding complexes of more than six residential units; and (e) Section 49-109 “Stacking Requirements for Drive-Through Services” of Chapter 49 “Off-Street Parking” to create a new sub-item B and add language pertaining to alternative turnaround access for drive-through lanes and exceptions and consider Ordinance No. 8232.

Assistant City Manager, Paul Briseno, presented this matter to the Council. He discussed the proposed code amendments. Council Member Buschkoetter questioned if an existing pool needed replaced that may not meet the 50 foot setback, could it be replaced? City Attorney, Mike Tye stated since the pool would be a pre-existing structure that is non-conforming, it could be replaced.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 21-103 “Additional Requirements” of Chapter 21 “District R-3, Urban Residential Multi-Family District (Medium-Density)” to remove the current language of additional requirements and replace with language of notification of additional accessory building and group residential; (b) Section 22-103 “Additional Requirements” of Chapter 22 “District R-4, Urban Residential Multi-Family District (High-Density)” to add language of notification of additional accessory building requirements; (c) Section 47-104 “Setback Adjustments” of Chapter 47 “Supplemental Development Regulations” to add language pertaining to the placement of the UDLO swimming pool setback requirements together with the addition of swimming pool setbacks in complexes of more than six residential units following sub-item B-6; (d) Section 47-105 “Accessory Buildings” of Chapter 47 “Supplemental Development Regulations” to add language pertaining to additional requirements involving the addition of the UDLO parking area, accessory buildings, and garage setback requirements regarding complexes of more than six residential units; and (e) Section 49-109 “Stacking Requirements for Drive-Through Services” of Chapter

49 "Off-Street Parking" to create a new sub-item B and add language pertaining to alternative runaround access for drive-through lanes and exceptions and introduced Ordinance No. 8232 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 close the hearing and suspend the rules for Ordinance No. 8232. 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. 8232 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 Buschkoetter seconded by Clouse that Ordinance No. 8232 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. 8232 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.

IV. CONSENT AGENDA

Moved by Clouse seconded by Lammers 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 April 10, 2018.

2. Approve the following Claims:

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

1000bulbs.com \$121.04 smcs; 35th & Taylor \$3,500.00 smcs; 3GStore.com \$6,656.24 smcs; 4Imprint \$1,243.81 smcs; Accuproduct \$189.65 smcs; Ace Irrigation \$924.08 smcs; Acushnet \$10,873.16 smcs; Adobe Systems \$32.09 smcs; Advance Auto Parts \$16.03 smcs; Adventure Enterprises \$66.00 smcs; All Makes Auto \$496.73 smcs; AM Leonard \$63.80 smcs; Amazon \$3,296.97 smcs,co; American \$224.71 smcs; American First Aid \$445.91 smcs; American Flags \$215.70 smcs; Americinn \$106.30 smcs; Apple \$77.04 smcs; ASCAP \$351.50 smcs; Ask Supply \$2,604.81 smcs; Aurora Coop

\$934.48 smcs; Aussie Hydraulics \$267.12 smcs; Auto Value \$16.24 smcs; Bader,D \$58.17 smcs; Bags & Bows \$32.56 smcs; Baker & Taylor \$5,693.77 smcs; Ballast Shop \$236.90 smcs; Batterysharks.com \$32.89 co; BCCHP.org \$411.90 smcs; Beacon Athletics \$386.46 smcs; Best Name Badges \$85.80 smcs; Blackstone Audio \$432.49 smcs; Blick Art Material \$90.42 smcs; BlueCross/BlueShield \$270,867.32 smcs; Boos,K \$57.30 smcs; Bosselman \$21,382.61 smcs; Bowman,R \$1.75 smcs; Brown,D \$7.05 smcs; BSN Sport Supply \$1,201.76 smcs; Budweiser Brewery \$753.00 smcs; Buffalo Outdoor Power \$892.10 smcs; Buggy Bath \$46.00 smcs; Builders \$1,714.71 smcs; Bullex \$55,378.00 smcs; Candy,T \$150.00 smcs; Canva \$249.80 smcs; Capital Business \$313.42 smcs; Carolina Environmental \$247.55 smcs; Carquest \$692.33 smcs; Cash Wa \$2,352.00 smcs; Cenex \$564.10 smcs; Center Point Publishing \$75.96 smcs; Central District Health Dept \$3,035.00 smcs; Central Fire & Safety \$18.50 smcs; Central Hydraulic \$2,098.62 smcs; Central NE Bobcat \$3,068.08 smcs,co; Central NE Imaging \$16.32 smcs; CH Diagnostic \$605.00 smcs; Chances R \$707.26 smcs; Chandler,T \$50.15 smcs; Chapin,G \$300.00 smcs; Charter \$776.21 smcs; Chemsearch \$911.50 smcs; Chesterman \$1,324.95 smcs; Chicken Coop \$50.00 smcs; Child's World \$1,488.20 smcs; CHS Agri Service \$1,164.51 smcs; Cintas \$223.21 smcs; City of Ky \$13,840.91 smcs,ps; Coaching Systems \$435.57 smcs; Cobblestone Inn \$90.99 smcs; Coldspring \$258.75 smcs; Compass Tools \$325.00 smcs; Compliancesigns.com \$104.50 smcs; Conrad Fire Equipment \$80.14 smcs; Construction Rental \$525.09 smcs; Control Yours \$200.00 smcs; Copycat Printing \$2,074.05 smcs; Core & Main \$6,061.56 smcs; Cornhusker Cleaning \$142.30 smcs; Cornhusker SQ Garage \$22.50 smcs; Cracker Barrel \$499.80 smcs; Creative Teacher \$44.00 smcs; Credit Management \$246.47 ps; Culligan \$593.59 smcs; Daphne's Headcovers \$410.34 smcs; Davis Equipment \$3,262.05 smcs; Dawson Public Power \$19,173.39 smcs; Daylight Donuts \$31.12 smcs; Dell \$2,315.57 smcs,co; Demco \$201.26 smcs; Depository Trust Company \$85,417.41 ds; Diamond Vogel \$46.02 smcs; Digicert \$1,169.00 co; Discmagic \$159.45 smcs; Dish \$118.03 smcs; Dmilaco \$397.89 smcs; Dollar General \$20.54 smcs; Dowhy Towing \$250.00 smcs; Dreamstime.com \$25.00 smcs; Eagle Distributing \$1,252.25 smcs; Eakes \$1,583.00 smcs; EB 2018 National \$350.00 smcs; E-Conolight \$84.99 smcs; Ehrlich-Rentokil \$173.14 smcs; Eileen's \$19.50 smcs; Elliott,J \$104.24 smcs; EMC Insurance \$14,247.95 smcs; Emergency Light Batteries \$44.44 smcs; Eugene T Mahoney Park \$193.38 smcs; Eustis Body Shop \$200.00 smcs; Evac Systems \$442.25 smcs; Experian Scorecard \$3.00 smcs; Eyemed \$755.15 smcs; Facebook \$53.18 smcs; Family Housing Advisory \$455.00 smcs; Farmers Union \$462.00 smcs; Fastenal \$665.70 smcs; FedEx \$28.58 smcs; Fire Protection \$302.00 smcs; Firespring \$250.24 smcs; Fountain Hills \$89.86 smcs; Frontier \$9,717.93 smcs; Fun Express \$303.01 smcs; Fyfe,D \$50.00 smcs; Gale/Cengage \$967.36 smcs; Galeton Gloves \$1,395.00 smcs; Gamber Johnson \$312.48 co; Garrett Tires \$1,907.55 smcs; Gear for Sports \$1,344.00 smcs; Gempler's \$294.96 smcs; Glinmann,D \$25.10 smcs; Go Configure \$1,177.00 co; Golf the West \$1,000.00 smcs; Gordon, Deanna \$28.27 smcs; Graf,M \$91.96 smcs; Graham Tire \$309.82 smcs; Grainger \$249.90 smcs; Greater NE Cities \$1,000.00 smcs; Hacker News \$59.00 smcs; Hancock,N \$7.66 smcs; Hawney,E \$26.65 smcs; Hinrichs,A \$75.00 smcs; Hireright \$17.32 smcs; Hobby-Lobby \$563.20 smcs; Holmes Plumbing \$817.68 smcs; ICMA \$4,821.89 ps; ID Card Unlimited \$2,281.95 smcs; Int'l Code Council \$85.00 smcs; Int'l Society Arboriculture \$195.00 smcs; IRS \$157,572.46 ps; Island Supply Welding \$53.20 smcs; Jack Lederman \$5,031.80 smcs, co; JCB Delivery \$64.00 smcs; Jesch,D \$45.33 smcs; Johnson Brothers of NE \$168.00 smcs; Johnstone Supply \$206.50 smcs; Kart-Man

\$998.06 smcs; Ky Ace \$76.55 smcs; Ky Animal Shelter \$7,381.25 smcs; Ky Clinic \$60.00 ps; Ky Concrete \$701.38 smcs; Ky Crete & Block \$2,478.04 smcs; Ky Hub \$4,696.17 smcs; Ky Towing \$300.00 smcs; Ky Warehouse \$842.44 smcs; Ky Winlectric \$2,535.68 smcs; Kelly Supply \$509.37 smcs; Kern,D \$42.52 smcs; Keystone Automotive \$243.91 smcs; Klein Survey \$285.00 smcs; Konica Minolta \$1,965.89 smcs; Korgel,K \$129.86 smcs; Kowalski Chiropractic \$59.48 smcs; Kruse-Keller-Strack,L \$70.00 smcs; Kum & Go \$19.22 smcs; Landmark Implement \$10,819.18 smcs; Lawn Builders \$1,321.70 smcs; Ledlightexpert.com \$1,910.88 smcs; Lockmobile \$8.25 smcs; Logan Contractors \$90.83 smcs; Macqueen Equipment \$193.08 smcs; Main,L \$300.00 smcs; Main,S \$300.00 smcs; Mangels,D \$3,000.00 smcs; Marlatt Machine \$1,851.70 smcs; Marriott \$1,780.54 smcs; Masek Golf Car \$12,990.00 co; Masters True Value \$310.78 smcs; Matheson \$694.03 smcs; Maverick \$34.99 smcs; Maxx Sunglasses \$370.81 smcs; McDonald's \$0.66 smcs; McDowell,J \$127.50 smcs; McElhinny,G \$48,311.65 co; Menards \$4,861.84 smcs; MES/Lawmen \$712.19 ps; Midwest Connect \$449.75 smcs; Midwest Turf \$2,091.24 smcs; Mill Bistro Catering \$542.03 smcs; Miller & Associates \$9,503.75 smcs; Miller Signs \$1,416.00 smcs; Mirror Image \$100.00 smcs; Moen \$20.00 smcs; Moonlight Embroidery \$1,444.50 smcs; Morgan,M \$107.90 smcs; Morin,A \$312.00 smcs; Municipal Supply \$6,600.70 smcs; N&N Int'l \$503.99 smcs; Nat'l Biz Furniture \$438.00 smcs; Nature-Watch \$383.63 smcs; NE Child Support \$2,170.12 ps; NE Dept Environmental \$14,325.46 smcs; NE Dept HHS \$80.00 smcs; NE Dept of Revenue \$81,454.07 smcs; NE DOL Contract \$43.00 smcs; NE Machinery \$9,535.02 smcs,co; NE Peterbilt \$1,354.31 smcs; Ne Safety & Fire \$125.00 smcs; NE Truck Center \$239.70 smcs; Nebraskaland Distributing \$622.75 smcs; Network Fleet \$94.75 smcs; Nevco Sports \$654.22 smcs; Newman Signs \$80.86 smcs; NFPA Nat'l Fire Protection \$54.05 smcs; NI NDA App Permit \$90.00 smcs; NIGP-IWEB \$190.00 smcs; Norm's Plumbing \$3,359.79 smcs; Northern Safety \$142.10 smcs; Northern Tool \$67.32 smcs; Northwest Electric \$1,985.03 smcs; Northwestern Energy \$10,751.80 smcs; NRG Media \$820.00 smcs; OCLC \$690.87 smcs; Odeys \$3,380.05 smcs; Office Depot \$615.38 smcs; Office Max \$697.27 smcs,co; Ohio History Connection \$75.00 smcs; Olsson Associates \$1,885.00 smcs; O'Reilly Auto \$783.58 smcs; Orr,L \$100.00 smcs; Orsheln \$1,532.99 smcs; OTC Brands \$79.34 smcs; Panera Bread \$328.65 smcs; Paramount \$498.00 smcs; Parkink \$1,679.80 smcs; Paypal*NE Park Rec \$525.00 smcs; Paypal*Nebraskarur \$950.00 smcs; Paypal*Startinggar \$57.98 smcs; Paypal*Zieglerwld \$44.99 smcs; PDQCOM \$225.00 smcs; Pen Air \$118.53 smcs; Penguin Random House \$97.50 smcs; Penworthy \$110.12 smcs; Pep Co. \$87.34 smcs; Perez,Y \$15.00 smcs; Phillips 66 \$24.76 smcs; Physio Control \$128.00 smcs; Pizza Hut \$17.79 smcs; Platinum Awards \$91.14 smcs; Platte Valley Auto Mart \$438.89 smcs; Platte Valley Comm \$3,937.85 smcs; Plixer \$999.00 smcs; Positive Promotions \$73.65 smcs; Postage Refill \$1,000.00 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$365.00 smcs; Price,R \$30.85 smcs; Proactive Sports \$233.32 smcs; Progressive Business \$299.00 smcs; Provantage \$465.34 smcs; PYT Sports \$750.00 smcs; Qualified Hardware \$169.00 smcs; Quill \$184.64 smcs; Ready Mixed Concrete \$5,903.87 smcs,co; Reams \$959.04 smcs; Recorded Books \$272.82 smcs; Red Wanting Blue \$3,250.00 smcs; Redbox \$3.21 smcs; Resource Management \$3,057.60 smcs; Rheome Tree \$4,070.00 smcs; Ring.com \$30.00 co; Rokit Event Pros \$550.00 smcs; Roesler,A \$122.40 smcs; Romjue,D \$35.43 smcs; Roper,R \$7.25 smcs; S&S Worldwide \$326.61 smcs; Salyer,D \$69.41 smcs; Schneider,T \$43.12 smcs; School District #7 \$4,351.00 smcs; Sciachitano,M \$300.00 smcs; See Clear Cleaning \$350.00 smcs; Shea,G \$55.06 smcs; Siddons Martin Emergency \$78.19 smcs; Sigma Aldrich

\$729.70 smcs; Silverstone \$4,720.00 smcs; Siteone Landscape \$2,632.05 smcs; Smith,R \$44.61 smcs; Snap-on Tools \$189.00 smcs; Soundscape \$781.83 co; Southern Glazers Wine \$1,617.24 smcs; Sprinklerwarehouse \$704.45 smcs; State Fire Marshal Training \$1,200.00 smcs; State of NE Dept Labor \$4,780.65 smcs; Stelk,B \$60.00 smcs; Strategic Materials \$463.16 smcs; Suburban Fire Protection \$113.00 ps; Sunbelt Rentals \$932.30 smcs; Super Shine Auto \$101.87 smcs; Supplyworks \$889.93 smcs; Target \$206.01 smcs; Thomas Reuters-West \$852.00 smcs; Thompson Co. \$212.99 smcs; Titan Distributors \$215.00 smcs; Titan Machinery \$263.00 smcs; TLO Transunion \$1,345.00 smcs; Tractor-Supply \$861.47 smcs; Trade Well Pallet \$1,700.00 smcs; Traffic Safety Warehouse \$18.39 smcs; Tri-Cities Group \$75.00 smcs; Tri-Co Glass \$277.00 smcs; TS Construction \$26.52 smcs; Turner,R \$4.20 smcs; Uline \$4,481.23 smcs; Union Bank & Trust \$82,511.06 ps; Unique Management \$250.60 smcs; UNL \$4,065.00 smcs; UPS \$20.90 smcs; US Saws \$287.96 smcs; USA Communications \$154.95 smcs; USDA Wildlife Service \$642.00 smcs; USPS \$232.53 smcs; Ustoy.com \$49.09 smcs; Van Diest Supply \$12,082.93 smcs; Van Wall \$70.80 smcs; Verizon \$48.13 co; Video Kingdom \$59.99 smcs; Waldinger \$440.64 smcs; Walmart \$2,988.67 smcs,co; Walters Electric \$8,632.00 co; Walz Scale \$1,325.00 smcs; Waterlink \$668.73 smcs; Wayteck \$81.29 smcs; Whentowork \$120.00 smcs; Wilco Life \$19.00 ps; Windy City Novel Tie \$57.14 smcs; WPCI \$262.50 ps; Yancy,A \$49.74 smcs; Yanda's \$13.85 smcs; Zimmerman Printing \$312.00 smcs; Zoro Tools \$124.59 smcs; Payroll Ending 04/14/2018 -- \$459,583.01. 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 May 8, 2018 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 DK-122421 liquor license application and manager application for Carrie Halligan submitted by The Cup n' Cork LLC dba The Cup n' Cork located at 3811 Central Avenue, Suite G.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-122435 liquor license application and manager application for Tara Johnson submitted by The Thirsty Travelers LLC dba McCue's Nebraska Taproom located at 2008 A Avenue.
6. Approve setting May 8, 2018 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2014-970, 2014-971 and 2016-982.
7. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:
 - a) Sprocket's Hog Dogs to use three parking stalls in front of 2202 Central Avenue on Saturday, April 28, 2018 for the Super Hero Day event sponsored by WeeCycle.
 - b) Community Olympiad 5K Run/Walk to use A Avenue, 27th Street, I Avenue, 35th Street, Tabor Place, 34th Street, G Avenue, 33rd Street and H Avenue on Saturday, June 25, 2018 from 7:30 a.m. until 9:00 a.m.

c) Grand Lodge of Nebraska for the Masonic Band marching practice and marching parade to use University Drive, 29th Street and 5th Avenue on May 29, May 30, May 31, June 1 and June 2, 2018.

d) UNK Destination Downtown to temporarily close Central Avenue from 21st Street to the middle of 24th Street on Thursday, August 23, 2018.

8. Approve the Plans and Specifications for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1 and set the bid opening date for May 29, 2018 at 2:00 p.m.

9. Adopt Resolution No. 2018-50 approving Application and Certificate for Payment No. 4-Final in the amount of \$15,450.00 and accepting the Certificate of Substantial Completion submitted by Ensley Electric and approved by Miller & Associates for the Harvey Park Ballfield Lighting.

RESOLUTION NO. 2018-50

WHEREAS, Ensley Electric of Grand Island, Nebraska has performed services in connection with removal and replacement of ball field lighting for Harvey Park Ball Fields, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$15,450.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$515,000.00
Contract Sum To Date	\$515,000.00
Gross Amount Due	515,000.00
Retainage (0%)	<u>.00</u>
Amount Due to Date	515,000.00
Less Previous Certificates for Payment	<u>499,550.00</u>
Current Payment Due	\$ 15,450.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk a Certificate of Substantial Completion that work is completed as of March 30, 2018, as shown by Exhibit "B", attached hereto and made a part hereof by reference; and

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. 4-Final as shown on Exhibit "A" and the Certificate of Substantial Completion as show on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2018-51 approving the Proposal for Design Development and Permitting Services with S2O Design and Engineering for the continuation of Phase II Enhancements of the Kearney Water Trail.

RESOLUTION NO. 2018-51

WHEREAS, on October 10, 2017, City Council approved the Kearney Whitewater Association’s request to develop a conceptual design for Phase II Enhancements to the Kearney Water Trail including more comprehensive cost estimates, detailed design work, and fundraising efforts;

WHEREAS, the City of Kearney, Nebraska, desires to continue with the requirements necessary for Phase II Enhancements and enter into a Proposal for Design Development and Permitting Services with S2O Design and Engineering, of Lyons, Colorado, who specialize in whitewater parks, river engineering, restoration, recreation and the design of community-focused whitewater and river parks, to prepare preliminary design development and permitting for the continuation of Phase II Enhancements to the Kearney Water Trail.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to execute the Proposal for Design Development and Permitting Services between the City of Kearney, Nebraska, and S2O Design and Engineering. A copy of the said Proposal, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Accept the Proposals received for the surface preparation and painting of the Harmon Park Pool and award the Proposal submitted by Jameson Painting, Inc. in the amount of \$69,500.00.

12. Adopt Resolution No. 2018-52 approving the Lease Agreement between the City of Kearney and Kearney Raceway Park for property located at the Kearney Regional Airport.

RESOLUTION NO. 2018-52

WHEREAS, on July 25, 2017, a three-year property lease agreement was entered into between Kearney Raceway Park and the City of Kearney;

WHEREAS, Kearney Raceway Park has entered into new management and desires to have a new three-year lease prepared reflecting the new management changes.

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

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2018-53 approving Change Order No. 1 showing an increase in the amount of \$6,535.13, Application and Certificate for Payment No. 2 in the amount of \$97,264.09 submitted by Blessing, LLC and approved by Miller & Associates 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.

RESOLUTION NO. 2018-53

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$6,353.13 as shown on Exhibit "A" attached hereto and made a part hereby of reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$97,264.09 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$365,152.20</u>
Contract Sum To Date	365,152.20
Gross Amount Due	156,467.19
Retainage (10%)	- 15,646.72
Amount Due to Date	140,820.47
Less Previous Certificates for Payment	<u>43,556.38</u>
Current Payment Due	\$ 97,264.09

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" and Application and Certificate for Payment No. 2, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Approve the applications for a Special Designated License submitted by Kearney Area Chamber of Commerce to cater and dispense alcoholic liquor as follows:

- a) Inside Divas Floral located at 2223 1st Avenue on Thursday, May 24, 2018 from 4:00 p.m. until 9:00 p.m. for a business after hours event; and
- b) Inside Bow & Arrow Boutique located at 2112 Central Avenue on Thursday, May 24, 2018 from 4:00 p.m. until 9:00 p.m. for a business after hours event.

15. 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 Younes Pavilion located at 604 West Talmadge Street on Friday, May 11, 2018 from 3:00 p.m. until 1:00 a.m. for a rehearsal dinner;
- b) Inside the Extension Building located at 1400 East 34th Street on Saturday, May 19, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;
- c) Inside First National Bank located at 3807 Avenue N on Tuesday, May 22, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event; and
- d) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Thursday, May 31, 2018 from 3:00 p.m. until 1:00 a.m. for a charity event.

16. Adopt Resolution No. 2018-54 approving the Developer Constructed Infrastructure Agreement; Construction Rental Development, between the City of Kearney and Construction Rental, Inc., for improvements to serve a parcel of land being a portion of Blocks 58, 59 and 60, and portions of vacated Twenty-Sixth Street and “O” Avenue, Midway Land Company’s First East Lawn Addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-54

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Construction Rental Development” between the City of Kearney and Construction Rental, Inc., for the construction of water main improvement to serve a parcel of land being a portion of Blocks 58, 59 and 60, and portions of vacated Twenty-Sixth Street and “O” Avenue, Midway Land Company’s First East Lawn Additon to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2018.

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 Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 16, 2018 from 6:00 p.m. until 1:00 a.m. for a dance.

18. Adopt Resolution No. 2018-55 approving the Interlocal Agreement between the City of Kearney and Buffalo County, Nebraska pertaining to the asphalt resurfacing construction of 30th Avenue paving from 600 feet north of 39th Street to 48th Street.

RESOLUTION NO. 2018-55

WHEREAS, the City of Kearney and Buffalo County Board of Commissioners, Nebraska desire to improve 30th Avenue from 600 feet north of 39th Street to 48th Street; and

WHEREAS, the City of Kearney and Buffalo County Board of Commissioners, Nebraska will enter into an Interlocal Agreement that will address the respective rights and responsibilities including the financing of the construction costs.

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 the Interlocal Agreement on behalf of the City of Kearney. A copy of the Agreement, marked as Exhibit "A" is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8231 AUTHORIZING SELL ORDINANCE

Council Member Lammers introduced Ordinance No. 8231 selling a 35 foot parcel of land described as the East 35 feet of Lot 7, Block 27, Kearney Land and Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska to Patricia Misener 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8231. 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. 8231 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 Nikkila seconded by Lear that Ordinance No. 8231 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. 8231 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. 8233 AUTHORIZING SELL ORDINANCE

Council Member Lammers introduced Ordinance No. 8233 selling an 80 foot by 126 foot parcel of land described as all of vacated Avenue L from the South right-of-way line of 16th Street to the North right-of-way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated West half of Avenue L on the North, EXCEPT the West half of the South 180.75 feet of vacated Avenue "L" lying between 15th Street and 16th Street abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, on the East, now platted as Lot 1, Rice Addition, an addition to the City of Kearney, Buffalo County, Nebraska to Glen and Diane Miller 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8233. 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. 8233 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 Nikkila seconded by Lear that Ordinance No. 8233 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. 8233 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. 8234 AUTHORIZING SELL ORDINANCE

Council Member Lammers introduced Ordinance No. 8234 selling a 90 foot by 130 foot parcel of land described as the Lot 6, Block 5, Roe's Subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the North half of vacated 12th Street as it abuts said Lot on the South AND TOGETHER WITH the vacated West 17 feet of Avenue A abutting said Lot and abutting said portion of vacated 12th Street on the East, all in Buffalo County, Nebraska to Reed Miller 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8234. 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. 8234 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 Nikkila seconded by Lear that Ordinance No. 8234 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. 8234 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. 8235 AUTHORIZING SELL ORDINANCE

Council Member Lammers introduced Ordinance No. 8235 selling a 80 foot by 100 foot parcel of land described as all of Vacated Avenue "L" as it abuts Lot 5 and Lot 6, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska on the East and as it abuts the South 100 feet of Lot 1010, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the West, now platted as Lot 1, Pump House 20 Addition, an addition to the City of Kearney, Buffalo County, Nebraska to Glen and Diane Miller 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. 8235. 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. 8235 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 Nikkila seconded by Lear that Ordinance No. 8235 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. 8235 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. 8236 AUTHORIZING SELL ORDINANCE

Council Member Lammers introduced Ordinance No. 8236 selling a 50 foot by 130 foot parcel of land described as Lot 1245, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska to Glen and Diane Miller 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8236. 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. 8236 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 Nikkila seconded by Lear that Ordinance No. 8236 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. 8236 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. 8237 AMENDING SALARY ORDINANCE

Ordinance No. 8237 repealing Ordinance No. 8205 and amending the Salary Ordinance reflecting the reclassification of an Evidence Technician position was withdrawn. Therefore no action was taken.

ORDINANCE NO. 8221A CLARIFYING THE LEGAL DESCRIPTION

Council Member Lammers introduced Ordinance No. 8221A amending Ordinance No. 8221 by clarifying the legal description pertaining to Paving Improvement District No. 2018-990 for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, northwesterly to the northwesterly line of Lot 1, Fountain Hills Tenth Addition for recording purposes at the Buffalo County Register of Deeds Office 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8221A. 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. 8221A 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 Nikkila seconded by Lear that Ordinance No. 8221A 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. 8221A 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. 8222A CLARIFYING THE LEGAL DESCRIPTION

Council Member Lammers introduced Ordinance No. 8222A amending Ordinance No. 8222 by clarifying the legal description pertaining to Water Connection District No. 2018-1 for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, northwesterly to the northwesterly line of Lot 1, Fountain Hills Tenth Addition for recording purposes at the Buffalo County Register of Deeds Office 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8222A. 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. 8222A 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 Nikkila seconded by Lear that Ordinance No. 8222A 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. 8222A 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. 8238 AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES

Mayor Clouse opened for discussion the issuance and sale of bond anticipation notes of the City of Kearney, Nebraska, in the principal amount of \$1,270,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District No. 2017-987 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said notes; agreeing to issue the City's general obligation various purpose bonds to pay the notes at maturity or to pay the notes from other available funds; entering into a contract on behalf of the City with the holders of said notes and to consider Ordinance No. 8238.

Bruce Lefler from Ameritas presented this matter to the Council. He stated the issuance of \$1,270,000 of Public Safety Tax Anticipation Bonds were purchased, committed to and sold locally. Council Member, Bob Lammers questioned what the rate was on the bond? Mr. Lefler stated the one year rate on the bond, that is due on June 15, 2019, is 1.80%.

Council Member Lear introduced Ordinance No. 8238 authorizing the issuance and sale of bond anticipation notes of the City of Kearney, Nebraska, in the principal amount of \$1,270,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District No. 2017-987 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said notes; agreeing to issue the City's general obligation various purpose bonds to pay the notes at maturity or to pay the notes from other available funds; entering into a contract on behalf of the City with the holders of said notes 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. 8238. 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, Lear, Nikkila, Lammers, Buschkoetter. 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. 8238 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8238 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8238 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.

SUFFICIENCY REPORT FOR PROTEST OF PAVING IMPROVEMENT DISTRICT NO. 2018-989, WATER DISTRICT NO. 2018-588 AND SANITARY SEWER IMPROVEMENT DISTRICT NO. 2018-524

Regular Agenda items 2 through 5 were discussed and voted on together.

Mayor Clouse opened for discussion the report from the City Clerk on the sufficiency of objection/protest filed in connection with Ordinance No. 8226 creating Paving Improvement District No. 2018-989, Ordinance No. 8227 creating Water District No. 2018-588, Ordinance No. 8228 creating Sanitary Sewer Improvement District No. 2018-524 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition..

City Clerk, Lauren Brandt, presented this matter to the Council. City Clerk stated in February, 2018 Council approved districts for paving, water, and sewer in connection with 16th Street. Per State Statute the City has to advertise and provide protest period; during that 30 day period, a protest was received from David and Jacob Olsen. Assessable footage was determined to be 340 feet with a total amount of 548 feet which comes to approximately 55% of the district. Due to the Olsen's sufficient protest the ordinances for creation of the paving, water and sewer need to be repealed.

Moved by Clouse seconded by Lammers to approve the report from the City Clerk on the sufficiency of objection/protest filed in connection with Ordinance No. 8226 creating Paving Improvement District No. 2018-989, Ordinance No. 8227 creating Water District No. 2018-588, Ordinance No. 8228 creating Sanitary Sewer Improvement District No. 2018-524 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

Council Member Lammers introduced Ordinance No. 8239 repealing Ordinance No. 8226 creating Paving Improvement District No. 2018-989, Ordinance No. 8240 repealing Ordinance No. 8227 creating Water District No. 2018-588 and Ordinance No. 8241 repealing Ordinance No. 8228 creating Sanitary Sewer District No. 2018-524 all for 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition, 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 Nikkila seconded the motion to suspend the rules for Ordinance Nos. 8239, 8240 and 8241. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. 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 Nos. 8239, 8240 and 8241 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance Nos. 8239, 8240 and 8241 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8239, 8240 and 8241 are 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 Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$96,868.69 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

Council Member Lammers thanks City staff for the recent snow removal efforts as he received positive feedback from citizens on the City's response.

Council Member Buschkoetter congratulated Mayor Clouse on his return to Council due to a recent medical absence.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:46 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**