

Kearney, Nebraska
May 8, 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 May 8, 2018 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers. Absent: Stanley A. Clouse, President of the Council and Jonathan Nikkila. 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; Andy Harter, Assistant 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: 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 Kent Sundberg provided the Invocation.

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

Vice-President Buschkoetter 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

DEVELOPMENT PLANS FOR PROPERTY LOCATED AT 5611 EASTBROOKE DRIVE

Vice-President Buschkoetter opened the public hearing on the Application submitted by Brungardt Engineering, LLC for Eastbrooke Gardens, LP for Planned District Development Plan Approval for the proposed construction of a duplex development on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska (5611 Eastbrooke Drive) and consider Resolution No. 2018-56. Planning Commission recommended approval.

Paul Brungardt presented this matter to the Council. The proposed development will be located east of Eastbrooke Drive and north of 56th Street; current zoning is R-3/PD. The area is surrounded by open fields/ag deferred lots; single-family units, and a duplex development. The development will have sixteen duplexes; twelve units will have one bedroom and a single-car garage; the remaining four units will be a combination of two-car garage/two-bedroom units and single-car/one-bedroom units.

Connection to sanitary sewer will be at Eastbrooke Drive with two service lines coming up each drive. Water will be tied into the east side of Eastbrooke Drive. Storm water on the north side will drain to the northeast, the middle section will drain to the west and east, the south section will drain to the east. All water will be collected in an onsite collection system that will drain to the southeast corner of the development that will tie into the storm drain system there.

The streets will be a private drive system and will be 24 feet from back of curb to back of curb. There will be no parking on the streets or on the connecting 15 foot wide drive. Off-street parking has been provided on the east (six stalls) and to the west (14 stalls) for visitors. There is sufficient parking for residents as there are stalls in the garage and stalls on the driveway. The duplexes will all be slab on grade.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt Resolution No. 2018-56 approving the Application submitted by Brungardt Engineering, LLC for Eastbrooke Gardens, LP for Planned District Development Plan Approval for the proposed construction of a duplex development on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska (5611 Eastbrooke Drive). Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Clouse, Nikkila absent. Motion carried.

RESOLUTION NO. 2018-56

WHEREAS, Brungardt Engineering, LLC for Eastbrooke Gardens, LP have applied

for Planned District Development Plan Approval for the construction of a duplex development on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska (5611 Eastbrooke Drive).

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the application of Brungardt Engineering, LLC for Eastbrooke Gardens, LP for Planned District Development Plan Approval for the construction of a duplex development on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska (5611 Eastbrooke Drive) be approved.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

VACATE UTILITY EASEMENTS LOCATED IN LAKE VILLA ESTATES AND REZONE PROPERTY LOCATED AT 11 SOUTH CENTRAL AVENUE

Public Hearing 2 pertains to the Applications submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC to (1) vacate a 10 foot wide utility easement; together with a 20 foot wide utility easement, both located in Lot 2, Block 2, Lake Villa Estates and consider Ordinance No. 8243; and (2) to rezone from District C-2, Community Commercial District to District C-2/PD, Community Commercial/Planned Development Overlay District property described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and consider Ordinance No. 8244. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Lear and seconded by Buschkoetter that Public Hearing 2 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Absent: Clouse, Nikkila.

DEVELOPMENT PLANS FOR PROPERTY LOCATED AT 11 SOUTH CENTRAL AVENUE

Public Hearing 3 pertains to the Application submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC for Planned District Development Plan Approval for the proposed construction of a business office building on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and consider Resolution No. 2018-57. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Lear and seconded by Buschkoetter that Public Hearing 3 be postponed to the May 22, 2018

agenda. Clerk called the roll which resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Absent: Clouse, Nikkila.

REZONE PROPERTY LOCATED EAST OF 4TH AVENUE AND SOUTH OF 44TH STREET

Public Hearing 4 pertains to the Application submitted by Jordan Starostka for Todd Booth to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C 3/PD, General Commercial/Planned Development Overlay District property described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) and consider Ordinance No. 8245. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Lammers and seconded by Lear that Public Hearing 4 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Absent: Clouse, Nikkila.

DEVELOPMENT PLANS FOR PROPERTY LOCATED EAST OF 4TH AVENUE AND SOUTH OF 44TH STREET

Public Hearing 5 pertains to the Application submitted by Jordan Starostka for Todd Booth for Planned District Development Plan Approval for the proposed construction of a collision center on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) and consider Resolution No. 2018-58. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Lammers and seconded by Lear that Public Hearing 5 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Absent: Clouse, Nikkila.

REZONE PROPERTY LOCATED SOUTH OF 39TH STREET, NORTH OF 34TH STREET, AND WEST OF GRAND AVENUE

Public Hearing 6 pertains to the Application submitted by Jordan Starostka for Danny Starostka to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Ordinance No. 8246. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Buschkoetter and seconded by Lammers that Public Hearing 6 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye:

Buschkoetter, Lear, Lammers. Nay: None. Absent: Clouse, Nikkila.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES SECOND ADDITION

Public Hearing 7 pertains to the Application submitted by Jordan Starostka for Danny Starostka for the Final Plat and Subdivision Agreement for Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-59. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Buschkoetter and seconded by Lammers that Public Hearing 7 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Absent: Clouse, Nikkila.

ANNEXATION OF MILLENNIAL ESTATES SECOND ADDITION

Public Hearing 8 pertains to the Application submitted by Jordan Starostka for Danny Starostka for the annexation of Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-60. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Buschkoetter and seconded by Lammers that Public Hearing 8 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Absent: Clouse, Nikkila.

DEVELOPMENT PLANS FOR MILLENNIAL ESTATES SECOND ADDITION

Public Hearing 9 pertains to the Application submitted by Jordan Starostka for Danny Starostka for Planned District Development Plan Approval for construction of a subdivision on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-61. Planning Commission recommended approval.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Buschkoetter and seconded by Lammers that Public Hearing 9 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Absent: Clouse, Nikkila.

BOARD OF EQUALIZATION

Vice-President Buschkoetter opened the public hearing for the Council to meet as the Board of Equalization for the purpose of equalizing and levying special assessments on the lots and parcels of land in connection with Paving Improvement District Nos. 2014-970, 2014-971 and 2016-982 and consider Resolution No. 2018-62.

Paving Improvement District Nos. 2014-970 and 2014-971 -- These districts were created on December 23, 2014. They are public improvements for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner AND 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska. Attached are the schedules showing the assessments for each lot for each district.

Paving Improvement District No. 2016-982 -- This district was created on April 26, 2016 and are public improvements 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 the west lot line of Lot 560, thence east to the east lot line of Lot 558, all in Southwest Quarter School Section Addition, primarily for the traffic signalization improvements. Attached is the schedule showing the assessment for the traffic signalization improvements.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing for the Council to meet as the Board of Equalization and adopt Resolution No. 2018-62 for the purpose of equalizing and levying special assessments on the lots and parcels of land in connection with Paving Improvement District Nos. 2014-970, 2014-971 and 2016-982. Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Clouse, Nikkila absent. Motion carried.

RESOLUTION NO. 2018-62

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The Vice-President and Council find and determine that the streets in Paving Improvement District Nos. 2014-970, 2014-971 and 2016-982 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Vice-President and City Council.

Section 2. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 3. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District Nos. 2014-970, 2014-971 and 2016-982 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held April 24, 2018.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

Acushnet \$4,338.54 smcs; Al Bulushi,M \$9.86 smcs; Alfred Benesch \$26,154.86 co; Amazon \$266.38 smcs; Andersen,J \$39.63 smcs; Anderson,S \$55.59 smcs; Ask Supply \$1,503.10 smcs; Assoc. of Threat Assess. \$110.00 smcs; Aurora Coop \$26.24 smcs; Baker & Taylor \$4,030.14 smcs; Bamford \$1,950.00 smcs; Becker,J \$41.50 smcs; Benson,G \$821.00 smcs; Bike Shed \$3,595.00 smcs; Bizzle,J \$17.48 smcs; Blackstone Audio \$277.98 smcs; Blessing Construction \$98,389.09 co; BlueCrossBlueShield \$55,530.29 smcs; Bosselman \$7,050.10 smcs; Bridgette Lavene Consult. \$1,666.67 smcs; Briske,K \$22.90 smcs; Broadfoot's \$156.00 smcs; Brumbaugh,S \$17.48 smcs; Buffalo Co Treasurer \$65.00 co; Builders \$487.67 smcs,co;

Capital Business Systems \$169.93 smcs; Carlyle,K \$15.87 smcs; Carmody,K \$101.59 smcs; Carney,P \$32.79 smcs; Cash-Wa \$108.91 smcs; Central States Wire \$4,539.90 smcs; Chesterman \$1,509.30 smcs; Christensen,C \$140.00 smcs; Cigna \$7,213.86 smcs; City of Ky \$354,289.57 ps,smcs; Comer,J \$30.52 smcs; Comm. Act. Part.of Mid-NE \$864.00 smcs; Community Health Char. \$18.00 ps; Compasscom \$157.50 smcs; Core & Main \$73,012.31 smcs,co; Crane River Theater \$300.00 smcs; Credit Management \$246.47 ps; Cunningham Assoc. \$487.00 co; Cutter & Buck \$1,499.91 smcs; Dowhy Towing \$125.00 smcs; Eagle Distributing \$1,096.75 smcs; Eakes \$436.01 smcs; EC Home Improvement \$200.00 smcs; Elliott Equipment \$454.44 smcs; Ensley Electric \$15,450.00 co; Eustis Body Shop \$250.53 smcs; Fearnly,M \$80.25 smcs; Fire Com \$786.99 smcs; First Lutheran Church \$3,000.00 smcs; Friedrich,R \$28.91 smcs; Gale/Cengage \$572.15 smcs; Gannon Travel \$1,435.00 smcs; Gear for Sports \$473.33 smcs; Grainger \$3,359.71 co; Granicus \$2,472.00 smcs; Hardin,K \$178.50 smcs; Haussler,A \$48.13 smcs; Hayden,S \$51.00 smcs; Hemingway,B \$500.00 smcs; Herrera,C \$85.00 smcs; HM Life Ins. Co. \$49,126.40 smcs; Hometown Leasing \$316.28 smcs; Hotsy Equipment \$225.17 smcs; Huerta's Upholstery \$20.00 smcs; ICMA \$4,729.49 ps; Infogroup \$395.00 smcs; IPS \$6,751.42 smcs; IRS \$152,859.91 ps; Jack Lederman \$121.92 smcs; Jack's Uniform \$530.83 smcs; JC Masonry \$19.67 smcs; Johnson Controls \$286.30 smcs; Juranek,J \$20.69 smcs; Ky Area United Way \$696.88 ps; Ky Crete & Block \$409.05 smcs; Ky Hub \$500.00 smcs; Ky Visitors Bureau \$2,000.00 smcs; Ky Volunteer Fire \$56.98 smcs; Ky Winnelson \$114.37 smcs; Kernick,S \$14.05 smcs; Kinnison,B \$178.50 smcs; Klimek,H \$67.50 smcs; Klimek,K \$35.54 smcs; Klinginsmith,R \$46.42 smcs; Konica Minolta \$213.54 smcs; Landmark Implement \$19,500.00 co; LCL Truck Equipment \$123.74 smcs; Lerner Publications \$2,692.64 smcs; Logan Contractors \$20,402.49 co; Lunbery,S \$178.50 smcs; Mach 3 \$350.00 smcs; Magic Cleaning \$6,940.00 smcs; Marlatt Machine Shop \$648.56 smcs; Matheson \$19.29 smcs; McCann,J \$31.30 smcs; McCarty,D \$5.50 smcs; McKeon,T \$80.00 smcs; Mead Lumber \$159.87 smcs; Menards \$330.09 smcs,co; Mid-NE Garage Doors \$1,400.00 smcs; Mid-States Engineering \$4,821.00 smcs; Midwest Connect \$193.66 smcs; Miller & Associates \$458.75 smcs; Milner,T \$35.27 smcs; MS Strong Property \$5,000.00 co; Murphy Tractor \$1,017.00 smcs; NE Child Support Pmt \$2,170.12 ps; NE Dept HHS \$200.00 smcs; NE Dept of Revenue \$50,225.54 ps; NE Library Commission \$1,500.00 smcs; NE Public Health \$36.00 smcs; NE Softball Assn. \$2,412.60 smcs; NE Truck Center \$147,704.75 smcs; Nebraskaland Ditrubutors \$1,083.15 smcs; NLETC \$110.00 smcs; Northwest Electric \$1,204.81 smcs; Northwestern \$4,573.30 smcs; Nova Fitness \$1,909.07 ps; Olsson Associates \$1,183.04 co; Oneth,M \$19.08 smcs; Otto Environmental \$10,520.60 smcs; Overdrive \$1,600.00 smcs; Paramount \$212.01 smcs; Paulsen \$472,458.24 co; Payflex \$531.25 ps; Penguin Random House \$47.50 smcs; Pharr-Davis,J \$500.00 smcs; Ping \$99.10 smcs; Pioneer Manufacturing \$18.75 smcs; Platinum Awards \$213.00 ps; Platte River Harley \$357.12 smcs; Platte Valley Auto \$87,130.00 co; Pockets Full of Fun \$375.00 smcs; Pohlmeier,C \$14.67 smcs; Presto-X \$110.00 smcs; Public Agency \$295.00 smcs; Recorded Books \$435.80 smcs; Regional Development \$74.91 smcs; Republic National \$1,232.28 smcs; Roesler,A \$57.78 smcs; Sage,P \$166.34 smcs; Sandry Fire \$1,455.80 smcs; Sapp Brothers \$21,391.73 smcs; Schumacher Brothers \$5,610.00 co; Schwatzkopf,S \$27.31 smcs; See Clear Cleaning \$2,050.00 smcs; Sherman,J \$964.00 smcs; Snap-On Tools \$1,498.02 smcs; Sos Portable Toilets \$172.50 smcs; Spady,P \$36.64 smcs; State of NE/DAS \$4.20 smcs; Sullwold,C \$70.00 smcs; Theron Milo \$350.00 smcs; Thomson Reuters \$1,224.00 smcs; Titan Machinery \$210.49 smcs; Tour

Edge \$1,579.50 smcs; Tradewell Pallet \$980.00 smcs; Tri-Cities Group \$109.57 smcs; Turner Body Shop \$100.00 smcs; Tye Law Firm \$13,383.02 smcs; Union Bank & Trust \$78,840.97 ps; UNK-Human Resources \$107.25 ps; US Bank \$127,431.89 smcs; Verizon \$7,414.77 smcs; Verzani,A \$33.67 smcs; Waldinger Corp. \$797.16 smcs; Walline,B \$114.31 smcs; Walters Electric \$2,500.00 smcs; Williams,M \$39.24 smcs; Wonch,C \$3.50 smcs; Young,M \$613.81 smcs; Payroll Ending 04/28/2018 -- \$453,626.77. 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. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the Shrine Bowl Parade to temporarily close Central Avenue from 25th Street to North Railroad Street, 1st Avenue from 25th Street to North Railroad Street, Avenue A from Railroad Street to 20th Street, 3rd Avenue and 4th Avenue from North Railroad Street to 20th Street, North Railroad Street from Central Avenue to Avenue E, Avenues A, B, C, and D from Railroad Street to 22nd Street on June 2, 2018 beginning at 10:00 a.m. Parking on these streets will be prohibited beginning at 6:00 a.m.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the catering application submitted by Sims' Enterprises LTD, dba Sim's Shop EZ located at 102 East 25th Street in connection with their Class B-043937 liquor license.

5. Adopt Resolution No. 2018-63 approving the Developer Constructed Infrastructure Agreement for Silverton Addition between the City of Kearney and Grand West, LLC to construct public improvements for water, sanitary sewer, paving and storm sewer for Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-63

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Silverton Addition" between the City of Kearney and Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kimmer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, for the construction of paving, water main, sanitary sewer main and storm sewer to serve Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska, described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, 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 Vice-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 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

6. Adopt Resolution No. 2018-64 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Meadowlark Ridge Estates, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-64

WHEREAS, on the 24th day of June, 2014 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2014-120 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and GGR, LLC, a Nebraska Limited Liability Company to construct the public improvements for paving, water, sanitary sewer, and storm sewer for Meadowlark Ridge Estates, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, sanitary sewer, and storm sewer to serve the property described as Meadowlark Ridge Estates, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Approve the application for a Special Designated License submitted by Dady Inc. dba Dad's Tavern in connection with their Class C-009081 liquor license to dispense alcoholic liquor in an outdoor 25 feet x 30 feet fenced area in the rear parking area (connected to the west side of building) of Dad's Tavern, located at 1910 Central Avenue on May 31, June 1, 2, 2018 from 2:00 p.m. until 1:00 a.m., all days, for a birthday party open house.

8. Adopt Resolution No. 2018-65 approving the Funding Agreement for the Central Nebraska Veteran's Home between the City of Kearney, Economic Development Council of Buffalo County and Buffalo County for the purpose of funding commitments made as part of the 2013 proposal to the State of Nebraska for the new Central

Nebraska Veteran's Home.

RESOLUTION NO. 2018-65

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Funding Agreement for the Central Nebraska Veterans' Home between the City of Kearney, Economic Development Council of Buffalo County and Buffalo County setting forth the financial commitments as submitted in the August 21, 2013 proposal to the State of Nebraska for site selection for the Central Nebraska Veterans' Home be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Vice-President of the Council be and is hereby authorized and directed to execute the Funding Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2018-66 approving T-Hangar C-07 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Lorin Downing.

RESOLUTION NO. 2018-66

BE IT RESOLVED by the Vice-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 Lorin Downing, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Accept the bids received for the 2018 Archway Trail Improvements and adopt Resolution No. 2018-67 awarding the bid to Husker Grading in the amount of \$62,000.00.

RESOLUTION NO. 2018-67

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 1, 2018 at 2:00 p.m. for the 2018 Archway Trail Improvements; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$69,090.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Husker Grading of Burwell, Nebraska in the amount of \$62,000.00 be accepted as the

lowest responsible bid for 2018 Archway Trail Improvements.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Husker Grading be and is the lowest responsible bidder for the 2018 Archway Trail Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Husker Grading in the amount of \$62,000.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$69,090.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President and Vice-President of the Council of the City of Kearney, Nebraska, be and are 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 8TH DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Approve the recommendation on selecting Peggy Eynetich as the Deputy City Clerk.

12. 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 25, 2018 from 3:00 p.m. until 1:00 a.m. for a rehearsal dinner;

b) Inside Cunningham's Lakeside located at 610 Talmadge Street, Suite A on Friday, May 25, 2018 from 4:00 p.m. until 12:00 a.m. for a rehearsal dinner;

c) Inside Younes Pavilion located at 604 West Talmadge Street on Friday, June 1, 2018 from 3:00 p.m. until 1:00 a.m. for a rehearsal dinner;

d) Inside Cunningham's Lakeside located at 610 Talmadge Street, Suite A on Friday, June 1, 2018 from 4:00 p.m. until 12:00 a.m. for a rehearsal dinner;

e) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 2, 2018 from 2:00 p.m. until 10:00 a.m. for a business event;

f) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 9, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

g) Inside Holmes Plumbing and Heating located at 2003 C Avenue on Friday, June 15, 2018 from 3:00 p.m. until 10:00 p.m. for a business after hours event;

h) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 16, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

i) Inside USA Communications located at 920 East 56th Street, Suite B on Thursday, June 21, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event;

j) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 30, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

k) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 30, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

and

l) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 30, 2018 from 10:00 a.m. until 5:00 p.m. for a craft show.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8247 REPEALING ORDINANCE NO. 8205 AND AMENDING SALARY ORDINANCE

Ordinance No. 8247 repeals Ordinance No. 8205 and amends the Salary Ordinance reflecting the reclassification of an Evidence Technician and Permit Technician position and the addition position of Senior Plans Examiner.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Lammers and seconded by Lear that Ordinance No. 8247 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Absent: Clouse, Nikkila.

VI. REGULAR AGENDA

SDL APPLICATION SUBMITTED BY THE WORLD THEATRE FOR DOWNTOWN KEARNEY OUTDOOR CONCERT SERIES

Vice-President Buschkoetter opened for discussion the applications for Special Designated Licenses submitted by The World Theatre Foundation in connection with their Class I-100700 liquor license to dispense alcoholic liquor inside an outdoor 157 feet x 94 feet fenced and blocked area located on Central Avenue from the south end of 24th Street to the north end of 23rd Street and includes sidewalks abutting businesses on the east and west side of Central Avenue) on July 5, 19, August 2, 16, 2018 from 7:00 p.m. until 9:30 p.m. for a Downtown Kearney Outdoor Concert Series and to consider approval.

Assistant City Manager, Paul Briseno, presented this matter to the Council. This event will be located on Central Avenue from 23rd Street to 24th Street. Bands will play from 7:00 to 9:30 p.m. during which time alcohol will be served in a designated area. The Downtown Improvement Board has worked with The World Theatre, City staff, and the State to meet concerns: barriers will be placed on the north and south ends of Central Avenue, wrist bands will be required, and I.D.'s will be checked before entering the designated area for alcohol.

Downtown has also requested six to seven off-duty police officers from Chief of Police, Dan Lynch for the first event. The event is in collaboration with Kearney Night Market. Chief of Police stated he has talked with representatives from the Downtown Improvement Board regarding their request to provide extra security for the first event. Because the Police Department is unable to provide enough off duty officers, Sheriff Neil Miller will also allow his Deputies to assist with the first event. Chief of Police and Downtown Improvement Board members hope to need fewer officers after the first event.

Council Member Buschkoetter questioned if the SDL's licenses for the remaining concerts could be rescinded if the first event does not go well? City Attorney, Mike Tye stated they could be. Council Member Lear had concerns regarding similar future events since this will be setting precedence. City Attorney stated the Council can regulate future events through their SDL applications. The Police Department reviews SDL licenses and makes sure there are not numerous violations from the applicant and their employees; Chief Lynch would relay any concerns from the review to Council.

Assistant City Manager stated the closure of the street would come before the Council as well as part of a special event application and a detailed plan should also be provided for any similar event in the future. Council Member Buschkoetter noted because this event is tied to a current event it makes it different from future events. Chief of Police noted his only concern is with people from other downtown establishments that serve alcohol mingling with the street dance; that is why extra officers will be staffed at the first event.

Moved by Lear seconded by Buschkoetter to approve the applications for Special Designated Licenses submitted by The World Theatre Foundation in connection with their Class I-100700 liquor license to dispense alcoholic liquor inside an outdoor 157 feet x 94 feet fenced and blocked area located on Central Avenue from the south end of 24th Street to the north end of 23rd Street and includes sidewalks abutting businesses on the east and west side of Central Avenue) on July 5, 19, August 2, 16, 2018 from 7:00 p.m. until 9:30 p.m. for a Downtown Kearney Outdoor Concert Series subject to The World Theatre providing a staffing plan to the Police Department prior to the event to ensure adequate security coverage. Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Clouse, Nikkila absent. Motion carried.

REDEVELOPMENT PROJECT FOR 11 SOUTH CENTRAL AVENUE

Regular Agenda Item 2 pertains to the redevelopment project submitted by KAAPA Ethanol Holdings, LLC for Redevelopment Area #9 for an area described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and to consider Resolution No. 2018-68.

With the absence of Mayor Clouse and Council Member Nikkila, it was moved by Buschkoetter and seconded by Lammers that Regular Agenda Item 2 be postponed to the May 22, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Absent: Clouse, Nikkila.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Lammers seconded by Lear that Council adjourn at 5:51 p.m. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Clouse, Nikkila absent. Motion carried.

ATTEST:

**RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE
COUNCIL**

**LAUREN BRANDT
CITY CLERK**