

*Kearney, Nebraska
September 25, 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 September 25, 2018 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Deputy 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; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Jason Koettters, Police Lieutenant; and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included:

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 Chad Anderson provided the Invocation.

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

RECOGNITION/ORAL COMMUNICATIONS

Mayor Clouse welcomed Doug Kramer and Jim Wilson with the Kearney Elks Lodge #984 and issued a proclamation for Recognition of October 23 through October 31, 2018 as 2018 Drug Free Red Ribbon Week.

Mayor Clouse welcomed Cassy Kvasnicka with Nebraska VR and issued a proclamation for Recognition for the month of October as Disability Awareness Month.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held September 11, 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 \$67.02 smcs; 4Imprint \$1,490.92 smcs; AAA Rents \$86.68 smcs; Accucut \$82.00 smcs; Adobe \$350.86 smcs; Adventure Enterprise \$1,395.00 smcs; Agri Coop \$7,938.85 smcs; Alfred Benesch \$59,160.14 co; All City Garage \$755.25 smcs; All City Glass \$2,165.00 smcs; All Makes Auto \$2,600.37 smcs; Ally B Designs \$550.00 smcs; Altec \$2,549.67 smcs; Amazon \$8,050.34 smcs,co; American \$452.19 smcs; American Button \$437.83 smcs; American Fence \$15,195.00 smcs; American First Aid \$644.70 smcs; American Legion \$105.29 smcs; American Library Assn. \$402.60 smcs; American Public Works \$1,155.00 smcs; Americinn \$97.16 smcs; Anderson Bros. \$929.97 smcs; Anderson, Brent \$57.50 smcs; Anythingtruck.com \$536.52 smcs; Apple Market \$7.98 smcs; Arbor Day Foundation \$35.00 smcs; ARC \$112.00 smcs; Area Services \$225.00 smcs; Ask Supply \$1,461.00 smcs; Atchison, Mary \$125.00 smcs; Aurora Coop \$26.96 smcs; Aussie Hydraulics \$40.04 smcs; Auto Value \$1,482.65 smcs; Avery,B \$994.00 smcs; B&H Photo \$1,579.75 smcs; Baker & Taylor \$4,068.17 smcs; Bamford \$665.40 smcs; Barco Municipal \$3,728.19 smcs; Barcodes \$316.80 smcs; Battery Plex \$35.88 smcs; Battery Sharks \$32.89 co; Beezley,F \$41.41 smcs; Bells Construction \$50.00 co; Big Red Auto \$35.00 smcs; Blackstone Publishing \$80.00 smcs; Blackstrap \$3,705.82 smcs; Blick Art \$67.41 smcs; BlueCross BlueShield \$173,031.58 smcs; Book Page \$792.00 smcs; Border States Electric \$130.54 smcs; Bosselman \$30,603.39 smcs; Brandt,J \$95.00 smcs; Braun,M \$22.29 smcs; Brilliance Publishing \$55.35 smcs; Broadfoot's \$7,598.16 smcs; Brockmeier,B \$5.38 smcs; Brown,A \$22.96 smcs; BSN Sports \$689.08 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Court \$96.01 ps; Buffalo Co. Register Deeds \$88.00 smcs; Buffalo Co. Treasurer \$12.30 smcs;Buffalo Outdoor Power \$1,659.80 smcs,co; Builders \$2,356.00 smcs,co;Calibre Press \$756.00 smcs; Canva \$2.00 smcs; Carquest \$598.60 smcs; Casey's \$30.23 smcs; Cash-Wa \$2,469.03 smcs; CDW \$600.00 smcs; Center Point Publishing \$75.96 smcs; Central Fire & Safety \$5,676.90 smcs; Central Hydraulic \$7.72 smcs; Central NE Bobcat \$6,438.07 smcs,co;

Century Link \$715.00 smcs; CH Diagnostic \$415.00 smcs; Charter \$768.81 smcs; Chemsearch \$305.00 smcs; Chesterman \$1,242.80 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$100.09 smcs; Cintas \$267.33 smcs; City of Ky \$77,227.48 smcs,ps; City of Ky \$1,150.00 co; CMH Interiors \$8,883.56 smcs; CNA Insurance \$40.00 smcs; Coldspring \$1,552.50 smcs; Comfort Inn \$178.78 smcs; Compasscom \$157.50 smcs; Consolidated Mgmt. \$359.53 smcs; ConstantContact.com \$26.50 smcs; Construction Renal \$1,049.34 smcs; Consumers Energy \$2,867.87 co; Control Yours \$200.00 smcs; Copycat \$143.83 smcs; Core & Main \$48,385.94 smcs; Creative Teacher \$24.00 smcs; Cricut \$336.19 smcs; Culligan \$358.15 smcs; Cummins \$2,151.38 smcs; Curb-It \$1,866.00 smcs; Danko \$4,825.37 smcs,co; Davis Equipment \$3,866.84 smcs; Dawson Public Power \$39,084.64 smcs; Daylight Donuts \$31.12 smcs; Del City \$364.01 smcs; Dell \$5,906.25 smcs,co; Demco \$387.79 smcs; Dennis,N \$187.50 smcs; Deterdings \$3,375.85 smcs; Digicert \$630.00 co; Dish \$194.02 smcs; Dollar General \$4.01 smcs; Done Right Masonry \$33,450.00 smcs,co; Don's Hobby Guns \$9,926.94 smcs; Dowhy Towing \$500.00 smcs; DPC Industries \$13,464.97 smcs; Dreamstime.com \$25.00 smcs; Dultmeier Sales \$656.00 smcs; Duncan Theis Construction \$6,466.11 smcs; Dutton Lainson \$1,400.00 smcs; Eagle Distributing \$241.15 smcs; Eakes \$1,162.70 smcs; Ebsco Information \$3,594.00 smcs; Ehrlich-Rentokil \$482.00 smcs; Eileen's Cookie \$46.50 smcs; Eirich,T \$79.00 smcs; Elf Enterprises \$765.91 smcs; Elliott Equipment \$2,577.15 smcs; Ellis,L \$23.49 smcs; EMC Insurance \$37,355.09 smcs; Enterprise \$70.46 smcs; Envirotech \$21,604.80 smcs; ESRI \$107.00 smcs; Eustis Body Shop \$1,630.68 smcs; Evident \$32.50 smcs; Excel Manufacturing \$52,739.00 co; Expression Wear \$522.00 smcs; Eyemed \$766.72 smcs; Facebook \$83.76 smcs; Fairbanks \$593.94 smcs; Fairfield Inn \$130.18 smcs; Family Fresh \$65.73 smcs; Family Practice \$596.00 smcs; Fastenal \$1,154.78 smcs; Fiddelke Heating \$220.00 smcs; Fire Rescue TV \$684.00 smcs; First National Bank \$65.00 smcs; Fitzgerald,K \$17.22 smcs; Fort Bend Services \$5,653.44 smcs; Frontier \$6,874.66 smcs; Fyr-Tek \$3,750.00 smcs; Gale/Cengage Learning \$1,000.17 smcs; Gall's \$544.28 smcs; Gametime \$5,636.58 smcs,co; Gangwish Turf \$9.68 co; Garrett Tires \$17,777.74 smcs; Gibbon Transmission \$10.80 smcs; Glass Doctor \$85.00 smcs; Gleason,D \$46.38 smcs; Global Industrial \$303.97 smcs; GoDaddy.com \$530.10 smcs; Gopher Sport \$23.95 smcs; GPM \$13,112.00 smcs; Graham Tire \$845.60 smcs; Grainger \$1,570.08 smcs; Grauerholz,K \$7.09 smcs; Greater NE Cities \$1,000.00 smcs; Grey House Publishing \$699.15 smcs; Grone's Outdoor Power \$3,349.98 smcs; Hampton Inn \$766.94 smcs; Heartland Customer Solutions \$65.38 smcs; Heiman Fire \$234.80 smcs; Hemmer,B \$6.00 smcs; Hilti \$129.50 co; Hilton Garden Inn \$897.40 smcs; HOA Solutions \$23,209.20 smcs; Hobby Lobby \$313.44 smcs; Holmes Plumbing \$361.34 smcs,co; Huerta,D \$91.63 smcs; Hy Vee \$243.43 smcs; IAEI \$120.00 smcs; ICMA \$7,421.82 ps; Inland Truck Parts \$198.00 smcs; Internation \$222.75 smcs; Int'l Code Council \$673.17 smcs; Investigative Training \$585.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$160,631.61 ps; It-Straps-On \$207.11 smcs; Jack Lederman \$546.56 smcs,co; Jack's Small Engine \$78.85 smcs; Jack's Uniforms \$10,171.48 smcs; Johnson Controls \$344.40 smcs; Johnstone Supply \$9.71 smcs; Ky Ace \$1,751.49 smcs; Ky Animal Shelter \$7,620.00 smcs; Ky Concrete \$28,250.44 smcs,co; Ky Crete & Block \$10,017.61 smcs,co; Ky Equipment \$66.46 smcs; Ky Hub \$16,073.59 smcs; Ky Liquor \$4.79 smcs; Ky Power Sports \$761.30 smcs; Ky Public Schools \$50.00 smcs; Ky Towing \$847.50 smcs; Ky Warehouse \$1,127.94 smcs; Ky Winlectric \$520.46 smcs,co; Ky Winnelson \$178.12 smcs; Kelly Supply \$1,713.65 smcs; Kenton,J \$95.00 smcs; K-Log \$2,945.08 smcs; Koettters,J \$346.00 smcs; Konica Minolta \$983.56 smcs;

Kowalek,G \$36.00 smcs; Kwiatkowski,L \$96.00 smcs; Landmark Implement \$693.86 smcs; Language Line \$166.75 smcs; Lawson Products \$1,587.96 smcs; League of NE Municipalities \$4,007.00 smcs; Leisure Craft \$426.94 co; Library Store \$24.72 smcs; Lincoln Chamber Commerce \$125.00 smcs; Lincoln Winwater \$716.56 smcs; Lockmobile \$157.20 smcs; Lundeen-Isaacson \$2,436.00 ps; Mac Faucets \$301.73 smcs; Macqueen Equipment \$1,704.09 smcs; Maize Equipment \$114.50 smcs;Manleiln Enterprise \$39.03 smcs; Marlatt Machine \$1,358.76 smcs; Masters True Value \$159.41 smcs; Matheson \$495.49 smcs; McDonald's \$12.19 smcs; Mead Direct \$22.49 smcs; Mead Lumber \$228.64 co; Mellen & Associates \$70,650.00 co; Menards \$5,256.37 smcs; Metro College \$600.00 smcs; Michael's \$201.35 smcs; Mid NE Mobility \$4,050.00 smcs; Mid-American Signal \$49.00 co; Mid-NE Garage Doors \$150.00 smcs; Mid-States Organized Crime \$675.00 smcs; Midwest Connect \$656.83 smcs; Midwest Turf \$11,434.58 smcs,co; Miller & Associates \$18,755.85 smcs,co; Miller Signs \$282.50 smcs; Miller,J \$117.21 smcs; Mintzmyer,A \$1,194.00 smcs; Mirror Image \$431.30 smcs; MONA \$142.50 smcs; Moonlight Embroidery \$3,073.00 smcs; Morgan Stanley \$862.50 smcs; Most Depend. Fountains \$3,955.00 co;Motorola \$64,686.10 smcs; Municipal Code \$150.00 smcs; Municipal Supply \$10,698.82 smcs; Murphy Tractor \$369.89 smcs; National Tool \$40.27 smcs; Nat'l Stormwater \$598.00 smcs; Navigator Motorcoach \$175.00 smcs; NCEES \$350.00 smcs;NCL of Wisconsin \$643.46 smcs; NDEQ \$450.00 smcs; NE Child Support \$1,991.97 ps; NE Crane \$243.75 smcs; NE Dept of Revenue \$67,308.55 smcs; NE Dept of Transportation \$9,630.34 co; NE Library Assn \$60.00 smcs; NE Machinery \$670.75 smcs; NE Park & Rec \$460.00 smcs; NE Peterbilt \$85.99 smcs; NE Safety \$275.00 smcs; NE Salt & Grain \$9,131.72 smcs; NE Secretary of State \$30.00 smcs; NE State Treasurer \$970.41 smcs; NE Truck Center \$1,343.31 smcs; Network Fleet \$94.75 smcs; Newsbank \$1,410.00 smcs;NFPA \$8.99 smcs; Nivel Parts \$283.92 smcs; Noller Electric \$341.25 smcs; Northern Safety \$534.63 smcs; Northwestern Energy \$623.46 smcs; Nova Fitness \$2,114.17 ps; Novus \$60.00 smcs; NRG Media \$25.00 smcs; Nutrien Ag \$1,743.71 smcs; OCLC \$736.24 smcs; Odeys \$2,051.86 smcs; Officemax \$3,101.39 smcs,co; Officenet \$534.84 smcs; Oliver, Chelsey \$6.98 smcs; One Call Concepts \$496.05 smcs;O'Reilly Auto \$838.88 smcs; Oreshkov,N \$147.50 smcs; Orscheln \$2,292.68 smcs; OTC Brands \$13.87 smcs; Otto Environmental \$10,479.00 smcs; Overhead Door \$297.36 smcs; Overstock \$63.98 smcs; Paessler.com \$400.00 smcs; Paper Mart \$24.82 smcs; Paramount \$303.98 smcs; Paulsen \$1,617,298.76 co; Paypal*Lsmive \$34.99 co; Paypal*Nechapterin \$155.00 smcs; Paypal*Squaretrade \$9.61 co; Paypal*Threadanny \$22.90 smcs; Peerless Machine \$3,927.50 smcs; Pep Co. \$87.34 smcs; Person,D \$5.46 smcs; Pfeiffer,D \$19.59 smcs; Physio-Control \$1,691.25 co; Pitney Bowes \$60.00 smcs; Platinum Awards \$1,301.50 ps; Platte Valley Auto Mart \$661.55 smcs; Platte Valley Comm. \$225.17 smcs; Pospaper.com \$239.80 smcs; Postage Refill \$1,000.00 smcs; Pot O' Gold \$155.00 smcs; Poulson, Marietta \$994.00 smcs; Presto-X \$120.00 smcs; Provantage \$951.91 smcs; Public Agency Training \$350.00 smcs; Pulliam, Ric \$79.00 smcs; Qualified Hardware \$169.00 smcs; Quartermaster \$147.24 smcs; Quill \$561.81 smcs; Radarsign \$205.00 smcs; Ready Mixed Concrete \$12,180.77 smcs,co; Reams \$800.91 smcs; Recorded Books \$810.67 smcs; Redbox \$5.62 smcs; Resource Mgmt. \$758.40 smcs; Restroom Strategic \$104.82 smcs; Rheome Tree \$660.00 smcs; Riverdale Ready Mix \$1,671.28 smcs,co; Robbins,H \$75.00 smcs; Roesler,A \$32.09 smcs; Rollnrack \$8,335.00 co; Running Awards \$201.00 smcs; Rutt's Heating \$100.00 smcs; Safelite Autoglass \$434.97 smcs; Sahling Kenworth \$320.20 smcs; Sandry Fire \$816.73 smcs; Sargent Drilling \$675.00 smcs; Saylor Screenprint \$163.71 smcs;

Schaeffer Manufacturing \$1,154.27 smcs; Schindler Elevator \$1,213.86 smcs; Schumacher Bros Fencing \$745.00 smcs; Schwans \$849.93 smcs; Scotty Peeler \$33.45 smcs; Sculpture Services \$1,600.00 smcs; Seberger, Bridget \$22.02 smcs; See Clear Cleaning \$1,700.00 smcs; Sequel Book \$400.00 smcs; Shafer,B \$10.86 smcs; Sheldon,S \$18.05 smcs; Sherwin Williams \$7,342.39 smcs; Shop EZ \$150.00 smcs; Silverstone Group \$4,860.00 smcs; Siteone Landscapes \$1,601.33 smcs,co; Smith, Arian \$6.00 smcs; SOS Portable Toilets \$295.00 smcs; Sporting Edge \$53.90 smcs; Sprinkler Warehouse \$1,709.26 smcs; Steinbrink, Rocky \$310.00 smcs; Steinbrink's \$4,583.99 smcs; Stetson Building \$809.43 co; Stittle, Don \$255.00 smcs; Straight Line Striping \$3,921.10 smcs; Supplyhouse.com \$179.60 smcs; Supplyworks \$1,130.66 smcs; Surface Sealers \$24,300.00 co; Sutphen \$11,293.72 smcs; Swearingen, Cameron \$6.50 smcs; Tacview \$69.00 smcs; Target \$74.76 smcs; Thirsty's \$4.26 smcs; Thompson Co. \$125.72 smcs; Tielke's Sandwiches \$136.90 smcs; Tnemec \$1,102.00 smcs; Tour Edge Golf \$907.59 smcs; Tractor-Supply \$1,577.96 smcs; Travelocity \$1,197.00 smcs; Tri County Equipment \$69.21 smcs; Turman,B \$40.92 smcs; Twin City Hardware \$741.30 smcs; Uldrich,M \$96.00 smcs; Uline \$118.24 smcs; Union Bank & Trust \$78,351.75 ps; Unique Management \$456.45 smcs; University of Missouri \$11,000.00 smcs; UPS \$183.62 smcs; USA Communications \$256.02 smcs; USPS \$35.00 smcs; USTA Membership \$945.07 smcs; Valley Forklift \$47.18 smcs; Van Diest Supply Co. \$2,383.05 smcs; Vanhorn,S \$87.26 smcs; Verizon \$1,800.45 smcs; Vessco \$125.96 smcs; W.S. Darley \$603.03 smcs; Waldinger Corp \$331.25 smcs; Wal-mart \$1,480.61 smcs; Walters Electric \$165.00 smcs; Wasson,S \$6.00 smcs; Wastecorp Pumps \$579.06 smcs; Waterlink \$2,447.50 smcs; Wayfair \$49.29 smcs; Whalen,J \$79.00 smcs; Whalen,S \$240.00 smcs; Whentowork \$200.00 smcs; Wick's Sterling Trucks \$251,441.00 co; Wilco Life \$19.00 ps; Williamson-Dickie \$128.34 smcs; Willow Creek Assn \$158.00 smcs; WPCI \$556.00 ps; Yant Equipment \$8,960.00 co; Yellow Van Cleaning \$3,191.70 smcs; Young,M \$346.00 smcs; Zimmer,D \$6.00 smcs; Zimmerman Printers \$1,296.00 smcs; Zorro Tools \$3,088.48 smcs; Payroll Ending 09-15-2018 -- \$468,433.78. 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 October 9, 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 I-122671 liquor license application and manager application for Edgar Parra submitted by VerLen Company, LLC, dba Agave Azul Mexican Kitchen located at 119 3rd Avenue.
5. Adopt Resolution No. 2018-156 continuing the Agreement between the City of Kearney and the Tye & Rowling, PC, LLO for legal services as City Attorney.

RESOLUTION NO. 2018-156

WHEREAS, the City of Kearney entered into an Agreement for Legal Services and the Tye & Rowling, PC, LLO (formerly The Tye Law Firm) on September 25, 2018 to provide legal services to the City of Kearney; and

WHEREAS, said Agreement was continued for an additional three years on on August 25, 2009 and again on October 9, 2012 and again on October 13, 2015; and

WHEREAS, in accordance with the terms of the Agreement, City staff is recommending continuing the Agreement with The Tye Law Firm for an additional three years and effective October 1, 2018 the annual sum will increase to One Hundred Sixty Three Thousand Nine Hundred Nine Dollars (\$163,909.00), and will increase three percent (3%) on October 1, 2019 and three percent (3%) on October 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Legal Services dated October 1, 2018 between the City of Kearney, Nebraska and Tye & Rowling, PC, LLC for services as outlined in said Agreement.

PASSED AND APPROVED THIS 25TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:

- a) Brad Kernick on behalf of the Classic Car Collection for the temporary closure of six parking stalls in front of the World Theatre located at 2318 Central Avenue on November 11, 2018.
- b) Zombies Attack: A Run for Your Life for the temporary closing of the north lane of East 1st Street from the private road west of the Nebraska Firefighters Museum to the private road east of The Archway on October 27, 2018.

7. Approve the application for a Special Designated License submitted by Gillies Bar Inc. to dispense alcoholic liquor inside The Otherside located at 15 East 24th Street on Saturday, October 13, 2018 from 2:00 p.m. until 1:00 a.m. for a concert.

8. Approve the application for a Special Designated License submitted by Sports Fans LLC dba Fanatics to dispense alcoholic liquor inside Home Real Estate of Kearney located at 4623 2nd Ave Ste 4 on Thursday, October 18, 2018 from 5:00 p.m. until 7:00 p.m. for Business After Hours.

9. Adopt Resolution No. 2018-157 approving Change Order No. 1 showing a decrease in the amount of \$1,600.00, Application and Certificate for Payment No. 1-Final in the amount of \$37,510.00, and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc and approved by Miller & Associates for 2018 Part 2 Improvements – Bid A consisting of Paving Improvement District No. 2018-990 and Water Connection District 2018-1.

RESOLUTION NO. 2018-157

WHEREAS, Midlands Contracting, Inc. has performed services in connection with 2018 Part 2 Improvements consisting of Paving Improvement District No. 2018-990 and Water Connection District 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, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$1,600.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$37,510.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$39,110.00
Change Order #1 (09-25-2018)	- 1,600.00
Contract Sum To Date	37,510.00
Gross Amount Due	37,510.00
Retainage (0%)	0.00
Amount Due to Date	37,510.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$37,510.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 31, 2018 as shown by Exhibit "B" attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 25TH DAY OF SEPTEMBER, 2018.

ATTEST:
 PEGGY EYNETICH
 DEPUTY CITY CLERK

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

10. Adopt Resolution No. 2018-158 approving Application and Certificate for Payment No. 3 in the amount of \$172,065.69 submitted by The Diamond Engineering Co. and approved by Olsson Associates for the 2017 Part 3 Improvements consisting of Paving Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue.

RESOLUTION NO. 2018-158

WHEREAS, The Diamond Engineering Co. of Grand Island, Nebraska, has performed services in connection with 2017 Part 3 Improvements consisting of Paving Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue, and Olsson Associates, have filed with the City Clerk

Application and Certificate for Payment No. 3 in the amount of \$172,065.69 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,127,674.65
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Contract Sum To Date	1,127,674.65
Gross Amount Due	1,023,133.55
Retainage (10%)	- 102,313.35
Amount Due to Date	920,820.20
Less Previous Certificates for Payment	- 748,754.51
Current Payment Due	\$ 172,065.69

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

PASSED AND APPROVED THIS 25TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

11. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic 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, November 17, 2018 from 6:00 p.m. until 1:00 a.m. for a dance.

V. CONSENT AGENDA ORDINANCES

VI. REGULAR AGENDA

Redemption of General Obligation Various Purpose Refunding Bonds, Series 2013

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion the calling for the redemption of General Obligation Various Purpose Refunding Bonds, Series 2013, in the principal amount of \$2,675,000 and to consider Resolution No. 2018-159.

Bruce Lefler, Ameritas Investment Corp., presented this matter to the Council. These two refunding bond issues have a little less than ten years on their maturity; by taking action on the items there will be a savings of approximately \$90,000 of debt service on the remaining bonds. Approximately 60% of the bonds were sold locally.

Council Member Lammers questioned what the reduction in the interest rate was? Mr. Lefler stated the City is saving a little over a half percent in the interest expense.

Moved by Nikkila seconded by Lear to approve Resolution No. 2018-159 calling for the redemption of General Obligation Various Purpose Refunding Bonds, Series 2013, in the principal amount of \$2,675,000. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-159

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby called for payment on October 29, 2018, after which date interest on the bonds will cease:

General Obligation Refunding Bonds, Series 2013 dated October 29, 2013, in the outstanding principal amount of \$2,675,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal</u> Amount	<u>Maturity Date</u> <u>July 1</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$245,000	2019	1.950%	486890 K21
240,000	2020	2.200	486890 K39
245,000	2021	2.550	486890 K47
255,000	2022	2.750	486890 K54
260,000	2023	2.950	486890 K62
265,000	2024	3.200	486890 K70
275,000	2025	3.400	486890 K88
285,000	2026	3.600	486890 K96
295,000	2027	3.800	486890 L20
310,000	2028	4.000	486890 L38

Section 2. These bonds are to be paid at the office of the City Treasurer in Kearney, Nebraska, as Paying Agent and Registrar.

Section 3. A true copy of this Resolution shall be filed by the City Clerk with the Paying Agent at least thirty (30) days prior to call date and the Paying Agent is hereby irrevocably instructed to take appropriate action to mail notice to the registered owner at least thirty (30) days prior to the call date.

PASSED AND APPROVED THIS 25TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

Redemption of Highway Allocation Fund Pledge Refunding Bonds, Series 2013

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion the calling for the redemption of Highway Allocation Fund Pledge Refunding Bonds, Series 2013, in the principal amount of \$755,000. and to consider Resolution No. 2018-160.

Bruce Lefler presented this matter to the Council.

Moved by Lear seconded by Buschkoetter to approve Resolution No. 2018-160 calling for the redemption of Highway Allocation Fund Pledge Refunding Bonds, Series 2013, in the principal amount of \$755,000. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION 2018-160

BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska:

Section 1. The following bonds of the City of Kearney, Nebraska, in accordance with their option provisions are hereby called for payment on October 29, 2018, after which date interest on the bonds will cease:

Highway Allocation Fund Pledge Refunding Bonds, Series 2013, date of original issue – October 29, 2013, in the principal amount of Seven Hundred Fifty-Five Thousand Dollars (\$755,000), numbered as shown on the books of the Paying Agent and Registrar, and becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$65,000	June 15, 2019	1.95%	486890 H33
65,000	June 15, 2020	2.20	486890 H41
70,000	June 15, 2021	2.55	486890 H58
70,000	June 15, 2022	2.75	486890 H66
75,000	June 15, 2023	2.95	486890 H74
80,000	June 15, 2024	3.20	486890 H82
80,000	June 15, 2025	3.40	486890 H90
80,000	June 15, 2026	3.60	486890 J23
85,000	June 15, 2027	3.80	486890 J31
85,000	June 15, 2028	4.00	486890 J49

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after October 29, 2018 at par and accrued interest, and interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of Kearney, Kearney, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. A true copy of this resolution shall be filed immediately with the Paying Agent and the Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty (30) days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the Refunded Bonds.

PASSED AND APPROVED THIS 25TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

ORDINANCE NO. 8290 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Council Member Buschkoetter introduced Ordinance No. 8290 authorizing the issuance of General Obligation Refunding Bonds, Series 2018, of the City of Kearney, Nebraska, in the principal amount of two million six hundred fifty thousand dollars (\$2,650,000) for the purpose of refunding certain outstanding Bonds of the City; directing the application of the proceeds of said Bonds; prescribing the form of said Bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the Bonds; authorizing the delivery of the Bonds to the purchaser; and providing for publication of this Ordinance in pamphlet form, 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8290. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. 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. Deputy City Clerk read Ordinance No. 8290 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8290 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8290 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. 8291 AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, SERIES 2018

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Council Member Lammers introduced Ordinance No. 8291 authorizing the issuance of Highway Allocation Fund Pledge Refunding Bonds, Series 2018, of the City of Kearney, Nebraska, in the principal amount of seven hundred forty five thousand dollars (\$745,000) for the purpose of paying and redeeming the City's Highway Allocation Fund Pledge Refunding Bonds, Series 2013, dated October 29, 2013, presently outstanding in the principal amount of \$755,000; prescribing the form of said Bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the

payment of said Bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the delivery of the Bonds to the purchaser; providing for the disposition of Bond proceeds; and ordering the Ordinance published in pamphlet form, 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 Deputy 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. 8291. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8291 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 No. 8291 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 No. 8291 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$119,095.57 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

City Manager Michael Morgan stated there have been 742 enplanements in September thus far; that is the highest number of enplanements the City has had since June, 2014.

Council Member Nikkila thanked Michael Tye and his firm for their representation of the City and Wendell Wessels and Bruce Lefler for continuing to save the City money.

Michael Tye, City Attorney stated he and the firm appreciate the opportunity to serve the City.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:43 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**