

*Kearney, Nebraska
November 27, 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 November 27, 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; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Mike Kirkwood, Interim Chief of Police; Jason Whalen, Fire Administrator and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Mike Konz, Kearney Hub and Ryan Boyd, KGFW.

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

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

PROPOSED ACQUISITION OF REAL PROPERTY

Mayor Clouse opened the public hearing on the proposed acquisition of an interest in real property by purchase of Lot 15 and the East 37 feet of Lot 16, Fountain Hills Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and to consider Resolution No. 2018-173.

City Attorney, Mike Tye, presented this matter to the Council. This item pertains to approval for the purchase of a lot and a partial lot; the purchase agreement was approved at a previous Council meeting. The lots are next to Fountain Hills Park and the intention is to create a parking area for the Park. Council Member Nikkila questioned when installation of the parking lot would begin? Michael Morgan, City Manager, stated construction should start on the parking lot in summer of 2019.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2018-173 approving the proposed acquisition of an interest in real property by purchase of Lot 15 and the East 37 feet of Lot 16, Fountain Hills Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2018-173. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 9 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 November 13, 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 \$184.19 smcs; 2co.com \$42.15 co; 4imprint \$1,055.67 smcs; Acushnet \$4,734.81 smcs; Adobe \$29.99 smcs; Advance Auto Parts \$51.65 smcs; Adventure Enterprise \$150.00 smcs; Agri Coop \$721.14 smcs; Alaska Air \$390.00 smcs; Alert Shirt \$845.68 smcs; Alexander,S \$31.40 smcs; All Makes Auto \$1,338.33 smcs; Allen,B \$398.64 co; Ally B Designs \$140.00 smcs; Alonso,G \$76.46 smcs; Altec Industries \$1,328.30 smcs; Amax \$80.00 smcs; Amazon \$8,555.88 smcs,co; American \$48.91 smcs; Andersen,B \$115.73 smcs; Anderson Brothers \$2,555.25 smc; Ap Electric \$63.01 smcs; Applebee's \$76.00 smcs; ARC \$296.95 smcs; Arrowhead Scientific

\$200.00 smcs; Ask Supply \$1,266.94 smcs; Assn of Threat Assessment \$30.51 smcs; Aurora Coop \$2,376.81 smcs; Aussie Hydraulics \$23.83 smcs; Auto Value \$1,985.63 smcs; Awards Plus \$212.00 smcs; B&H Photo \$339.95 smcs; Baker & Taylor \$4,745.19 smcs; Bamford \$266.00 smcs; Barney Abstract \$54,272.25 smcs; Bauer Underground \$11,220.00 smcs; Baum Hydraulics \$48.43 smcs; Beck,J \$60.90 smcs; Belt Global \$37.20 smcs; Berke,N \$179.10 smcs; Bettles,T \$121.80 smcs; Bike Shed \$298.00 smcs; Blackstone Audio Books \$672.49 smcs; Blankenship,C \$32.34 smcs; Blue Sky \$55.00 smcs; BlueCross BlueShield \$135,542.96 smcs; Bogard,M \$179.10 smcs; Bosselman \$54,414.82 smcs; Boston,K \$49.73 smcs; BP \$150.00 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Broadfoot's \$972.00 smcs; Brown,C \$53.50 smcs; Brown,J \$115.70 smcs; Bruha,S \$179.10 smcs; Brush,T \$10.06 smcs; BSN Sports \$29.24 smcs; Buffalo Co Court \$101.61 smcs; Buffalo Co. Treasurer \$12.30 smcs; Buffalo Outdoor \$515.87 smcs; Builders \$1,100.63 smcs; Butler,B \$121.80 smcs; Butler,J \$60.90 smcs; Byrne,D \$121.80 smcs; Cabela's \$99.99 smcs; Calibre Press \$229.00 smcs; Campbell Pet Co. \$230.13 smcs; Canva \$10.00 smcs; Carquest \$786.39 smcs; Cash-Wa \$918.39 smcs; Cenex \$61.68 smcs; Center Point Publishing \$75.96 smcs; Central Avenue Partners \$42.71 smcs; Central Fire and Safety \$80.50 smcs; Central Hydraulics \$543.83 smcs; Central NE Bobcat \$675.36 smcs; Century 21 \$90.27 smcs; Chamber,D \$60.90 smcs; Charter \$768.80 smcs; Chemsearch \$305.00 smcs; Chesterman \$44.00 smcs; CHI \$879.50 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$180.86 smcs; Cintas \$273.55 smcs; City of Ky \$15,096.94 smcs; Cofer,M \$49.36 smcs; Coldspring \$742.50 smcs; Combs,S \$42.12 smcs; Comexposium \$795.00 smcs; Commonwealth Electric \$49,058.00 co; Compasscom \$157.50 smcs; Computer Hardware \$159.00 smcs; Conner,D \$121.80 smcs; Consolidated Management \$704.30 smcs; Construction Rental \$566.56 smcs,co; Control Yours \$200.00 smcs; Copycat \$2,159.24 smcs; Cordova,T \$179.10 smcs; Cornhusker Cleaning \$62.33 smcs; CPDenver \$1,125.95 smcs; Credit Mgmt. Services \$79.46 smcs; Cruiser Properties \$31.03 smcs; Culligan \$363.07 smcs; Cummins \$593.30 smcs; Danhauer,R \$33.96 smcs; Dawson Public Power \$23,441.56 smcs; Daylight Donuts \$214.74 smcs; Defensive Edge \$450.00 smcs; Del City \$187.80 smcs; Dell \$4,438.31 smcs,co; Denker,B \$23.77 smcs; Dennis,N \$179.10 smcs; Depository Trust \$19,978.75 ds; Desert Snow \$1,198.00 smcs; Divas Floral \$53.50 smcs; Doremus,S \$78.58 smcs; Dowhy Towing \$275.00 smcs; DPC Industries \$6,797.58 smcs; Dreamstime.com \$25.00 smcs; Drury Inn \$3,103.38 smcs; Eakes \$3,669.38 smcs; Eggen,M \$60.90 smcs; Ehrlich \$102.00 smcs; Eileen's Cookie \$27.75 smcs; Eirich,D \$60.90 smcs; Eirich,T \$60.90 smcs; Elliott Equipment \$832.88 smcs; EMC Insurance \$2,508.85 smcs; Enforcement Video \$12,428.50 smcs; Engen,T \$3.00 smcs; Entenmann-Rovin Co \$409.00 smcs; Epley,E \$8.44 smcs; Erbsen,S \$115.70 smcs; ERC Wiping \$177.72 smcs; Exit Light \$210.00 smcs; Eyemed \$778.90 smcs; Eynetich,P \$60.90 smcs; Facebook \$186.76 smcs; Family Fresh \$73.02 smcs; Fastenal \$728.85 smcs; Fearnley,M \$121.80 smcs; Fedex \$111.44 smcs; Fiddelke \$965.34 smcs; Finney,A \$53.95 smcs; Fleharty,A \$18.26 smcs; Flynn,B \$60.90 smcs; Fountain Hills Properties \$25.85 smcs; Frontier \$274.07 smcs; Frontier Precision \$265.00 smcs; Fry & Associates \$33,440.00 co; Fugazi,A \$147.89 smcs; Gale/Cengage \$381.97 smcs; Galeton \$185.82 smcs; Gametime \$162.38 co; Ganson Engineering \$116.00 co; Garner,L \$22.14 smcs; Garrels,J \$179.10 smcs; Garrett Appliances \$160.34 smcs; Garrett Tires \$3,864.64 smcs; Gateway Arch \$559.00 smcs; GBF Holdings \$44.91 smcs; Glass Doctor \$653.28 smcs; Glock \$250.00 smcs; Graham Tire \$574.22 smcs; Grainger \$404.35 smcs; Grauerholz,B \$32.19 smcs; Greater NE Cities \$1,000.00 smcs;

Grimes,S \$121.80 smcs; Ha,M \$21.69 smcs; Haack,S \$179.10 smcs; Hach \$1,341.28 smcs; Halstead,A \$60.90 smcs; Hancock,T \$47.80 smcs; Hanes Gear for Sports \$131.54 smcs; Happ,L \$179.10 smcs; Hawkins,J \$115.70 smcs; Helgoth,S \$48.01 smcs; Hellreigel,E \$179.10 smcs; Hibberd,T \$179.10 smcs; Higgins,T \$14.46 smcs; Hilton \$235.44 smcs; Hobby-Lobby \$336.27 smcs; Hoehner Turf \$292.00 smcs; Holmes Supply \$681.55 smcs; Hooker Brothers \$771.49 smcs; Howe,C \$77.58 smcs; Howland,J \$28.22 smcs; HR Direct \$839.20 smcs; Hy-Vee \$230.91 smcs; ICMA \$7,104.30 smcs; Identogo \$85.00 smcs; Idsecurityonline.com \$54.40 smcs; Impact Data Books \$170.80 smcs; Indian Hills Estate \$13.26 smcs; Int'l Society Arboriculture \$129.95 smcs; Invoicehome.com \$5.00 smcs; IR Industrial \$1,165.45 smcs; IRS \$148,443.56 smcs; Jack Lederman \$4,123.95 smcs,co; James,D \$121.80 smcs; Johnstone Supply \$167.12 smcs; Jonak,K \$179.10 smcs; Jones Automotive \$2,601.00 smcs; Jones Travel Plaza \$129.29 smcs; J-Spot Services \$110.00 smcs; Ky Winlectric \$1,992.25 smcs; Ky Ace \$96.51 smcs; Ky Area Chamber \$165.00 smcs; Ky Catholic \$149.58 smcs; Ky Concrete \$14,270.08 smcs,co; Ky Crete & Block \$4,868.80 smcs,co; Ky Hub \$2,113.28 smcs; Ky Power Sports \$372.08 smcs; Ky Quality Sew \$616.98 smcs; Ky Towing \$100.00 smcs; Ky Warehouse \$1,012.92 smcs; Kelly Supply \$396.24 smcs; Kewanna Screen Printing \$401.86 smcs; King Investments \$44.91 smcs; Knipping,D \$121.80 smcs; Koettters,J \$115.70 smcs; Konica Minolta \$1,293.58 smcs; Kowalek,G \$121.80 smcs; Kremer,A \$70.05 smcs; Kring,J \$150.00 smcs; Kulhanek,M \$115.70 smcs; La Quinta Inn \$159.45 smcs; Landmark Implement \$2,782.25 smcs; Larsen,H \$95.44 smcs; Lawn Builders \$400.00 smcs; Lawson Products \$620.31 smcs; Leonard,C \$59.04 smcs; Lied Conference \$1,499.08 smcs; Lightbulb & Ballast \$99.00 smcs; Lillis,D \$82.50 smcs; Linn,M \$62.83 smcs; Little Caesars \$5.69 smcs; Loebig,P \$179.10 smcs; Logmein \$349.99 smcs; Loves Country \$155.76 smcs; M & E \$25.62 smcs; Machine Shed \$1,037.28 smcs; Macqueen Equipment \$150.13 smcs; Mail Express \$194.60 smcs; Marathon Petro \$85.69 smcs; Marlatt Machine \$184.58 smcs; Marriott \$138.61 smcs; Martin,L \$53.95 smcs; Martin,R \$561.34 smcs; Masters Transportation \$191.93 smcs; Masters True Value \$512.97 smcs; Matheson \$503.45 smcs; Matson,S \$128.46 smcs; McElhinney Builders \$46.95 smcs; McEntee,S \$60.90 smcs; Medicap Pharmacy \$2,017.80 ps; Mellen & Associates \$1,914.77 smcs; Menards \$3,668.47 smcs; Mendyk,K \$30.97 smcs; Mfasco Health \$93.05 smcs; Mid-Iowa \$878.07 smcs; Midlands Contracting \$1,155.00 smcs; Mid-NE Garage Doors \$200.00 smcs; Mid-State Engineering \$980.00 co; Midway Travel \$12.18 smcs; Midwest Connect \$425.53 smcs; Midwest Synthetic Turf \$34,700.00 co; Midwest Turf \$293.17 smcs; Miller Signs \$34.00 smcs; Miller,L \$45.17 smcs; Minitex \$1,202.00 smcs; Molina,M \$115.70 smcs; Mollring,N \$121.80 smcs; Monoprice \$99.20 co; Moonlight Embroidery \$1,183.20 smcs; Moore & O' Connor \$103.28 smcs; Morris Press \$479.39 smcs; Morten Construction \$265,024.92 co; Mostek Electric \$2,374.65 smcs; Municipal Emergency \$449.66 smcs; Municipal Supply \$10,692.23 smcs; Murphy Tractor \$624.35 smcs; Musell,L \$60.90 smcs; National Too \$595.80 smcs; Nat'l Recreation \$850.00 smcs; NCL of Wisconsin \$344.03 smcs; NE Chapter In \$155.00 smcs; NE Child Support \$1,991.97 smcs; NE Dept Revenue \$55,117.13 smcs; NE Golf Association \$4,674.00 smcs; NE Machinery \$29,383.38 smcs,co; NE Public Health \$185.00 smcs; NE Safety & Fire \$259.94 smcs; NE Truck Center \$1,495.68 smcs; NE Well Drillers \$40.00 smcs; Nebraska Water \$700.00 smcs; Newell,B \$121.80 smcs; NFPA \$67.50 smcs; Nickluas,H \$75.04 smcs; Nielsen Contracting \$34,166.00 co; Norm's Plumbing \$1,364.43 smcs; NorthernSafety.com \$311.43 smcs; Northwest Electric \$393.73 smcs; Northwestern Energy \$1,527.37 smcs; Novus \$40.00 smcs; NP Realty \$40.51 smcs;

Nutrien Ag \$288.00 smcs; OCLC \$736.83 smcs; Office Depot \$119.97 smcs; Officemax \$1,406.13 smcs; Officenet \$359.19 smcs; O'Keefe Elevator \$681.00 smcs; O'Reilly Auto \$1,795.72 smcs; Orscheln \$345.47 smcs; OTC Brands \$107.25 smcs; Outdoor Custom Sports \$2,055.33 smcs; Overhead Door \$227.00 smcs; P Energy Filters \$106.50 smcs; Panera Bread \$30.00 smcs; Paper Tiger Shredding \$50.00 smcs; Paramount \$455.55 smcs; Patterson,B \$60.90 smcs; Paulsen \$602,407.61 co; Payton,D \$179.10 smcs; Pelster,C \$50.14 smcs; Pep Co. \$87.34 smcs; Pepperball \$395.00 smcs; Pet Pick Ups \$909.34 smcs; Peyton,A \$8.44 smcs; Pfeiffer,D \$60.90 smcs; Pfeiffer,D \$101.81 smcs; Phillips 66 \$110.53 smcs; Pickens,C \$50.00 smcs; Pilot \$42.88 smcs; Pitney Bowes \$109.48 smcs; Platinum Plus \$385.00 smcs; Platte Valley Auto \$311.25 smcs; Platte Valley Comm \$85.00 smcs; Plinske,P \$87.61 smcs; Postage Refull \$1,000.00 smcs; Pot O'Gold \$155.00 smcs; Potter,B \$100.00 smcs; Potthoff,T \$37.57 smcs; Power Tech \$674.83 smcs; Prestige \$873.48 smcs; Presto-X \$135.23 smcs; Proactive Sports \$849.97 smcs; Provantage \$1,361.89 smcs; Province,N \$179.10 smcs; Pukka \$254.64 smcs; Pure Platinum DJ Service \$195.00 smcs; Quest Software \$2,431.56 smcs; Quill \$436.05 smcs; Rall,M \$21.25 smcs; Rally Point \$225.00 smcs; Randsell,B \$121.80 smcs; Rapp,M \$7.02 smcs; Ready Mix Concrete \$2,885.63 co,smcs; Reams \$150.66 smcs,co; Recorded Books \$804.28 smcs; Redbox \$1.34 smcs; Redman's Shoes \$1,357.03 smcs; Reinke's \$92.44 smcs; Resource Mgmt. \$24,591.12 smcs; Riekes Equipment \$65.93 smcs; Roark,J \$101.21 smcs; Rodehorst,R \$115.70 smcs; Rogers Sporting Goods \$171.94 smcs; Romjue,D \$35.43 smcs; Rourke Publishing \$24.95 smcs; Rowe,L \$47.19 smcs; Roy,J \$179.10 smcs; Rutan,L \$51.00 smcs; S&J Construction \$20,390.00 co; Sage,P \$67.93 smcs; Sahling Kenworth \$881.19 smcs; Sapp Brothers \$41,254.09 smcs; Schroeder,S \$891.00 co; Schwarz,J \$179.10 smcs; Schwarz,Z \$179.10 smcs; Select Sprayers \$123.88 smcs; Setcom \$186.96 smcs; Shell Oil \$99.00 smcs; Sherwin Williams \$345.54 smcs; Sims,C \$50.00 smcs; Sims,D \$92.78 smcs; Sirchie Finger Print Lab \$555.31 smcs; Smith,C \$179.10 smcs; Smith,K \$47.86 smcs; Solid Waste Equipment Co \$39,435.13 co; Sozo American Cuisine \$30.00 smcs; Spangler Candy \$100.99 smcs; Speedway \$143.73 smcs; Springfield Fairfield \$108.11 smcs; Sprinkler Warehouse \$379.60 smcs; Steinbrink Landscaping \$245.49 smcs; Steve Spangler Science \$46.75 smcs; Stien,A \$17.29 smcs; Stony Creek Inn \$2,674.82 smcs; Streakwave Wireless \$1,019.73 smcs,co; Sunbelt Rentals \$13.99 smcs; Suppliesoutlet.com \$51.98 smcs; Supplyworks \$1,126.75 smcs; Systems Undercover \$57.35 smcs; Taillon,R \$179.10 smcs; Target \$181.18 smcs; Tausch,A \$60.90 smcs; Techsoup \$32.00 co; Tectura Designs \$9,491.76 smcs; TG Technical \$184.61 smcs; The Bike Shed \$2,699.00 smcs; Theis,G \$286.30 smcs; Thompson,D \$31.00 smcs; Thomson Reuters - West \$408.00 smcs; Tielke's Sandwiches \$16.32 smcs; Timemachine \$335.81 smcs; Titan Machinery \$34.00 smcs; TL Sund Construction \$142,960.68 co; Tokay \$790.00 smcs; Tractor Supply \$525.71 smcs; Trash Can Unlimited \$335.46 smcs; Travelocity \$1,268.63 smcs; TrueGreen \$170.00 smcs; TS Construction \$56.15 smcs; Turner Body Shop \$100.00 smcs; Uline \$1,152.99 smcs; Union Bank \$76,841.31 smcs; Unique Management \$322.20 smcs; United \$150.00 smcs; United Seeds \$3,877.50 smcs; Unity School Bus \$155.32 smcs; UPS \$109.24 smcs; USA Blue Book \$152.02 smcs; USA Communications \$154.95 smcs; USPS \$308.93 smcs; Van Diest Supply Co. \$1,318.65 smcs; Van Horn, Seth \$121.80 smcs; Vcom \$360.00 smcs; Verizon \$7,151.52 smcs; Ver-Mac \$24,658.00 co; VPhillipp 10 \$121.85 smcs; Wal-mart \$1,654.36 smcs,co; Walters-Morgan Const. \$73,733.54 co; Walton,T \$179.10 smcs; Ward Laboratories \$42.25 smcs; Wastecorp Pumps \$249.86 smcs; Waterlink \$395.00 smcs; Weis Fire \$260.00 smcs; Weldon, Cody

\$179.10 smcs; Wesco \$527.92 smcs; Whaley,S \$60.90 smcs; Whipkey,N \$60.90 smcs; Wicks Sterling Trucks \$842.91 smcs; Williams,M \$115.70 smcs; Wilson,M \$50.14 smcs; Wolfe,B \$60.90 smcs; WPCI \$239.00 smcs; WPSG \$876.97 smcs; Yound,M \$179.10 smcs; Zabel,A \$60.90 smcs; Zimmerman Printing \$281.75 smcs; Zoro Tools \$762.15 smcs; Payroll Ending 11/10/2018 -- \$452,763.89. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set December 11, 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 D-122826 liquor license application and manager application for Tina Krings submitted by Casey's Retail Company dba Casey's General Store #2711 located at 607 West 39th Street.

5. Adopt Resolution No. 2018-174 approving the recommendation submitted by the Fire Chief to include the following as a member of the Kearney Volunteer Fire Department: Tanner Ryan.

RESOLUTION NO. 2018-174

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded a name of an individual desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said person listed is fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the person recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as member of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2018.

ATTEST:
LAUREN BRANDT
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 Application submitted by Buffalo County Community Partners to close the two parking stalls located along the east side of A Avenue, directly in front of Kitt's Coffee Bar located at 110 East North Railroad Street on Thursday, December 6, 2018.
7. Approve the application for deferral of special assessments submitted by Arram Equities, Inc. with regard to Paving Improvement District No. 2014-970, Water District No. 2014-574, Sanitary Sewer District No. 2014-512 and Sidewalk Easement Agreement.
8. Adopt Resolution No. 2018-175 approving Change Order No. 1 showing a decrease in the amount of \$17,260.00, Application and Certificate for Payment No. 1-Final in the amount of \$160,343.00, and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the 2018 Part 1 Improvements (Bid A) consisting of Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue.

RESOLUTION NO. 2018-175

WHEREAS, Midlands Contracting, LLC (Bid A) has performed services in connection with 2018 Part 1 Improvements, Bid A, consisting of Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue, 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 \$17,260.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$160,343.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$177,603.00
Change Order #1 (11-27-2018)	- <u>17,260.00</u>
Contract Sum To Date	160,343.00
Gross Amount Due	160,343.00
Retainage (0%)	0.00
Amount Due to Date	160,343.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$160,343.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 30, 2018 as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 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 27TH DAY OF NOVEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2018-176 approving Change Order No. 1 showing an increase in the amount of \$7,790.00, Change Order No. 2 showing decrease in the amount of \$79,435.80, Application and Certificate for Payment No. 4-Final in the amount of \$135,208.65, and accept the Certificate of Substantial Completion 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. 2018-176

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 Change Order No. 1 showing an increase to the contract sum in the amount of \$7,790.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, The Diamond Engineering Co. and Olsson Associates have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$79,435.80 as shown on Exhibit "B" attached hereto and made a part hereof by reference; and

WHEREAS, The Diamond Engineering Co. and Olsson Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$135,208.65 as shown on Exhibit "C" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,127,674.65
Change Order #1 (11-27-2018)	+ \$7,790.00
Change Order #2 (11-27-2018)	- <u>\$79,435.80</u>
Contract Sum To Date	1,056,028.85
Gross Amount Due	1,056,028.85
Retainage (0%)	- <u>0.0</u>
Amount Due to Date	1,056,028.85
Less Previous Certificates for Payment	- <u>920,820.20</u>
Current Payment Due	\$ 135,208.65

WHEREAS, the September 6, 2018 as shown by Exhibit "D" 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", Change Order No. 2, as shown on Exhibit "B", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "C" and the Certificate of Substantial Completion as shown on Exhibit "D" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8296 REPEALS ORDINANCE NO. 8288

Council Member Lear introduced Ordinance No. 8296 repealing Ordinance No. 8288 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, 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. 8296. 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 No. 8296 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 Buschkoetter seconded by Clouse that Ordinance No. 8296 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. 8296 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. 8297 ISSUANCE OF PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS

Mayor Clouse opened for discussion the issuance of Public Safety Equipment Tax Anticipation Bonds of the City of Kearney, Nebraska, in the principal amount of

\$355,000 for the purpose of paying the cost of purchasing a new traffic signal emergency response vehicle detection system along with miscellaneous costs associated therewith related; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser and to consider Ordinance No. 8297.

Bruce Lefler from Ameritas presented this matter to the Council. The payoff date for these bonds is December 15, 2019 through December 15, 2033. The total cost of borrowing will be 3.467%; all of the bonds were placed locally.

Council Member Clouse introduced Ordinance No. 8297 authorizing the issuance of Public Safety Equipment Tax Anticipation Bonds of the City of Kearney, Nebraska, in the principal amount of \$355,000 for the purpose of paying the cost of purchasing a new traffic signal emergency response vehicle detection system along with miscellaneous costs associated therewith related; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules for Ordinance No. 8297. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, 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. City Clerk read Ordinance No. 8297 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 Lammers seconded by Nikkila that Ordinance No. 8297 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. 8297 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.

VII. REPORTS

Council Members presented a plaque to Council Member Lammers recognizing his twelve years of service on the City Council and each council member spoke about Council Member Lammer's term and service. Council Member Lammers gave a brief speech acknowledging and thanking various parties for all of the accomplishments the City of Kearney has made during his twelve years of service.

VIII. ADJOURN

Moved by Lammers seconded by Nikkila that Council adjourn at 5:44 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**