

Kearney, Nebraska
December 11, 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 December 11, 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, and Jonathan Nikkila. Absent: None. Also present was incoming Council Member Tami James Moore. Michael Morgan, City Manager; Michael Tye, City Attorney; Peggy Eynetich, Deputy City Clerk, 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: Ryan Boyd from KGFW and Mike Konz from the Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor John Watson provided the Invocation.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troops 158 and one Boy Scout from Troop 366 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.

APPROVE MINUTES

Moved by Nikkila seconded by Lear that the Minutes of Regular Council Meeting of November 27, 2018, and the Minutes of the Kearney Area Solid Waste Agency Meeting of September 11, 2018 be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Motion carried.

CERTIFICATE OF VOTE

City Clerk read the following Certificate of Vote from the November 6, 2018 General Election for Kearney City Council by the Buffalo County Election Commissioner's Office:

Randy Buschkoetter	5,780
Tami James Moore	5,260
Marion McDermott	4,858

Lisa Poff
Buffalo County Election Commissioner's Office

Moved by Lear seconded by Buschkoetter to accept the Certificate of Vote from the Buffalo County Election Commissioner's Office. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Motion carried.

ADMINISTER THE OATH OF OFFICE

City Clerk administered the Oath of Office to Council Members Randy Buschkoetter and Tami James Moore.

NOMINATION FOR PRESIDENT/MAYOR

City Clerk stated that nominations would be received for President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Council Member Buschkoetter nominated Stanley Clouse for this position and Council Member Lear seconded the nomination. Hearing no other nominations, nominations were closed. Stanley Clouse was nominated President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Roll call for those in favor of Stanley Clouse for President of the Council: Buschkoetter, Lear, Nikkila, Moore. Clouse abstained. City Clerk stated the ayes have it and Stanley Clouse is elected President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency.

NOMINATION FOR VICE-PRESIDENT

Mayor Clouse stated that nominations would be received for Vice-President of the Council. Council Member Lear nominated Randy Buschkoetter for this position and Council Member Moore seconded the nomination. Hearing no other nominations, nominations were closed. Randy Buschkoetter was nominated Vice-President of the Council. Roll call for those in favor of Randy Buschkoetter for Vice-President of the Council: Clouse, Lear, Nikkila, Moore. Buschkoetter abstained. Mayor Clouse stated the ayes have it and Randy Buschkoetter is elected Vice-President of the Council.

REAPPOINTMENT OF LAUREN BRANDT AS CITY CLERK

Moved by Buschkoetter seconded by Clouse to reappoint Lauren Brandt as City Clerk. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

PRESENTATION OF RECERTIFICATION AWARD

Mayor Clouse and Council members welcomed Lieutenant Governor, Mike Foley who presented the City of Kearney on the Recertification award through the Nebraska Economic Development Certified Community (EDCC) program.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Mayor Clouse and Council Members recognized the following volunteer firefighters: Jon Schroeder for 5 years of service; Wendy Spencer for 10 years of service, Brad Norton for 15 years of service; Max Gintzler, Trenton Snow for 20 years of service; and Brad Anderson for 25 years of service. Fire Chief Jim Tacha and Assistant Fire Chief Kelly Hardin presented each with Service Awards.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I

Mayor Clouse and Council Members recognized volunteer firefighters Jon Collins, Dillon Davis, Kent Hergott, Keith Musil, Sam Sutherland, Nate Toof and Nick Wendt for completing the Firefighter I Course. Fire Chief Jim Tacha and Assistant Fire Chief Kelly Hardin presented each with a certificate.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE II

Mayor Clouse and Council Members recognized volunteer firefighters Steven Brumbaugh, Bryan Chase, Jeremy Feusner, Anthony Hill, Shane Johnston, Seth Lunbery, Ben Kinnison, Jon Schroeder, Mike Treadway, Todd Walton and Brian Wolfe for completing the Firefighter II Course. Fire Chief Jim Tacha and Assistant Fire Chief Kelly Hardin presented each with a certificate.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONE OF PROPERTY LOCATED AT 1000 EAST 1ST STREET

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Brungardt Engineering, LLC for Bendwager, LLC (Heartland Motor Sports) to rezone from District C-2, Community Commercial District to District C-2/PD, Community Commercial/Planned Development Overlay District for property described as Lot 3, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1000 East 1st Street) and consider Ordinance No. 8298.

Paul Brungardt with Brungardt Engineering presented this matter to the Council. The

proposed property is located at the southeast corner of 1st Street. The site is currently zoned C-2 but needs to be changed to C-2/PD due to a City Code requirement. A little over an acre of development is being proposed for the site; the building will be located on the southwest corner of the property. The site will include the required landscaping, hard surface paving and the front of the building will have brick as required by code. Deviations from code include excluding the 20-foot buffer requirement between residential and commercial developments on the west side of the property due to a driveway being located there; the buffer will remain along the back of the site. Sewer and water service is available for the site. The site is sloped towards the front of the lot where two open dry detention cells are located to collect the storm water that can then dump into the storm sewer. Heartland Motor Sports does not intend to develop the rest of the site any further than the building. The building will be 140 by 75 consisting of a showroom, parts room, shop and warehouse space.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Brungardt Engineering, LLC for Bendwager, LLC (Heartland Motor Sports) and introduced Ordinance No. 8298 rezoning from District C-2, Community Commercial District to District C-2/PD, Community Commercial/Planned Development Overlay District for property described as Lot 3, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1000 East 1st Street) 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8298. 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, Moore Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8298 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8298 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8298 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.

PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 1000 EAST 1ST STREET

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Brungardt Engineering, LLC for Bendwager, LLC (Heartland Motor Sports) for Planned District Development Plan Approval for the construction of Heartland Motor Sports on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1000 East 1st Street) and consider Resolution No. 2018-177.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-177 for Planned District Development Plan Approval for the construction of Heartland Motor Sports on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1000 East 1st Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-177

WHEREAS, Brungardt Engineering, LLC for Bendwager, LLC (Heartland Motor Sports) have applied for Planned District Development Plan Approval for the construction of a new building for Heartland Motor Sports on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1000 East 1st Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Brungardt Engineering, LLC for Bendwager, LLC (Heartland Motor Sports) for Planned District Development Plan Approval for the construction of a new building for Heartland Motor Sports on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3, Abood Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1000 East 1st Street) be approved.

PASSED AND APPROVED THIS 11TH DAY OF DECEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT OF LARSEN AND MORRIS SECOND SUBDIVISION

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Scott Morris, Rochelle Morris, Dennis Larsen Trustee and Connie Larsen Trustee to (1) vacate of all of Iron Road as shown and dedicated on Larsen and Morris Subdivision; AND all of Canal Heights Drive as shown and dedicated on Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8299; (2) vacate all of Lot 1 and all of Lot 9, Block One, Larsen Morris Subdivision AND all of Lot 1, Block Two, Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No.

8300; and (3) the Final Plat and Subdivision Agreement for Larsen and Morris Second Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, formerly known as Lot 1 and Lot 9, Block 1 (to be vacated), and Lot 1, Block 2 (to be vacated), of Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska (West of Country Club Lane and North of the NPPD Tail Race Canal) and consider Resolution No. 2018-178.

Craig Bennett with Miller and Associates presented this matter to the Council. The property is located west of Country Club Lane, south of Fairway Avenue and north of the NPPD Tailrace Canal. The property contains 10.38 acres and is currently zoned as R-1. The Morris' and Larsen's wish to vacate the property and return the property back to an outlot for conservation purposes; no development will occur on the property. The area does contain a retention cell that will remain there. The property will be replatted to Larsen and Morris Second Subdivision.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the applications submitted by Miller & Associates for Scott Morris, Rochelle Morris, Dennis Larsen Trustee and Connie Larsen Trustee and introduced Ordinance No. 8299 vacating all of Iron Road as shown and dedicated on Larsen and Morris Subdivision; AND all of Canal Heights Drive as shown and dedicated on Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska and Ordinance No. 8300 vacating all of Lot 1 and all of Lot 9, Block One, Larsen Morris Subdivision AND all of Lot 1, Block Two, Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8299 and 8300. 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, Moore, 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 Nos. 8299 and 8300 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance Nos. 8299 and 8300 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, 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 Nos. 8299 and 8300 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.

Moved by Moore seconded by Lear to adopt Resolution No. 2018-178 approving the Final Plat and Subdivision Agreement for Larsen and Morris Second Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, formerly known as Lot 1 and Lot 9, Block 1 (to be vacated), and Lot 1, Block 2 (to be vacated), of Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska (West of Country Club Lane and North of the NPPD Tail Race Canal). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2018-178

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Larsen and Morris Second Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, formerly known as Lot 1 and Lot 9, Block 1 (now vacated), and Lot 1, Block 2 (now vacated), and all that part of Iron Road and all that part of Canal Heights Drive (now vacated) of Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Referring to a chiseled hole at the Northwest Corner of the Southwest Quarter of Section 34 and assuming the North line of said Southwest Quarter as bearing S 89°47'41" E and all bearings contained herein are relative thereto; thence S 89°47'41" E on said North line of the Southwest Quarter a distance of 1053.20 feet to the Northerly extension of the West line of Block 4 of Country Club Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°44'09" W on said Northerly extension and on the West line of Block 4 of Country Club Estates Addition and on the West line of Lot 1 of Morris Addition, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 698.00 feet to the Southwest corner of said Lot 1 of Morris Addition; thence N 89°52'21" E on the South line of said Lot 1 of Morris Addition, a distance of 500.2 feet to the Southeast corner of said Lot 1 of Morris Addition and the ACTUAL POINT OF BEGINNING; thence N 00°16'29" E on the East line of said Lot 1 of Morris Addition a distance of 208.70 feet to a 5/8" rebar with cap; thence Easterly continuing on said East line of Lot 1 of Morris Addition and on a non-tangent curve to the Right having a central angle of 91°44'37", a radius of 50.00 feet, an arc length of 80.06 feet, and a chord bearing of N 76°46'52" E a distance of 71.78 feet to a 5/8" rebar; thence Southeasterly, continuing on said East line of Lot 1 of Morris Addition and the South line of Fairway Avenue as platted in said Country Club Estates Addition, on a non-tangent curve to the Left having a central angle of 14°51'33", a radius of 752.15 feet, an arc length of 195.06 feet, and a chord bearing of S 55°07'18" E a distance of 194.52 feet to a 5/8" rebar with cap on the centerline of Iron Road (now vacated) as platted in said Country Club Estates Addition and on the South line of said Fairway Avenue; thence Southerly on said centerline of Iron Road (now vacated) and on a non-tangent curve to the Left, having a central angle of 02°56'08", a radius of 3144.28 feet, an arc length of 161.10 feet, and a chord bearing of S 04°54'20" W a distance of 161.08

feet to a 5/8" rebar with cap; thence S 86°33'44" E perpendicular to said Centerline of Iron Road (now vacated) a distance of 30.00 feet to a 5/8" rebar at the Southwest corner of Lot 8, Block 1 of Larsen and Morris Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 55°00'13" E on the Southerly line of said Lot 8, Block 1 a distance of 200.66 feet to a 5/8" rebar at the Southwest corner of Lot 7, of said Block 1; thence N 56°56'34" E on the Southerly line of said Lot 7, Block 1 a distance of 105.97 feet to a 5/8" rebar at the Southwest corner of Lot 6, of said Block 1; thence S 51°12'07" E on the South line of said Lot 6 and Lot 5, of said Block 1 a distance of 159.64 feet to a 5/8" rebar at the Southeast corner of said Lot 5, Block 1; thence S 33°09'45" E on the Westerly line of Lot 3 and Lot 2, of said Block 1 a distance of 216.49 feet to a 5/8" rebar with cap on the Southwest corner of said Lot 2, Block 1; thence S 89°28'21" E on the South line of said Lot 2, Block 1 a distance of 130.10 feet to a 5/8" rebar at the Southeast corner of said Lot 2, Block 1 on the West line of Country Club Lane as platted in said Country Club Estates Addition; thence S00°33'51" W a distance of 258.77 feet on said West line of Country Club Lane to a 5/8" rebar with cap; thence Southerly continuing on said West line of Country Club Lane and on a non-tangent curve Right having a central angle of 08°59'04", a radius of 583.78 feet, an arc length of 91.54 feet, and a chord bearing of S 04°17'47" W a distance of 91.45 feet to a 5/8" rebar on the North line of the Kearney Canal Right of Way; thence N 25°32'17" W on said North line of the Kearney Canal Right of Way a distance of 41.47 feet to a 5/8" rebar; thence N 44°49'36" W continuing on said North line of the Kearney Canal Right of Way a distance of 193.16 feet to a 5/8" rebar; thence N 86°00'39" W continuing on said North line of the Kearney Canal Right of Way a distance of 120.08 feet to a 5/8" rebar; thence S 44°05'33" W continuing on said North line of the Kearney Canal Right of Way a distance of 93.61 feet to a 5/8" rebar on the North line of Westridge Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated); thence N 89°39'00" W on said North line of Westridge Estates Addition (now vacated) a distance of 224.73 feet to a 5/8" rebar at the Northeast corner of Canal Heights Drive (now vacated) as platted in said Larsen and Morris Subdivision; thence S 00°15'28" W on the East line of said Canal Heights Drive(now vacated) a distance of 29.81 feet to a 5/8" rebar with cap at the centerline of said Canal Heights Drive (now vacated); thence N 89°48'39" W on said centerline of Canal Heights Drive (now vacated) a distance of 302.63 feet to a 5/8" rebar with cap on the Southerly extension of the East line of Highland Park Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°16'29" E on said Southerly extension and on the East line of said Highland Park Addition a distance of 650.00 feet to the Point of Beginning, containing 10.38 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF DECEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 27, 2018.

2. Approve the following Claims:

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

Alfred Benesch \$110,018.36 co; Ally B Designs \$600.00 smcs; American First Aid \$326.63 smcs; Andalo,N \$7.34 smcs; Arch \$75,000.00 smcs; Ask Supply \$1,420.14 smcs; Aurora Coop \$54.72 smcs; Baker & Taylor \$4,894.55 smcs; Bamford \$250.00 smcs; Barco Municipal \$265.45 smcs; Becker,G \$42.00 smcs; Bells Construction \$150.00 co; Binderup,R \$862.00 co; Blackstone Audio Books \$558.99 smcs; Blessing \$5,900.00 smcs; BlueCross/BlueShield \$51,395.51 smcs;Books Galore \$10,953.04 smcs; Bosselman \$18,669.03 smcs; Brabec,R \$25.96 smcs; Braswell,S \$42.61 smcs; Broadfoot's \$135.00 smcs; Buffalo Co Treasurer \$1,736.58 smcs; Buffalo Co Attorney \$18,750.00 smcs; Buffalo Co Court \$86.26 ps; Buffalo Outdoor Power \$328.00 smcs; Camera Doctor \$285.00 smcs; Capstone Press \$93.95 smcs; Cash-Wa \$932.13 smcs; Central NE Bobcat \$2,252.06 smcs; Chesterman \$132.00 smcs; Chief Supply \$196.41 smcs; Christensen,C \$188.00 smcs; Churchill,A \$40.00 smcs; CIGNA \$7,302.86 smcs; City of Ky \$560,723.03 smcs,co; City of Ky-CRA \$19,012.40 smcs; City Plumbing \$70.00 smcs; Civic Plus \$7,000.00 smcs; Community Health Charities \$27.00 ps; Consolidated Mgmt. \$699.50 smcs; Country Partners \$17,196.30 smcs; Credit Mgmt. \$94.36 ps; Cullen,M \$22.73 smcs; Cummins \$590.03 smcs; Depository Trust Co \$37,498.75 ds; Diamond Engineering \$135,208.65 co; DPC Industries \$18,000.00 smcs; Eakes \$590.71 smcs; Elliott Equipment \$5,565.65 smcs; Frontier \$6,651.38 smcs; Gale/Cengage \$341.82 smcs; Gangwish Turf \$58.05 smcs;Goodner,D \$31.00 smcs; HiTech \$320.00 smcs; HM Life Insurance \$48,559.80 smcs; IACP Membership \$1,225.00 smcs; ICMA \$7,186.32 ps; Infogroup \$2,968.00 smcs;IRS \$161,725.53 ps; Jack Lederman \$12.80 smcs; Jack's Uniforms \$603.37 smcs; Johnson Controls \$1,593.14 smcs; Kanopy \$156.00 smcs; Ky Animal Shelter \$7,808.00 smcs; Ky Area United Way \$910.32 ps; Ky Chamber Comm \$1,250.00 smcs; Ky Crete & Block \$357.38 smcs; Ky Noon Rotary \$195.00 smcs; Konica Minolta \$997.57 smcs; Kowalek,G \$160.00 smcs; Lewis,S \$72.13 smcs; Librarica \$907.35 smcs; Magic Cleaning \$7,240.00 smcs; Maline,K \$45.00 smcs; Mason Motors \$1,950.00 smcs; Matheson \$29.60 smcs; Menards \$217.83 smcs; Midlands Contracting \$160,343.00 co;

Midwest Connect \$6,451.84 smcs; Miller & Associates \$15,056.00 co; Moonlight Embroidery \$90.00 smcs; Morris Press \$550.06 smcs; Mostek Electric \$562.93 smcs; Municipal Pipe \$457.96 smcs; Murphy Tractor \$48.57 smcs; NE Assn Airport Officers \$300.00 smcs; NE Aviation Council \$200.00 smcs; NE Child Support \$1,991.97 ps; NE Dept Environmental \$150.00 smcs; NE Dept of Revenue \$75,818.15 ps; NE Municipal Clerks' Assn \$45.00 smcs; Nebraskaland Distributors \$19.60 smcs; Newman Signs \$14,027.21 smcs; Noetzelman,J \$23.54 smcs; Norm's Plumbing \$2,479.75 smcs; Northwestern Energy \$1,997.59 smcs; O'Kee Elevator \$430.44 smcs; Olsson Associates \$1,690.00 smcs; Outdoor Recreation \$1,870.00 co; Paramount \$142.02 smcs; Payflex Systems \$527.00 ps; Penguin Random House \$198.75 smcs; Pep Co. \$150.00 smcs; Power DMS \$58.00 smcs; Presto-X \$70.00 smcs; Qisoft \$1,562.00 smcs; Racer,E \$25.00 smcs; Rawert,L \$46.38 smcs; Recorded Books \$359.55 smcs; Rest & Relaxation Tours \$15,105.00 smcs; Rockit \$2,400.00 smcs; Rosenthal,B \$100.28 smcs; Rossen,M \$52.34 smcs; S&B Heating \$99.00 smcs; S&P Rentals \$687.17 smcs; Salchow,C \$6.02 smcs; Schendt,C \$43.70 smcs; Schnacker,M \$178.11 smcs; School District #7 \$4,594.60 smcs; Schroer,J \$355.00 smcs; Sedlacek,J \$227.74 smcs; See Clear Cleaning \$2,050.00 smcs; Silverstone Group \$4,860.00 smcs; SOS Portable Toilets \$235.00 smcs; Southern Glaziers \$667.00 smcs; Steinbrink Landscaping \$5,120.00 smcs; Sunset Law Enforcement \$770.69 smcs; Takeuchi,M \$128.65 smcs; Todco \$5,575.00 smcs; Tri Cities Group \$965.00 smcs; Turner Body Shop \$100.00 smcs; Tye & Rowling \$13,704.68 smcs; Union Bank & Trust \$83,151.27 ps; US Postal Service \$120.00 smcs; Village Uniform \$311.46 smcs; Walgreen's \$8,160.00 ps; Watson,T \$146.20 smcs; Payroll Ending 11/24/2018 -- \$478,715.61; Longevity Pay for 2017 -- \$64,315.16. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for David Holl submitted by Level 5, LLC dba Country Inn and Suites located at 105 Talmadge Street in connection with their Class I-104047 liquor license.
4. Accept the bids received for the purchase of a 2019 10-cubic yard dump truck, snow plow and snow plow hitch to be used by the Public Works Department and award the bid to Wick's Trucks, Inc. in the amount of \$171,529.00.
5. Adopt Resolution No. 2018-179 approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

RESOLUTION NO. 2018-179

WHEREAS, the "Policy Manual for the Kearney Public Library and Information Center" of the Kearney Public Library and Information Center was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012, April 13, 2015 and again on May 23, 2017 the Council approved the revised policy by Resolution Nos. 2012-59, 2015-74 and 2017-85 respectively; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2015 by Resolution No. 2015-74 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 11TH DAY OF DECEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2018-180 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 3 and 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-180

WHEREAS, on the 10th day of March, 2015 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2015-47 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Oak Park Development, LLC, a Nebraska Limited Liability Company to construct paving, water, sanitary sewer, and storm sewer for Lots 3 and 4, Oak Park Center, 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 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 Lots 3 and 4, Oak Park Center, 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 11TH DAY OF DECEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2018-181 appointing the terms vacated by Christy Fitzgerald and Tami James Moore on the Planning Commission.

8. Accept the bids received for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line and adopt Resolution No. 2018-182 awarding the bid to GD Concrete Construction Inc. in the amount of \$358,550.00.

RESOLUTION NO. 2018-182

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on December 4, 2018 at 2:00 p.m. for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$534,225.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by GD Concrete Construction, Inc. of Overton, Nebraska in the amount of \$358,550.00 be accepted as the lowest responsible bid for CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that GD Concrete Construction, Inc. be and is the lowest responsible bidder for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of GD Concrete Construction, Inc. in the amount of \$358,550.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$534,225.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is 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 11TH DAY OF DECEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Accept the bids received for the Cemetery Irrigation Pumping Station and award the bid to Mueller Sprinklers in the amount of \$81,722.00.

10. Adopt Resolution No. 2018-183 to remove parking on the north side of 19th Street beginning approximately 170 feet west of 1st Avenue and continuing west to approximately 210 feet west of 1st Avenue.

RESOLUTION NO. 2018-183

WHEREAS, Jim Weber, President, Sandhill Plastics, Inc., located at 119 West 19th Street, has submitted a written request to the City of Kearney to eliminate parking on the north side of 19th Street, from 1st Avenue to 2nd Avenue;

WHEREAS, the Development Services Department, Public Works Department and the Police Department have reviewed the request and recommended to designate “No Parking” from the north side of 19th Street beginning approximately 170 feet west of 1st Avenue and continuing west to approximately 210 feet west of 1st Avenue at any time.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the north side of 19th Street beginning approximately 170 feet west of 1st Avenue and continuing west to approximately 210 feet west of 1st Avenue be and is hereby designated as “No Parking” at any time.

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating these areas as directed by this Resolution.

PASSED AND APPROVED THIS 11TH DAY OF DECEMBER, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8301 GRANTING A NON-EXCLUSIVE FRANCHISE AGREEMENT TO NEBRASKALINK HOLDINGS

Council Member Buschkoetter introduced Ordinance No. 8301 granting a non-exclusive franchise agreement to NebraskaLink Holdings to install, operate, maintain or otherwise locate telecommunication facilities on certain poles that are maintained as part of Kearney’s electrical system with Nebraska Public Power District within the City of Kearney in accordance with the terms, conditions and provisions of Article 28 “Telecommunications” of Chapter 3 “Business Regulations” of the Code of the City of Kearney, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8301. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8301 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by

number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8301 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8301 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

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$89,606.22 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Mike Tye, City Attorney, Council Members and Michael Morgan, City Manager welcomed Tami James Moore to City Council.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:06 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**