

*Kearney, Nebraska
April 9, 2019
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:37 p.m. on April 9, 2019 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council and Bruce Lear. 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; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director and Dan Lillis, Engineering Assistant II were also present. Members of the media present included: Mike Konz with the Hub and Ryan Boyd with KGFW. Several members of the Kearney Police Department and Buffalo County Sheriff's Department were also in attendance.

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.

PRESENTATION OF COLORS BY THE KEARNEY POLICE DEPARTMENT HONOR GUARD AND PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including: Sergeant Jared Small, Sergeant Ryan Ohri, Officer Greg Benson, Officer Tracy Suchsland, and Officer Nathan Dennis, presented and posted the colors. Two Boy Scouts from Troop 158 then led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/RECOGNITION

Recognition Ceremony for Promotion of Police Lieutenant Kevin Thompson and Police Lieutenant Dennis Byrne.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT PLANS FOR 5804 2ND AVENUE

Mayor Clouse opened the public hearing on the application submitted by Brungardt Engineering, LLC for DevMad Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of an addition to the current business building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a Lot 6, Block Two, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM the North 125 feet of Lot 6, AND EXCEPTING THEREFROM all that part of the aforescribed portion of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes (5804 2nd Avenue) and consider Resolution No. 2019-66.

Paul Brungardt of Brungardt Engineering presented this matter to the Council. CMH Interiors recently purchased the old Sears building. The existing building is approximately 6,250 square foot and is proposing an 18,000 square addition onto the back of the building. There will be an approximate 12 foot breezeway between the buildings to alleviate needing firewalls on the building. There is a proposal to put another 4,000 square foot building behind the building in the future although there are no plans to do so at this time. Mr. Brungardt described the infrastructure and landscaping involved with the development.

Vice-President Buschkoetter stated that because of the 12 foot breezeway, the two buildings are not connected and the new building would be a free standing building. Mr. Brungardt stated that was correct. Vice-President then asked if anything would be covering the breezeway. Mr. Brungardt stated there will be an enclosure that includes coverage on top with fire assemblies on both sides for protection.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2019-66 approving the application submitted by Brungardt Engineering, LLC for DevMad Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of an addition to the current business building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a Lot 6, Block Two, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM the North 125 feet of Lot 6, AND EXCEPTING THEREFROM all that part of the aforescribed portion of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes (5804 2nd Avenue). Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Moore. Nay: None. Clouse and Lear Absent. Motion carried.

RESOLUTION NO. 2019-66

WHEREAS, Brungardt Engineering, LLC for DevMad Properties, LLC has applied for Revised Planned District Development Plan Approval for the proposed of an addition to the current business building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 6, Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM the North 125 feet of Lot 6, AND EXCEPTING THEREFROM all that part the aforescribed portion of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the application of Brungardt Engineering, LLC for DevMad Properties, LLC for Revised Planned District Development Plan Approval for the proposed of an addition to the current business building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 6, Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM the North 125 feet of Lot 6, AND EXCEPTING THEREFROM all that part the aforescribed portion of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 2nd Avenue) be approved.

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

REZONING OF PROPERTY LOCATED EAST OF IMPERIAL ROAD AND APPROXIMATELY 1,300 FEET NORTH OF HIGHWAY 30

Public Hearing 2 pertains to the application submitted by Miller & Associates for DS Farms, a Nebraska Partnership to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,300 feet North of Highway 30) and consider Ordinance No. 8334.

However, due to not having a super majority in attendance of the meeting, it was moved by Moore seconded by Buschkoetter that Public Hearings 2 and 3 be postponed to the April 23, 2019 agenda. Clerk called roll which resulted as follows: Aye Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR DWAYNE SECOND SUBDIVISION

Public Hearing 3 pertains to the application submitted by Miller & Associates for DS Farms, a Nebraska Partnership for the Final Plat and Subdivision Agreement for

Dwayne Second Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,300 feet North of Highway 30) and consider Resolution No. 2019-67.

However, due to not having a super majority in attendance of the meeting, it was moved by Moore seconded by Buschkoetter that Public Hearings 2 and 3 be postponed to the April 23, 2019 agenda. Clerk called roll which resulted as follows: Aye Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

IV. CONSENT AGENDA

Vice-President Buschkoetter stated the Consent Agenda was amended on Monday, April 8, 2019 by amending Item No. 7 to clarify contract language and authorization described in Resolution No. 2019-68, now 2019-68A.

Moved by Buschkoetter seconded by Nikkila that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse and Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held March 26, 2019 and Minutes of Special Meeting March 27, 2019.

2. Approve the following Claims:

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

Acushnet \$15,701.03 smcs; Adventure Enterprises \$845.00 smcs; Alberts,K \$696.00 smcs; Alfred Benesch \$313.68 co; Altec Industries \$2,379.65 smcs; Amazon \$1,735.04 smcs; American Lift & Sign Serv. \$1,297.44 smcs; Ask Supply \$639.69 smcs; Assoc. of Threat Pros. \$125.00 smcs; Aurora Coop \$107.04 smcs; Baker & Taylor \$4,108.57 smcs; Bartling,C \$100.00 smcs; Benson,G \$69.80 smcs; Berkely,A \$8.74 smcs; Blackstone Publishing \$353.72 smcs; Blackstrap Inc. \$27,417.83 smcs; Blessing \$1,510.08 smcs; Bloucher,J \$800.00 smcs; BlueCross/BlueShield \$40,412.71 smcs; Bomberger,M \$24.16 smcs; Bosselman \$20,275.82 smcs; Bridgett Lavene Consult. \$5,833.00 smcs; Buffalo Co Sheriff \$168,387.75 smcs; Buffalo Co.-Reg of Deeds \$154.00 smcs; Builders \$38.27 smcs; Carquest \$21.75 smcs; Cash-Wa \$533.20 smcs; Caudillo,J \$69.80 smcs; Center Point Publishing \$75.96 smcs; Central NE Polygraph \$500.00 smcs; Chesterman Co. \$217.35 smcs; Chief Supply \$39.44 smcs; Christensen,C \$180.00 smcs; Cigna \$7,428.25 smcs; City of Kearney \$2,262.78 smcs; Cleveland,J \$14.25 smcs; Clinch Enterprises \$218.77 smcs; Commonwealth Electric \$1,592.00 smcs; Consolidated Management \$43.70 smcs; Cummins \$3,494.16 smcs; D & M Security \$70.50 smcs; Depository Trust Co. \$14,008.75 smcs; DPC Industries

\$6,202.03 smcs; Eagle Distributing \$1,900.10 smcs; Eakes \$553.69 smcs; Edington, L \$180.00 smcs; Emblem Authority \$440.00 smcs; Engineered Controls \$3,890.00 smcs; Family Advocacy Network \$342.00 smcs; Fedex \$124.57 smcs; Felsburg Holt & Ullevig \$4,777.50 smcs; Fish, J \$39.96 smcs; Flinn Paving \$4,381.98 smcs; Fore Love of the Game \$349.05 smcs; Fox Creek Development \$122,507.93 co; Frontier \$201.73 smcs; Fullerton, B \$50.10 smcs; Gale \$6,482.81 smcs; Graczyk Lawn \$4,276.13 smcs; Granicus \$5,450.76 smcs; Hernandez, Amanda & Aaron \$257.12 smcs; HM Life Insurance Co. \$55,158.50 smcs; HOA Solutions \$570.75 smcs; Jack's Uniforms \$2,235.62 smcs; J-Spot Services \$110.00 smcs; Kaul, R \$831.71 smcs; Kearney Hub \$124.00 smcs; Kelly's Sales \$2,685.00 smcs; Konica Minolta \$944.52 smcs; Kyser, Cheryl \$24.19 smcs; Langenberg Melissa \$48.01 smcs; Library Ideas \$7,725.00 smcs; Linner, A \$31.00 smcs; Magic Cleaning \$5,500.00 smcs; McCarty, D \$100.00 smcs; Midwest Connect \$4,160.40 smcs; Miller & Associates \$900.00 smcs; Miller Signs \$1,400.00 co; Miller, S \$36.36 smcs; Moonlight Embroidery \$314.40 smcs; Murphy Tractor & Equip. \$651.69 smcs; NE Public Health \$2,268.00 smcs; NE Safety & Fire Equip. \$2,050.00 smcs; Ne Society of CPA's \$155.00 smcs; Nebraskaland Distributors \$2,112.70 smcs; Northwestern Energy \$6,219.31 smcs; Oak Creek Engineering \$3,470.00 co; Odeys Inc. \$16,906.96 smcs; O'Keefe Elevator \$549.65 smcs; Olsson Associates \$4,550.00 co; Paramount Linen \$148.16 smcs; Payflex \$12.75 smcs; Penguin Random House \$55.00 smcs; Platte Valley Auto \$25,750.00 smcs; Power DMS \$651.29 smcs; Presto-X \$236.00 smcs; Provantage Corporation \$14,900.00 co; Recorded Books \$127.17 smcs; Reiber, A \$23.64 smcs; Reyes, H \$3.06 smcs; Reynolds-Lewis, B \$273.00 smcs; Rheome Tree \$990.00 smcs; Roesler, A \$43.17 smcs; Russel's Appliance \$190.31 smcs; Schroer, J \$235.00 smcs; Schumacher Bros. Fence. \$1,200.00 smcs; Schutte, O \$31.00 smcs; Schwarz, G \$127.00 smcs; See Clear Cleaning \$350.00 smcs; Sneff, K \$45.17 smcs; Solid Rock \$15.00 smcs; SOS Portable Toilets \$220.00 smcs; Spangler, M \$85.00 smcs; Strategic Materials \$482.18 smcs; Task Lighting \$85.91 smcs; Trausch, A \$69.80 smcs; Travel Insured International \$4,437.00 smcs; Tri-Cities Group \$461.48 smcs; Tucker, Delmar \$46.30 smcs; Tye & Rowling, PC \$13,725.08 smcs; Union Bank & Trust \$166,636.00 smcs; UPS Supply Chain Solution \$41.85 co; USA Outdoor \$3,880.00 smcs; Verizon \$40.01 smcs; Village Uniform \$309.12 smcs; Waggoner Plumbing \$879.00 smcs; Warrington, D \$75.68 smcs; Wessels, W \$93.38 smcs; West Villa Animal Hospital \$349.89 smcs; Payroll Ending 03/30/2019 -- \$460,155.05. 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 Cody Rutan submitted by Hi-Brand Kearney LLC dba Old Chicago located at 115 South 2nd Avenue in connection with their Class IK-066969 liquor license.

4. Approve the Special Event Permit Applications to conduct the following:

a) Nebraska Kidney Association on behalf of Share A Spare Color Run 2019 to temporarily close the northbound lane of East 1st Street from The Archway Parking Lot (located west of the building) to Avenue M and Avenue M from East 1st Street to the east Hike & Bike Trail entrance on Saturday, April 27, 2019 from 8:00 a.m. to 12:00 p.m.;

- b) Special Olympics for the Law Enforcement Torch Run to temporarily close Central Avenue (northbound lane) from East 16th Street to the Museum of Nebraska Art parking lot entrance and the north half of the Museum of Nebraska Art parking lot on Monday, May 20, 2019 from 3:30 p.m. to 7:00 p.m.;
- c) Rockin' on the Bricks Concert Series on behalf Downtown Kearney to temporarily close Central Avenue from the half block of Central Avenue between 25th Street and 24th Street to 23rd Street from 5:00 p.m. to 10:30 p.m. on June 6, June 20, July 18 and August 1, 2019 in conjunction with the Kearney Night Market;
- d) Kearney Night Market to temporarily close 24th Street from 2nd Avenue to Central Avenue on June 6, 20; July 11, 18 and 25; August 1, 15 and 29, 2019 from 5:00 p.m. to 10:00 p.m.;
- e) Buffalo County Stampede 5K, 10K & Half Marathon to temporarily close portions of 11th Street, Yanney Avenue, 15th Avenue, Central Avenue, 16th Street, H Avenue, 22nd Street, North Railroad Street and Plaza Boulevard on Sunday, June 9, 2019 from 5:00 a.m. until 12:00 p.m.;
- f) Community Olympiad 5K Run/Walk to temporarily use portions of A Avenue, 27th Street, I Avenue, Tabor Place, 34th Street, G Avenue, 33rd Street and H Avenue on Saturday, June 29, 2019 from 7:30 a.m. until 9:30 a.m.; and
- g) Amy Graham to temporarily close the alley connecting 5th Avenue to 6th Avenue between 26th Street and 27th Street on Saturday, September 7, 2019 from 4:00 p.m. to 9:00 p.m. for a wedding.

5. Approve the Plans and Specifications for the Citywide Storage Facility South Wall Replacement on the Kearney Regional Airport South Hangar and set the bid opening date for May 7, 2019 at 2:00 p.m.

6. Approve Resolution No. 2019-63 declaring all future special assessments of the following districts and tracts of land delinquent:

- a) Virginia Huber (Paving District Nos. 2012-957, 2012-959, 2012-960) – Lots 1, 2, 3 and 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska.
- b) Sharon Schroeder, dba Platte Valley Glass (Paving District No. 2015-975) – Lots 42 and 43, Riverside Addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-63

WHEREAS, certain Water Districts, Sewer Districts and Paving Districts have been properly created within the City of Kearney, Nebraska, by order of the City Council; and

WHEREAS, the City Council has, in a legal and proper manner, levied assessments according to benefits against the respective properties lying within said districts; and

WHEREAS, the below-listed owners of said property have failed to make timely payment of said special assessments and allowed the assessments to become delinquent and unpaid for a total of three (3) or more installments.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the President, Vice-President and City Council, in accordance with Neb. Rev. Stat. §16-622 and §16-669, do hereby declare all future installments on the following delinquent properties, all located in the City of Kearney, Buffalo County, Nebraska, to be due on May 10, 2019; that after May 10, 2019, such

future installment(s) shall be deemed to be delinquent and interest shall accrue at a rate of fourteen percent (14%) on all delinquent sums after that date:

Record Title and Property Owner	Delinquent Principal Due	Interest to 5/10/2019	Delinquent Total Due as of 5/10/2019	Additional Principal Due on or After 5/10/2019
<u>Virginia Huber</u> Lot 1, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2012-957</i>	\$4,669.14	\$1,832.66	\$6,501.80	\$9,338.23
<u>Virginia Huber</u> Lot 1, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2012-959</i>	\$7,488.42	\$2,939.09	\$10,427.51	\$14,976.79
<u>Virginia Huber</u> Lot 2, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2012-957</i>	\$4,669.14	\$1,832.66	\$6,501.80	\$9,338.23
<u>Virginia Huber</u> Lot 2, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2012-960</i>	\$6,605.79	\$2,592.83	\$9,198.62	\$13,211.58
<u>Virginia Huber</u> Lot 3, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2012-960</i>	\$4,560.18	\$1,789.77	\$6,349.95	\$9,120.29
<u>Virginia Huber</u> Lot 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2012-959</i>	\$9,152.52	\$3,592.25	\$12,744.77	\$18,304.96
<u>Sharon Schroeder, dba Platte Valley Glass</u> Lot 42, Riverside Addition to the City of Kearney, Buffalo County, Nebraska <i>Paving District No. 2015-975</i>	\$637.50	\$176.04	\$813.54	\$1,487.50
<u>Sharon Schroeder, dba Platte Valley Glass</u> Lot 43, Riverside Addition to the City of Kearney, Buffalo County, Nebraska <i>Paving District No. 2015-975</i>	\$892.50	\$246.39	\$1,138.89	\$2,082.50

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. ADDENDUM ITEM. Adopt Resolution No. 2019-68A authorizing the amendment to the Blue Cross Blue Shield administrative contract adding retiree health insurance coverage (resolution amended to clarify contract language and authorization).

RESOLUTION NO. 2019-68A

WHEREAS, until March 2017 the City of Kearney allowed employees age 62, with 20 years of service, to remain on the City’s health insurance program until the employee turned 65 and the employee paid 100% of the cost;

WHEREAS, the City eliminated this benefit in 2017 as new federal legislation created a viable alternative in the private market for retirees to purchase affordable health insurance;

WHEREAS, at the present time only one non-group health insurance program remains available for an employee to purchase from with the cost doubling from what the City’s insurance plan costs resulting in non-affordable health insurance for employees evaluating retirement;

WHEREAS, after evaluation, City staff is proposing restoring the retiree health insurance option.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute and sign any and all agreements, contracts or other memoranda pertaining to retiree health insurance benefits including dependent eligibility and cost.

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHKOETTER
VICE-PRESIDENT OF THE COUNCIL

- 8. Adopt Resolution No. 2019-69 appointing the terms vacated by David Wright on the Kearney Housing Agency and Marty Madden on the Board of Adjustment.

RESOLUTION NO. 2019-69

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval;

WHEREAS, one vacancy currently exists on the Board of Adjustment; and

WHEREAS, one vacancy currently exists on the Kearney Housing Agency.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as proposed by the Mayor of the City of Kearney, Nebraska, is hereby appointed to fulfill the vacated terms as indicated:

BOARD OF ADJUSTMENT

Kevin Duncan appointed to fulfill the term vacated by Marty Madden to July 31, 2019.

KEARNEY HOUSING AGENCY

Candi Wolfe appointed to fulfill the term vacated by David Wright to July 31, 2020.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2019.

ATTEST:

RANDY BUSCHKOETTER

LAUREN BRANDT
CITY CLERK

VICE-PRESIDENT OF THE COUNCIL

- 9.** Approve the applications for a Special Designated License submitted by Thirsty Travelers, LLC dba McCue's Nebraska Taproom in connection with their CG-122435 liquor license to dispense alcoholic liquor as follows:
- a) Dispense non-wholesale alcoholic liquor inside McCue's Nebraska Taproom located at 2008 A Avenue on Wednesday, April 24, 2019 from 2:00 p.m. until 11:00 p.m. for a taproom takeover event; and
 - b) In an 400' x 175' outdoor fenced area located at University Village located at 2201 University Drive on Friday, April 26, 2019 from 3:00 p.m. to 11:00 p.m. for a University Event.
- 10.** Approve the application submitted by Werner Construction, Inc. for Kappas Enterprises, to extend Conditional Use Permit No. 2018-02 to locate and operate a sand and gravel pumping operation and temporary batch plant located at 335 Cherry Avenue for a period of two years.
- 11.** Accept the bids received for the 2019 Part 2 Improvements for construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998 and adopt Resolution No. 2019-70 awarding the bid to Blessing, LLC the amount of \$1,203,346.00.

RESOLUTION NO. 2019-70

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 19, 2019 at 2:00 p.m. for 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$1,244,247.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Blessing, LLC of Kearney, Nebraska in the amount of \$1,203,346.00 be accepted as the lowest responsible bid for 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Blessing, LLC be and is the lowest responsible bidder for the 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing, LLC in the amount of \$1,203,346.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$1,244,247.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President or Vice-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 9TH DAY OF APRIL, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution 2019-71 approving the Real Estate Purchase Agreement between Black Hills Gas Distribution, LLC, a Delaware Limited Liability Company and the City of Kearney for the purchase of a tract of land described as Lot 1, Block 3, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-71

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the "Purchase Agreement between Black Hills Gas Distribution, LLC, a Delaware Limited Liability Company and the City of Kearney" for the purchase of real property which is legally described as: Lot 1, Block 3, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

13. Reject the bids received for 2019 Part 3 Improvements for reconstruction of A Avenue from 25th Street to 27th Street.

14. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:

- a) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 4, 2019 from 3:00 p.m. until 12:00 a.m. for a Reception;
- b) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 4, 2019 from 3:00 p.m. until 12:00 a.m. for a Car Show.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8335 AUTHORIZING THE SALE OF LOT 1, BLOCK 3, PATRIOT INDUSTRIAL PARK

Ordinance No. 8335 sells Lot 1, Block 3, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska to Black Hills Gas Distribution, LLC, a Delaware Limited Liability Company.

However, due to not having a super majority in attendance of the meeting, it was moved by Nikkila seconded by Moore that Ordinance No. 8335 be postponed to the April 23, 2019 agenda. Clerk called roll which resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

ORDINANCE NUMBER 8336 AMENDING CHAPTER 3 OF CITY CODE

Ordinance No. 8336 amends the Kearney City Code by adding a new Article 31 entitled "Small Cell Facilities" to Chapter 3 "Business Regulations" by outlining intent and purpose, definitions, siting and colocation criteria, permitting, design and aesthetic standards, permit conditions, and application fees and rates pertaining to small cell facility infrastructure.

However, due to not having a super majority in attendance of the meeting, it was moved by Nikkila seconded by Moore that Ordinance No. 8336 be postponed to the April 23, 2019 agenda. Clerk called the roll which resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

ORDINANCE NUMBER 8337 AMENDING SECTIONS 8-1515 and 8-1516 OF CITY CODE

Ordinance No. 8337 amends Section 8-1515 "Tobacco; Possession by Minors; Unlawful" and Section 8-1516 "Tobacco; Possession by Minors; Penalty" of Article 15 "General Offenses" of Chapter 8 "Police" of the City Code to add language described in Nebraska Revised State Statutes 28-1418 and 28-1419.

However, due to not having a super majority in attendance of the meeting, it was moved by Nikkila seconded by Moore that Ordinance No. 8337 be postponed to the April 23, 2019 agenda. Clerk called the roll which resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$311.25 payable to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

VII. REPORTS

Council Member Moore stated that she and Council Member Nikkila recently met with the Pioneer Neighborhood Association.

Vice-President Buschkoetter noted the dedication of the Kearney Police Department and what a neat new tradition has started with the promotional ceremony. Council Member Nikkila thanked Chief Waugh for starting the tradition of honoring the Kearney Police Department.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:58 p.m. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse and Lear absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**