

**Kearney, Nebraska**  
**April 23, 2019**  
**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 April 23, 2019 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, Tami James Moore 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; 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. Some members of the audience were Planning Commission members Dave Malone and Rich McGinnis and former City Council member Janice Wiebusch.

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 Brian Klein provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

One Boy Scout from Troop 158 and two Girl Scouts from Troop 670 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.

### **RECOGNITION/ORAL COMMUNICATION**

Mayor Clouse and Council Members recognized longtime serving Planning Commission Member, Jack McSweeney.

Mr. McSweeney thanked the Council and stated that it has been his distinct pleasure and reward to serve the City of Kearney and challenged others in the community to

serve. The City of Kearney has given him a home and provided him with so much.

Mayor Clouse welcomed Savannah Lyon and Ryan Stanton Co-Founder and CEO of Compass and issued a Proclamation for Recognition of the month of May as Foster Care Month.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

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

Moved by Nikkila seconded by Moore to remove Public Hearings 1 and 2 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

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

Mayor Clouse opened the public hearing on 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.

Craig Bennett of Miller and Associates presented this matter to the Council. This subdivision is 4.97 acres and is one lot north of the lot that was platted last month, Dwayne Subdivision. The property will need to be rezoned from District Ag to District M-1; it is consistent with the future land use map which is General Industrial. The lot will be on well and septic.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on 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 introduced Ordinance No. 8334 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8334. 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 No. 8334 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 Lear seconded by Buschkoetter that Ordinance No. 8334 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 No. 8334 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.

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR DWAYNE SECOND SUBDIVISION**

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

Mayor Clouse opened the public hearing on 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.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2019-67 approving 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. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**RESOLUTION NO. 2019-67**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of 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 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 and more particularly described as follows: Referring to a chiseled X at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of Section 26 and assuming the West line of said Northwest Quarter of the Southwest Quarter as bearing S 00°16'33" W and all bearings contained herein are relative thereto; thence S 00°16'33" W on said West line a distance of 33.08 feet to the ACTUAL POINT OF BEGINNING; thence continuing S 00°16'33" W a distance of 313.65 feet to the Northwest corner of Dwayne 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; thence S 89°51'09" E on the North line of said Dwayne Subdivision a distance of 687.85 feet to a 5/8" rebar w/cap; thence N 00°17'20" E a distance of 315.26 feet to a 5/8" rebar w/cap; thence N 89°59'09" W a distance of 687.93 feet to the Point of Beginning, containing 4.97 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 terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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 23RD DAY OF APRIL, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**IV. CONSENT AGENDA**

Moved by Clouse seconded by Nikkila that Subsections 1 through 15 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 April 9, 2019.
2. Approve the following Claims:
  - PS Personnel Services

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

24hourwristbands.com \$89.00 smcs; AAA Rents \$123.60 smcs; Adobe \$29.99 smcs; Advance Auto Parts \$34.37 smcs; Aleph Objects Lulzbot \$222.30 smcs; Alfred Benesch \$1,598.34 co; All City Garage Door \$336.00 smcs; All Make Auto \$987.91 smcs; Allfuses.com \$61.30 smcs; Ally B Designs \$1,650.00 smcs; AM Leonard \$287.86 smcs; Amazon \$8,479.58 smcs, co; America Fence \$223.47 smcs; American \$320.25 smcs; American Button \$223.23 smcs; American Electric \$6,782.00 co; American Flags \$216.14 smcs; American Legion Emblem \$76.77 smcs; American Planning Assn. \$95.00 smcs; Americinn \$112.13 smcs; Anderson,S \$243.50 smcs; Anythingtruck.com \$426.30 smcs; Apple Market \$20.72 smcs; ARC \$176.00 smcs; Ask Supply \$3,890.51 smcs; Aurora Coop \$2,744.12 smcs; Aussie Hydraulics \$64.10 smcs; Auto Value \$949.05 smcs; B&H Photo \$1,027.82 smcs, co; Baker & Taylor \$5,052.93 smcs; Bamford \$1,450.00 smcs; Baum Hydraulics \$71.89 smcs; BCCHP.org \$411.96 smcs; Beacon Athletics \$2,033.00 smcs; Blackstone Audio \$318.99 smcs; Blackstrap \$6,076.64 smcs; Blessing \$16,668.00 smcs; Blick Art \$88.17 smcs; Bluecross Blueshield \$174,222.30 smcs; Bosselman \$65,104.93 smcs; Bpad Group \$450.00 smcs; Brandt,L \$500.00 smcs; BS & K Signs \$288.00 smcs; Bucky's \$20.00 smcs; Buffalo Co. Treasurer \$35.88 smcs; Buffalo Outdoor Power \$7,482.13 smcs, co; Buildasign.com \$253.15 smcs; Builders \$1,558.37 smcs,co; Candy,P \$100.00 smcs; Canva \$359.20 smcs; Carolina Software \$650.00 co; Carquest \$74.90 smcs; Casey's \$164.26 smcs; Cash-Wa \$2,091.95 smcs; Casper/Natrona Co \$600.00 smcs; Caudillo,J \$42.00 smcs; CDW \$1,098.85 smcs; Center Park Garage \$7.50 smcs; Central Fire \$229.50 smcs; Central Hydraulic \$3,666.66 smcs; Central NE Bobcat \$632.99 smcs; Central States Wire \$6,179.34 co; Charter \$790.55 smcs; Chemsearch \$305.00 smcs; Chesterman Co. \$810.80 smcs; Chicago Lawn \$35.20 smcs; Chicken Coop \$91.48 smcs; Chief Supply \$294.37 smcs; CHS Agri Services \$1,133.60 smcs; Cintas \$251.22 smcs; City Glass \$1,537.60 smcs; City of Krny \$60,525.22 smcs, ps; City Plumbing \$131.95 smcs; Clausen, Diana \$50.46 smcs; CNA Insurance \$120.00 smcs; Conoco \$55.64 smcs; Consolidated Management \$34.96 smcs; Constant Contact \$79.00 smcs; Construction Rental \$534.71 smcs; Control Yours \$200.00 smcs; Copycat \$9,343.98 smcs; Core & Main \$2,351.15 smcs; Cricut \$138.43 smcs; Crystal Clean \$900.00 smcs; Culligan \$2,536.51 smcs; Cummins \$1,145.39 smcs; Custom Rental \$152.11 smcs; D & K Products \$11,531.50 smcs; Dahlstedt,M \$190.00 smcs; Danko Emergency \$763.00 smcs; Dan's Plumbing \$70.00 smcs; Data Power \$605.28 smcs; Dawson Public Power \$20,096.70 smcs; Dell Marketing \$2,775.20 smcs; Depository Trust \$83,038.75 ds; Digicert \$945.00 smcs; Disc Magic \$349.95 smcs; Dish \$212.10 smcs; Dog Poop Bags \$261.38 smcs; Dowhy Towing \$200.00 smcs; Dultmeier Sales \$662.00 smcs; Dutton Lainson \$442.61 smcs; Eakes \$2,501.70 smcs; Earthway \$38.00 smcs; Easy Picker Golf Products \$476.03 smcs; Ecolab \$160.52 smcs; Ehrlich \$102.00 smcs; Electric Automation \$193.16 smcs; Elliott Equipment \$8,910.70 smcs; Emblem Authority \$1,081.30 smcs; EMC Insurance \$8,659.57 smcs; Erbsen,S \$26.00 smcs; Eugene T. Mahoney \$141.50 smcs; Eurofins \$1,280.00 smcs; Excal Visual \$109.25 smcs; Expression Wear \$190.00 smcs; Eyemed \$813.36 smcs; Facebook \$23.67 smcs; Family Fresh \$31.21 smcs; Farmers Union \$690.00 smcs; Fastenal \$978.70 smcs; FBI

Nat'l Academy \$55.00 smcs; Fiddelke \$506.77 smcs; Flagpoles \$117.00 smcs; Flinn Paving \$4,399.60 smcs; Focus on the Family \$47.98 smcs; Friesen Cheverlot \$778.23 smcs; Frontier \$6,997.31 smcs; Frontier Precision \$295.00 smcs; Gale \$1,070.21 smcs; Garrett Appliances \$259.95 smcs; Garrett Tires \$807.31 smcs; Graczyk Lawn \$662.20 smcs; Grainger \$1,096.58 smcs; Greater NE Cities \$1,000.00 smcs; Hahn,S \$400.00 smcs; Hilton Hotels \$706.76 smcs; HiTech \$880.00 smcs; Hobby-Lobby \$436.73 smcs; Hockmeier,J \$64.20 smcs; Holmes Supply \$776.72 smcs; Holtz Industries \$332.49 smcs; Hometown Leasing \$159.08 smcs; Hy-Vee \$210.00 smcs; ICMA \$6,160.28 ps; Ingram,C \$145.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$151,794.85 ps; Jack Lederman \$3,147.59 smcs; Jack's Uniform \$126.94 smcs; Jensen,M \$505.17 smcs; Jimenez,Y \$100.00 smcs; Johnstone Supply \$118.53 smcs; Kanopy \$188.00 smcs; Krny Animal Shelter \$7,808.00 smcs; Krny Concrete \$2,140.77 smcs; Krny High School \$274.00 smcs; Krny Hub \$2,700.03 smcs; Krny Power Sports \$110.97 smcs; Krny Quality Sew \$81.95 smcs; Krny Tire \$1,318.10 smcs; Krny Towing \$285.00 smcs; Krny Visitors Bureau \$65,929.68 smcs; Krny Volunteer Fire \$1,500.00 ps; Krny Warehouse \$589.20 smcs; Krny Winlectric \$12,248.84 smcs,co; Kelly Supply \$1,172.66 smcs; Koffler Sales \$128.22 smcs; Konica Minolta \$766.18 smcs; Kussmaul \$576.88 smcs; Landmark Implement \$16,441.18 smcs, co; Laser Fulfillment \$321.95 smcs; Laskowski,V \$145.00 smcs; Lawson Products \$666.74 smcs; LMC Truck \$106.46 smcs; Loaf N Jug \$168.29 smcs; Macqueen Equipment \$1,150.30 smcs; Magic Cleaning \$2,200.00 smcs; Mangels,D \$4,600.00 smcs; Marlatt Machine \$1,339.08 smcs; Marriott \$176.23 smcs; Masek Golf Car \$39.95 smcs; Masters True Value \$629.03 smcs; Matheson \$165.77 smcs; McLaughlin,P \$308.00 smcs; Mead Lumber \$97.02 co; Menards \$5,562.09 smcs; Merryman \$217.55 smcs; Michael Todd \$756.71 smcs; Mid-American Signal \$995.00 smcs; Midlands Contracting \$273,372.09 co; Midway Chevrolet \$409.51 smcs; Midwest Connect \$4,225.05 smcs; Midwest Petroleum \$966.00 smcs; Midwest Turf \$309.22 smcs; Miller & Associates \$96,829.64 smcs, co; Miller Signs \$11,250.73 smcs,co; Minitex \$1,596.00 smcs; Mirror Image \$201.10 smcs; Mohr,T \$77.57 smcs; Mom and Dads \$297.00 smcs; Moonlight Embroidery \$1,198.30 smcs; Mt. Carmel Home \$170.00 smcs; Municipal Pipe \$14,480.00 smcs; Municipal Supply \$14,375.67 smcs; Murphy Tractor \$566.21 smcs; Nature Watch \$306.90 smcs; NE Child Support Pyt Ctr \$2,448.89 ps; NE Dept Environmental \$14,789.58 smcs; NE GIS \$500.00 smcs; NE Licensed Beverage \$200.00 smcs; NE NDA App Permit \$50.00 smcs; NE Peterbilt \$157.64 smcs; NE Planzone \$1,835.00 smcs; NE Truck Center \$1,335.28 smcs; Nebraskarec \$45.00 smcs; Nebraskarur \$275.00 smcs; Nelson Furniture \$133.76 smcs; Newark \$432.59 smcs; Nextwarehouse.com \$31.34 co; NI DOL Contract \$43.00 smcs; Nickel, Merrie \$70.00 smcs; North American Hazardous \$257.00 smcs; NorthernSafety.com \$403.50 smcs; Northwest Electric \$411.81 smcs; Northwestern Energy \$9,199.51 smcs; No-Spill Systems \$262.55 smcs; NWAGA \$30.00 smcs; OCLC \$736.83 smcs; Office Max \$1,737.35 smcs, co; One Call Concepts \$243.28 smcs; Orscheln \$1,563.46 smcs; Paramount \$423.79 smcs; Partmaster \$407.51 smcs; Penguin Random House \$37.50 smcs; Penworthy \$587.69 smcs; Pep Co. \$237.34 smcs; Phillips 66 \$30.92 smcs; Physio Control \$402.00 smcs; Pioneer Manufacturing \$605.00 smcs; Platte Valley Auto Mart \$249.32 smcs; Platte Valley Comm \$702.25 smcs; Positive Promotions \$103.45 smcs; Pot O' Gold \$230.00 smcs; Presto-X \$334.23 smcs; Psychological Resources \$1,080.00 smcs; Pump & Pantry \$18.76 smcs; Quill \$49.99 smcs; Rack Warehouse \$433.57 smcs; Rare Refrigeration \$184.56 smcs; Rauert,B \$119.50 smcs; Rayallen.com \$678.87 co; RDJ Specialties \$754.00 smcs; Reams \$1,492.23 smcs;

Recorded Books \$67.48 smcs; Redbox \$11.23 smcs; Reflective Apparel \$68.70 smcs; Repairclinic.com \$176.76 smcs; Ring.com \$30.00 smcs; RR Donnelley \$54.34 smcs; Running Awards \$306.00 smcs; Rylind \$1,205.44 smcs; S&S Worldwide \$466.71 smcs; Sahling Kenworth \$823.66 smcs; Salestrom,C \$300.00 smcs; Sandry Fire \$509.80 smcs; Saylor Screenprint \$325.28 smcs; Schindler Elevator \$68.64 smcs; School District #7 \$7,804.00 smcs; Schumacher Bros. \$3,360.80 smcs; Sculpture Walk \$2,675.00 smcs; Seat Covers Unlimited \$500.40 smcs; Secretary of State \$30.00 smcs; SGH Redglaze Holdings \$300.00 smcs; Shareit.Info \$42.75 co; Sherwin Williams \$274.20 smcs; Shredding Solutions \$58.65 smcs; Sign Center \$850.00 smcs; Silverstone Group \$4,860.00 smcs; Single Cylinder Repair \$82.95 smcs; Sirchi Finger Print Lab \$167.79 smcs; Siteone Landscape \$3,628.83 smcs; SOS Portable Toilets \$235.00 smcs; Sprinklerwarehouse.com \$1,606.08 smcs; State Fire Marshal Training \$750.00 smcs; Stitch 3 \$63.00 smcs; Super Shine \$101.87 smcs; Supplyworks \$991.66 smcs; Target \$61.65 smcs; Teamdynamic \$21.90 smcs; TechSoup \$832.00 co; Titan Machinery \$25,672.04 smcs; Tour Edge Golf \$108.00 smcs; Tractor-Supply \$631.86 smcs, co; Trade Well Pallet \$1,960.00 smcs; Travelocity \$1,083.68 smcs; Turner Body Shop \$100.00 smcs; Tyler Technologies \$1,300.00 smcs; Uline \$586.19 smcs; Underground Construction \$288.40 co; Union Bank \$78,770.98 ps; Unique Management \$170.05 smcs; UPS \$74.25 smcs; USA Communications \$154.95 smcs; USDA \$642.00 smcs; USGA \$150.00 smcs; USPS \$463.66 smcs; Van Diest Supply \$8,201.60 smcs; Vaughan,C \$350.00 smcs; Vermont Systems \$2,160.00 smcs; Vessco \$33,738.30 co; Vistaprint \$70.61 smcs; Waldinger Corp. \$774.64 smcs; Walgreens \$14.53 smcs; Wal-mart \$373.16 smcs; Walters-Morgan Const. \$676,237.69 co; Waterlink \$682.12 smcs; Weis Fire \$520.00 smcs; Weisler,K \$425.00 smcs; Wentz,K \$348.00 smcs; Whentowork \$120.00 smcs; Wilco Life \$10.00 ps; Williams Cleaners \$24.52 smcs; Winger Equipment \$2,832.04 smcs; WPCI \$134.00 ps; WT Cox \$53.98 smcs; Yellow Van \$600.00 smcs; Zero Waste \$86.94 smcs; ZeroFriction \$467.38 smcs; Zoro Tools \$65.92 smcs; Payroll Ending 04/13/2019 -- \$458,947.57 and Additional Net for Payroll Ending 03/30/2019 -- \$1,445.62. 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 May 14, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 25, 2019 from 6:00 p.m. until 1:00 a.m. (alternate date would be Sunday, May 26, 2019 from 6:00 p.m. to 12:00 a.m., same location) for a dance.
5. Adopt Resolution No. 2019-72 on the intent to issue tax exempt bonds for the 2019 Part 2 Improvements consisting of Paving Improvement District No. 2019-998 for Patriot Industrial Park.

**RESOLUTION NO. 2019-72**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

2019 Part 2 Improvements – Patriot Industrial Park  
Paving District Number 2019-998      \$1,400,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$1,400,000.00.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Accept the Proposals received for the West Lincolnway Park playground structure and award the Proposal submitted by Creative Sites in the amount of \$42,070.00.

7. Adopt Resolution No. 2019-73 approving Application and Certificate for Payment No. 1 in the amount of \$184,019.62 submitted by Blessing Construction and approved by Brungardt Engineering, LLC for 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527.

**RESOLUTION NO. 2019-73**

WHEREAS, Blessing Construction, LLC of Kearney, Nebraska has performed services in connection with the 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527, and the City's engineer, Brungardt Engineering, LLC, have filed

with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$184,019.62 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$628,941.60</u>
Contract Sum To Date	628,941.60
Gross Amount Due	204,466.24
Retainage (10%)	- 20,446.62
Amount Due to Date	184,019.62
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$184,019.62

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**8.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Scott Rodriguez submitted by Kearney Steak Company dba Whiskey Creek Steakhouse located at 407 South 2nd Avenue in connection with their Class IK-035628 liquor license.

**9.** Approve the applications for a Special Designated License submitted by Alley Rose Inc. of Kearney dba Alley Rose in connection with their Class IK-021763 to cater and dispense alcoholic liquor as follows:

- a) Inside The Archway located at 3060 East 1st Street on Saturday, May 18, 2019 from 7:00 p.m. until 1:00 a.m. for a wedding reception;
- b) Inside Kearney Regional Medical Center located at 804 22nd Avenue on Thursday, May 23, 2019 from 5:00 p.m. to 7:00 p.m. for a business after hours event.

**10.** Approve the Special Event Permit Application to conduct the North Pole Express for the temporary closing of the parking lot located north of MONA and four parking spaces in front of the Kaufmann Center located at 2202 Central Avenue on December 2,3, 4, 5, 9, 10, 11, 12, 16, 17 and 19, 2019.

**11.** 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 Archway located at 3060 East 1st Street on Thursday, May 9, 2019 from 3:00 p.m. to 12:00 a.m. for a business event;
- b) Inside First National Bank located at 2223 2nd Avenue on Thursday, May 9, 2019 from 3:00 p.m. to 11:00 p.m. for a business event;
- c) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Sunday, May 12, 2019 from 3:00 p.m. to 11:00 p.m. for a graduation;
- d) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807

Avenue N, on Saturday, May 18, 2019 from 3:00 p.m. to 12:00 a.m. for a reception; and  
e) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Thursday, May 30, 2019 from 3:00 p.m. to 12:00 a.m. for a banquet.

12. Approve the Plans and Specifications for the 2019 Part 4 Improvements for Paving Improvement District No. 2019-995 for 19th Street from the southeast corner of Lot 770, thence northerly 131 feet, thence westerly 140 feet, thence southerly 346 feet, thence easterly 130 feet thence northerly 185 feet, thence easterly 10 feet, thence northerly 30 feet to the point of beginning, all in Original Town Kearney Junction and set the bid opening date for May 21, 2019 at 2:00 p.m.

13. Accept the bids received for the purchase of a Rear Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department and award the bid to Harrison Truck Centers in the amount of \$159,180.00.

14. Accept the bids received for the purchase of a Side Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department and award the bid to Sanitation Products in the amount of \$220,118.00.

15. Adopt Resolution No. 2019-74 approving T-Hangar A-01 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Casey Buettner.

**RESOLUTION NO. 2019-74**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar A-01 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Casey Buettner, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

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

Postponed from the April 9, 2019 City Council meeting. Council Member Nikkila introduced Ordinance No. 8335 selling 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, 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 suspend the rules for Ordinance No. 8335. 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. 8335 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 Moore seconded by Lear that Ordinance No. 8335 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. 8335 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **ORDINANCE NUMBER 8336 AMENDING CHAPTER 3 OF CITY CODE**

Postponed from the April 9, 2019 City Council meeting. Ordinance No. 8336 amending 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 was requested to be withdrawn by City Staff.

Moved by Lear seconded by Buschkoetter to withdraw Ordinance No. 8336 at the request of City Staff. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

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

Postponed from the April 9, 2019 City Council meeting. Council Member Nikkila introduced Ordinance No. 8337 amending 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, 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 suspend the rules for Ordinance No. 8337. 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. 8337 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 Moore seconded by Lear that Ordinance No. 8337 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. 8337 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **ORDINANCE NO. 8338 REPEALING ORDINANCE NO. 8326 AND AMENDING SALARY ORDINANCE**

Council Member Nikkila introduced Ordinance No. 8338 repealing Ordinance No. 8326 and amending the Salary Ordinance reflecting recommended classification changes, 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 suspend the rules for Ordinance No. 8338. 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. 8338 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 Moore seconded by Lear that Ordinance No. 8338 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. 8338 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 Buschkoetter seconded by Lear that the Open Account Claim in the amount of \$194,368.77 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained.

Motion carried.

## **VII. REPORTS**

Council member Nikkila thanked Jack McSweeney for his service and also congratulated and thanked Public Works on the closing of the EPA Stormwater Audit. Council member Buschkoetter congratulated Marc Bauer on his new position as Athletic Director of UNK. Mayor Clouse wished City Manager Michael Morgan a Happy Birthday on Friday.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:48 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**ATTEST:**

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

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**LAUREN BRANDT  
CITY CLERK**