

Kearney, Nebraska
May 28, 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 May 28, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Randy Buschkoetter. 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; and Shawna Erbsen, Administrative Services Director 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 Police Captains Mike Young and Dennis Bryne.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor Kent Sundberg provided the Invocation.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 136, one Boy Scout from Troop 158, one Girl Scout from Troop 670 and one Girl Scout from Troop 610 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 COMMUNICATIONS

Mayor Clouse welcomed Elizabeth Chentland and Cassie Bailey from the Alzheimer's Association, Nebraska Chapter and issued a Proclamation for Alzheimer's and Brain Awareness Month for the month of June. Citizens are encouraged to wear purple for the month of June in support as well as on June 21st for The Longest Day.

Mayor Clouse asked Shawna Erbsen, Director of Administrative Services, to introduce members of the City of Kearney Employee Council. The Kearney Employee Council was started when City Manager Mr. Morgan began at the City; 67 Employees have since served on the council since it started in 2005. It is made up of nine members of supervisors and employees; they serve two year terms and act as a liaison between City Administration and the City Departments. They bring concerns, ideas and suggestions. In May of each year the Departments elect who will be on the Employee Council and the City Manager makes the ultimate decision. Members representing the Employee Council that were present were Greg Benson (last year's Chair) who represents Kearney Police Department; Deb Eirich (last year's co- chair) representing Park and Recreation, specifically the Peterson Activity Center; Nicole Whipkey representing the Library; Kelly Korgel who is the Secretary; Sarah Sawin with Utilities and Eric Sanger with the IT Department.

State Statute allows \$25 to be used annually for employee recognition. Normally between \$22 and \$23 is spent on the luncheon. This year the Council requested to use the extra funds not used on the meal to donate to FAN. Jamie Vetter Director of the Family Advocacy Network (FAN) stated they are one of seven nationally accredited child advocacy centers in the State serving 14 counties in the central part of the State. Their home base is Kearney with satellite offices in Hastings and Broken Bow. Last year 555 unduplicated children were served that were victims of abuse. Staff also present were Sarah Staffer, Forensic Interviewer; Cory Peters, Team Coordinator; Michaella Harmon, Forensic Interviewer. Andrea Kemp was absent but is their Advocate. This is the entire staff that serves children 24 hours a day 7 days a week in 3 locations. FAN provides the forensic interviews and the forensic exams. They are unique in that they also serve adults, most do not; they see approximately 30 adults per year.

Council Member Nikkila questioned how they work with the Police Department. Initially children who reported abuse could talk to up to 15 people after their report. Now they come to the Child Advocacy center which is very home like and everyone comes to the victims; they receive care until the end of the court system if there is court involvement.

Mayor Clouse questioned what types of donations are needed. Some of the items needed are pillow cases, tooth brushes, stuffed animals, adult coloring books, journals for pre-teens individual wrapped snacks and water bottles.

The Employee Council presented the Donation to Family Advocacy Network (FAN) in the amount of \$2500.00.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING OF PROPERTY LOCATED EAST OF AVENUE V, WEST OF AVENUE X, NORTH OF 36TH STREET

Mayor Clouse stated the City was notified by the developer requesting to further

postpone until June 11, 2019 the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street).

Moved by Nikkila seconded by Moore to further postpone until June 11, 2019 the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES THIRD ADDITION

Mayor Clouse stated the City was notified by the developer requesting to further postpone until June 11, 2019 the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street).

Moved by Nikkila seconded by Moore to further postpone until June 11, 2019 the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

ANNEXATION OF MILLENNIAL ESTATES THIRD ADDITION

Mayor Clouse stated the City was notified by the developer requesting to further postpone until June 11, 2019 the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street).

Moved by Nikkila seconded by Moore to further postpone until June 11, 2019 the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Third Addition, an addition to the City of Kearney,

Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

DEVELOPMENT PLANS FOR PROPERTY LOCATED EAST OF AVENUE V, WEST OF AVENUE X, NORTH OF 36TH STREET

Mayor Clouse stated the City was notified by the developer requesting to further postpone until June 11, 2019 the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street).

Moved by Nikkila seconded by Moore to further postpone until June 11, 2019 the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

IV. CONSENT AGENDA

Moved by Moore seconded by Lear that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 14, 2019.
2. Approve the following Claims:

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

1000bulbs.com \$248.09 smcs; 4Imprint \$890.12 smcs; 5.11tactical.com \$59.49 smcs; ABPA \$75.00 smcs; Ace Irrigation \$90.00 smcs; Adobe \$29.99 smcs; Advanced Auto \$11.22 smcs; Adventure Enterprise \$600.00 smcs; Agent Fee \$60.00 smcs; Al Tec \$397.84 smcs; All Makes Auto \$421.09 smcs; Ally B Designs \$50.00 smcs; Amazon \$6,062.87 smcs,co; American \$2.90 smcs; American Red Cross \$121.94 smcs;

Andersen Wrecking \$40.00 smcs; Andersen,J \$468.99 smcs; Anderson Brothers \$736.41 smcs; Anderson,A \$17.01 smcs; Anythingtruck.com \$779.35 smcs; ARC \$1,202.00 smcs; Arrowhead Scientific \$300.61 smcs; ASCAP \$359.64 smcs; Ask Supply \$679.23 smcs; Assn Threat Assessment \$125.00 smcs; Aurora Coop \$678.88 smcs; B&H Photo \$109.93 co; Badgeandwallet.com \$257.00 smcs; Baird Holm \$5,240.00 smcs; Baker & Taylor \$5,594.84 smcs; Bamford \$125.00 smcs; Big Red Auto Glass \$1,060.62 smcs; Bizs Link \$47.98 smcs; Blackstone Audio \$425.20 smcs; BlueCross BlueShield \$123,512.40 smcs; Boersma,C \$42.79 smcs; Boogaarts \$5.98 smcs; Bosselman \$38,446.99 smcs; Broadfoot's \$2,304.00 smcs; Brush,J \$354.60 smcs; BSN Sports \$918.62 smcs; Bucky's Express \$50.00 smcs; Buffalo Co. Treasurer \$15.38 co; Buffalo Outdoor Power \$1,641.72 smcs,co; Buggy Bath \$77.35 smcs; Builders \$503.77 smcs,co; Burke,H \$30.70 smcs; Cabela's \$305.55 smcs; Canva \$3.00 smcs; Carid.com \$462.00 smcs; Carquest \$610.16 smcs; Cash Wa \$1,373.84 smcs; CCI Solutions \$224.03 smcs; Cecilia Land Holdings \$17,046.69 smcs; Center Point Publishing \$75.96 smcs; Central Hydraulic \$15.80 smcs; Central NE Bobcat \$3,071.47 smcs; Charter \$694.19 smcs; Chemsearch \$305.00 smcs; Chesterman Company \$2,181.70 smcs; Chi-Bo Admin \$2,226.50 smcs; Chicken Coop \$50.00 smcs; Christensen,C \$48.00 smcs; Cintas \$389.44 smcs; City of Ky \$11,087.58 ps; City of Ky \$7,222.70 smcs, co; Coldspring \$268.07 smcs; Comfort Inn \$250.00 smcs; Commonwealth Electric \$879.27 co; Conoco \$38.21 smcs; Construction Rental \$2,227.91 smcs; Control Yours \$200.00 smcs; Copycat \$1,997.40 smcs; Core & Main \$1,958.10 smcs; Cracker Barrel \$280.97 smcs; Crouch Recreation \$1,405.00 smcs; Crowd Control Store \$906.16 smcs; Culligan \$262.41 smcs; Cummins \$185.19 smcs; Custom Cornhole Boards \$778.24 smcs; Custom Products \$1,304.20 smcs; Custom Rental \$188.58 smcs; Dawson Public Power \$20,587.65 smcs; Dell \$4,300.06 smcs,co; Demco \$1,114.94 smcs; Depository Trust Co \$164,978.75 ds; Dero Bike Racks \$48.00 smcs; Dickies \$54.10 smcs; Direct Drives \$1,349.09 smcs; Dish \$212.10 smcs; Divas Floral \$140.00 smcs; Dowhy Towing \$585.00 smcs; Doyle, Lucas \$16.59 smcs; DPC Industries \$12,771.09 smcs; Dreamstime.com \$50.00 smcs; Dunkin \$39.96 smcs; Durre,A \$60.00 smcs; Dutton-Lainson \$3.76 smcs; Eagle Distributing \$493.50 smcs; Eakes \$1,844.39 smcs; Ecolab \$80.26 smcs; Eggen,M \$27.39 smcs; Ehrlich-Rentokil \$102.00 smcs; Eileen's Cookie \$84.75 smcs; Electric Transportation \$92,710.00 co; Electronic Systems \$60.00 smcs; Elliott Equipment \$169.23 smcs; EMC Insurance \$23,532.81 smcs; Eyemed \$867.09 smcs; Facebook \$18.70 smcs; Fairfield Inn \$253.68 smcs; Family Advocacy \$2,290.00 smcs; Family Practice \$1,211.00 ps; Fastenal \$586.82 smcs; Fedex \$79.81 smcs; Fiddelke Heating \$3,860.00 smcs; Flaherty,T \$387.00 smcs; Fred Pryor \$384.00 smcs; Friesen Chevrolet \$165.75 smcs; Frontier \$276.57 smcs; Gale Research \$41.99 smcs; Galeton \$730.24 smcs; Galls \$1,357.05 smcs, ps; Garrett Tires \$6,934.96 smcs; Global Industrial \$237.13 smcs; Gohse,A \$12.03 smcs; Grainger \$878.83 smcs; Grand Island Physical \$180.00 ps; Gray,K \$33.46 smcs; Grey House Publishing \$203.95 smcs; Hach \$820.84 smcs; Harbor Freight Tools \$6.39 smcs; Harrahs Resort \$101.40 smcs; Hawk,C \$21.02 smcs; Heater,T \$16.46 smcs; Hineright \$56.85 smcs; Hobby-Lobby \$397.42 smcs; Hoelsing, Brent \$27.16 smcs; Holmes Supply \$664.25 smcs,co; Hy-Vee \$590.14 smcs; ICMA Retirement \$6,083.29 ps; Idexx Distribution \$1,359.88 smcs; Indigowater \$100.00 smcs; Int'l Assn Fire Chiefs \$695.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$164,239.10 ps; Jack Lederman \$542.08 smcs; Jack's Uniforms \$337.73 smcs; Johnstone Supply \$89.99 smcs; Kart-Man \$3,964.02 smcs; Ky Ace \$695.53 smcs; Ky Concrete \$10,788.51 smcs,co; Ky Crete & Block \$448.00 co; Ky Hub \$4,609.34 smcs;

Ky Powersport \$450.05 smcs; Ky Tire & Auto \$577.32 smcs; Ky Volunteer Fire \$219.82 smcs; Ky Winlectric \$2,924.05 smcs; Ky Winnelson \$397.84 smcs; Kelly Supply \$2,004.23 smcs; Kewanna Screen Printing \$1,197.20 smcs; Kimball Midwest \$356.30 smcs; Kolling,T \$55.46 smcs; Konica Minolta \$547.23 smcs; Landmark Implement \$2,267.54 smcs; Lano,A \$33.00 smcs; Lanoha Nurseries \$81.23 smcs; Larson Systems \$3,328.16 smcs; Law Enforcement \$1,050.00 smcs; Leach,C \$102.04 smcs; Lerner Publishing \$1,310.39 smcs; Libraryworks.com \$49.00 smcs; Lincoln Tent \$100.00 smcs; Lindner,L \$135.00 smcs; LMC Truck \$152.38 smcs; Lockmobile \$6.60 smcs; Logan Contractors \$2,268.36 co; Lour,A \$9.55 smcs; LPS-Design \$99.00 smcs; Macqueen Equipment \$2,720.75 smcs; Marlatt Machine \$1,709.40 smcs; Masters True Value \$293.80 smcs; Matheson \$202.78 smcs; McDonald's \$51.66 smcs; Menards \$5,898.62 smcs; Mercy House \$500.00 smcs; Merryman Performing Arts \$73.07 smcs; Michael Todd \$1,344.00 smcs; Microsoft \$640.94 co; Midwest Connect \$801.93 smcs; Miller Signs \$102.00 smcs; Millsap,K \$327.53 smcs; Mirror Image \$100.00 smcs; Mitchell Instrument \$527.12 smcs; Mohr,T \$56.17 smcs; Moonlight Embroidery \$488.75 smcs; Mouser Electronics \$77.11 smcs; Mueller Sprinklers \$12,258.30 co; Municipal Supply \$3,538.59 smcs,co; Murphy Tractor \$4,960.19 smcs; NASRO \$385.00 smcs; NE Child Support Pmt \$2,448.89 ps; NE Crane \$878.16 smcs; NE Dept Environmental \$312,302.03 smcs,ds; NE Dept of Revenue \$51,004.83 smcs; NE DOL/Boiler \$90.00 smcs; NE Golf Course \$125.00 smcs; NE Library Assn \$90.00 smcs; NE Public Health \$174.00 smcs; NE Truck Center \$892.04 smcs; Nebraskaland Distributors \$1,722.70 smcs; Newark US \$50.02 smcs; Nielsen Contracting \$32,248.75 co; Nivel Parts \$238.67 smcs; North Shore Door Parts \$144.26 smcs; Northern Safety \$182.25 smcs; Northern Tool \$294.98 smcs; Northgate Veterinary \$212.50 smcs; Northwestern Energy \$4,639.75 smcs; NSF Ticket Office \$660.00 smcs; Oak Creek Engineering \$3,993.70 co; OCLC \$736.83 smcs; Office Depot \$323.33 smcs; Office Max \$2,121.29 smcs; Officenet \$413.29 smcs; Orr,L \$100.00 smcs; Orscheln \$961.77 smcs; OTC Brands \$94.54 smcs; Otterbox \$7.37 smcs; Paperworks.com \$236.57 smcs; Paramount \$234.43 smcs; Parallels \$52.74 smcs; Pedalboat.com \$487.08 co; Penworthy Co. \$613.27 smcs; Petsmart \$58.95 smcs; Pitney Bowes \$1,000.00 smcs; Platinum Awards \$47.30 smcs; Platte Valley Auto Mart \$854.28 smcs; Platte Valley Comm \$44.25 smcs; Plixer \$1,299.00 smcs; Police Technical \$450.00 smcs; Positive Promotions \$31.91 smcs; Pospaper.com \$152.85 smcs; Pot O'Gold \$230.00 smcs; Presto-X \$232.23 smcs; Proactive Sports \$1,880.58 smcs; Pro-tint \$450.00 smcs; Provantage \$696.95 smcs; Pump & Pantry \$37.22 smcs; Qdoba \$11.00 smcs; Quill \$1,237.68 smcs; Ramada Inn \$157.66 smcs; Rayallen.com \$55.96 co; Ready Mixed Concrete \$1,402.25 co; Reams \$256.98 smcs; Recorded Books \$299.16 smcs; Redbox \$5.62 smcs; Rivershore Reading Store \$439.00 smcs; Rochewski,J \$24.19 smcs; Rushmore Hotel \$725.00 smcs; S&J Construction \$23,218.00 co; Safety Products \$56.93 smcs; Sapp Brothers \$18,582.48 smcs; Saylor Screenprint \$1,118.00 smcs; Schneider,A \$39.62 smcs; Sciachitano,D \$1.99 smcs; See Clear Cleaning \$350.00 smcs; Sherwin Williams \$942.52 smcs; Sigma Aldrich \$613.90 smcs; Simpson,L \$93.75 smcs; Sirchie Finger \$75.24 smcs; Siteone Landscape \$139.83 smcs; Skillpath \$432.12 smcs; Stagecoach \$35.31 smcs; Steinbrink's \$6,129.99 smcs; Strategic Insights \$725.00 smcs; Strategic Materials \$456.32 smcs; Straight Line Striping \$4,351.95 smcs; Sunbelt \$1,352.15 smcs; Superior \$100.00 smcs; Supplyworks \$1,387.75 smcs; Target \$201.67 smcs; The Hollands \$600.00 smcs; Titan Machinery \$147.01 smcs; Tractor Supply \$1,194.65 smcs,co; Trade Well Pallets \$1,700.00 smcs; Travel Insured \$306.00 smcs; Travelocity \$606.38 smcs; Tri Co Glass \$12.81 smcs; Tri-Cities Group \$671.67 smcs; TS Auto

Glass \$34.00 smcs; Tucker Hunter \$275.42 smcs; TVH Parts \$540.52 smcs; Union Bank & Trust \$80,124.07 ps; Unique Management \$205.85 smcs; United \$2,468.54 smcs; UNL Athletic \$2,715.00 smcs; UPS \$27.95 smcs; USA Blue Book \$976.66 smcs; USA Communications \$154.95 smcs; USDA-APHIS \$85.00 smcs; USPS \$328.78 smcs; Van Diest \$9,132.11 smcs; Van Dyke,D \$1,700.00 smcs; Verizon \$6,782.46 smcs; Vernon Library \$1,216.99 smcs; Waggoner Plumbing \$561.00 smcs; Wagner,C \$3,170.00 smcs; Waldinger \$301.15 smcs; Wal-Mart \$1,762.09 smcs; Walters Electric \$120.00 smcs; Walters-Morgan Const. \$344,620.65 co; Warnell,C \$9.27 smcs; Warrington,D \$240.00 smcs; Waytek \$325.98 smcs; Webstaurant Store \$184.37 smcs; Wells Fargo \$78,378.80 ds; Whentowork \$240.00 smcs; Williamson-Dickie \$49.20 smcs; WorkbootsUSA \$193.39 smcs; World Herald \$99.95 smcs; World Theatre \$26.00 smcs; WPCI \$581.00 ps; Yellow Van Cleaning \$310.00 smcs; Zagg \$5.99 smcs; Zero Waste \$742.90 smcs; Zieglerwld \$29.99 smcs; Zoro Tools \$76.11 smcs; Payroll Ending 5/11/2019 -- \$498,012.38. 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 June 11, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2020: Restrictions Permit Applications as follows:
 - a) Countryside Mobile Park, 1920 15th Avenue;
 - b) Merriweather Mobile Home Village, 914 West 17th Street;
 - c) Rodeo Court, 2414 West 24th Street;
 - d) R-Villa East, 2500, 2719, 2803 West 24th Street;
 - e) R-Villa West, 2500, 2719, 2803 West 24th Street;
 - f) R-Villa South, 2500, 2719, 2803 West 24th Street;
 - g) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
 - h) Villa Park, 2703 West 24th Street.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Grant Wakefield submitted by Kearney Country Club located at 2800 19th Avenue in connection with their Class C-009051 liquor license.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class IK-123077 liquor license application and manager application for Toby Wetmore submitted by PepperJax Development LLC dba The Cellar Hometown Bar & Grill located at 3901 2nd Avenue.
7. Adopt Resolution No. 2019-83 approving Change Order No. 1 requesting an extension to the completion date to finalize installation, Change Order No. 2 showing an increase in the amount of \$73,286.00 (additional water main at Patriot Park) and Application and Certificate for Payment No. 2 in the amount of \$402,490.93 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth Addition for the construction of water and sewer infrastructure (Bid A).

RESOLUTION NO. 2019-83

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 requesting an extension to the completion date to finalize installation (increased by 7 weeks) as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$73,286.00 (additional water main at Patriot Park) as shown on Exhibit "B" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$402,409.93 as shown on Exhibit "C" attached hereto and made a part hereof by reference and as follows:

| | |
|--|------------------------|
| Original Contract Sum | \$ <u>1,302,048.00</u> |
| Contract Sum To Date | 1,302,048.00 |
| Gross Amount Due | 750,958.91 |
| Retainage (10%) | - 75,095.89 |
| Amount Due to Date | 675,863.02 |
| Less Previous Certificates for Payment | - <u>273,372.09</u> |
| Current Payment Due | \$ 402,490.93 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Change Order No. 2, as shown on Exhibit "B", Application and Certificate for Payment No. 2, as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2019-84 approving Application and Certificate for Payment No. 1 in the amount of \$35,978.40 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).

RESOLUTION NO. 2019-84

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$35,978.40 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|-----------------------|----------------------|
| Original Contract Sum | \$ <u>807,529.50</u> |
|-----------------------|----------------------|

| | |
|--|--------------|
| Contract Sum To Date | 807,529.50 |
| Gross Amount Due | 39,976.00 |
| Retainage (10%) | - 3,997.60 |
| Amount Due to Date | 35,978.40 |
| Less Previous Certificates for Payment | - 0.0 |
| Current Payment Due | \$ 35,978.40 |

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2019-85 approving Change Order No. 4 showing a decrease in the amount of \$10,275.64 and a change to increase the contract time originally established, Application and Certificate for Payment No. 13-Final in the amount of \$136,494.32 and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.

RESOLUTION NO. 2019-85

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 4 showing a decrease in the amount of \$10,275.64 and a change to increase the contract time originally established as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 13-Final in the amount of \$136,494.32 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

| | |
|---------------------------------|-----------------------|
| Original Contract Sum | <u>\$2,572,124.59</u> |
| Change Order No. 1 (9/26/2017) | + 161,146.05 |
| Change Order No. 2 (11/28/2017) | + 4,858.37 |
| Change Order No. 3 (6/12/2018) | + 2,033.00 |
| Change Order No. 4 (5/28/2019) | - <u>10,275.64</u> |
| Contract Sum To Date | 2,729,886.37 |
| Gross Amount Due | 2,729,886.37 |
| Retainage (5%) | - <u>0.00</u> |
| Amount Due to Date | 2,729,886.37 |

| | |
|--|---------------------|
| Less Previous Certificates for Payment | <u>2,593,392.05</u> |
| Current Payment Due | \$ 136,494.32 |

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 15, 2018, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 4, as shown on Exhibit "A", Application and Certificate for Payment No. 13-Final as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2019-86 approving Application and Certificate for Payment No. 1 in the amount of \$167,322.60 submitted by Dan Roeder Concrete and approved by Miller & Associates for 2018 Part 1 Improvements for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue, consisting of Paving Improvement District No. 2018-988 (Bid B).

RESOLUTION NO. 2019-86

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2018 Part 1 Improvements consisting of Paving Improvement District No. 2018-988 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue (Bid B), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$167,322.60 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|----------------------|
| Original Contract Sum | \$ <u>258,396.00</u> |
| Contract Sum To Date | 258,396.00 |
| Gross Amount Due | 185,914.00 |
| Retainage (10%) | - 18,591.40 |
| Amount Due to Date | 167,322.60 |
| Less Previous Certificates for Payment | <u>- 0.00</u> |
| Current Payment Due | \$ 167,322.60 |

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

11. Adopt Resolution No. 2019-87 approving Application and Certificate for Payment No. 1 in the amount of \$59,026.05 submitted by GD Concrete Construction, Inc. and approved by Miller & Associates 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.

RESOLUTION NO. 2019-87

WHEREAS, GD Concrete Construction, Inc. of Overton, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$59,026.05 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|----------------------|
| Original Contract Sum | <u>\$ 358,550.00</u> |
| Contract Sum To Date | 358,550.00 |
| Gross Amount Due | 65,584.50 |
| Retainage (10%) | - <u>6,558.45</u> |
| Amount Due to Date | 59,026.05 |
| Less Previous Certificates for Payment | - <u>0.00</u> |
| Current Payment Due | <u>\$ 59,026.05</u> |

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

12. Accept the bids received 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 adopt Resolution No. 2019-88 awarding the bid to Nielsen Contracting in the amount of \$59,205.00.

RESOLUTION NO. 2019-88

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 21, 2019 at 2:00 p.m. 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

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$71,010.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Nielsen Contracting of Kearney, Nebraska in the amount of \$59,205.00 be accepted as the lowest responsible bid for 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.

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 Nielsen Contracting be and is the lowest responsible bidder 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 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Nielsen Contracting in the amount of \$59,205.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$71,010.00 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 28TH DAY OF MAY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve Resolution No. 2019-89 to accept and adopt the proposed Special Designated License (SDL) Guidelines for the Administrative Approval of SDL applications and authorize the City Manager or his designee to execute the application.

RESOLUTION NO. 2019-89

WHEREAS, the Nebraska Liquor Control Commission may issue special designated licenses for sale or consumption of alcoholic liquor at designated locations; and

WHEREAS, Neb. Rev. Stat. § 53-124.11 allows for governing bodies to approve or deny special designated licenses for sale or consumption of alcoholic liquors; and

WHEREAS, no special designated liquor licenses shall be issued by the Nebraska Liquor Control Commission without the approval of the local governing body; and

WHEREAS, the local governing body may establish criteria for approving or denying

a special designated liquor license; and may designate an agent to determine whether a special designated liquor license is to be approved or denied; and

WHEREAS, it is recommended that the City Manager or his designee be designated as the agent on behalf of the City of Kearney to approve or deny special designated liquor license applications in accordance with established criteria; and

WHEREAS, it is further recommended that the guidelines as outlined in Exhibit "A" attached hereto and incorporated herein by reference be adopted as the basis for approving or denying such special designated liquor license applications; and

WHEREAS, the determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body; and

WHEREAS, special designated liquor licenses determined to be denied in accordance with such guidelines may be heard before the City Council if the applicant chooses to do so.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska:

1. That the City Manager or his designee be designated as the agent on behalf of the City of Kearney to approve or deny special designated liquor license applications in accordance with established criteria.
2. The criteria for approving or denying a special designated liquor license attached hereto as Exhibit "A" is hereby approved and adopted.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Approve Resolution No. 2019-90 to accept and adopt the proposed Special Event Applications Guidelines for the Administrative Approval of Special Event Applications and authorize the City Manager or his designee to execute the application.

RESOLUTION NO. 2019-90

WHEREAS, on February 12, 2019 City Council approved the revised special event permit application which included many changes to the application to provide a more efficient and thorough process; and

WHEREAS, since implementation of the revised special event permit application, there have been no concerns or issues encountered; instead, the process has become more efficient; and

WHEREAS, City staff believes the final step to further ensure a more efficient process is to recommend the local governing body designate an agent to determine whether a special event permit application is to be approved or denied based on the following criteria:

- 1) Submittal of City of Kearney Special Event Permit Application;
- 2) Signed Applicant Acknowledgement; and
- 3) Review and Recommendation from the Special Event Committee comprised of City staff from Administration, Park & Recreation, Police, Public Works and Utilities;

WHEREAS, it is recommended that the City Manager or his designee be designated as the agent on behalf of the City of Kearney to approve or deny special event permit

application in accordance with established criteria; and

WHEREAS, the determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body; and

WHEREAS, special event permit applications determined to be denied in accordance with such guidelines may be heard before the City Council if the applicant chooses to do so.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska:

- 3. That the City Manager or his designee be designated as the agent on behalf of the City of Kearney to approve or deny special event permit applications in accordance with established criteria;
- 4. The criteria for approving or denying a special event permit application includes:
 - a. Submittal of City of Kearney Special Event Permit Application;
 - b. Signed Applicant Acknowledgement; and
 - c. Review and Recommendation from the Special Event Committee comprised of City staff from Administration, Park & Recreation, Police, Public Works and Utilities;

be and is hereby approved and adopted.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2019-91 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. X02 allowing the NDOT, Aeronautics Division to act as the City's agent for the project.

RESOLUTION NO. 2019-91

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION FOR PROJECT NO. X02 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT.

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

- 1. The City of Kearney shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Project No. X02 for the purpose of obtaining federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.
- 2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.
- 3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

SETTLEMENT AGREEMENT ENTERED INTO BY EMC ON BEHALF OF THE CITY

Mayor Clouse opened for discussion the settlement agreement entered into by EMC on behalf of the City with Jose Klich in the amount of \$300,000.00 which has been paid by EMC per the City's law enforcement liability coverage. This is for informational purposes therefore no action will be taken.

Michael Tye, City Attorney, presented this matter to the Council. State law requires whenever there is a settlement of \$50,000 or more it gets placed on the next Council Agenda. The \$300,000 payment settles any and all claims including all medical expenses. The City's deductible was \$10,000. The insurance company can settle claims whether the City agrees with the settlement or not. This settlement relates to the incident that occurred June 5, 2016.

Mayor Clouse questioned if this claim was completely closed? City Attorney stated this settlement closes the claim and includes any and all medical expenses.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Nikkila that the Open Account Claim in the amount of \$100,332.51 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse abstained. Buschkoetter absent. Motion carried.

VII. REPORTS

Michael Morgan, City Manager, stated the new GIS aerials are coming soon; it will be approximately a month before the photos appear on the City's website.

Mayor Stan Clouse stated there are two City employees, Steve Hart and Coelette Gruber; that are visiting the Czech Republic as part of the Sister Cities Project.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:55 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**