

Kearney, Nebraska
June 25, 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 June 25, 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; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andrew Harter, Assistant Director of Public Works; Bryan Waugh, Chief of Police; Shawna Erbsen, Administrative Services Director and Dan Lillis, Engineering Assistant II were also present. Members of the media present included: Mike Konz with the Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Two Girl Scouts from Troop 854 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 recognized Olympian Katie Philpot and proclaimed June 25, 2019 as Katie Philpot day.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING OF PROPERTY LOCATED EAST OF AVENUE N, BETWEEN 65TH STREET PLACE AND 67TH STREET

Moved by Nikkila seconded by Moore to remove Public Hearings 1, 2 and 3 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation, to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street) and consider Ordinance No. 8348.

Craig Bennett with Miller and Associates representing Tim Norwood with NP Land Development presented this matter to the Council. The property is located east of Avenue N and east of the NRD Detention cell between 67th Street and Eastbrooke Subdivision; containing 17.28 acres. Mr. Bennett described the surrounding zoning and land uses. There will be 30 lots with access off of 65th Street on to Avenue N. For circulation there will be cul de sacs that will be located on the north side of 65th Street, an eye brow round about on the south and Avenue R on the east side of the subdivision. The property abuts Buffalo Ridge Subdivision on the north that has an existing platted street known as Avenue O. Because of the street designation and other platted streets, the street will be renamed from Avenue O to Avenue R. Mr. Bennett described the existing and proposed infrastructure for the development specifically noting that storm water infrastructure will extend along 65th Street and extends north along Avenue R; the infrastructure will also run along the back of the subdivision to collect water on the back of the lots. NP Land Development would be constructing Avenue R which runs north and south in the subdivision; it will be an RL2, gravel county road. The subdivision agreement addresses the traffic circulation within the subdivision. There will be access on to Avenue N from 65th Street and when warranted, a traffic signal will be placed there. To alleviate concern for circulation through the subdivision into the subdivision to the north, Avenue R will be barricaded and would only be used for emergency access.

Marsha Wilkerson, 1621 East 67th Street, addressed the Council regarding this matter and questioned if the barricade for Avenue R into Buffalo Ridge Subdivision would be a permanent barricade at some point in the future? City Manager Michael Morgan stated it is essentially a permanent barricade since only emergency vehicles will have access. Ms. Wilkerson also questioned if Avenue R would be built to County standards? Mr. Bennett stated that a 66 foot road has been platted for this area which meets Buffalo County standards. Council Member Nikkila questioned if the subdivision agreement could be renegotiated to remove the barricade in the future. City Attorney Mike Tye

stated that part of the approval of the subdivision relies on the terms of the subdivision agreement which includes the barricade. This barricade will be like other barricades that have been placed around town; for example on 8th Street. Ms. Wilkerson thanked all those that put in time and care to address her and the neighborhood's concerns.

Dale Madsen, 1421 East 67th Street, questioned how the Buffalo Ridge Subdivision portion of Avenue R would meet up with that portion located in Arbor View First Estates and if there would be a culvert at the end of Avenue R in Buffalo Ridge Subdivision that allows water to flow to the east or will the water be diverted to Arbor View First Estates? Mr. Bennett stated when the developer builds Avenue R to the RL2 specification, the road will have a ditch on the west and east side of the road which will divert water south, if water falls to the east it will continue to flow east. A culvert will not be added as utilities are located in that area, the road will not serve as a dam nor pond water. Any water that comes onto nearby lots will be diverted south by the ditches along Avenue R that are constructed.

Council Member Buschkoetter stated that he knows a lot of time and effort went into this development and the developer did a good job of listening to the neighborhood.

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 NP Land Development Inc., a Nebraska Corporation, to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street) and introduced Ordinance No. 8348 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. 8348. 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, Lear, Nikkila, Moore, Buschkoetter. 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. 8348 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8348 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. 8348 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 ARBOR VIEW FIRST ADDITION

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the Final Plat and amended Subdivision Agreement for Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street) and consider Resolution No. 2019-93.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2019-93 approving the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the Final Plat and amended Subdivision Agreement for Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-93

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northwest Quarter and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a chiseled X at the Northwest Corner of Government Lot 2 and assuming the North line of said Government Lot 2 as bearing S 89°42'02" E and all bearings contained hereon are relative thereto; thence S 89°42'02" E on said North line of Government Lot 2 and on the North line of the Southeast quarter of the Northwest Quarter, said line also being the South line of Buffalo Ridge Second Addition, a subdivision being part of Government Lot 1 and all of the Northeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, a distance of 1485.00 feet to a 5/8" rebar w/cap; thence S 00°14'22" W a distance of 393.0 feet to a 5/8" rebar w/cap; thence N 89°42'02" W a distance of 283.31 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Right having a central angle of 6°49'24", a radius of 780.00 feet, an arc length of 92.89 feet, and a chord bearing of N 86°17'20" W, a distance of 92.83 feet to a 5/8" rebar w/cap; thence S 03°28'02" E a distance of 97.74 feet to a 5/8" rebar w/cap; thence S

15°10'23" E a distance of 243.38 feet to a 5/8" rebar w/cap; thence S 00°14'22" W a distance of 136.47 feet to a 5/8" rebar w/cap; thence S 89°59'58" W a distance of 50.00 feet to a 5/8" rebar w/cap; thence N 50°49'39" W a distance of 766.88 feet to a 5/8" rebar w/cap; thence N 89°42'02" W a distance of 153.46 feet to a 5/8" rebar w/cap; thence S 39°10'21" W a distance of 243.69 feet to a 5/8" rebar w/cap on the Northeasterly line of Starostka Estates Addition to the City of Kearney, Buffalo County, Nebraska; thence N 50°49'39" W on said Northeasterly line of said Starostka Estates Addition a distance of 291.64 feet to a 5/8" rebar w/cap on the West line of said Government Lot 2; thence N 00°14'22" E on said West line of Lot 2 a distance of 381.69 feet to the Point of Beginning, containing 17.28 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF ARBOR VIEW FIRST ADDITION

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the annexation of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street) and consider Resolution No. 2019-94.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2019-94 approving the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the annexation of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a

tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2019-94

WHEREAS, an Application has been submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the inclusion of Arbor View First, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a chiseled X at the Northwest Corner of Government Lot 2 and assuming the North line of said Government Lot 2 as bearing S 89°42'02" E and all bearings contained hereon are relative thereto; thence S 89°42'02" E on said North line of Government Lot 2 and on the North line of the Southeast quarter of the Northwest Quarter, said line also being the South line of Buffalo Ridge Second Addition, a subdivision being part of Government Lot 1 and all of the Northeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, a distance of 1485.00 feet to a 5/8" rebar w/cap; thence S 00°14'22" W a distance of 393.0 feet to a 5/8" rebar w/cap; thence N 89°42'02" W a distance of 283.31 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Right having a central angle of 6°49'24", a radius of 780.00 feet, an arc length of 92.89 feet, and a chord bearing of N 86°17'20" W, a distance of 92.83 feet to a 5/8" rebar w/cap; thence S 03°28'02" E a distance of 97.74 feet to a 5/8" rebar w/cap; thence S 15°10'23" E a distance of 243.38 feet to a 5/8" rebar w/cap; thence S 00°14'22" W a distance of 136.47 feet to a 5/8" rebar w/cap; thence S 89°59'58" W a distance of 50.00 feet to a 5/8" rebar w/cap; thence N 50°49'39" W a distance of 766.88 feet to a 5/8" rebar w/cap; thence N 89°42'02" W a distance of 153.46 feet to a 5/8" rebar w/cap; thence S 39°10'21" W a distance of 243.69 feet to a 5/8" rebar w/cap on the Northeasterly line of Starostka Estates Addition to the City of Kearney, Buffalo County, Nebraska; thence N 50°49'39" W on said Northeasterly line of said Starostka Estates Addition a distance of 291.64 feet to a 5/8" rebar w/cap on the West line of said Government Lot 2; thence N 00°14'22" E on said West line of Lot 2 a distance of 381.69 feet to the Point of Beginning, containing 17.28 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 17, 2019 on the inclusion of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on June 25, 2019 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

**RECEIVE INPUT REGARDING COMPREHENSIVE DEVELOPMENT PROJECT
CDBG 15-DTR-104**

Mayor Clouse opened the public hearing on the comprehensive development project under CDBG 15-DTR-104.

Ashley Weesner with Miller and Associates presented this matter to the Council. This grant was funded through the Nebraska Department of Economic Development. The City of Kearney was awarded \$350,000 for Downtown Revitalization activities: \$111,000 was for public facilities, 159,000 for architectural barriers and \$50,000 for commercial rehabilitation, \$30,000 of the \$50,000 was for general administration. The City provided a local match of \$290,000 for a total project cost of \$640,000.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing to receive input from the public with regard to a comprehensive development project under CDBG 15-DTR-104. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**ACQUISITION FOR PERMANENT ROADWAY, SEWER AND WATER MAIN
EASEMENT**

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Roadway, Sewer and Water Main Easement granted by Talmadge Jam, L.L.C. for an area of land being part of Government Lot 7, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-98.

Michael Tye, City Attorney, presented this matter to the Council. This item was before Council previously with Excalibur Enterprises as the owner, in the interim Excalibur Enterprises sold the property to Talmadge Jam, LLC. This hearing allows the City to acquire the property from the current owner.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-98 approving the proposed acquisition for a Permanent Roadway, Sewer and Water Main Easement granted by Talmadge Jam, L.L.C. for an area of land being part of Government Lot 7, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2019-98

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Roadway, Sewer and Water Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Talmadge Jam, L.L.C., have granted to the City of Kearney, Nebraska a Permanent Roadway, Sewer and Water Main Easement as follows:

PERMANENT ROADWAY, SEWER AND WATER MAIN EASEMENT

An area of land being part of Government Lot 7, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the Southeast corner of Government Lot 7 of Section 11 and assuming the East line of said Government Lot 7 as bearing N 01°06'37" E and all bearings contained herein are relative thereto; thence N 01°06'37" E on said East line a distance of 960.11 feet to the Point of Beginning; thence N 01°06'37" E continuing on said East line a distance of 105.0 feet to a point on the North right-of-way line of Talmadge Street as platted in the City of Kearney, Buffalo County, Nebraska; thence N 87°00'16" W on the Westerly extension of said North line of Talmadge Street and the South line of a tract of land recorded as Inst. 2018-04033 in the Buffalo County Register of Deeds, Kearney, Nebraska, a distance of 71.0 feet; thence S 01°06'37" W parallel with said East line a distance of 66.0 feet; thence S 87°00'16" E parallel with said South line a distance of 38.0 feet; thence S 01°06'37" W parallel with said East line a distance of 39.0 feet; thence S 87°00'16" E parallel with said South line a distance of 33.0 feet to the Point of Beginning, containing 0.14 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Roadway, Sewer and Water Main Easement granted by Talmadge Jam, L.L.C., to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held June 11, 2019.

2. Approve the following Claims:

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

24hrtees \$941.60 smcs; Ace Irrigation \$257.25 smcs; Acushnet \$5,589.62 smcs; Adobe \$286.66 smcs; Advance Auto \$69.98 smcs; Adventure Enter \$112.00 smcs; Ag Dryer Services \$4,960.00 co; Agri Coop \$2,146.45 smcs; Air Canada \$73.00 smcs; Alertshirt \$1,061.22 smcs; All Makes Auto \$3,574.27 smcs; Altec \$198.88 smcs; Amazon \$10,386.10 smcs,co; Ameraproducts \$64.99 smcs; American \$259.41 smcs; American Air \$754.60 smcs; Anderson,B \$32.89 smcs; Anythingtruck.com \$574.58 smcs; Apple Market \$11.00 smcs; ARC \$2,522.00 smcs; Arrowhead Scientific \$205.45 smcs; Ask Supply \$2,770.89 smcs; Astronaut Foods \$129.00 smcs; Aurora Coop \$50.88 smcs; Aussie Hydraulics \$3,191.65 smcs,co; Auto Value \$870.38 smcs; B&H Photo \$2,546.86 co; Bailey,A \$80.00 smcs; Baird Holm \$5,640.00 smcs; Baker & Taylor \$6,045.59 smcs; Barney Abstract \$210.00 smcs; Baughman,J \$58.85 smcs; Biehl,F \$5,250.00 smcs; Bike Shed \$24.26 smcs; Blackstone Audio Books \$80.00 smcs; Blessing \$1,854.72 smcs; Blevins,S \$125.00 smcs; Blick Art \$325.26 smcs; Bluecross Blueshield \$405,197.29 smcs; Bosselman \$39,687.42 smcs; Brass,M \$125.00 smcs; BSN Sports \$124.53 smcs; Bucky's Express \$65.36 smcs; Buezo Motor \$67.87 smcs; Buffalo Co. Board of Comm. \$10,504.48 smcs; Buffalo Co. Register Deeds \$630.00 smcs; Buffalo Co. Treasurer \$60.48 co; Buffalo Outdoor \$5,713.19 smcs; Builders \$3,019.21 smcs,co; Buysm Sod \$302.40 smcs; Buzz's Marine \$154.69 smcs; Cab Store \$92.96 smcs; Cabela's \$775.56 smcs; Canva \$2.00 smcs; Carquest \$472.98 smcs; Cascade Nets \$550.00 smcs; Cash Wa \$8,872.70 smcs; Cenex \$25.00 smcs; Cengage \$667.27 smcs; Central Hydraulic \$920.26 smcs; Central NE Bobcat \$321.90 smcs; Central Plains Library \$180.00 smcs; Charter \$615.67 smcs; Chemsearch \$307.00 smcs; Chesterman \$3,482.20 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$80.46 smcs; Cintas \$248.97 smcs; City of Ky \$18,948.59 smcs,ps; City Plumbing \$131.95 smcs; CMCO-USC \$8.74 smcs; CMH Interiors \$1,151.90 smcs; Coldspring Granite \$1,903.65 smcs; Comm. Act. Part-Mid Ne \$782.00 smcs; Consolidated Mgmt \$212.20 smcs; Construction Rental \$2,796.57 smcs,co; Control Yours \$200.00 smcs; Copycat \$1,456.44 smcs; Core & Main \$5,847.56 smcs; Cottonmill Enterprises \$1,437.00 co; Country Partners \$50,718.20 smcs; Credit Mgmt. \$391.17 ps; Crowd Control Store

\$550.00 smcs; CSH Electric \$217.36 smcs; Cudaback,A \$105.00 smcs; Culligan \$302.91 smcs; Cummins \$5,017.67 smcs; Dandee Construction \$1,872.00 smcs; Dan's Plumbing \$130.00 smcs; Dawson Public Power \$26,120.34 smcs; Del City \$262.33 smcs; Dell \$15,950.60 smcs,co; Demco \$118.32 smcs; Depository Trust \$3,251,788.65 ds; Deterdings \$419.99 smcs,co; Dillon Brothers \$546.87 smcs; Dillons Fuel \$6.08 smcs; Dish \$212.10 smcs; Dmilaco \$205.75 smcs; Dobish,M \$100.00 smcs; Dowhy Towing \$200.00 smcs; Dreamstime.com \$25.00 smcs; Duffey,S \$42.28 smcs; Duffy,P \$230.00 smcs; Eagle Distributing \$1,624.00 smcs; Eakes \$1,463.63 smcs; Earl May \$149.00 smcs; Ebay \$17.71 smcs,co; Ebsco Industries \$3,748.00 smcs; Echtenkamp,C \$254.75 smcs; Ecolab \$160.52 smcs; Ed Broadfoot & Sons \$118.30 smcs; Ehrlich \$153.00 smcs; Eileen's Cookies \$89.75 smcs; Elliott Equipment \$1,714.14 smcs; Embassy Suites \$985.26 smcs; Emblem Authority \$390.00 smcs; EMC Insurance \$12,605.97 smcs; Enterprise \$63.60 smcs; ESI \$1,083.85 smcs; Evers,B \$608.75 smcs; Evident \$252.50 smcs; EVT Certification \$60.00 smcs; Expression Wear \$1,262.00 smcs; Eyemed \$849.18 smcs; Facebook \$376.01 smcs; Family Fresh \$111.73 smcs; Family Practice \$364.00 ps; Fanatics \$130.18 smcs; Farm House Café \$1,168.97 smcs; Fastenal \$696.28 smcs; Federal Aviation \$12,819.18 co; Fedex \$244.20 smcs; Fiddelke \$475.75 smcs; Firehouse Subs \$30.00 smcs; Firespring \$250.32 smcs; Foxit \$129.00 smcs; Friesen Chevrolet \$815.76 smcs; Frontier \$7,338.69 smcs; Fun Express \$202.10 smcs; Funtastic \$30.00 smcs; Gall's \$296.18 smcs,ps; Gangwish Turf \$609.08 smcs,co; Garrett Tires \$9,042.92 smcs; Genesis Lamp \$196.90 smcs; Georgia Fountain \$417.69 smcs; GI Physical Therapy \$135.00 ps; Government Finance Officers \$225.00 smcs; Graham Tire \$1,445.16 smcs; Grainger \$1,668.19 smcs; Grand Hyatt \$589.20 smcs; Great Plains Safety \$650.00 smcs; Greater NE Cities \$1,000.00 smcs; Greg's Auto \$23.29 smcs; Halfmoon Education \$289.00 smcs; Hardwareonlinestore.com \$180.08 smcs; Harrison Truck \$1,082.43 co; Hidden Hills Repair \$79.99 smcs; H-mac Systems \$122.29 smcs; Hobby Lobby \$411.68 smcs; Hoehner Turf \$2,454.02 smcs; Holmes Supply \$951.63 smcs,co; Holtz Industries \$59.10 smcs; Home Depot \$754.36 smcs; Homepro Vacuum \$40.40 smcs; Hometown Leasing \$159.08 smcs; Hoover's Hatchery \$164.00 smcs; Hughes,C \$840.66 smcs; Hy-Vee \$57.60 smcs; IACA \$25.00 smcs; ICMA \$6,086.73 ps; Icon Enterprises \$170.00 smcs; Idemia Identity & Security \$12,344.00 smcs; Inland Truck \$1,162.51 smcs; Int'l Code Council \$256.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$177,589.68 ps; Jack Lederman \$1,758.95 smcs; Jackson Kayak \$2,628.00 co; Jimmy Johns \$122.96 smcs; JMAC Supply \$258.83 smcs; Joylecc \$450.00 smcs; Johnson Controls \$3,562.00 smcs; Justblinds.com \$162.64 co; Kaw Valley \$56.89 smcs; Ky Ace \$238.90 smcs; Ky Animal Shelter \$7,808.00 smcs; Ky Area Chamber \$1,876.75 smcs; Ky Catholic \$165.82 smcs; Ky Cinema 8 \$25.00 smcs; Ky Concrete \$15,888.30 smcs,co; Ky Crete & Block \$1,714.22 smcs,co; Ky Floral \$75.00 smcs; Ky Hub \$5,843.19 smcs; Ky Power Sports \$533.47 smcs; Ky Quality \$33.98 smcs; Ky Tire & Auto \$1,606.25 smcs; Ky Towing \$100.00 smcs; Ky Visitors Bureau \$97,747.18 smcs;Ky Warehouse \$485.22 smcs; Ky Winlectric \$16,323.22 smcs; Ky Winnelson \$699.42 smcs; Kelly Supply \$2,461.89 smcs; KOLN TV \$240.00 smcs; Konica Minolta \$1,321.29 smcs; Kubik,S \$30.00 smcs; Landmark Implement \$2,672.54 smcs; Lawson Products \$559.12 smcs; Licking,A \$32.23 smcs; Lifeguard Store \$965.88 smcs; Lind Electronic \$551.70 smcs; Lindenstein Machine \$300.00 smcs; Lockmobile \$574.26 smcs; Logmein \$372.36 smcs; Longleaf Service \$1,476.02 smcs; Luth,G \$60.00 smcs; Macqueen Equipment \$2,030.67 smcs; Magic Cleaning \$400.00 smcs; Maize Equipment \$110.74 smcs; Marlatt Machine \$2,143.86 smcs; Masek Golf Car \$1,707.45 smcs; Masters True Value

\$167.57 smcs; Matheson \$3,654.49 smcs,co; Mattson,S \$35.00 smcs; Maxwell Medals \$1,697.00 smcs; McElhinny Builders \$175.96 smcs; Mead Lumber \$47.56 co; Menards \$5,416.71 smcs; Microsoft \$887.04 co; Mid American Signal \$2,659.00 smcs; Midlands Contracting \$431,813.91 co; Mid-Plains Equipment \$106.00 smcs; Midway Chevrolet \$95.53 smcs; Midwest Connect \$680.35 smcs; Midwest Petroleum \$722.00 smcs; Midwest Radar \$1,000.00 smcs; Midwest Turf \$1,157.79 smcs; Miller & Associates \$8,800.00 smcs,co; Miller Signs \$1,197.00 smcs; Mirror Image \$313.90 smcs; Mobile Pro Shop \$475.41 smcs; Moonlight Custom Ink \$217.00 smcs; Moonlight Embroidery \$350.75 smcs; Morris Press \$513.07 smcs; Mouser Electronics \$147.04 smcs; Mr. Ed's Flags \$35.95 smcs; Municipal Supply \$28,843.26 smcs,co; Myers, William \$85.11 smcs; NASRO \$880.00 smcs; National Pen \$80.72 smcs; Navigator Motorcoaches \$250.00 smcs; Nays Online \$173.80 smcs; NCH Software \$133.70 smcs; NCL of Wisconsin \$650.84 smcs; NE Child Support Pyt Ctr \$2,448.89 ps; NE Environmental Quality \$300.00 smcs; NE Library Commission \$9,184.50 smcs; NE Machinery \$2,802.40 smcs; NE Main Street \$300.00 smcs; NE Safety \$290.00 smcs; NE Truck Center \$887.60 smcs; Nebraskaland Distributors \$1,663.60 smcs; NELTC \$50.00 smcs; Network Solutions \$119.97 smcs; Newegg \$129.99 smcs; NFPA \$315.00 smcs; NISC \$145.00 smcs; Noiseguy \$350.00 smcs; North Platte Telegraph \$280.13 smcs; Northern Tool \$422.49 smcs; Northwestern Energy \$3,163.49 smcs; Novus \$85.00 smcs; Nutrien Ag Solutions \$1,099.08 smcs; Oak Creek Engineering \$4,117.50 smcs; Observint \$611.12 smcs; OCLC \$736.83 smcs; Odeys \$773.00 smcs; Officemax \$4,774.17 smcs; Officenet \$399.90 smcs; O'Keefe Elevator \$624.51 smcs; Option III \$4,064.20 co; O'Reilly Auto \$2,204.10 smcs,co; O-Ring Store \$270.00 smcs; Orscheln \$973.14 smcs; Osborn,J \$25.00 smcs; OTC Brands \$231.54 smcs; Otto Environmental \$20,976.00 smcs; Palace Adv Room \$85.04 smcs; Paramount \$375.88 smcs; Pep Co \$300.00 smcs; Pepper Jax \$30.00 smcs; Pet Pick Ups \$1,533.97 smcs; Petersen,R \$317.25 smcs; Petsmart \$884.19 smcs; Phillips 66 \$170.11 smcs; Pioneer Manufacturing \$1,175.00 smcs; Pitney Bowes \$60.00 smcs; Platinum Awards \$69.30 smcs; Platte River Harley \$1,030.06 smcs; Platte Valley Auto \$530.23 smcs; Platte Valley Comm. \$10.00 smcs; Pot O' Gold \$230.00 smcs; Presto-X Company \$381.23 smcs; Proactive Sports \$121.88 smcs; PSS/CSS Presentation \$627.58 smcs; Public Agency \$595.00 smcs; Quality Memorials \$1,247.00 smcs; Quill \$316.64 smcs; Radarsign \$3,590.00 smcs; Radke,P \$35.00 smcs; Rayallen.com \$603.97 smcs,co; Ready Mixed \$2,820.23 smcs,co; Reams \$2,512.69 smcs,co; Recorded Books \$216.36 smcs; Redbox \$3.75 smcs; Redman's Shoes \$628.99 smcs; Rest and Relaxation Tours \$200.00 smcs; Ring.com \$30.00 smcs; Risk & Insurance Solutions \$1,791.82 smcs; Robert Brooke & Associate \$56.57 smcs; Roberts,T \$38.74 smcs; Roeder,M \$780.50 smcs; Rothenburger,A \$25.00 smcs; Rowe Welding \$8,000.00 co; Rustywilkin-ebay \$54.95 co; Safety Products \$53.25 smcs; Sahling Kenworth \$205.70 smcs; Sam's Club \$751.74 smcs; Sandry Fire \$159.93 smcs; Saylor Screenprint \$559.12 smcs; Sazama,S \$451.37 smcs; Scar Designs \$643.78 smcs; Schindler Elevator \$966.84 smcs; Schrock,D \$358.86 smcs; Schumacher Bros Fencing \$329.00 smcs; Schwan's \$598.57 smcs; Sedlacek,J \$353.98 smcs; See Clear Cleaning \$2,050.00 smcs; Select Sprayers \$983.46 smcs; Sequel Book \$1,400.00 smcs; Shell Oil \$15.06 smcs; Sherwin Williams \$326.84 smcs; Shredding Solutions \$45.00 smcs; Shuda,J \$30.00 smcs; Sid Dillon \$183,265.00 co; Siteone \$3,871.94 smcs; Small Engine \$136.78 smcs; Sporting Edge \$2,942.00 smcs; Steinbrinks \$7,171.98 smcs; Straight Line Striping \$18,606.00 smcs; Sunbelt Rentals \$29.98 smcs; Superior \$125,095.84 smcs; Supplyworks \$240.28 smcs; Target \$236.61 smcs; Teemark \$37.27 smcs; Terry's Ticket \$150.00 smcs;

Tractor-Supply \$1,687.16 smcs; Trade Well Pallet \$6,340.00 smcs; Travel Insured \$306.00 smcs; Tri-Cities Group \$66.38 smcs; Trugreen \$175.00 smcs; Turner Body Shop \$100.00 smcs; Uline \$84.03 smcs; Union Bank \$1,108,300.68 ds,ps; Unique Mgmt \$250.60 smcs; United \$356.70 smcs; United Seeds \$615.00 smcs; United Way \$5,000.00 smcs; USPS \$246.84 smcs; Van Diest Supply \$588.38 smcs; Verizon \$7,367.32 smcs; Versatil IT \$67.99 co; Vessco \$269,370.00 co; Vistaprint.com \$126.33 smcs; Vue \$55.00 smcs; W.T. Cox Subscription \$53.51 smcs; Waggoner Plumbing \$3,658.80 smcs; Walgreens \$21.39 smcs; Wal-mart \$3,305.59 smcs; Walsh, Christine \$218.00 smcs; Walters Electric \$784.00 smcs; Walters-Morgan \$345,800.70 co; Weis Fire \$520.00 smcs; Wessels,W \$167.85 smcs; Wilco Life \$10.00 ps; Williams Cleaners \$14.11 smcs; Wischmeier,S \$30.00 smcs; Work Boots USA \$26.54 smcs; WPCI \$350.00 smcs; Yanda's Music \$60.00 smcs; Zoro Tools \$1,130.72 smcs; Payroll Ending 06-08-2019 -- \$553,438.67. 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 July 9, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2019-99 approving Application and Certificate for Payment No. 2 in the amount of \$55,696.45 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. 2019-99

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. 2 in the amount of \$55,696.45 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	127,469.50
Retainage (10%)	<u>- 12,747.00</u>
Amount Due to Date	114,722.50
Less Previous Certificates for Payment	<u>- 59,026.05</u>
Current Payment Due	\$ 55,696.45

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. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

5. Adopt Resolution No. 2019-100 approving Application and Certificate for Payment No. 2 in the amount of \$127,227.47 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. 2019-100

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. 2 in the amount of \$127,227.47 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	345,830.10
Retainage (10%)	- 34,583.01
Amount Due to Date	<u>311,247.09</u>
Less Previous Certificates for Payment	<u>184,019.62</u>
Current Payment Due	<u>\$127,227.47</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. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

6. Adopt Resolution No. 2019-101 approving Application and Certificate for Payment No. 2 in the amount of \$206,913.60 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. 2019-101

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. 2 in the amount of \$206,913.60 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	269,880.00
Retainage (10%)	- 26,988.00
Amount Due to Date	242,892.00
Less Previous Certificates for Payment	<u>- 35,978.40</u>
Current Payment Due	\$ 206,913.60

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. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2019-102 approving Change Order No. 1 showing a decrease in the amount of \$9,768.50, Application and Certificate for Payment No. 2-Final in the amount of \$81,304.90, and accept the Certificate of Substantial Completion 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. 2019-102

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 Change Order No. 1 showing a decrease to the contract sum in the amount of \$9,768.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$81,304.90 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 258,396.00
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Change Order No. 1 (6/25/19)	- 9,768.50
Contract Sum To Date	248,627.50
Gross Amount Due	248,627.50
Retainage (0%)	- 0.00
Amount Due to Date	248,627.50
Less Previous Certificates for Payment	- 167,322.60
Current Payment Due	\$ 81,304.90

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 20, 2019, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Approve the recommendation from the Development Services Division on the annual renewal of L & M Mobile Home Park, 1110 Central Avenue manufactured home court license until May 31, 2020.
9. Approve the recommendation from the Development Services Division on extending the current license for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 60 days to correct the deficiencies.
10. Adopt Resolution No. 2019-103 approving Change Order No. 1 showing an increase in the amount of \$38,691.06 submitted by Gary Smith Construction Co., Inc. and approved by Miller & Associates for 2019 Asphalt Improvements for 29th Street from 2nd Avenue to 6th Avenue, 9th Avenue from 25th Street to 29th Street and 5th Avenue from 28th Street to 30th Street.

RESOLUTION NO. 2019-103

WHEREAS, Gary Smith Construction Co., Inc. of Grand Island, Nebraska has performed services in connection with 2019 Asphalt Improvements; Bid A for 29th Street and 5th Avenue and Bid B for 9th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$38,691.06 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

Original Contract Sum	\$ 166,661.60
Change Order No. 1 (6/25/19)	+ 38,691.06
Contract Sum To Date	\$ 205,352.66

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" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2019-104 approving Application and Certificate for Payment No. 1 in the amount of \$16,648.65 submitted by Hellas Construction, Inc. and approved by Miller & Associates for Harvey Park Pickleball Court project.

RESOLUTION NO. 2019-104

WHEREAS, Hellas Construction, Inc. of Austin, Texas has performed services in connection with the Harvey Park Pickleball Court Project, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$16,648.65 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$198,489.00</u>
Contract Sum To Date	198,489.00
Gross Amount Due	18,498.50
Retainage (10%)	<u>- 1,849.85</u>
Amount Due to Date	16,648.65
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 16,648.65

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 25TH DAY OF JUNE, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8350 CREATING PAVING IMPROVEMENT DISTRICT 2019-1000

Council Member Buschkoetter introduced Ordinance No. 8350 creating Paving Improvement District No. 2019-1000 for Yanney Avenue from the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second, thence easterly 250 feet to the northeast corner of Lot 3, thence southerly 248.84 feet to the South line of Lot 3, thence 598.54 feet westerly to the southwest corner of Government Lot 3 in Section 10, Township 8 North, Range 16 West, thence northerly 203.16 feet to the northwest corner of Government Lot 3, thence easterly 316 feet to the northwest corner of Lot 3, E.K. and

Mary Yanney Heritage Park Second, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8350. 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. 8350 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 Clouse seconded by Nikkila that Ordinance No. 8350 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. 8350 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. 8351 AUTHORIZING THE DEED OF SALE TO COMPUTE NORTH NE05, LLC

Council Member Buschkoetter introduced Ordinance No. 8351 authorizing the deed of sale for a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (to be known as Lot 2, Tech One Second Subdivision, a subdivision being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska, subject to approval and recording of the final plat for Tech One Second Subdivision, a subdivision being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska) to Compute North NE05, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8351. 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. 8351 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 Clouse seconded by Nikkila that Ordinance No. 8351 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. 8351 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$10.59 payable to Goodwill Industries be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter abstained. Motion carried.

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$92,440.66 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Mayor Clouse stated as a reminder there will be a Special City Council Meeting on July 9, 2019 at 7:00 a.m. for the annual presentation of the preliminary 2019-2020 budget followed by the regular City Council meeting that evening.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:04 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**