

**Kearney, Nebraska**  
**July 23, 2019**  
**5:30 p.m.**

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on July 23, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dennis Byrne, Police Lieutenant; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director; Scott Hayden, Director of Park and Recreation and Dan Lillis, Engineering Assistant II were also present. Members of the media present included: Mike Konz with the Kearney HUB and Ryan Boyd with KGFW. Some of the members of the audience were: Lynn Johnson, Barry Sherman, Terry Eirich, Gisel Theis, John Sydow, Dave Krueger and Lee Ann Purdy.

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 Jonathan Lumbard provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

Council members led the 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 and Council Members recognized longtime Civil Service Member, Wayne Olson on his retirement. Shawna Erbsen, Secretary of the Civil Service Commission, stated Mr. Olson has been on the Commission for 40 years and thanked him for his service. Mr. Olson stated he was blessed to live in Kearney and to serve on the Commission and Fire Department.

The oath of office to Police K-9 Officer Bane was postponed until the August 13th City Council meeting.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **VACATE A 17 FOOT STRIP APPROXIMATELY 200 FEET NORTH ALONG THE WEST SIDE OF CENTRAL AVENUE FROM THE INTERSECTION OF EAST 1ST STREET AND CENTRAL AVENUE**

Mayor Clouse stated the City was notified by the developer requesting to further postpone until August 13, 2019 the public hearing on the application submitted by Olsson for Blessing Premier Property, LLC to vacate a tract of land being 17 feet in width, located along the west line of Central Avenue as originally platted at a width of 100 feet located in Government Lot 8, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (approximately 200 feet north along the west side of Central Avenue from the intersection of East 1st Street and Central Avenue).

Moved by Nikkila seconded by Moore to further postpone until August 13, 2019 the Application submitted by Olsson for Blessing Premier Property, LLC to vacate a tract of land being 17 feet in width, located along the west line of Central Avenue as originally platted at a width of 100 feet located in Government Lot 8, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (approximately 200 feet north along the west side of Central Avenue from the intersection of East 1st Street and Central Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

### **REZONING OF PROPERTY LOCATED AT 6615 56TH AVENUE**

Mayor Clouse stated the City was notified by the developer requesting to further postpone until August 13, 2019 the public hearing on the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue).

Moved by Moore seconded by Lear to further postpone until August 13, 2019 the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**FINAL PLAT FOR TRAMPE SUBDIVISION**

Mayor Clouse stated the City was notified by the developer requesting to further postpone until August 13, 2019 the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife for the Final Plat for Trampe Estates, a subdivision being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue).

Moved by Moore seconded by Lear to further postpone until August 13, 2019 the Final Plat for Trampe Estates, a subdivision being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED AT 3215 GLOBAL DRIVE PLACE**

Public Hearings 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for the City of Kearney, a Municipal Corporation, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Light Industrial property described as 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 (3215 Global Drive Place) and consider Resolution 2019-113.

Craig Bennett with Miller and Associates presented this matter to the Council. Mr. Bennett stated the land is a little over 16 acres and is located on the south side of 56th Street, east of Tech One Subdivision and west of the NPPD substation. Tech One Boulevard is platted along the west side off of 56th Street. 17 feet of right of way will be dedicated on the north side to make the arterial road 50 feet; land will also be dedicated for the right of way for Global Drive Place which will terminate at the end of a cul de sac which meets up with Lot 2 which is what is being requested to be rezoned. Lot 1 will be just under 10 acres and will remain BP/PD. Mr. Bennett demonstrated the infrastructure for the subdivision.

Michael Morgan, City Manager, stated everything is moving on schedule for Compute North. Mayor Clouse stated NPPD desires to purchase land to the east of Compute North to build a larger substation to help support Compute North and future development.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-113 approving the Application submitted by Miller & Associates for the City of Kearney, a Municipal Corporation, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Light Industrial property described as 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 (3215 Global Drive Place). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2019-113**

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning 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 from Business Park to Light Industrial; and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Business Park to Light Industrial the use classification 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.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **REZONING OF PROPERTY LOCATED AT 3215 GLOBAL DRIVE PLACE**

Public Hearings 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for the City of Kearney, a Municipal Corporation, to rezone from District BP/PD, Business Park/Planned Development Overlay District to District M-1, Limited Industrial District for property described as 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 (3215 Global Drive Place) and consider Ordinance No. 8363.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for the City of Kearney, a Municipal Corporation, to rezone from

District BP/PD, Business Park/Planned Development Overlay District to District M-1, Limited Industrial District for property described as 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 (3215 Global Drive Place) and introduced Ordinance No. 8363 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 close the hearing and suspend the rules for Ordinance No. 8363. 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, Buschkoetter, Lear, Nikkila, Moore. 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. 8363 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Buschkoetter that Ordinance No. 8363 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8363 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 FOR TECH ONE SECOND SUBDIVISION**

Public Hearings 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for the City of Kearney, a Municipal Corporation, for the Final Plat for Tech One Second Subdivision, a subdivision 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 for property described as 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 (3215 Global Drive Place) and consider Resolution No. 2019-114.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2019-114 approving the Application submitted by Miller & Associates for the City of Kearney, a Municipal Corporation, for the Final Plat for Tech One Second Subdivision, a subdivision 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 for property described as 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 (3215 Global Drive Place). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

### RESOLUTION NO. 2019-114

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Tech One Second Subdivision, a subdivision 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 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, and more particularly described as follows: Referring to an aluminum cap at the Northwest corner of the Northwest Quarter of Section 29 and assuming the North line of said Northwest Quarter as bearing S 89°26'00" E and all bearings contained herein are relative thereto; thence S 89°26'00" E on said North line of the Northwest Quarter a distance of 1348.85 feet to the Northeast corner of Tech One First 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 and the ACTUAL POINT OF BEGINNING; thence continuing S 89°26'00" E on said North line of the Northwest Quarter a distance of 958.73 feet to the Northwest corner of a tract of land Deeded to Nebraska Public Power District in a Warranty Deed recorded in Deed Book 204, Page 308 in the Buffalo County Register of Deeds Office; thence S 00°34'16" W on the West line of said tract of land Deeded to Nebraska Public Power District a distance of 432.78 feet to a 5/8" Rebar w/cap at the Southwest corner of said tract of land Deeded to Nebraska Public Power District; thence S 00°04'12" W parallel with the East line of said Northwest Quarter a distance of 518.96 feet to a 5/8" rebar w/cap; thence N 89°26'00" W parallel with said North line of the Northwest Quarter a distance of 469.70 feet to a 5/8" rebar w/cap; thence N 00°04'12" E parallel with said East line of the Northwest Quarter a distance of 409.70 feet to a 5/8" rebar w/cap; thence Northwesterly on a non-tangent curve to the Right, having a central angle of 57°07'46", a radius of 60.00 feet, an arc length of 59.83 feet, and a chord bearing of N 61°21'55" W a distance of 57.38 feet to a 5/8" rebar w/cap; thence N 89°26'00" W parallel with said North line of the Northwest Quarter a distanced of 439.31 feet to a 5/8" rebar w/cap on the East line of Tech One Boulevard as platted on said Tech One First Subdivision also being the East line of said Tech One First Subdivision; thence N 00°34'00" E on said East line of Tech One First Subdivision a distance of 515.03 feet to the Point of Beginning, containing 16.07 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, July 22, 2019 by adding Subsection 19.

Moved by Moore seconded by Lear that Subsections 1 through 19 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

1. POSTPONED SINCE JULY 9, 2019. Accept the bids received for the 2019 Park and Recreation Parking Lot Improvements at Cottonmill Parking at Swim Lake and Fountain Hills Park and adopt Resolution No. 2019-111 awarding the bid to RMV Construction in the amount of \$92,191.60.

2. Approve Minutes of Special Meeting held July 9, 2019, Minutes of Regular Meeting held July 9, 2019 and Minutes of Special Joint Meeting held July 16, 2019.

3. Approve the following Claims:

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

5gstore.com \$390.00 smcs; Ace Irrigation \$198.10 smcs; Acushnet \$5,047.81 smcs; Adobe \$29.99 smcs; Advance Auto \$27.96 smcs; Adventure Enterprises \$1,645.00 smcs; Albers,J \$185.00 smcs; Alertshirt \$395.10 smcs; All Makes Auto \$1,740.60 smcs; Ally B Design \$125.00 co; Almquist,L \$125.00 smcs; Amax \$80.00 smcs; Amazon \$6,852.09 smcs,co; Ambirontrustwave \$191.54 co; American \$383.24 smcs; American Auto \$253.69 smcs; American Button \$167.42 smcs; American Library Assn. \$270.00 smcs; Americinn \$203.68 smcs; Amesbury,T \$85.00 smcs; Apple Market \$63.45 smcs; Aramark Uniform \$210.66 smcs; ARC \$104.00 smcs; Ask Supply Company \$1,667.92 smcs; Aurora Coop \$75.52 smcs; Awards Unlimited \$210.45 smcs; B&H Photo \$119.96 co; Baker & Taylor \$3,851.89 smcs; Baltic Networks \$445.75 smcs,co; Bamford \$225.00 smcs; Bauer,H \$35.54 smcs; Biddlecome,M \$33.20 smcs; Bike Shed \$89.91 smcs; Blackburn Manufacturing \$188.00 smcs; Blackstone Publishing \$278.99 smcs; Blackstrap \$5,325.18 smcs; Blessing \$1,947.60 smcs; BlueCross/BlueShield of NE \$115,408.97 smcs; Borsholm,E \$18.74 smcs; Bosselman \$21,187.97 smcs; Brecht,K \$380.62 smcs; Broadfoot's \$1,150.00 smcs; BSN Sports \$370.99 smcs; Bubble Factory \$6.05 smcs; Buffalo Co. Register Deeds \$46.00 smcs; Buffalo Co. Sheriff \$144,361.65 smcs; Buffalo Co. Treasurer \$15.38 smcs; Buffalo Outdoor Power \$1,305.97 smcs; Builders \$1,664.46 smcs,co; Cab Store \$52.99 smcs; Canva \$10.00 smcs; Carolina Software \$650.00 co; Carquest \$59.57 smcs; Casey's \$98.53 smcs; Cash Wa \$6,280.03 smcs; Casper/Natrona Co \$600.00 smcs; Cassidy,K \$2.77 smcs; Cd Opava Vychod \$33.13 smcs; CDW Government \$10,776.02 smcs; Cenex \$40.79 smcs; Central Hydraulic \$997.63 smcs; Central NE Bobcat \$741.04 smcs; Central Plains Library \$15.00 smcs; Charter \$590.86 smcs; Chemsearch \$510.35 smcs; Chesterman \$1,160.35 smcs; Chicken Coop \$50.00 smcs; Chief \$516.29 smcs; Chief Supply \$94.41

smcs; Cintas \$261.07 smcs; Circle K \$29.77 smcs; City of Krny \$26,269.96 smcs,ps; City Plumbing \$2,503.29 smcs; CMCO-USC \$161.12 smcs; CNA Surety \$40.00 smcs; Coldspring \$651.10 smcs; Comfort Inn \$572.25 smcs; Consolidated Mgmt. \$178.35 smcs; Constant Contact \$451.50 smcs; Construction Rental \$3,082.73 smcs,co; Control Yours \$200.00 smcs; Copycat \$3,223.72 smcs; Core & Main \$2,592.14 smcs; Corea,J \$60.00 smcs; Crane River Theater \$1,425.00 smcs; Credit Mgmt. \$330.85 ps; Crouch Recreational \$998.00 smcs; Crown Awards \$412.14 smcs; Culligan \$172.14 smcs; Cummins \$1,908.47 smcs; Cutter & Buck \$142.50 smcs; Danko Emergency \$1,012.80 smcs; Dan's Plumbing \$277.50 smcs; Daylight Donuts \$137.99 smcs; Del City \$475.34 smcs; Dell \$1,174.20 smcs,co; Delta Hotels \$191.30 smcs; Dent Popper \$822.50 smcs; Department of Education \$320.82 ps; Dish \$123.04 smcs; Dollar Tree \$22.58 smcs; Dreamseats \$1,900.28 smcs; Dreamstime.com \$25.00 smcs; Eagle Distributing \$2,138.25 smcs; Eakes \$2,711.09 smcs; Ebay \$11.54 co; Ecolab \$80.26 smcs; E-conolight \$283.96 smcs; Ed Broadfoot & Sons \$816.30 smcs; Ehrlich-Rentokil \$51.00 smcs; Eileen's Cookie \$178.00 smcs; EJ'S Outdoor Sports \$316.39 smcs; Elliott Equipment \$8,168.67 smcs; EMC Insurance \$784.00 smcs; Essay,S \$50.00 smcs; Evers,B \$1,076.25 smcs; Expression Wear \$509.80 smcs; Exxonmobil \$27.72 smcs; Eyemed \$860.64 smcs; EZ Turf \$196.68 smcs; Facebook \$23.18 smcs; Family Fresh \$20.97 smcs; Fastenal \$227.16 smcs; Faucet Depot \$200.72 smcs; Felsburg Holt & Ullevig \$1,305.90 smcs; Fernbruck \$614.90 smcs; First National Bank \$75.00 smcs; Flag Poles & More \$107.99 smcs; Friesen Chevrolet \$765.25 smcs; Fun Express \$100.81 smcs; Gadeken,S \$24.19 smcs; Gale \$694.40 smcs; Galls \$923.92 ps; Ganz,J \$182.44 smcs; Garrett Tires \$5,235.75 smcs; Garringer,J \$12.60 smcs; GCSAA \$400.00 smcs; Gempler's \$108.80 smcs; Gfeller,M \$60.00 smcs; Glass Doctor \$508.03 smcs; Glendale Parade Store \$238.95 smcs; Godaddy.com \$197.52 smcs; Gough,D \$13.13 smcs; Graham Tire \$42.00 smcs; Grainger \$1,679.93 smcs,co; Great Plains Uniforms \$32.10 smcs; Grey House \$407.90 smcs; Grossman,K \$15.00 smcs; Gulf Oil \$34.42 smcs; Hach \$237.89 smcs; Hambridge,D \$60.00 smcs; Hamilton,C \$22.53 smcs; Hendon Media \$798.00 smcs; Hireright \$8.66 smcs; Hobby-Lobby \$321.99 smcs; Hoffman,S \$67.50 smcs; Holmes Supply \$1,379.82 smcs,co; Holtz Industries \$103.60 smcs; Home Depot \$805.28 smcs; Hometown Leasing \$159.08 smcs; Hooker Brothers \$504.36 smcs; Hotelsone.com \$107.91 smcs; Humanities Nebraska \$100.00 smcs; Hunt,K \$12.60 smcs; Hutsell,M \$133.37 smcs; Hy-vee \$23.93 smcs; IAPE \$300.00 smcs; ICMA Retirement \$6,153.76 ps; IEDC \$135.00 smcs; Indian Hills Estate \$13.26 smcs; Invoicehome.com \$5.00 smcs; Iowa Library \$420.00 smcs; IRS \$173,110.77 ps; Jack Lederman \$1,100.63 smcs,co; Jack's Uniforms \$495.93 smcs; JCB Delivery \$84.00 smcs; JJ Keller \$49.21 smcs; Joann Stores \$113.81 smcs; Johnson Brothers of NE \$660.40 smcs; Johnstone Supply \$109.77 smcs; Jones,B \$300.00 smcs; Josten Wilburt Vault \$700.00 smcs; Jurys Inn \$139.09 smcs; Kanopy \$350.00 smcs; Kaw Valley \$129.87 smcs; Krny Ace \$329.00 smcs; Krny Animal Shelter \$7,808.00 smcs; Krny Chamber Comm \$75.00 smcs; Krny Cinema 8 \$150.00 smcs; Krny Concrete \$1,774.81 smcs,co; Krny Crete & Block \$118.72 smcs; Krny Hub \$1,967.46 smcs; Krny Noon Rotary Club \$130.00 smcs; Krny Powersports \$103.95 smcs; Krny Tire \$1,113.19 smcs; Krny Visitors \$51,946.42 smcs; Krny Warehouse \$589.20 smcs; Krny Winlectric \$157.45 smcs; Kelly Supply \$1,384.42 smcs; Klinginsmith,M \$191.71 smcs; Knox Company \$61.00 smcs; KOLN TV \$160.50 smcs; Konica Minolta \$1,645.89 smcs; Landmark Implement \$1,938.28 smcs; Langlais,M \$2.09 smcs; Lawn Builders \$1,425.00 co; Lawson products \$618.74 smcs; LCL Truck Equipment \$737.00 co; Leadership Krny \$450.00 smcs; Ledesma,C \$488.53 smcs; Lighting Supply \$66.48

smcs; Lind Electronic \$90.07 smcs; Little Caesars \$51.23 smcs; Lockmobile \$218.10 smcs; Londer, Paul \$29.78 smcs; Macqueen Equipment \$695.26 smcs; Magic Cleaning \$400.00 smcs; Maize Equipment \$118.40 smcs; Makit Products \$360.00 smcs; Masek Golf Car \$133.31 smcs; Masters True Value \$699.02 smcs; Matheson \$383.74 smcs; Mcdonald Uniforms \$422.99 smcs; Mead Lumber \$86.84 co; Medic Batteries \$104.49 smcs; Mefferd,E \$438.00 smcs; Mellen & Associates \$2,269.28 smcs; Menards \$6,265.24 smcs; Michaels \$123.01 smcs; Midlands Contracting \$4,378.00 smcs; Mid-NE Garage Doors \$1,400.00 smcs; Midwest Breathing Air \$441.99 smcs; Midwest Connect \$138.15 smcs; Midwest Laboratories \$737.00 smcs; Midwest Turf \$1,112.92 smcs; Mirror Image Car wash \$210.29 smcs; Monoprice \$48.67 co; Moonlight Embroidery \$3,226.85 smcs; Municipal Supply \$23,348.86 sms; Murphy Tractor \$583.04 smcs; Myers,W \$85.11 smcs; Nations Photo Lab \$30.95 ps; NCHsoftware.com \$51.69 co; NCL of Wisconsin \$522.90 smcs; NDOL Boiler Inspection \$30.00 smcs; NE Child Support Pmt \$2,448.89 ps; NE Council of School Adm. \$25.00 smcs; NE Crane \$6.41 smcs; NE Dept. Environmental \$19,903.05 smcs; NE Library Assn. \$149.04 smcs; NE Machinery \$1,040.30 smcs; NE Safety \$342.50 smcs; NE Truck Center \$2,657.40 smcs; Nebraskaland Distributors \$3,147.60 smcs; NET \$400.00 smcs; Network Solutions \$119.97 smcs; Newsbank \$305.00 smcs; Northern Safety \$458.77 smcs; Northern Tool \$182.91 smcs; Northwest Electric \$320.17 smcs; Northwestern Energy \$2,174.71 smcs; Novus \$40.00 smcs; NRG Media \$205.00 smcs; NSA/POAN \$900.00 smcs; Nutrien Ag \$1,653.09 smcs; OCLC \$736.24 smcs; Officemax \$854.97 co; O'Reilly Automotive \$1,004.50 smcs; Orscheln \$783.20 smcs; OTC Brands \$54.53 smcs; Overhead Door \$374.27 smcs; Owens,J \$93.75 smcs; Paperworks.com \$234.34 smcs; Paramount \$227.47 smcs; Parkink \$1,520.35 smcs; Party City \$38.66 smcs; Paulsen,A \$9.43 smcs; Payflex Systems \$17.00 smcs; Penworthy \$688.03 smcs; Pep Co. \$237.34 smcs; Petsmart \$43.28 smcs; PGA Member Info \$521.00 smcs; Pilotshop.com \$119.50 smcs; Pizza Hut \$212.58 smcs; Platinum Awards \$61.55 smcs; Platte Valley Auto \$59.98 smcs; Platte Valley Comm \$1,751.96 smcs; Pot O' Gold \$230.00 smcs; Powderhorn Birthrite \$323.01 smcs; Power DMS \$6,411.26 smcs; Precision Rifle Workshop \$650.00 smcs; Presto-X \$86.00 smcs; Proactive Sports \$56.97 smcs; Prosocki,A \$58.00 smcs; Provantage \$18,572.00 smcs,co; Rasmussen Mechanical \$393.50 smcs; Reams \$6,756.86 smcs; Recorded Books \$244.10 smcs; Redbox \$6.42 smcs; Resource Mgmt. \$2,629.20 smcs; Rhoads,A \$35.42 smcs; Rink Systems \$268.81 smcs; Rivershore Reading \$159.00 smcs; Rooks,Michelle \$135.00 smcs; Rustywilkin \$164.85 co; S & J Construction \$2,283.00 co; Safety Products \$149.46 smcs; Sahling Kenworth \$170.50 smcs; Sandry Fire \$2,168.04 smcs; Sapp Brothers \$20,172.17 smcs; Saylor Screenprint \$126.00 smcs; Scholastic Education \$2,017.54 smcs; School District #7 \$314.55 smcs; Schwans \$2,158.98 smcs; Seat Covers Unlimited \$242.40 smcs; See Clear Cleaning \$2,050.00 sms; Sequoia Park Zoo \$593.71 smcs; Shedding Solutions \$45.00 smcs; Sherwin Williams \$344.78 smcs; SHRM \$189.00 smcs; Siddons Martin \$3,824.68 smcs; Silverstone Group \$5,005.75 smcs; Sindt, Delbert \$283.00 smcs; Smith,G \$400.00 smcs; SOS Portable Toilets \$295.00 smcs; Sporting Edge \$660.18 smcs; Sprinklerwarehouse \$2,929.27 smcs; Staley,R \$170.00 smcs; Starostka Group \$85,450.35 co; Steinbrink's \$2,858.70 smcs; Stompers Boots \$499.00 smcs; Suchsland,T \$185.00 smcs; Sunbelt Rentals \$434.73 smcs; Super Seer \$481.63 smcs; Supplyhouse.com \$103.69 smcs; Swenson,J \$17.01 smcs; Swing,S \$23.04 smcs; Target \$134.96 smcs; Tillotson Enterprises \$2,632.00 smcs; Titan Machinery \$2,084.21 smcs; Townsend,A \$84.29 smcs; Townsend,K \$84.00 smcs; Tractor Supply \$2,338.56 smcs; Tri-Cities Group \$154.82 smcs; TruGreen

\$175.00 smcs; Turner Body Shop \$85.00 smcs; TVH Parts \$874.62 smcs; Ultimate Security \$41.16 smcs; Union Bank & Trust \$79,448.08 ps; Unique Mgmt. \$250.60 smcs; UPS \$89.62 smcs,co; USA Communications \$324.89 smcs; USA Traffic \$251.23 smcs; USPS \$171.64 smcs; Van Diest \$1,709.80 smcs; Van Wall \$168.88 smcs; Vanhorn,S \$217.00 smcs; Verizon \$7,255.71 smcs; Vest,P \$122.50 smcs; Vistaprint \$217.19 smcs; VVS \$54.00 smcs; Wagner's Irrigation \$40.00 smcs; Walgreens \$5.99 smcs; Wal-mart \$2,417.28 smcs,co; Walters Electric \$258.98 smcs; Walters-Morgan Construction \$281,778.14 co; Warnell,V \$24.73 smcs; Warren-T \$150.00 smcs; Weaver,N \$104.31 smcs; Weller,B \$331.20 smcs; Wilco Life Insurance \$10.00 ps; Wisconsin Cheesman \$407.53 smcs; Witte,K \$93.75 smcs; Wong,E \$9.28 smcs; WPCI \$371.00 ps; Wristbandcom \$215.10 smcs; Zabel,A \$41.65 smcs; Zoro Tools \$345.99 smcs; Payroll Ending 07/06/2019 -- \$545,028.51. 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.

4. Receive recommendations of Planning Commission and set August 13, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.

5. Adopt Resolution No. 2019-115 appointing citizens to serve on the Airport Advisory Board, Board of Adjustment, Civil Service Commission, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency and Planning Commission.

#### **RESOLUTION NO. 2019-115**

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

#### AIRPORT ADVISORY BOARD

Michelle Stover reappointed to July 31, 2024

#### BOARD OF ADJUSTMENT

Jonathan Brandt reappointed to July 31, 2022

Steve Lind reappointed to July 31, 2022

Kevin Duncan reappointed to July 31, 2022

#### CIVIL SERVICE COMMISSION

Lee Ann Purdy appointed to succeed Wayne Olson to July 31, 2025

#### COMMUNITY REDEVELOPMENT AUTHORITY

Tim Mannlein reappointed to July 31, 2024

**DOWNTOWN IMPROVEMENT BOARD**

Kevin Hervert appointed to succeed Bryce Jensen to July 31, 2024  
Kari Printz appointed to fulfill term of SueZan King to July 31, 2020

**GOLF ADVISORY BOARD**

Gary Chramosta reappointed to July 31, 2023  
Jordan Arensdorf appointed to fulfill term of Megan Uphoff to July 31, 2022

**KEARNEY HOUSING AGENCY**

Tom Watson reappointed to July 31, 2024

**PLANNING COMMISSION**

John Rickard reappointed to July 31, 2022  
Joey Cochran reappointed to July 31, 2022  
Rich McGinnis reappointed to July 31, 2022  
Patrick O'Neill appointed to fulfill term of Jack McSweeney to July 31, 2020

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

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Approve setting August 13, 2019 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1.

7. Adopt Resolution No. 2019-116 approving Change Order No. 1 showing an increase in the amount of \$3,080.00 and Application and Certificate for Payment No. 2 in the amount of \$129,739.95 submitted by Hellas Construction, Inc. and approved by Miller & Associates for Harvey Park Pickleball Court project.

**RESOLUTION NO. 2019-116**

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 Change Order No. 1 showing an increase to the contract sum in the amount of \$3,080.00 as shown on Exhibit "A" attached hereto and made a part hereby of reference; and

WHEREAS, Hellas Construction, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$129,739.95 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$198,489.00
Change Order No. 1 (7/23/19)	<u>+ 3,080.00</u>
Contract Sum To Date	201,569.00
Gross Amount Due	162,654.00

Retainage (10%)	- 16,265.40
Amount Due to Date	146,388.60
Less Previous Certificates for Payment	- 16,648.65
Current Payment Due	<u>\$ 129,739.95</u>

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" and Application and Certificate for Payment No. 2, as shown on Exhibit "B", be and is hereby accepted and approved.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Adopt Resolution No. 2019-117 approving the Amendment to Original Agreement for Services between the City of Kearney and the Community Redevelopment Authority to increase the fees and to extend the Agreement an additional five years.

**RESOLUTION NO. 2019-117**

WHEREAS, on September 9, 2008, the City Council passed Resolution No. 2008-159 entering into an Agreement for Services with the Community Redevelopment Authority; and

WHEREAS, on May 25, 2010 the City Council adopted Resolution No. 2010-106 and again on June 25, 2013 the City Council adopted Resolution No. 2013-120, amending the Agreement for Services; and

WHEREAS, it is mutually agreed between the parties to amend the Agreement for Services to increase the fee to \$61,223 beginning October 1, 2019 and providing for annual three percent increases thereafter; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Services between the City of Kearney and the Community Redevelopment be approved, and that a copy of the Agreement for Services, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement for Services on behalf of the City of Kearney, Nebraska.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2019-118 authorizing the City Manager, Director of Finance, Assistant Director of Finance and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated

depositories.

**RESOLUTION NO. 2019-118**

WHEREAS, the Mayor and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as city depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirsTier Bank
- NebraskaLand National Bank

However, such designation as a city depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following who now hold offices or positions with the City:

Michael W. Morgan, City Manager  
 Wendell R. Wessels, Director of Finance  
 Lauren Brandt, City Clerk  
 Jena C. Bice, Assistant Director of Finance

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2018-13 is hereby specifically rescinded and repealed.

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

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

**10.** Approve the application to extend Conditional Use Permit No. 2011-02 submitted by Carl Whitney Sand & Gravel, Mid-Nebraska Aggregate Inc., and Dennis Clabaugh to locate a sand and gravel extraction operation located at 3825 East 1st Street for a period of four years.

**11.** Adopt Resolution No. 2019-119 approving Application and Certificate for Payment No. 3 in the amount of \$230,115.38 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. 2019-119**

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. 3 in the amount of \$230,115.38 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	601,513.85
Retainage (10%)	<u>- 60,151.39</u>
Amount Due to Date	541,362.47
Less Previous Certificates for Payment	<u>311,247.09</u>
Current Payment Due	\$ 230,115.38

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. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Adopt Resolution No. 2019-120 approving Application and Certificate for Payment No. 1 in the amount of \$48,019.05 submitted by Blessing Construction and approved by Miller & Associates for 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998.

**RESOLUTION NO. 2019-120**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998, and the City's engineer, Miller

& Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$48,019.05 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>1,203,346.00</u>
Contract Sum To Date	1,203,346.00
Gross Amount Due	53,354.50
Retainage (10%)	- 5,335.45
Amount Due to Date	48,019.05
Less Previous Certificates for Payment	<u>- 0.0</u>
Current Payment Due	\$ 48,019.05

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 23RD DAY OF JULY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**13.** Adopt Resolution No. 2019-121 approving Application and Certificate for Payment No. 3 in the amount of \$40,290.75 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. 2019-121**

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. 3 in the amount of \$40,290.75 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	172,417.50
Retainage (10%)	- <u>17,404.25</u>
Amount Due to Date	155,013.25
Less Previous Certificates for Payment	<u>- 114,722.50</u>
Current Payment Due	\$ 40,290.75

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

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

14. Adopt Resolution No. 2019-122 approving Application and Certificate for Payment No. 1 in the amount of \$168,652.41 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. 2019-122**

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 Application and Certificate for Payment No. 1 in the amount of \$168,652.41 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 166,661.60
Change Order No. 1 (6/25/19)	+ 38,691.06
Contract Sum To Date	\$ 205,352.66
Gross Amount Due	187,391.57
Retainage (10%)	- 18,739.16
Amount Due to Date	168,652.41
Less Previous Certificates for Payment	0.00
Current Payment Due	\$168,652.41

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 23RD DAY OF JULY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

15. Adopt Resolution No. 2019-123 approving Change Order No. 3 showing an increase in the amount of \$58,528.00 (additional water main at TechOne Crossing) 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. 2019-123**

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. 3 showing an increase in the amount of \$58,528.00 (additional water main at TechOne Crossing) as shown on Exhibit "A" 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. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**16.** Adopt Resolution No. 2019-124 approving Application and Certificate for Payment No. 3 in the amount of \$203,390.10 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. 2019-124**

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. 3 in the amount of \$203,390.10 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	495,869.00
Retainage (10%)	<u>- 49,586.90</u>
Amount Due to Date	446,828.10
Less Previous Certificates for Payment	<u>- 242,892.00</u>
Current Payment Due	\$ 203,390.10

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

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**17.** Approve the License and Services Agreement between the City of Kearney and Tyler Technologies for software and implementation services and adopt Resolution No. 2019-125.

**RESOLUTION NO. 2019-125**

WHEREAS, on September 13, 2011, the City Council approved a Standard Software License and Services Agreement with New World Systems for an Integrated Financial System; and

WHEREAS, since 2011, Tyler Technologies, Inc. has acquired New World Systems and has recently developed a product named ExecuTime Time and Attendance.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the License and Services Agreement with Tyler Technologies, Inc. to purchase and implement the ExecuTime Time and Attendance software. A copy of the License and Services Agreement, marked as exhibit A, is attached hereto and made a part hereof by reference.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

18. Approve the application to extend Conditional Use Permit No. 2013-03 submitted by Shannon Schmidt to locate a day care facility at 506 East 26th Street for a period of two years.

19. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123237 liquor license application and manager application for Elizabeth Swanson submitted by Public House 22, LLC dba Public House 22 located at 12 East 21st Street.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**AUTHORIZE THE CITY OF KEARNEY TO JOIN WITH NPPD AS A CO-APPLICANT TO THE NEBRASKA POWER REVIEW BOARD**

Vice President Buschkoetter opened for discussion Resolution No. 2019-126 authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area to include the annexed land described as 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).

Lauren Brandt, City Clerk, presented this matter to the Council. In 2013 the City did this same process for Remington Second Addition. Because the City owns the electric

distribution system and NPPD leases and operates it for the City, NPPD is responsible for maintaining and constructing any additions necessary for service which includes additions when property is annexed into the City. On June 11th, 2019 Council annexed Arbor View First into the corporate limits. NPPD will need to apply to the Nebraska Power Review Board to amend its existing retail area to include Arbor View First. The item on the agenda allows the City to be a co-applicant with NPPD for this amendment.

Vice President Buschkoetter asked how often the City has to do this since it is not done every time there is an annexation. Michael Tye, City Attorney, stated that this is only required when the annexation is not already part of NPPD's retail territory.

Moved by Lear seconded by Buschkoetter to approve Resolution No. 2019-126 authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area to include the annexed land described as 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: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

#### **RESOLUTION NO. 2019-126**

WHEREAS, on June 11, 2019 the Kearney City Council passed and approved Resolution No. 2019-94 extending to include within the corporate limits of the City the contiguous and adjacent tract of land 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 Nebraska Public Power District (NPPD) will apply to the Nebraska Power Review Board for an order amending its existing retail service area, which includes the City of Kearney, to include the above described property into the corporate boundaries of the City of Kearney, Nebraska; and

WHEREAS, the City of Kearney has an interest in the outcome of such application by reason of its rights under the Professional Retail Operations Agreement with NPPD approved on July 11, 1989, pursuant to which NPPD operates and maintains the electric distribution system owned by the City of Kearney; and

WHEREAS, it is determined by the City Council that it would be desirable and in the best interests of the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City of Kearney, Nebraska, be authorized to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the City to include the above described property into the corporate boundaries of the City of Kearney, Nebraska in said retail service area.

BE IT FURTHER RESOLVED that the Vice-President be and is hereby authorized to execute on behalf of the City of Kearney a joint application with NPPD to the Nebraska Power Review Board and to cooperate with NPPD in the prosecution of its application.

BE IT FURTHER RESOLVED that such joint application shall be prosecuted at the sole cost and expense of NPPD.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **VII. REPORTS**

Council Member Lear thanked Mr. Olson for his service on the Commission; Council Member Moore congratulated Mr. Olson's replacement on the Commission, Lee Ann Purdy.

Michael Morgan, City Manager, stated the City hit 10,000 enplanements for the year today; there were 2,101 passengers in July so far. Additionally, most important from the airlines standpoint, is the load factor of the airline, which is the number of seats sold on the airplane, the City is running at 75% load factor currently. The City is in the process of adding a storage facility for the airport in order to access equipment faster in the winter months. The City is also looking at adding more parking spaces. The automated weather observation system is currently being operated by a third party; staff is currently being trained to get certified so in case the system is out, City staff will be certified to perform that function.

Mr. Morgan gave an update on flooding damage and clean up. Mayor Clouse also thanked City employees for all the work they did during the flood.

**CLOSED SESSION**

Moved by Buschkoetter seconded by Clouse that Council adjourn into closed session at 5:59 p.m. for the protection of the public interest to discuss possible litigation matters. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible litigation matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Lear seconded by Buschkoetter that Council reconvene in regular session at 7:10 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**VIII. ADJOURN**

Moved by Buschkoetter seconded by Clouse that Council adjourn at 7:10 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**LAUREN BRANDT  
CITY CLERK**