

*Kearney, Nebraska*  
*March 22, 2016*  
*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 March 22, 2016, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Bob Lammers and Jonathan Nikkila. Absent: Randy Buschkoetter and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Kirk Stocker, Director of Utilities; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Duane Ruh, Steve Altmaier from KGFW Radio, Jessica Kokesh from 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**

A Boy Scout from Troop 158 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.

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### III. PUBLIC HEARINGS

None.

### IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held March 8, 2016 and Minutes of Special Meeting held March 15, 2016.

2. Approve the following Claims:

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

1000bulbs.com \$762.70 smcs; 4imprint \$498.35 smcs; 5.11 Tactical \$27.99 ps; A&L Hydraulics \$527.15 smcs; ABC Drug \$14.83 smcs; Ace Hardware \$159.61 smcs; Advance Auto Parts \$44.94 smcs; Alamar \$252.00 ps; Albrecht,H \$1,966.50 smcs; Alfred Benesch \$32,675.71 co; All Makes Auto \$2,495.57 smcs; Ally B Design \$180.00 smcs; Amazon \$3,594.16 smcs,co; American \$324.13 smcs; Applied Industrial \$890.12 smcs; ARC Services/Training \$280.00 smcs; Ask Supply \$2,013.24 smcs; Aurora Coop \$73.04 smcs; Auto Anything \$1,078.79 smcs; Auto Value \$1,337.78 smcs; Baker & Taylor \$7,419.01 smcs; Barco Municipal \$353.92 smcs; Beacon Ballfields \$1,839.60 smcs; Blackburn Mfg \$84.72 smcs; Blackstone Audio \$297.49 smcs; BlueCross/BlueShield \$167,048.27 smcs; Boardtronics \$329.80 smcs; Bosselman \$5,069.26 smcs; Breakfast Cart \$295.35 smcs; Brilliance Publishing \$134.94 smcs; Briseno,P \$142.56 smcs; Broadfoot's \$7,200.00 smcs; Bruha,S \$600.00 smcs; BSN Sports \$693.70 smcs; Bubble Factory \$57.95 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$771.31 smcs; Buffalo Wild Wings \$25.00 smcs; Buggy Bath Car Wash \$10.00 smcs; Builders \$1,301.97 smcs,co; Buy Door Hardware \$62.00 smcs; Cameron \$44,955.10 co; Capstone Press \$17.99 smcs; Carquest \$2,002.23 smcs; Casey's \$153.34 smcs; Cash Wa \$1,654.52 smcs; CBA Lighting \$688.90 smcs; Center Point Publishing \$144.12 smcs; Central Fire \$51.90 smcs; Central Hydraulic \$1,105.06 smcs; Central NE Bobcat \$739.17 smcs; Central NE Rehabilitation \$195.00 ps; Central States Group \$2,140.32 smcs; Cervantes,E \$28.32 smcs; Charter \$654.32 smcs; Chemsearch \$305.00 smcs; Chesterman \$560.60 smcs; Chicken Coop \$50.00 smcs; Child's World \$2,094.60 smcs; Cintas \$345.69 smcs; City of Ky \$55,229.09 smcs,ps; Clark Enersen Partners \$5,670.12 co; Coldspring \$239.40 smcs; Colling,G \$300.00 co; Concerns of Police Survivor \$30.00 smcs; Consec Life Ins \$19.00 ps; Construction Rental \$40.05 smcs; Copycat \$646.14 smcs; Cornhusker Garage \$39.00 smcs; Cracker Barrel \$30.00 smcs; Crane River Theater \$460.00 smcs; Culligan \$350.60 smcs; Cummins \$2,020.55 smcs; Customlink \$840.96 smcs; Danko Emergency \$100.00 smcs; Davis Equipment \$854.47 smcs; Dawson PPD \$17,707.80 smcs; DCI Credit Services \$231.10 ps; Delight Donuts \$37.60 smcs; Dell \$8,131.91 smcs,co; Demco

\$504.71 smcs; Diamond Vogel \$196.15 smcs; Dickey's Barbecue \$239.00 smcs; Divas Floral \$25.00 smcs; Dmilaco \$268.92 smcs; Dowhy Towing \$200.00 smcs; Dreamstime \$39.00 smcs; DRlroxio.com \$32.09 co; Dutton-Lainson \$54.16 smcs; Eagle Distributing \$418.05 smcs; Eakes \$3,945.72 smcs; Electric Pump \$5,521.02 smcs; Elliott Equipment \$4,429.31 smcs; EMC Ins \$18,623.46 smcs; Emerson Network \$5,475.26 smcs; Engineered Controls \$162.00 smcs; Eustis Body Shop \$100.00 smcs; Evers,B \$633.75 smcs; Facebook \$74.12 smcs; Family Fresh \$43.31 smcs; Farmers Union \$135.00 smcs; Fastenal \$1,630.49 smcs; Fastspring \$27.00 co; Favorwarehouse \$27.88 smcs; FD Int'l \$45,000.00 co; Fedex \$8.10 smcs; Fiddelke \$699.32 smcs; Fireguard \$51.33 smcs; Flaherty,T \$378.00 smcs; Fleetpride \$1,540.00 smcs; Flippin Sweet \$25.00 smcs; Fred Pryor \$88.00 smcs; Frontier \$10,110.29 smcs,co; Fun Express \$52.33 smcs; Fyr-Tek \$116.90 smcs; Gale \$1,148.66 smcs; Ganz Title & Escrow \$794,661.25 co; Garrett Tires \$7,702.05 smcs; Gear For Sports \$1,609.41 smcs; General Traffic \$4,003.65 smcs; Gordon Electric \$334.30 smcs; Grainger \$877.80 smcs; Great Plains Motorcycle \$17.97 smcs; Hall,J \$19.06 smcs; Hauppauge Computer \$61.73 smcs; HD Supply \$4,276.85 smcs; Heartland Electric \$1,095.00 smcs; Hemingway,B \$500.00 smcs; Henninger,C \$861.99 smcs; HOA Solutions \$19,000.00 co; Hobby-Lobby \$281.70 smcs; Holiday Inn \$8,156.00 smcs; Holmes Plbg \$767.33 smcs,co; Hometown Leasing \$265.92 smcs; Hotwoods \$7,807.00 co; Howe,C \$69.00 smcs; Hyvee \$150.14 smcs; ICMA \$4,442.86 ps; Int'l Code Council \$643.00 smcs; IRS \$138,269.61 ps; J&A Traffic \$107.46 smcs; J&P Parkseed \$97.58 smcs; Jack Lederman \$182.81 smcs; James,D \$40.00 smcs; Jameson Painting \$700.00 smcs; JEO Consulting \$17,734.59 smcs; Johnstone Supply \$318.35 smcs; Joseph's Beauty College \$705.00 smcs; Kansas City Royals \$1,080.00 smcs; Ky Chamber Comm \$359.00 smcs; Ky Cinema 8 \$25.00 smcs; Ky Clinic \$1,139.00 ps; Ky Concrete \$112.36 smcs; Ky Hub \$4,042.30 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Towing \$300.00 smcs; Ky Warehouse \$1,652.76 smcs; Ky Winlectric \$2,378.00 smcs,co; Ky Winnelson \$26.24 smcs; Kmart \$24.98 smcs; Konica Minolta \$438.79 smcs; Landmark Implement \$588.04 smcs; Large,J \$300.00 smcs; Larue \$108.03 smcs; Lawson Products \$262.94 smcs; LCL Truck Equipment \$1,836.59 smcs; Leach,C \$64.50 smcs; League of NE Municipalities \$1,484.00 smcs; Liberty Cleaners \$30.91 ps; Lids Team Sports \$1,457.00 smcs; LMC Truck \$331.70 smcs; Logan Contractors \$233.09 smcs,co; Look What's Cooking \$25.00 smcs; LTD Electric \$34.00 smcs; Lynch,D \$1,340.24 smcs; Mac Tools \$100.00 smcs; Machines & Media \$139.00 smcs; Mack Moving \$3,870.21 smcs; Magic Cleaning \$2,600.00 smcs; Mail Express \$3,062.96 smcs; Mangels,D \$4,500.00 smcs; Marlatt Machine \$161.50 smcs; Matheson \$1,164.58 smcs,co; McMaster-Carr \$289.58 smcs; McNeilus Truck \$75.58 smcs; Medic Batteries \$161.28 smcs; Meier,B \$330.00 smcs; Menards \$3,675.48 smcs,co; Merryman \$461.21 smcs; Messenger \$354.45 smcs; Metlife \$9.50 ps; Microfilm Imaging \$255.00 smcs; Microsoft \$605.99 co; Mid-Plains Equipment \$122.70 smcs; Midway Chrysler \$97.36 smcs; Midwest Breathing \$153.45 smcs; Midwest Connect \$105.48 smcs; Midwest Labs \$37.55 smcs; Midwest Pump \$3,764.89 smcs; Midwest Turf \$211.88 smcs; Miller & Associates \$5,216.78 co; Miller Signs \$3,080.00 smcs,co; Miller,D \$112.50 smcs; Miller,R \$1,653.75 smcs; Milner Sports \$168.00 smcs; Miracle Rec \$710.00 co; Mitchell 1 \$844.29 smcs; Mobotrex \$10,080.00 smcs; Monoprice \$126.47 co; Moonlight Embroidery \$440.25 smcs; Most Dependable Fountain \$6,765.00 co; Mostek Electric \$120.00 smcs; Navigator Motorcoaches \$1,300.00 smcs; NCEA \$650.00 smcs; NCH Software \$129.00 co; NE Truck Center \$87.93 smcs; NE Arborists \$65.00 smcs; NE Child Support \$2,155.88 ps; NE Dept of Environmental \$150.00 smcs; NE Dept of Rev

\$32,700.00 smcs; NE Floodplains \$35.00 smcs; NE Library Assn \$70.00 smcs; NE Machinery \$11,912.56 smcs; NE Salt & Grain \$6,186.76 smcs; NE Truck Center \$1,706.13 smcs; NEland \$1,036.75 smcs; NE-IAI Sec/Treasury \$35.00 smcs; Neobits \$211.63 smcs; New World Systems \$9,400.00 co; Nolda,J \$65.00 smcs; Northern Safety \$351.62 smcs; Northwest Electric \$171.49 smcs; Northwestern \$9,744.01 smcs; NRG Media \$67.50 smcs; NYSCA \$20.00 smcs; OCLC \$630.59 smcs; Office Depot \$226.42 smcs; Officemax \$578.74 smcs; Officenet \$99.70 smcs; O'Hara Lindsay \$2,000.00 smcs; Olsson Associates \$20,021.61 co; One Call Concepts \$185.82 smcs; O'Reilly Automotive \$650.38 smcs; Orscheln \$136.00 smcs; Pacific Bow Butts \$2,484.00 co; Paramount \$326.68 smcs; Party America \$33.98 smcs; Paypal-IAPE \$50.00 smcs; Paypal-Ibattscom \$8.99 smcs; Paypal-Michaeldero \$242.20 co; Paypal-Outletgroup \$197.45 co; Paypal-Peoria IT \$705.00 co; Paypal-Russopower \$280.00 smcs; Paypal-Storefixture \$24.95 smcs; Penworthy \$495.39 smcs; Perkins \$160.30 smcs; Petro \$40.00 smcs; Pfeifer,D \$106.96 smcs; Pitney Bowes \$80.98 smcs; Pizza Hut \$202.76 smcs; PK Safety \$671.00 smcs; Platinum Awards \$22.31 smcs; Platte Valley Auto Mart \$139.32 smcs; Platte Valley Labs \$167.50 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$547.90 smcs; Progressive \$124.84 smcs; Provantage \$409.46 smcs; PSS/CCS Presentation \$306.00 co; Qualifiedhardware.com \$158.00 smcs; Quill \$882.68 smcs,co; Radiant Heating \$1,225.00 smcs; Random House \$247.50 smcs; Rasmussen Mechanical \$100.00 smcs; RDO Truck Center \$383.65 smcs; Ready Mixed Concrete \$1,268.94 co; Reams \$54.71 smcs; Recorded Books \$1,810.60 smcs; Redbox \$1.61 smcs; Resource Management \$2,199.48 smcs; Rheome Tree \$2,200.00 smcs; Richardson,M \$527.46 smcs; Rivershore Reading \$405.00 smcs; Rotary District 5630 \$120.00 smcs; Sampson Construction \$27,000.00 co; Sanitation Products \$1,493.77 smcs; Sapp Bros \$24,319.15 smcs; School District #7 \$643.15 smcs; See Clear Cleaning \$1,700.00 smcs; Sesna,D \$37.38 smcs; Shachihata \$8.64 smcs; Shoemaker,K \$350.00 smcs; Sirsi Corporation \$2,284.50 smcs; Slagle,J \$66.85 smcs; Smallcakes \$19.00 smcs; Sohars RCPW \$15.57 smcs; Southwest \$1,479.93 smcs; Springer Roofing \$5,699.25 smcs; State of NE-OCIO \$5.00 smcs; Steinbrink's \$1,040.00 smcs; Strategic Materials \$367.24 smcs; Suchsland,T \$1,067.90 smcs; Sunny Bunny Easter Eggs \$328.10 smcs; Sunsetter Awnings \$70.37 smcs; Super Shine Auto \$8.75 smcs; Supplyworks \$460.99 smcs; Sutton,S \$832.50 smcs; Taillon,R \$8.81 smcs; Target \$197.84 smcs; Techsoup \$348.00 co; Theis,G \$36.04 smcs, ps; Thompson Info \$999.00 smcs; Ticket Omaha \$1,605.00 smcs; Tielke's \$98.58 smcs; Titan Machinery \$505.65 smcs; Titleist \$4,754.54 smcs; Tractor-Supply \$366.25 smcs,co; Travel Insured \$69.00 smcs; Tri-County Glass \$45.78 smcs; Trophy Depot \$69.81 smcs; Union Bank \$69,851.63 ps; Unique Management \$295.35 smcs; UPS \$134.21 smcs; USA Communications \$169.94 smcs; USPS \$229.88 smcs; Van Wall \$127.38 smcs; V-Belt Supplies \$24.43 smcs; Verizon \$285.36 smcs; Verne Simmonds \$530.00 smcs; Video Kingdom \$205.95 smcs; Wal-Mart \$601.45 smcs; Webb,O \$212.45 smcs; Wellman,P \$31.00 smcs; Wells Fargo Bank \$126,534.00 smcs; Wilke's True Value \$269.41 smcs,co; Williams,M \$140.40 smcs; Wilson,S \$25.00 smcs; WPCI \$185.50 ps; WPUS Conference \$102.49 smcs; Zimmerman Printing \$98.50 smcs; Zoro Tools \$178.71 smcs; Payroll Ending 3-5-2016 -- \$384,330.53. 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 April 12, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 23, 2016 (alternate date is May 7) from 6:00 p.m. until 1:00 a.m. for a dance.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Tiffani Bishop submitted by Peak Interests, LLC, dba Pizza Hut located at 1412 2nd Avenue in connection with their Class A-33603 liquor license.
6. Adopt Resolution No. 2016-51 approving the Developer Constructed Infrastructure Agreement for Ingalls Crossing Tenth Addition, an addition to the City of Kearney between the City of Kearney and Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm for the installation of paving, water, sanitary sewer, and storm sewer improvements to serve Ingalls Crossing Tenth Addition.

**RESOLUTION NO. 2016-51**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Ingalls Crossing Tenth Addition" between the City of Kearney and Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm to serve Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Adopt Resolution No. 2016-52 approving the Developer Constructed Infrastructure Agreement for Judy Meadows, an addition to the City of Kearney between the City of Kearney, Judy Meadows, L.P. and Dana Point Development Corporation for the installation of water and sanitary sewer improvements to serve Lots 1 and 2, Judy Meadows.

**RESOLUTION NO. 2016-52**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Judy Meadows" between the City of Kearney, Judy

Meadows, L.P. and Dana Point Development Corporation to serve Lots 1 and 2, Judy Meadows, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

8. Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 20 and 21, 2016 from 5:00 p.m. until 11:00 p.m. each day for a fund raiser.

9. Adopt Resolution No. 2016-53 approving Change Order No. 1 showing an increase in the amount of \$20,741.68 submitted by Blessing Construction and approved by Miller & Associates for the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street.

**RESOLUTION NO. 2016-53**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street, 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 \$20,741.68 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$3,018,299.85
Change Order No. 1 (3-22-2016)	<u>+ 20,741.68</u>
Contract Sum To Date	3,039,041.53

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 22ND DAY OF MARCH, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

10. Adopt Resolution No. 2016-54 approving Application and Certificate for Payment No. 2 in the amount of \$199,135.45 submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 11 Improvements – Bid A consisting of Water

District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue.

**RESOLUTION NO. 2016-54**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 11 Improvements – Bid A consisting of consisting of Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$199,135.45 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$473,899.00</u>
Contract Sum To Date	473,899.00
Gross Amount Due	317,735.67
Retainage	31,773.57
Amount Due to Date	285,962.10
Less Previous Certificates for Payment	<u>86,826.65</u>
Current Payment Due	\$199,135.45

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 is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**11.** Adopt Resolution No. 2016-55 approving Application and Certificate for Payment No. 9 in the amount of \$71,468.48 submitted by Blessing Construction and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.

**RESOLUTION NO. 2016-55**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from

11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 9 in the amount of \$71,468.48 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	+ 40,765.12
Change Order No. 2 (10-27-2015)	+ 1,903.13
Change Order No. 3 (2-9-2016)	+ <u>18,249.70</u>
Contract Sum To Date	1,875,313.95
Gross Amount Due	1,793,566.24
Retainage	35,871.32
Amount Due to Date	1,757,694.92
Less Previous Certificates for Payment	<u>1,686,226.44</u>
Current Payment Due	\$ 71,468.48

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

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**12.** Approve the Plans and Specifications for the 2015 Part 10 Improvements consisting of Paving Improvement District No. 2015-980, Water District No. 2015-582, and Sanitary Sewer District No. 2015-519 for 46th Street Place from Avenue R to its terminus in a cul-de-sac and set the bid opening date for April 19, 2016 at 2:00 p.m.

**13.** Adopt Resolution No. 2016-56 approving the Professional Service Consultant Agreement for Recreational Trails Program #2016-001 between the City of Kearney and Miller & Associates regarding the construction of a recreational trail from Cherry Avenue to Sweetwater Avenue.

**RESOLUTION NO. 2016-56**

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 Professional Service Consultant Agreement for Recreational Trails Program #2016-001 regarding the construction of a recreational trail from Cherry Avenue to Sweetwater Avenue between the City of Kearney and Miller & Associates. The said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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



14. Adopt Resolution No. 2016-57 approving Application and Certificate for Payment No. 7-Final in the amount of \$26,136.85 and the Certificate of Substantial Completion submitted by RMV Construction and approved by Miller & Associates for the Household Hazardous Waste Collection Facility.

**RESOLUTION NO. 2016-57**

WHEREAS, RMV Construction Company of Kearney, Nebraska has performed services in connection with the Household Hazardous Waste Collection Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 7-Final in the amount of \$26,136.85 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$525,227.96
Change Order No. 1 (9-22-2015)	- 3,672.00
Change Order No. 2 (2-23-2016)	+ 1,181.00
Contract Sum To Date	<u>522,736.96</u>
Gross Amount Due	522,736.96
Retainage	.00
Amount Due to Date	522,736.96
Less Previous Certificates for Payment	<u>496,600.11</u>
Current Payment Due	\$ 26,136.85

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of February 4, 2016, as shown by Exhibit "B" 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 Application and Certificate for Payment No. 7-Final, as shown on Exhibit "A" and the Certificate of Substantial Completion as shown on Exhibit "B" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

15. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, April 23, 2015 from 3:00 p.m. until 1:00 a.m. for a fund raiser.

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8069 AMENDING SECTION 3-1313 OF CITY CODE**

Section 3-1313 of the Kearney City Code presently indicates that no license shall be issued for the sale of alcoholic liquor within 150 feet of any church, school, or hospital. A concern has been raised that if a church were to locate in the downtown district that

might limit certain properties uses for a bar or tavern and this might be even more restrictive given the lack of separation between properties in the downtown district. City staff has prepared a code change which indicates that this separation restriction will not apply to properties located in the downtown area and have added that language to Section 3-1313.

It should be noted that Neb. Rev. Stat. § 53-177 has a similar restriction; however, the Liquor Control Commission has the ability to issue a license to a business that locates within 150 feet of any church if the Commission gives notice to the church and holds a hearing should the church request one. As always, the Liquor Control Commission would have the final say on whether a liquor license would be issued for a particular location.

Council Member Nikkila introduced Ordinance No. 8069 amending Section 3-1313 “Alcoholic Beverages; Sale at Retail; Restrictions as to Locality” of Article 13 “Alcoholic Beverages” of Chapter 3 “Business Regulations” of the City Code to provide that the restrictions as to locality does not apply to properties located in the downtown business district, and moved that Ordinance No. 8069 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8069 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 8069 on first reading. 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, Lammers, Nikkila. Nay: None. Buschkoetter and Lear absent. City Clerk read Ordinance No. 8069 by title on first reading.

## **VI. REGULAR AGENDA**

### **ESSENTIAL AIR SERVICE LETTER OF SUPPORT**

Mayor Clouse opened for discussion submitting a Letter of Support for Essential Air Service to the Department of Transportation and to consider Resolution No. 2016-58.

City Manager Michael Morgan presented this matter to the Council. He stated this item does not reflect a preferred carrier at this point. There is conversation and committee work still left to do. They have until the end of March to submit a letter to Department of Transportation. They have had one committee meeting and they have had visits from various aircraft and they have visited others out in Denver so they are still gathering information and hope to have that recommendation in the next 7-10 days.

Moved by Clouse seconded by Lammers to adopt Resolution No. 2016-58 submitting a Letter of Support for Essential Air Service to the Department of Transportation. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

### **RESOLUTION NO. 2016-58**

WHEREAS, the Kearney Regional Airport has been working diligently to improve the air service options available to central Nebraskans and to increase the number of enplanements from the local airport; and

WHEREAS, the Department of Transportation is presently accepting recommendations to award a two-year contract for Essential Air Service; and

WHEREAS, such contract could provide up to \$1 million in improvement funds contingent on the number of enplanements; and

WERHEAS, on March 22, 2016, the Kearney City Council approved a resolution authorizing the Mayor to submit a recommendation to the Department of Transportation to provide westbound air service from Kearney, Nebraska to Denver, Colorado; and

WHEREAS, increased traffic to serve central Nebraska would be a valuable asset to the community and surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President and City Council of Kearney, Nebraska do hereby authorize the Mayor to submit a Letter of Support to the Department of Transportation seeking Essential Air Service improvement funding to provide westbound air service from Kearney, Nebraska to Denver, Colorado.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**OPEN ACCOUNT CLAIM**

Mayor Clouse stated with the absence of Council members Buschkoetter and Lear and his abstention, the open account claim to NPPD cannot be approved and will be placed on the next agenda for approval.

**VII. REPORTS**

Council member Lammers stated he had the opportunity to see the Pen Air aircraft on Sunday and it was a very nice aircraft. He liked what he heard regarding the ticket and baggage handling for the aircraft and the airline. He is looking forward to seeing what the other airlines have to offer.

**VIII. ADJOURN**

Moved by Lammers seconded by Nikkila that Council adjourn at 5:33 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

ATTEST:

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

\_\_\_\_\_  
MICHAELLE E. TREMBLY  
CITY CLERK