

*Kearney, Nebraska
March 25, 2014
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 25, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Bob Lammers and Jonathan Nikkila. Absent: Randy Buschkoetter and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Suzanne Brodine, Assistant City Manager/Development Services Director; 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: 2 UNK students, Steve Altmaier from KGFW Radio, Ashley White 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 representative from the Kearney Ministerial Association, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

One 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

CONDITIONAL USE PERMIT TO BALDWIN FILTERS FOR BATCH PLANT AT 4400 EAST HIGHWAY 30

Mayor Clouse stated the Owner, Baldwin Filters has withdrawn the Application submitted by Lottman Carpenter Construction for Baldwin Filters, Inc. for a Conditional Use Permit to locate a temporary batch plant on property zoned District M-2/PD, General Industrial/Planned Development Overlay District and described as part of Lot 1, Baldwin Subdivision to the City of Kearney, Buffalo County, Nebraska (4400 East Highway 30). Therefore, no action was taken.

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila. Nay: None. Buschkoetter and Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held March 11, 2014.

2. Approve the following Claims:

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

1000Bulbscom \$324.24 smcs; A-1 Refrigeration \$675.50 smcs; AC Infinity \$31.99 smcs; Ace Hardware \$58.41 smcs; Ace Irrigation \$1,390.00 smcs; Ahren,V \$261.00 smcs; Alfred Benesch \$5,793.02 co; All Amer Sewer \$175.00 smcs; All Makes Auto \$2,209.15 smcs; Allied Electronics \$34.50 smcs; Allied Hand Dryer \$108.50 smcs; Alternative Wireless \$51.43 smcs; Amax Contracting \$523.81 smcs; Amazon \$1,222.30 smcs,co; American \$916.21 smcs,co; Amer Fence \$1,654.53 smcs,co; Amer First Aid \$282.64 smcs; Amer Library Assn \$17.00 smcs; Amer Red Cross \$114.00 smcs; Amsan \$1,043.36 smcs; Animoto \$30.00 smcs; Apple Itunes \$9.61 co; Arctic Refrigeration \$106.49 smcs; Ask Supply \$2,731.23 smcs; Astro Building \$73,485.00 co; Atbattcom \$393.21 smcs; Aurora Coop \$150.16 smcs; Aussie Hydraulics \$156.79 smcs; Baker & Taylor \$3,742.72 smcs; Bamford \$400.00 smcs; Barney Abstract \$300.00 smcs; Best Buy \$42.78 smcs; Big Rack Shack \$176.90 smcs; Blessing \$3,147.65 co; Blue Dog Ink \$499.23 smcs; BlueCross/BlueShield \$276,310.69 smcs; Booe,S \$150.00 smcs; Bosselman \$1,665.50 smcs; Brodart Co \$88.07 smcs; Buffalo Co Reg Deeds \$156.00 smcs; Buffalo Co Treasurer \$45.00 smcs,co; Buffalo Outdoor Power \$558.70 smcs; Builders \$638.68 smcs; CAP America \$687.36 smcs; Capital Business Systems \$156.47 smcs; Carl, J. Bush \$3,845.00 smcs; Carquest Auto \$3,912.84 smcs; Cash-Wa \$1,229.03 smcs; CDW Govt \$1,101.78 co; CED \$1,835.54 co; Center Point Large Print \$72.06 smcs; Central Fire \$492.00 smcs; Central Hydraulic \$3,799.49 smcs; Central NE Bobcat \$1,308.51 smcs; Charter \$302.57 smcs; Chemical Containers \$104.49 smcs; Chesterman \$876.20 smcs; Chicken Coop \$40.00 smcs; City Glass \$61.41 smcs; City of Ky \$11,814.70 smcs,ps; Cleveland,E \$220.00 smcs;

Coldspring \$577.00 smcs; Compasscom \$50.00 smcs; Compufox USA \$164.51 co; Conroy,B \$345.80 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$218.22 smcs; Copycat Printing \$1,422.31 smcs; Crossroads Ford \$61.24 smcs; Culligan \$272.80 smcs; Cummins Central Power \$289.19 smcs; D&M Security \$64.50 smcs; D&S Lighting \$88.44 smcs; Dawson PPD \$18,284.42 smcs; Daylight Donuts \$87.75 smcs; Delight Donuts \$22.90 smcs; Dell \$953.75 smcs; Demco \$692.24 smcs; Dept Health & Human Serv \$200.00 smcs; Diamond Vogel \$237.45 smcs,co; Dish \$164.73 smcs; Dutton-Lainson \$507.96 smcs; Eakes \$10,738.79 smcs,co; Easy Picker Golf Products \$515.05 smcs; Electric Pump \$727.95 smcs; Emerson Network Power \$5,292.48 smcs; Engineered Controls \$1,742.00 smcs; Erickson,A \$13.77 smcs; Eustis Body Shop \$600.00 smcs; Exhaust Pros \$167.56 smcs; Eynetich,P \$345.80 smcs; Facebook \$18.93 smcs; Fairbanks \$4,534.28 smcs; Farmers Union Coop \$734.50 smcs; Fastenal \$697.16 smcs; Fiddelke Heating \$22.35 smcs; Fireguard \$61.07 smcs; Flaherty,T \$435.00 smcs; Flanigan,R \$49.81 smcs; Footjoy \$67.39 smcs; Foster,D \$57.50 smcs; Frontier \$181.41 smcs; Fun Express \$3.76 smcs; Gale \$875.07 smcs; Gangwish Turf \$70.00 smcs; Garrett Tires \$3,784.44 smcs; Gillming,C \$96.29 smcs; Golf Buddy \$520.12 smcs; Gotocitrix.com \$468.00 smcs; Graham Tire \$546.12 smcs; Grainger \$1,952.30 smcs; Great Plains Safety \$450.00 smcs; Harouff,G \$11.98 smcs; Hastings PD \$525.00 smcs; HD Supply \$9,678.20 smcs; Hearing Access Solutions \$4,997.98 smcs,co; Heiman Fire Equipment \$93.80 smcs; Hilton Gardens \$265.40 smcs; HOA Solutions \$8,409.87 smcs; Hobby-Lobby \$405.57 smcs; Holiday Inn \$8,866.40 smcs; Holmes Plbg \$325.12 smcs,co; Hometown Leasing \$265.92 smcs; Husker Auto \$21,759.00 co; ICMA RC \$4,117.23 ps; Imprint \$78.06 smcs; IRS \$124,530.24 ps; Jack Lederman \$734.07 smcs; Jobman,L \$85.00 smcs; Johnson Controls \$1,691.96 smcs; Johnson Service \$2,739.35 smcs; Johnstone Supply \$226.37 smcs; Joseph's of Ky \$915.00 smcs; JRs Western \$74.99 smcs; K&K Parts \$1,082.33 smcs; Karaoke Recisio \$3.37 smcs; Kart-Man \$999.18 smcs; Ky Chamber Comm \$367.00 smcs; Ky Clinic \$1,228.00 ps; Ky Concrete \$93.90 smcs; Ky Glass \$51.68 smcs; Ky Hub \$3,912.22 smcs; Ky Humane Society \$6,825.00 smcs; Ky Powersports \$12,669.38 co; Ky Towing \$353.60 smcs; Ky Visitors Bureau \$25,935.98 smcs; Ky Winlectric \$135.41 smcs,co; Kelly Promotions \$33.23 smcs; Kendrick,C \$24.99 smcs; KGFW \$52.00 smcs; Kibbee's Repair \$79.00 smcs; Kidcarpetcom \$279.99 smcs; Killion Motors \$29.38 smcs; Kimball Midwest \$141.18 smcs; Kirkwood,M \$207.60 smcs; Kohls \$128.37 smcs; Konica Minolta \$924.54 smcs; Kucera Painting \$250.00 smcs; Lafferty,M \$17.67 smcs; Landmark Implement \$2,484.19 smcs; Laptop Battery One \$26.90 co; League of NE Municipalities \$774.40 smcs; Led Lighting \$957.00 co; LEVA \$55.00 smcs; Lips Printing Service \$206.70 smcs; Little Caesars \$40.00 smcs; Luke,D \$7.87 smcs; Lombard,J \$6.35 smcs; Machines and Media \$138.00 smcs; Mail Express \$119.97 smcs; Malleck,J \$58.94 smcs; Manley,J \$25.34 smcs; Marlatt Machine Shop \$1,104.20 smcs; Marriott \$789.24 smcs; Matheson Tri-Gas \$865.38 smcs; McCurdy,J \$45.00 smcs; McDonald's \$45.00 smcs; Mead Lumber \$63.90 smcs; Mellen & Associates \$1,035.00 smcs; Menards \$3,811.93 smcs,co; Merryman Performing Arts \$280.32 smcs; Metal Doors \$1,254.52 smcs,co; Dr. Burke,M \$2,500.00 smcs; Microfilm Imaging Systems \$455.00 smcs; Midlands Contracting \$201,818.48 co; Midway Chevrolet \$87.01 smcs; Midway Chrysler \$180.00 smcs; Midwest Turf \$1,972.66 smcs; Miller & Associates \$3,645.86 smcs; Miller Signs \$1,125.00 smcs; Minitex \$756.00 smcs; Moonlight Embroidery \$255.50 smcs; Mostek Electric \$617.37 smcs; Moviepostercom \$26.50 smcs; Municipal Supply \$9,027.60 smcs; Murphy Tractor \$3,801.33 smcs; Mycreativeshop.com \$19.95 smcs; Nat'l Interdiction Conference

\$700.00 smcs; Navigator Motorcoaches \$1,410.00 smcs; NCS Equipment \$493.13 smcs; NE Child Support \$2,439.27 ps; NE Dept Environmental \$375.00 smcs; NE Dept of Rev \$30,173.55 smcs; NE DOL/Boiler Inspection \$216.00 smcs; NE Fire Administrative \$15.00 smcs; NE Machinery \$2,770.30 smcs; NE Rural Water Assn \$1,025.00 smcs; NE Truck Center \$134.02 smcs; NE Well Drillers \$315.00 smcs; Nelson's Furniture \$1,078.00 smcs; Network Solutions \$75.00 co; Nevco \$92.89 smcs; North American \$149.00 smcs; North Shore Residential \$254.79 smcs; Northern Safety \$71.71 smcs; Northern Tool \$763.00 smcs; Northwest Electric \$46.25 smcs; Northwest Peterbilt \$134.66 smcs; Northwestern Energy \$15,326.49 smcs; Observint Technologies \$744.30 smcs; OCLC \$503.39 smcs; Office Depot \$77.44 smcs; Officemax \$304.49 smcs; Officenet \$151.87 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; Optics Planet \$395.42 smcs; O'Reilly Automotive \$1,617.28 smcs; Oriental Trading \$116.10 smcs; Orscheln \$236.16 smcs; Oshkosh \$86.94 smcs; Otto Environmental Systems \$10,991.00 smcs; Paramount Linen \$233.21 smcs; Parkseed Wayside \$74.26 smcs; Party America \$9.98 smcs,co; Pat's Plbg \$95.00 smcs; Paypal \$2,049.62 smcs; Pep Co. \$112.68 smcs; Perkins \$149.58 smcs; Pet Pick Ups \$929.46 smcs; Ping \$801.59 smcs; Pioneer Door \$182.28 co; Pioneer Mfg \$1,338.00 smcs; Pitney Bowes \$57.98 smcs; Platte Valley Comm \$24.08 smcs; Platte Valley Labs \$62.50 smcs; Postage Refill \$900.00 smcs; Pramac \$3,313.68 smcs; Precision Small Engine \$64.55 smcs; Presto-X \$180.34 smcs; Pro Tint \$120.00 smcs,co; Provantage \$629.86 smcs; Public Agency Training \$295.00 smcs; Public Engines \$1,188.00 smcs; Public Risk Management \$385.00 smcs; Quill \$482.00 smcs; R&R Products \$120.58 smcs; Racquetworldcom \$20.00 smcs; Radioshack \$11.99 smcs; Random House \$262.50 smcs; Rasmussen Mechanical \$100.00 smcs; Ready Mixed Concrete \$892.50 smcs; Recorded Books \$396.76 smcs; Recreonics \$8,998.87 smcs,co; Redman's Shoes \$161.49 smcs; Reinke's \$395.62 smcs; Rheome Tree \$4,540.00 smcs; Riessland,B \$20.53 smcs; Rock Auto \$66.61 smcs; Russell's Appliance \$4,714.00 smcs; S&B Heating \$916.50 smcs; Sahling Kenworth \$82.02 smcs; Salter,J \$11.00 smcs; Schonstedt Instrument \$779.16 smcs; Sears \$299.96 smcs,co; Sheldon,S \$88.90 smcs; Sherwin Williams \$83.61 smcs; Sign Center \$270.00 smcs; Sirchie Finger Print \$414.10 smcs; SMK Link Electronics \$33.84 smcs; Snap-on Tools \$1,483.04 smcs; Softley,C \$29.40 smcs; Sonetics Corp \$460.00 smcs; SOS Portable Toilets \$117.00 smcs; Stampscom \$4.99 smcs,co; Stefaniak,M \$215.00 smcs; Stull & Stull \$110.00 co; Target \$168.94 co; Task Lighting \$1,285.79 co; Tech Soup \$60.00 smcs; Teledyne ISCO \$182.17 smcs; Thome,B \$715.50 smcs; Tigerdirectcom \$1,116.10 smcs; Titleist \$1,429.32 smcs; TNR Batteries \$208.85 smcs; Tractor-Supply \$146.98 smcs; Trans Iowa Equipment \$774.79 smcs; Tri-Cities Group \$1,614.32 smcs; Trophy Depot \$45.16 smcs; Turner,D \$38.70 smcs; Uline \$229.85 smcs; Ultimate Camp Resource \$11.99 smcs; Union Bank \$62,003.62 ps; UPRR \$500.00 smcs; Unique Management Serv \$340.10 smcs; UNL \$150.00 smcs; UNL Lied Center \$291.87 smcs; UPS Store \$143.85 smcs; USPS \$198.95 smcs; Van Diest Supply \$2,289.48 smcs; Verizon \$275.21 smcs; Walgreens \$16.17 smcs,co; Walmart \$1,228.93 smcs; Wareligh \$98.56 smcs; Warrington,D \$851.00 smcs; Webstaurant Store \$240.57 smcs; Weis Fire & Safety \$130.00 smcs; Wellman,K \$75.00 smcs; Wells Fargo Bank \$104,155.00 smcs; White,A \$375.00 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$200.86 smcs; Witmer Public Safety \$53.98 smcs; WPCI \$185.50 ps; Young,J \$2,041.87 smcs; Zimmerman Printers \$245.00 smcs; Payroll Ending 3-8-2014 -- \$353,212.66. 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 8, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2014-60** approving the Developer Constructed Infrastructure Agreement for Lot 2, Oak Park Center between the City of Kearney and Hy-Vee, Inc. for the construction of storm sewer.

RESOLUTION NO. 2014-60

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 2, Oak Park Center" between the City of Kearney and Hy-Vee, Inc., for the construction of storm sewer to serve Lot 2, Oak Park Center, 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 25TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2014-61** approving the Supplemental Agreement between the City of Kearney and the Union Pacific Railroad Company pertaining to the relocation of the sanitary sewer force main from Cherry Avenue to Antelope Avenue in connection with the Cherry Avenue Bypass, Phase II project.

RESOLUTION NO. 2014-61

WHEREAS, in 1996 the City of Kearney obtained a Longitudinal Pipeline Encroachment Agreement from the Union Pacific Railroad Company in order to construct a sanitary sewer force main from Cherry Avenue to Antelope Avenue; and

WHEREAS, the sanitary sewer force main is now in conflict with the Cherry Avenue Bypass, Phase II project and is necessary to enter into a Supplemental Agreement with the Union Pacific Railroad Company.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Stanley A. Clouse, Mayor of the City of Kearney, Nebraska is hereby authorized and directed to execute the attached Supplemental Agreement between City of Kearney, Nebraska and the Union Pacific Railroad Company pertaining to the relocation of the sanitary sewer force main from Cherry Avenue to Antelope Avenue in connection with the Cherry Avenue Bypass, Phase II project.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Adopt **Resolution No. 2014-62** approving Change Order No. 1 for an increase of \$5,710.00 and Application and Certificate for Payment No. 5 in the amount of \$154,643.49 submitted by Midlands Contracting and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid A consisting of Water District No. 2013-570 and Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition.

RESOLUTION NO. 2014-62

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2013 Part 1 Improvements – Bid A consisting of Water District No. 2013-570 and Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$5,710.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$154,643.49, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,141,528.00
Change Order No. 1 (3-25-2014)	<u>+ 5,710.00</u>
Contract Sum To Date	\$1,147,238.00
Gross Amount Due	807,207.20

Retainage (10%)	80,720.72
Amount Due to Date	726,486.48
Less Previous Certificates for Payment	<u>571,842.99</u>
Current Payment Due	\$ 154,643.49

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. 5, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Adopt Resolution No. 2014-63 approving Change Order No. 2 for an increase of \$3,520.00 and Application and Certificate for Payment No. 1 in the amount of \$78,600.87 submitted by Blessing LLC and approved by Miller & Associates for the 2013 Part 7; Downtown Lighting Improvements.

RESOLUTION NO. 2014-63

WHEREAS, Blessing LLC of Kearney, Nebraska has performed services in connection with the 2013 Part 7; Downtown Lighting Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$3,520.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$78,600.87, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,060,005.15
Change Order No. 1 (9-10-2013)	<u>- 451,195.30</u>
Contract Sum To Date	\$ 608,809.85
Gross Amount Due	87,334.30
Retainage (10%)	8,733.43
Amount Due to Date	78,600.87
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 78,600.87

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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 1, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

8. Approving the Plans and Specifications for the construction of the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 137 feet south of 26th Street AND 26th Street from Central Avenue to Avenue C and set the bid opening date for April 15, 2014 at 2:00 p.m.
9. Approve the recommendation on amending the employee benefits as follow: (1) permanent part-time employees will receive medical leave at a pro-rated rate of one-half that of full-time employees; and (2) increasing the allowable accumulation amount for comp time to 60 hours.
10. Approve the application to extend Conditional Use Permit No. 1995-02 granted to Cathleen Headlee to locate a dog grooming business at 211 East 30th Street for a period of one year.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7880 CREATING PAVING DISTRICT NO. 2014-964

This paving improvement district is for Central Avenue from 31st Street to a point 137 feet south of 26th Street AND for 26th Street from Central Avenue to Avenue C. Due to the required extension of storm sewer, 26th Street from Central Avenue to Avenue C will also be removed and replaced. This paving improvement district is an integral and requisite part of the essential paving development plan of the City, does not permit general access, and is of general benefit of the public at large, and that no special assessments should be levied against owners of abutting property.

With the absence of Council Members Buschkoetter and Lear, it was moved by Nikkila and seconded by Clouse that Ordinance No. 7880 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7880 creating Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 137 feet south of 26th Street AND for 26th Street from Central Avenue to Avenue C. 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, Lammers. Nay: None. Buschkoetter and Lear absent. City Clerk read Ordinance No. 7880 by title on first reading.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS

With the absence of Council Members Buschkoetter and Lear, the Open Account Claims cannot be approved and will be placed on the April 8, 2014 Council Agenda.

VII. REPORTS

Mayor Clouse, the Council members and City staff toured the new Airport Hangar and the Aircraft Rescue Fire Fighting (AARF) vehicle at the Airport.

VIII. ADJOURN

Moved by Clouse seconded by Lammers 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:

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

**MICHAELLE E. TREMBLY
CITY CLERK**