

**Kearney, Nebraska**  
**May 27, 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 May 27, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/ Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Chris Miller, Jason Whalen, Alex Gangwish, Corey Holliwell, Greg Johnson, Tony Davis, Gordon Bennett, Cindy Houlden, Toby Houlden, Nathan Dorsey, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, NTV.

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**

#### **LAND USE MAP AMENDMENT ADJACENT AND NORTH OF COUNTRY CLUB LANE AND 50TH STREET**

Mayor Clouse stated the City notification from the applicant requesting to postpone until June 10, 2014 Public Hearings 1, 2, 3 and 4.

Moved by Lammers seconded by Nikkila to postpone until June 10, 2014 the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential/Park to Low Density Residential and Medium Density Residential property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

#### **REZONING ADJACENT AND NORTH OF COUNTRY CLUB LANE AND 50TH STREET**

Mayor Clouse stated the City notification from the applicant requesting to postpone until June 10, 2014 Public Hearings 1, 2, 3 and 4.

Moved by Lammers seconded by Nikkila to postpone until June 10, 2014 the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and to District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

#### **FINAL PLAT FOR GOOD SAMARITAN SOCIETY KEARNEY VILLAGE SUBDIVISION**

Mayor Clouse stated the City notification from the applicant requesting to postpone until June 10, 2014 Public Hearings 1, 2, 3 and 4.

Moved by Lammers seconded by Nikkila to postpone until June 10, 2014 the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the Final Plat and Subdivision Agreement for Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**ANNEXATION OF GOOD SAMARITAN SOCIETY KEARNEY VILLAGE SUBDIVISION**

Mayor Clouse stated the City notification from the applicant requesting to postpone until June 10, 2014 Public Hearings 1, 2, 3 and 4.

Moved by Lammers seconded by Nikkila to postpone until June 10, 2014 the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the annexation of Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**LIQUOR LICENSE FOR THE LODGE RESTAURANT**

Mayor Clouse opened the public hearing on the Application for Class C-107536 liquor license submitted by The Resa's LLC, dba The Lodge Restaurant located at 1401½ 2nd Avenue, consider the manager application for Cynthia Houlden, and consider Resolution No. 2014-95.

Cindy Houlden presented this matter to the Council. She represents The Resa's LLC doing business as the Lodge Restaurant. Mayor Clouse asked if this was her first time having a liquor license, has she been through all the training and if she was maintaining the same staff. Ms. Houlden stated they have made a few new hires but for the most part the staff is the same. Mayor Clouse asked if the process for the new hires included TIPS training. Ms. Houlden stated yes employees are going through TIPS training as soon as they can get it scheduled, they are working on that.

Council Member Lammers asked what is the plan for employees selling to a minor. Ms. Houlden stated they have established in their personnel manual any breach of any law is immediate termination.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-95** recommending approval to the Liquor Commission the Application for Class C-107536 liquor license submitted by The Resa's LLC, dba The Lodge Restaurant located at 1401½ 2nd Avenue and approve the manager application for Cynthia Houlden,. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**RESOLUTION NO. 2014-95**

WHEREAS, The Resa's LLC, dba The Lodge Restaurant has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Class C-107536 Liquor License to do business at 1401½ 2nd Avenue, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on May 27, 2014 and the

cost of the published notice was \$11.29; and

WHEREAS, the applicant previously submitted the Liquor License Training Compliance form with Certificates of Training filed for their employees; and

WHEREAS, The Resa's LLC, dba The Lodge Restaurant shall provide certification of this training of their employees to the City Clerk within 60 days of the opening of the business.

NOW, THEREFORE, BE IT RESOLVED that the Vice-President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of Class C-107536 Liquor License to The Resa's LLC, dba The Lodge Restaurant located at 1401½ 2nd Avenue, Kearney, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **SRF FUNDING FOR CONSTRUCTION OF WATER AND SANITARY SEWER MAINS**

Mayor Clouse opened the public hearing on the construction of approximately 4,100 linear feet of distribution water main and consider Resolution No. 2014-96 and 12,600 linear feet of trunk sanitary sewer main and consider Resolution No. 2014-97.

Chris Miller from Miller & Associates presented this matter to the Council. He stated this is a State Revolving Loan Fund for clean water which is waste water and then drinking water. The projects are the Bearcat Corner and the south sewer trunk main. They are doing one public hearing for these, they will be separate contracts and separate bid documents.

The two projects consists of Avenue M all the way to 4th Street and 2014 Part 7 is the trunk line which is known as the south sewer line. As part of that to accommodate some traffic issues they are going to do a drainage project to replace a box culvert between Burger King and Conrad's. The other project is the extension of the sanitary sewer for Bearcat Corner and this would be the extension of City utilities down south off of 11th Street.

In 1992 a sewer master plan was created and that sewer master plan included serving the sanitary sewer south of I-80 which would be Skeeter Barnes and the Arena. The line that goes up and down Talmadge Street was constructed in 1995 so that portion is the end. The portion he is referring to is the proposed south sewer project. Due to the growth of Kearney they had to revise this. In 1999 they came back and looked at the master sewer planning and built sewer in 2010, that sewer flows to an existing lift station on 4th Street which was built in 2002. The 24-inch pipe would go down to the existing lift station at Avenue M. With this construction it will eliminate three lift stations that the City currently has to maintain; it will provide better flow and will take care of some operation maintenance issues. The next phase of this will extend the same gravity line and eliminate the Avenue M lift station and take it all the way to the Waste Water Treatment Facility.

Where Avenue M lift station is located it will gravity back and pick up everything to basically the west side of the Big Apple. They will have to eliminate a lift station by Cinema 8. There are several businesses and they will have to look at traffic patterns which is the reason they are doing part of the box culvert replacement. City staff has been talking to land owners and adjacent businesses as they go through this process prior to this meeting and they have been modifying this slightly and trying to get the traffic patterns to go.

At the Avenue M lift station they will lay 24 inch sewer line that is fairly straight open across a field which will take the City up to the future. As you continue west, Central Avenue is on the left side. All this will be constructed in one time frame and will be Phase I of this project. Once they hit Central Avenue is where the traffic congestion will start. As they get to Central Avenue, they will have some phasing. They will do this in conjunction with paving replacement that was planned as part as the City's Capital Improvement Plan. All of it will be constructed at the same time that the 8th Street box would be built so that way they are ready for traffic diverting north on 8th Street when they start the construction up 4th Street.

Because they have some road replacements, they will bore in order to keep the traffic lanes open especially across 2nd Avenue and down 3rd Avenue where Cinema 8, Stage Coach and Delight Donuts are. This is a major traffic way for Cinema 8. Once they hit Central Avenue, they will bore across Central Avenue and keep Central Avenue open. They will set up a boring pit and will bore both directions and bore across to try to keep it open and continue on from USA Steak Buffet, Delight Donuts, Earl May, Big Apple and Cash-Wa.

All of this will be standard open cut construction but will not do this all at once because they need to keep the traffic flow moving and which is the intent of the project. When they look at Big Apple, they have a couple entrances. Cash-Wa has a major entrance; Earl May and USA Steak Buffet that they have to watch. They do have an access road that they will use and Cash-Wa has means to get from the north.

When looking at the phasing they will let them pave and remove from businesses abutting 4th Street west of 3rd Avenue and that will be the first point of construction to stop so that way they can keep traffic flowing down 4th Street off 2nd Avenue. They can reach Cenex, Dairy Queen and the Ramada Inn; this will be constructed as one phase.

The second phase will have the bore pit set up on the corner of east 2nd Avenue and 4th Street again they will be boring across to where they left off on the sewer line and will be boring west to 3rd Avenue. They will interrupt a portion of the entrance but will have access to Cenex and the parking lot and Dairy Queen through the road at that point in time.

The next phase they jump over to 3rd Avenue and will bore from the west corner of 4th Street to the corner of USA Steak Buffet and will remove all of the pavement in one shot and do that as part of the paving plan. That will leave the only entrance to Earl May which will be through the open parking lot north of Delight Donuts and back. USA Steak Buffet will still have access through 3rd Avenue and Cash-Wa and Big Apple will have to come through 4th Avenue. That is the reason for the stopping point. While they are doing that they have to extend sewer down 3rd Avenue, catch on to the lift station at Cinema 8 and they will do a portion of it, remove it and will directional drill the sewer line

in and then will hopefully keep traffic patterns around there and keep that all open for the businesses.

As they look at Earl May, they will now close 4th Avenue, will still have access for Cash-Wa and will have to build a temporary road for Big Apple. They will have to come through Earl May's lot which will be their in and out access. They will close right before Big Apple's west exit if they wanted to get out that way or need access or the big trucks need to turn they have some point of an access in Cash-Wa's west lot. It could be moved one way or the other depending on what the businesses say. They want to get it at least built by and give them access and have the temporary road as part of the project.

The last phase of the project they come in and hook up to a lift station at the intersection of 4th Street and 3rd Avenue and remove part of the pavement; everybody will have access on the east edge. The very last they will come back and replace the pavement as part of the pavement plan and will leave to the very end because they can do it in halves and keep access open.

Mayor Clouse asked about the time line. Mr. Miller stated they will open bids in August and they will have them go to Central Avenue around November and then shut them down and do all the paving so they are ready for the spring. They do not want to have the first phase open by the parking lot by Dairy Queen, they do not want to have that open all winter and shut down. They will shut them down and let them build in the spring. The whole thing will be completed approximately the summer of 2015. They have different time lines for each one of the phases. They will have to come in, lay sewer, pave right behind it and move onto the next phase.

Council Member Buschkoetter asked what kind of servicing on the temporary road especially if they will be doing it in the spring time. Mr. Miller stated the temporary road really is not a temporary road they will tear it out and it will be replaced with real pavement right away and then they do not move on until that portion is done. So really the temporary road, the one across the Big Apple, will have to use some sort of millings or something that they can get a more permanent surface.

The next one is pretty straight forward. It is for the Kearney Public School new construction. They are extending water and sewer down 30th Avenue and 27th Avenue. This was the part of the infrastructure that was built in 2010 so that infrastructure is already there and they are basically extending south.

The cost for the sewer line is approximately \$4,125,000 for that extension. On the 2014 Part 8 Improvements it is approximately \$1,007,000 and again both of these projects will be financed by the State Revolving Loan Fund.

Council Member Lammers asked if there was a reason on the sewer line that they need to stay back so far from the north channel or Turkey Creek on those. Mr. Miller stated dewatering is one of the issues you have to worry about if you have Turkey Creek. It is running water and dewatering will be an issue if you get too close to it. They will be relatively 16-22 feet deep through a lot of that so dewatering will be a heavy portion of the project.

Council Member Buschkoetter asked how long that temporary road would be for the main access to the Big Apple. Mr. Miller stated he would guess 30-45 days but are still considering the schedule.

Utilities Director Kirk Stocker commented on the schedule; they will start the sewer project through the cornfield by Avenue M. By the time they are doing that they will be on the 8th Street box culvert getting that ready for traffic so when they have trucks that cannot go down 4th Street they will have an easier time going across the 8th Street bridge. He did talk to the property owners along the way there and USA Steak Buffet's busiest time is in March so they do not want to start during March. They think that fits the schedule fairly well but they would not be doing 4th Street west of Central Avenue until temperatures were right. They could follow right back with paving so that puts them at the beginning of April end of March so that they can start putting the paving back the middle/end of April. Some of the boring may happen over the winter months, January or February unless it is really cold but they do not anticipate any inconvenience for traffic. If you go to the west side, USA Steak Buffet were relieved to know that they probably would not be tearing up that part of 4th Street west of 2nd Avenue until after the first of March. He was never able to get ahold of the manager at Earl May he is busy with landscaping projects. The Big Apple was relieved to know that they probably would not start to get to that point there until maybe the first of May because they have state bowling beginning February.

Utilities Director further stated they are looking at the job trying to estimate how many days, when they will get started and will put into the specifications that they cannot move along with open cutting until they have pavement back. They are looking like at an August bid date and a late October construction is going to hit everybody's best time of year to get it done.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-96** for the construction of approximately 4,100 linear feet of distribution water main and adopt **Resolution No. 2014-97** for the construction of approximately 12,600 linear feet of trunk sanitary sewer main and consider. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

#### **RESOLUTION NO. 2014-96**

WHEREAS, the City of Kearney, Nebraska recognizes that a properly functioning public water supply system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that portions of the City of Kearney public water supply system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City of Kearney public water supply system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska

designated as Project No. D311579, incorporated by reference into this Resolution as if fully set forth.

BE IT FURTHER RESOLVED that Stanley A. Clouse, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska for the purpose of repairing and improving the City public water supply system.

BE IT FURTHER RESOLVED that Michaelle E. Trembly, City Clerk, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**RESOLUTION NO. 2014-97**

WHEREAS, the City of Kearney, Nebraska recognizes that a properly functioning sewer system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that portions of the City of Kearney sewer system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City of Kearney sewer system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska designated as Project No. C317865, incorporated by reference into this Resolution as if fully set forth.

BE IT FURTHER RESOLVED that Stanley A. Clouse, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska for the purpose of repairing and improving the City sewer system.

BE IT FURTHER RESOLVED that Michaelle E. Trembly, City Clerk, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**BOARD OF EQUALIZATION**

Mayor Clouse stated that since he is an employee of NPPD that owns property adjacent to Water Extension District No. 2012-1, he would abstain from discussion and voting.

Vice-President Buschkoetter opened the public hearing for the Council to meet as a

Board of Equalization to assess costs in connection with Water District No. 2013-569 and Water Extension District No. 2012-1 and to consider Resolution No. 2014-98.

At the November 27, 2012 Council meeting the Council approved an agreement with East 20th Street and O Storage to develop storage units on property that they own located northwest of the intersection of 20th Street and Avenue Q. However, the 2006 Fire Code requires a fire hydrant within 400 feet of all buildings that do not have fire sprinkler systems. The agreement states that the City will create a water improvement district to provide fire protection. The Water District was created on January 22, 2013.

On May 22, 2012 the City created Water Extension District No. 2012-1 to extend a 16-inch diameter water main in 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main serving the airport water system which is located near the southwest corner of the National Guard Armory site. The water main will follow the 56th Street road right-of-way to Cherry Avenue and the proposed road right-of-way for 56th Street from Cherry Avenue to an existing water main located just east of Piper Avenue in the Airport road system. This district will serve the Tech oNe Technology Park and will provide an additional connection between the Airport water system and the City of Kearney water distribution system.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Lammers to close the hearing for the Council meeting as the Board of Equalization and adopt **Resolution No. 2014-98** assessing costs in connection with Water District No. 2013-569 and Water Extension District No. 2012-1. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

### **RESOLUTION NO. 2014-98**

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The Vice-President and Council find and determine that the water main heretofore ordered installed in Water District No. 2013-569 and Water Extension District No. 2012-1 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Vice-President and City Council.

Section 2. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 3. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2013-569 and Water Extension District No. 2012-1 shall become delinquent as follows:

1/5th fifty days after date of this Resolution

- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.5 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

#### **IV. CONSENT AGENDA**

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

1. Approve Minutes of Regular Meeting held May 13, 2014.
2. Approve the following Claims:

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

A to Z Printing \$207.00 smcs; Ace Eaton Metals \$8.36 smcs; Ace Hardware \$44.47 smcs; Advanced Auto Parts \$30.03 smcs; Agency Coalition \$2,000.00 smcs; Alfred Benesch \$7,880.13 co; All Makes Auto \$78.24 smcs; Amazon \$3,261.96 smcs, co; American \$292.04 smcs; Amer First Aid \$600.97 smcs; Amer Red Cross \$133.00 smcs; Amsan \$543.34 smcs; AMTEC Less Lethal \$1,585.65 smcs; Andersen Self Service \$8.44 smcs; Andersen,D \$4.07 smcs; Andreson,K \$23.75 smcs; Apple Market \$14.24 smcs; ARC Services \$1,163.00 smcs; Arctic Refrigeration \$282.62 smcs; Ask Supply \$1,284.94 smcs; Aurora Coop \$1,830.64 smcs; Baker & Taylor Books \$4,583.33 smcs; Barney Abstract \$330.00 smcs; Bert Gurney & Associates \$609.42 smcs; Best Buy \$460.09 co; Bickford,D \$100.00 smcs; Big Rack Shack \$73.10 smcs; BJ Ventures \$98.51 smcs; BlueCross BlueShield \$192,323.97 smcs; Boogaarts \$3.84 smcs; Bosselman \$8,243.65 smcs; Bradley,R \$17.54 smcs; Briggs,S \$140.00 smcs; Broadfoot's \$2,961.00 smcs; Bruha,S \$780.00 smcs; Brush,A \$100.00 smcs; Buffalo Co Treasurer \$15.00 smcs; Buffalo Outdoor Power \$312.69 smcs; Builders \$1,932.21 smcs; Buse,D \$63.75 smcs; Cabela's \$159.98 smcs; Carlson,A \$250.00 smcs; Carquest Auto \$5,053.93 smcs; Casey's General \$54.18 smcs; Cash Wa \$2,936.94 smcs; CDW Govt \$3,355.34 co; Center Point Large Print \$105.27 smcs; Central Auto Electric \$76.24 smcs; Central Hydraulic \$497.48 smcs; Central NE Bobcat \$49.98 smcs; Charter \$318.31 smcs; Cheddars \$24.00 smcs; Chicken Coop \$40.00 smcs; Christianbookcom \$18.98 smcs; CHS Agri Service \$1,270.80 smcs; Cintas \$97.40 smcs; City of Ky \$9,606.39 smcs,ps; Coldspring \$225.90 smcs; Compasscom \$50.00 smcs; Conseco Life Ins \$19.00 ps; Consolidated Management \$394.25 smcs;

Construction Rental \$340.08 smcs; Copycat Printing \$630.98 smcs; Cornerstone Electric \$756.00 smcs; Crossroads Ford \$552.42 smcs; Culligan \$247.85 smcs; Cummins Central Power \$873.84 smcs; Curb-It \$300.00 co; CXTEC \$616.80 smcs, co; D&S Lighting \$237.12 smcs; DANKO Emergency \$921.45 smcs; Davis Equipment \$4,166.37 smcs; Davis,J \$450.00 smcs; Daylight Donuts \$54.00 smcs; Dell \$12,138.84 smcs,co; Depository Trust \$310,215.00 ds; Deterdings \$28,149.07 smcs, co; Dish \$83.35 smcs; Doubletree \$1,229.00 smcs; Douglas Industries \$145.00 smcs; DPM \$802.00 smcs; Drew Davis Band \$3,000.00 smcs; Dutton-Lainson \$59.26 smcs; Earl May \$288.97 smcs; Eileen's Cookies \$22.00 smcs; Eakes \$4,388.65 smcs,co; EMC Ins \$21,438.15 smcs; Enterprise \$84.36 smcs; Environmental Express \$62.96 smcs; ERC Wiping Products \$155.32 smcs; Fairbanks \$1,142.86 smcs; Family Practice \$218.00 ps; Fantasy Faces by Mark \$125.00 smcs; Farmers Union \$23.97 smcs; Fastenal \$995.84 smcs; Feusner,J \$100.00 smcs; Fiddelke Htg \$252.50 co; Fireguard \$1,324.61 smcs; Fleetpride \$770.00 smcs; Footjoy \$846.53 smcs; Forestry Suppliers \$175.17 smcs; Foster,D \$140.00 smcs; Frontier \$9,710.95 smcs; Fun Express \$31.15 smcs; Gale \$1,250.46 smcs; Galeton Gloves \$658.20 smcs; Galls \$82.21 ps; Gannon Travel \$8,221.00 smcs; Garrett Tires \$727.95 smcs; Geiselman,J \$100.00 smcs; General Collection \$268.05 ps; Graham Tire \$269.92 smcs; Grainger \$4,902.26 smcs, co; Green Electrical Supply \$51.61 smcs; Griffiths,R \$700.00 smcs; Groves,L \$1.40 smcs; H&H Distributing \$1,181.32 smcs; Haase,R \$75.00 smcs; Hach \$1,738.87 smcs; Hastings Ford Lincoln \$23,907.00 co; Hawk,P \$35.42 smcs; HD Supply \$9,743.92 smcs; Hearing Access Solutions \$3,200.00 co; Heggemeyer,L \$24.07 smcs; Herbergers \$112.32 smcs; Heritage Cross Apparel \$1,721.72 smcs; Hill,A \$100.00 smcs; HOA Solutions \$1,635.00 co; Hobby-Lobby \$134.43 smcs; Holmes Plbg \$855.44 smcs; Home Depot \$96.02 smcs; Hometown Leasing \$265.92 smcs; Hooker Bros Sand \$440.06 smcs; Hoover Fence \$956.11 smcs; Hurst,D \$10.59 smcs; ICMA Internet \$667.97 smcs; ICMA RC \$4,109.27 ps; IRS \$129,598.29 ps; Int'l Assn \$234.00 smcs; J&B Powder Coating \$250.00 smcs; Jack Lederman \$76.36 smcs; James,D \$90.00 smcs; Jelinek,A \$800.00 smcs;John Deere Landscapes \$759.63 smcs; Johnson Controls \$782.20 smcs; Johnstone Supply \$504.83 smcs; Jump A Roo \$1,000.00 smcs; Jutus,Z \$33.55 smcs; K&K Parts \$36.20 smcs; Kart-Mart \$999.19 smcs; Kaufman,T \$31.89 smcs; Ky Ampride \$17.00 smcs; Ky Clinic \$321.00 ps; Ky Concrete \$1,117.81 co; Ky Crete \$670.66 smcs,co; Ky Glass \$4,117.00 smcs; Ky Hub \$4,451.92 smcs; Ky Humane Society \$6,825.00 smcs; Ky Noon Rotary \$110.00 smcs; Ky Power Sports \$226.75 smcs; Ky Towing \$300.00 smcs; Ky Winlectric \$158.42 smcs; Kelly Supply \$29.40 smcs; KGFW/KQKY/KRNY \$52.00 smcs; Killion Motors \$128.89 smcs; Kinnan,B \$39.92 smcs; KK Auctions \$511.20 smcs; Konica Minolta \$924.54 smcs; Kowalek,G \$15.00 smcs; K-Town Cakes \$32.00 smcs; Lakeshore Learning \$34.94 smcs; Landmark Implement \$792.13 smcs; Lands End \$315.63 smcs; Laser Link Golf \$180.21 smcs; Lautenschlager,L \$45.00 smcs; Lawson Products \$722.99 smcs; LED Lighting \$1,914.01 co; Lifeguard Store \$292.90 smcs; Lincoln Tent \$250.00 smcs; Little Caesars \$53.50 smcs; Lockmobile \$185.45 smcs; Logmeincom \$399.50 smcs; Looney,N \$100.00 smcs; Lopez,W \$7.77 smcs; Lutt,H \$9.84 smcs; M&E Construction \$28.81 smcs; Magnuson,S \$53.43 smcs; Mail Express \$90.63 smcs; Marlatt Machine Shop \$210.75 smcs; Marshall,I \$100.00 smcs; Masek Golf \$92.05 smcs; Matheson \$1,053.66 smcs; MCM Electronics \$20.94 smcs; Mead Lumber \$327.60 smcs; Medic Batteries \$260.57 smcs; Menards \$4,963.62 smcs, co; Merryman Performing Arts \$742.68 smcs; Messnar,M \$13.37 smcs; Metrix Instruments \$1,055.75 smcs; Mid-NE Lubricants \$167.04 smcs; Midway Chrysler \$205.00 smcs; Midwest Labs \$702.89 smcs; Midwest Turf \$439.67 smcs; Miller & Associates \$4,578.60 smcs,co; Miller Signs \$275.00 smcs;

Mirror Image \$50.00 smcs; Moonlight Embroidery \$2,402.00 smcs; Mueller,M \$60.00 smcs; Municipal Emergency Serv \$902.00 smcs; Municipal Supply \$6,607.62 smcs; Mycreativeshopcom \$19.95 smcs; Nat'l Safety \$367.17 smcs; Nature-Watch \$416.57 smcs; Navigator Motorcoaches \$175.00 smcs; NCS Equipment \$1,683.64 smcs; NE Child Support \$2,439.27 ps; NE Dept of Revenue \$39,405.41 smcs; NE Machinery \$834.41 smcs; NE Safety & Fire \$559.00 smcs; NE Truck Center \$754.94 smcs; NEland Distributors \$1,260.70 smcs; NFPA Nat'l Fire Protections \$165.00 smcs; North Shore Residential \$65.08 smcs; Northern Safety \$263.96 smcs; Northwestern Energy \$6,969.76 smcs; OCLC \$690.76 smcs; Office Max \$2,074.26 smcs, co; Office of Elevator Safety \$140.00 smcs; Officenet \$655.44 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; O'Keefe Elevator \$416.18 smcs; Onlinestorescom \$182.50 smcs; O'Reilly Auto \$37.70 smcs; Oriental Trading \$64.49 smcs; Orscheln \$459.33 smcs; Oshkosh \$135.47 smcs; Otis Air \$800.00 smcs; Outdoor Recreation \$1,110.00 co; Overhead Door \$915.00 smcs; Panera Bread \$50.00 smcs; Paramount Linen \$248.63 smcs; Parts Town \$47.70 smcs; Party America \$26.95 smcs; Paypal \$2,537.07 smcs, co; Pelster,C \$64.00 smcs; Pet Kingdom \$96.51 smcs; Peterson,S \$64.00 smcs; Petzold,S \$264.23 smcs; Pioneer Industrial \$2,474.46 smcs; Platte Valley Comm. \$763.95 smcs; Platte Valley Labs \$45.00 smcs; Pockets Full of Fun \$395.00 smcs; Postage Refill \$900.00 smcs; Potter,K \$100.00 smcs; Prairie Books \$53.89 smcs; Prestige Group \$169.00 smcs; Presto-x \$685.80 smcs; Proactive Sports \$924.00 smcs; PSB Spreader Parts \$29.40 smcs; Pump & Pantry \$74.91 smcs; Quill \$1,141.63 smcs; Quroga,A \$60.00 smcs; R&R Products \$48.97 smcs; Rainbowonlinesalecom \$229.61 smcs; Random House \$232.50 smcs; Rasmussen,A \$500.00 smcs; Ready Mixed Concrete \$1,911.45 co; Reams \$1,308.69 smcs; Recognition Unlimited \$133.10 smcs, co; Recorded Books \$1,529.17 smcs; Reed,T \$21.72 smcs; Reeder,L \$75.00 smcs; Responder GAP \$180.00 ps; Rhomar Industries \$671.45 smcs; Rowe Sanctuary \$325.00 smcs; Royle,K \$100.00 smcs; S&S Worldwide \$1,517.28 smcs; Safelite Auto Glass \$628.79 smcs; Sahling Kenworth \$256.18 smcs; Sanitation Products \$523.48 smcs; Sargent Irrigation \$5,300.00 smcs; Sauer,R \$275.00 smcs; Schneekloth,B \$6.53 smcs; SchoolsIncom \$43.31 smcs; Sears \$33.12 co; See Clear Cleaning \$1,700.00 smcs; Sheldon,S \$53.50 smcs; Shemat,K \$100.00 smcs; Sherwin Williams \$495.23 smcs; Shopletcom \$169.95 smcs; Sign Center \$50.46 smcs; Signwarehousecom \$226.77 smcs; Sirsi Dynix \$350.00 smcs; SOS Portable Toilets \$105.00 smcs; Sprinkler Warehouse \$432.70 smcs, co; Stagecoach \$35.31 smcs; Stampscom \$4.99 smcs; Staples \$90.95 smcs; Steinbrink Landscaping \$4,375.00 smcs; Steve Spangler Science \$103.82 smcs; Streakwave Wireless \$328.33 co; Sunmart \$96.98 smcs; Super Shine Auto Care \$39.49 smcs; Superior Signals \$715.95 smcs; Swim,M \$145.00 smcs; Taillema,A \$26.53 smcs; Target \$282.61 smcs, co; Team Effort \$371.16 smcs; Tech Soup \$401.00 co; Texoma Golf \$1,045.10 smcs; Theis,J \$40.00 smcs; Thestoreonlinecom \$46.99 smcs; Thome,B \$25.00 smcs; Thompson,D \$100.00 smcs; Ticket Omaha \$104.79 smcs; Tielke's Sandwiches \$102.38 smcs; Timevalue Software \$129.00 co; Titleist \$2,580.08 smcs; TM Sporting Goods \$318.10 co; Tomar Electronics \$29.81 smcs; Tractor Supply \$614.73 smcs; Trade Well Pallet \$1,029.00 smcs; Trans Iowa Equipment \$855.51 smcs; Travelocitycom \$369.04 smcs; Tri City Sign \$231.75 co; Triad Technical \$289.23 smcs; Tri-Cities Group \$388.79 smcs; TS Auto Glass \$160.00 smcs; Turf Werks \$67.00 smcs; Ultra Chem \$498.71 smcs; Union Bank & Trust \$62,322.20 ps; Unique Management \$277.45 smcs; United \$347.50 smcs; UNL Event Planning \$15.00 smcs; UPS \$56.41 smcs; USPS \$151.56 smcs; Verizon Wireless \$20.06 smcs; Vessco \$151.71 smcs; Wall,R \$284.00 smcs; Wal-Mart \$2,574.86 smcs, co; Warren-T Plumbing \$265.50 co; Wastecorp Pumps \$890.00 smcs; Watchguard

Video \$349.00 smcs; Watson,L \$43.19 smcs; West Villa Animal Hospital \$30.00 smcs; When To Work \$180.00 smcs; White,A \$375.00 smcs; Wiedel,G \$100.00 smcs; Wiest,B \$85.00 smcs; Wilke's True Value \$440.94 smcs, co; WPCI \$107.00 smcs; Yanda's Music \$1,500.00 smcs; Yant Equipment \$1,136.20 smcs; Zach,T \$1,200.00 Payroll Ending 5-17-2014 -- \$370,927.61. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Receive recommendations of Planning Commission and set June 10, 2014 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 Tropic 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 June 14, 2014 from 6:00 p.m. until 1:00 a.m. (June 13, 2014 and the Exhibit Building for alternate date and location) for a dance.
5. Approve the application for a Special Designated License submitted by McFarland Family Farms, LLC, dba Mac's Creek Vineyards & Winery in connection with their Class YK-056229 liquor license to dispense wine inside the Museum of Nebraska Art, 2401 Central Avenue on June 10, 2014 from 5:00 p.m. until 9:00 p.m. for a sampling/tasting.
6. Adopt **Resolution No. 2014-99** approving T-Hangar B-3 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Traveling Doctors Inc.

#### **RESOLUTION NO. 2014-99**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar B-3 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Traveling Doctors, Inc., the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2015: Countryside Mobile Park, 1920 15th Avenue; East Lawn Mobile Homes Estates, 2900, 3010 Grand Avenue; Rodeo Court, 2414 West 24th Street; R-Villa East, West and South, 2500, 2719, 2803 West 24th Street; Valley View Mobile Home Court, 2701 Grand Avenue; Villa Park, 2703 West 24th Street.
8. Approve the recommendation from the Development Services Division on extending the current license for the following manufactured home courts: Cornhusker Mobile Home Park, 1115 Avenue C; L & M Properties, 1110 Central Avenue; Merriweather Mobile Home Village, 914 West 17th Street.

**9. Adopt Resolution No. 2014-100** approving Change Order No. 3 for an increase in the amount of \$4,366.50, Application and Certificate for Payment No. 3 in the amount of \$154,458.75 submitted by Blessing, LLC and approved by Miller & Associates for the 2013 Part 7 Improvements; Downtown Lighting Improvements.

**RESOLUTION NO. 2014-100**

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. 3 showing an increase in the amount of \$4,366.50, 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. 3 in the amount of \$154,458.75, 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)	- 451,195.30
Change Order No. 2 (3-25-2014)	+ 3,520.00
Contract Sum To Date	\$ 612,329.85
Gross Amount Due	434,402.82
Retainage (10%)	43,440.28
Amount Due to Date	390,962.54
Less Previous Certificates for Payment	<u>236,503.79</u>
Current Payment Due	\$ 154,458.75

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", and Application and Certificate for Payment No. 3, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**10. Adopt Resolution No. 2014-101** approving Application and Certificate for Payment No. 7 in the amount of \$146,912.94 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. 2014-101**

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 Application and Certificate for Payment No. 7 in the amount of \$146,912.94, as shown on Exhibit "A" 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)	+ 5,710.00
Contract Sum To Date	<u>1,147,238.00</u>
Gross Amount Due	1,053,402.00
Retainage (10%)	105,340.20
Amount Due to Date	948,061.80
Less Previous Certificates for Payment	<u>801,148.86</u>
Current Payment Due	\$ 146,912.94

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Certificate for Payment No. 7, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**11.** Adopt **Resolution No. 2014-102** approving Application and Certificate for Payment No. 2 in the amount of \$111,680.33 submitted by Paulsen, Inc. and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid B consisting of Paving Improvement District No. 2013-962 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.

**RESOLUTION NO. 2014-102**

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with the 2013 Part 1 Improvements – Bid B consisting of Paving Improvement District No. 2012-962 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, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$111,680.33, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,327,913.75</u>
Contract Sum To Date	1,327,913.75
Gross Amount Due	406,785.00
Retainage (10%)	40,678.50
Amount Due to Date	366,106.50
Less Previous Certificates for Payment	<u>254,426.17</u>
Current Payment Due	\$ 111,680.33

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

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**12. Adopt Resolution No. 2014-103** approving Application and Certificate for Payment No. 6 in the amount of \$90,892.84 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 9 Improvements; CDGB Sidewalks in the Emerson School Area.

**RESOLUTION NO. 2014-103**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$90,892.84, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$290,885.23
Change Order No. 1 (6-11-2013)	<u>.00</u>
Contract Sum To Date	290,885.23
Gross Amount Due	270,293.78
Retainage (10%)	27,029.38
Amount Due to Date	243,264.40
Less Previous Certificates for Payment	<u>152,371.56</u>

Current Payment Due

\$ 90,892.84

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

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**13.** Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-017964 catering liquor license to dispense beer, wine and distilled spirits inside the Classic Car Collection located at 3600 East Highway 30, Suite B on June 11, 2014 from 5:00 p.m. until 8:00 p.m. for a reception.

**14.** Approve the Plans and Specifications for the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden's, an addition to the City of Kearney and set the bid opening date for June 17, 2014 at 2:00 p.m.

**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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 7, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

**16.** 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 Harvest Room located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 14, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

**17.** 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 21, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

**18.** 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 June 21, 2014 from 3:00 p.m. until 1:00 a.m. for a dance.

**19.** 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 28, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 7894 CREATING PAVING DISTRICT NO. 2014-966**

The City received a letter from Ken Mumm, President of the Kearney Area Habitat for Humanity requesting paving, water and sanitary sewer districts be created for 17th Street from Avenue M to the east line of Lot 5 of Block Two, Marlatt Addition. On September 10, 2013 the Council approved the Tax Increment Financing for Habitat for Humanity. Up to 90 percent of the available tax increment to the City in order to reduce costs of the infrastructure districts payments to Habitat for Humanity for Marlatt Subdivision Phase I infrastructure, payable over 15 years. The CRA also approved a grant of \$50,000, payable over two years to the City of Kearney, to reduce district assessment costs in years 1 and 2 (2015-2016).

Council Member Lammers introduced Ordinance No. 7894 creating Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, 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 Nikkila seconded the motion to suspend the rules. 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, Lammers. 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. 7894 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, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7894 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Nikkila, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7894 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **ORDINANCE NO. 7895 CREATING WATER DISTRICT NO. 2014-576**

Council Member Lammers introduced Ordinance No. 7895 creating Water District No. 2014-576 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, 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 Nikkila seconded the motion to suspend the rules. 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, Lammers. 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. 7895 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, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7895 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Nikkila, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7895 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

#### **ORDINANCE NO. 7896 CREATING SANITARY SEWER DISTRICT NO. 2014-514**

Council Member Lammers introduced Ordinance No. 7896 creating Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, 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 Nikkila seconded the motion to suspend the rules. 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, Lammers. 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. 7896 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, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7896 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Nikkila, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7896 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **VI. REGULAR AGENDA**

#### **ORDINANCE NO. 7897 AMENDING SECTIONS 4-604 AND 4-609 OF CITY CODE**

Council Member Lear stated he had a request from a fireworks retailer because

Saturday sales are a big deal for them and with this year the current section does not provide for any Saturday sales. He did a quick research and found Norfolk, Scottsbluff, Omaha and Columbus all start fireworks sales on June 25th. There is quite bit of range of fees with the highest being Omaha at \$2,500 for a fireworks permit. Columbus is at \$500 up to \$1,000. Norfolk was \$225. He looked at Hastings and Grand Island both are on June 27th-July 4th both at \$300-\$400 fees and then North Platte also would start on June 28th and have a \$250 fee.

Mayor Clouse stated the City's current fee is \$200 so as they read here they would move that to \$250 and that would not take effect until next year. Mayor Clouse asked Council Member Buschkoetter what was discussed in 2002 when this issue was brought up. Council Member Buschkoetter stated he remembered part of the discussion as the Fire Department bring it to the Council because of the concerns and the number of fires. The longer the season, the more fireworks fires you will have and the Council decided they wanted to limit that down mostly because of the recommendation of the Fire Department. He does not know if anything has changed that would change the Fire Department's opinion about that.

Council Member Lammers asked if pop bottle rockets were in effective at that time or had they already been outlawed. Council Member Buschkoetter stated that was already a thing of the past. There still are the artillery shells and a lot of airborne things that still have the same effect. He stated for himself it was tough to do that because fireworks are a big thing in his family and they enjoy that. The weight of the Fire Department was considerable even though he is a pro-fireworks person, he had voted in favor of changing the dates at the recommendation of the Fire Department.

Mayor Clouse stated so the reason for the change is the extra day and the fee. The reason for the date is clarification so it would include a Saturday that would be a good sales day. Council Member Lear stated it creates a full seven day window of sales so they would always have a weekend in a 7-day window. Council Member Buschkoetter stated it there would be a Saturday night in there and certainly it would be sometime over the weekend. Obviously Saturday night is a little different set of behaviors than you get from Sunday night in terms of people getting together in their driveway and that being the night they do it.

Council Member Nikkila stated it seems reasonable to him to go to seven days and it makes a lot of sense for the people selling the fireworks especially the charitable groups that raise money. Can you talk about what work the Fire Department has to go through to inspect firework stands. City Manager stated they do go out and inspect those routinely and intermediately as well so it does take some staff time to do that and of course over the years the cost have gone up. They recommended if there was an increase to wait because some folks may have purchased for the year already and have an exception of what the fees are so they thought that would be reasonable. They have not had major issues with the stands themselves. From the perspective of the Fire Department, their opinion has not changed, and he did not invite them to address it but any extra day at all they share the same concern as they always have and same thing with law enforcement.

Council Member Lammers stated June 28 is a more reasonable time frame. He is more concerned about how long in the night they go shooting them off than the sales as long

as you keep that at 10:00 p.m., he does not want them to go any later than that. Mayor Clouse stated for the benefit of the audience they did receive calls from citizens who did not want it changed and in fact would like to see it the City did not have them at all so there is that side and they have heard those comments.

Gordon Bennett, 1011 East 53rd Street stated he thinks they should be emulating Lincoln rather than Scottsbluff or Grand Island when it comes to the fees. His first concern is the dogs; there are a lot of canine citizens here in Kearney some of which are truly tormented by fireworks. His second complaint has not been mentioned yet and that is he speaks as a senior citizen. It is very annoying for some older people, even painful. In his case, it is in the annoying category. It has already been mentioned that the Fire Department has had concerns about the increased risk to fires that is also on his concern list.

Another concern is the potential danger to children. He thinks adding another day to that risk both of personal injury and fire is a very bad idea. Professional fireworks shows are great, consumer fireworks not so much.

Tony Davis, 85 Plaza Road stated it is already a condensed season of fireworks sales, people are going to get fireworks if the kids want them on Saturday they will get them somewhere else. He would imagine that people are probably going to have some fireworks on the Saturday leading up to the 4th of July. He understands the time being at 10:00 p.m. It gets dark about 9:50 and if you are going to put a bunch of money in a display he wants it to be dark. If he is a consumer out there buying fireworks he would like it to be dark. They go all the way up to July 3rd and 4th until they let it get dark before you really can see the great displays that are available. Fireworks are safer today than they ever have been in the past. In the 80's there were a lot more fires out there just because of the way they were manufactured.

Nathan Dorsey stated he would like to throw a couple other facts out there about fireworks in general. They are safer than they have ever been also according to the Nebraska State Fire Marshal they allow fireworks to be shot anytime of the year in the State of Nebraska and then it goes by City Ordinance. According to the Nebraska State Fire Marshal they obviously think fireworks are safe if you can shoot them anytime of the year. They also allow a 10-day sales period for the State of Nebraska than by the City Ordinance so if you go by the State Fire Marshal they are obviously pretty lenient on fireworks sales so they stick behind them that they are safe as well.

Council Member Lear introduced Ordinance No. 7897 amending Section 4-604 "Dates of Lawful Sale" and Section 4-609 Discharging Fireworks; When Permissible" of Article 6 "Fireworks" of Chapter 4 "Fire Regulations" to allow permissible fireworks to be sold and discharged from June 28 through July 4 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 Buschkoetter seconded the motion to suspend the rules. 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, Buschkoetter, Lear. Nay: None. Motion to suspend the rules

having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7897 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7897 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7897 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.

**OPEN ACCOUNT CLAIMS**

Moved by Lammers seconded by Nikkila that the Open Account Claims in the amount of \$7.50 payable to Kearney Goodwill and in the amount of \$75,034.68 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers. Nay: None. Clouse and Buschkoetter abstained. Motion carried.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 6:12 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**ATTEST:**

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

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