

*Kearney, Nebraska
June 24, 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 June 24, 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. Absent: Jonathan Nikkila. Thomas Tye, Acting 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: Eric Hellriegel, Ashley White from Kearney Hub, Steve Altmaier from KGFV Radio.

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

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

CDBG COMMUNITY REVITALIZATION GRANT – SUPPLEMENTAL

Mayor Clouse opened the public hearing on the concerning submitting an application to the Nebraska Department of Economic Development for a Community Development Block Grant for community revitalization activities and consider Resolution No. 2014-114.

Eric Hellriegel from Miller & Associates presented this matter to the Council. This particular project is in the vicinity of the Emerson neighborhood and they are making some additional improvements to sidewalks needing ramp improvements. The majority of this is focused in the eastern part of the target area. There are some areas around 27th Street through the Railroad intersection to assist in the connectivity to Avenue N and the overpass as well as some work on Avenue M. There is a significant amount of sidewalk missing and ADA ramp improvements on the north side of Kearney Manor. There are also some areas along 31st Street which is an arterial and believed it was important to get some connectivity sidewalks so that they can keep people particularly off of the street in that particular area and aid in the ADA ramps that work along Avenue L. There is another area over on Avenue C and Avenue D that pick up connectivity to Emerson School. They are just wrapping up a project that was initially approved in 2011 which took out a good portion of this particular census tract to get sidewalks and ADA ramps completely up to code. This is just an extension of that; sidewalks and ramps continue to be a priority that comes up in the public participation as they go through these strategy sessions and this was a good fit for this project.

The Central Avenue and 26th Street project just got started and it was the grant that was approved last year. Construction just started a week ago and this will be a good project that will complement the neighborhood as they continue to move forward.

Council Member Buschkoetter asked where the City was in terms of getting caught up with these sidewalks. Mr. Hellriegel stated this is the last of this particular census tract that is getting redone. He knows the City has taken upon itself, outside of the grant, to continue to make these improvements to these ramps and sidewalks so he could not speak to that specifically but would estimate 90 to 95 percent in this particular census tract.

Council Member Lammers asked if those are just in the areas that are considered low to moderate income. Mr. Hellriegel affirmed and stated that is correct and those are what they focus on when they go through these strategy sessions on an every three year cycle.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt **Resolution No. 2014-114** approving the submission of an application to the Nebraska Department of Economic Development for a Community Development Block Grant for community revitalization activities. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2014-114

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of City of Kearney for \$150,000 for street and sidewalk improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CDBG DOWNTOWN REVITALIZATION PHASE II GRANT; 2ND HEARING

Mayor Clouse opened the public hearing to receive input concerning a Community Development Block Grant received in 2012; Grant No. 12-DTR-104 for downtown revitalization activities.

Eric Hellriegel from Miller & Associates presented this matter to the Council. He stated this downtown revitalization project started construction earlier this year and is very close to being completed. They received the control boxes and they will be finishing the last two signals on Central Avenue. The second hearing is part of the Community Block Grant process to solicit citizen input on the project. In conversations with downtown business owners, Assistant City Manager Suzanne Brodine and City Engineer Bruce Grupe believe this project has gone very well. These downtown projects seem to be very complex because of the business owners and their relationship to some of these projects.

He presented some pictures of the improvements in the downtown area. Most of the improvements with the project were involved with downtown lighting and removals of that first sidewalk section that was removed to make some irrigation improvements in that corridor and in some cases there was some water service work that was done as well. There were improvements of the traffic signals, the downtown lighting and the irrigation improvements certainly will make the maintenance part of keeping the green scape in downtown Kearney a lot easier as well as the traffic improvements are going to be a lot more energy efficient. It has been a nice addition to downtown and they have received some good comments. The construction process went about as good as it could with the visibility and the amount of traffic that they dealt with on the project.

There was no one present in opposition to this hearing and there were no comments from the audience.

Moved by Lear seconded by Buschkoetter to close the hearing to receive input concerning a Community Development Block Grant received in 2012; Grant No. 12-DTR-104 for downtown revitalization activities. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 23 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 10, 2014.

2. Approve the following Claims:

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

Alfred Benesch & Co \$2,751.73 co; 1000Bulbscom \$464.62 smcs; 2 Wheel Pros \$35.97 smcs; 4Imprint \$1,249.53 smcs; Ace Hardware \$308.99 smcs; Adobe Systems \$256.67 smcs; Advance Auto Parts \$8.99 smcs; Alamar Uniforms \$82.30 ps; All Makes Auto \$531.82 smcs; Allen,E \$110.00 smcs; Allied Electronics \$119.26 smcs; Ally B Designs \$140.00 smcs; Amazon \$4,359.71 smcs,co; American \$443.31 smcs; Amer Fence \$4,842.00 smcs; Amer First Aid \$259.75 smcs; Amer Legion \$120.54 smcs; Amer Red Cross \$152.00 smcs; Amsan \$1,564.63 smcs; Anderson Bros Electric \$215.35 smcs; Anderson,E \$30.00 smcs; APA Memberships \$524.00 smcs; Apple Market \$26.44 smcs; Appliance Service Center \$425.00 smcs; Arabia Steamboat \$282.22 smcs; Arby's \$60.00 smcs; ARC Services \$843.00 smcs; Arrow Striping \$3,445.00 smcs; Ask Supply \$2,695.29 smcs; Atkinson,D \$10.00 smcs; Aurora Coop \$88.08 smcs; B&H Photo-Video \$2,486.99 co; Baasch,J \$2.71 smcs; Backhus,B \$49.34 smcs; Bags and Bows \$403.51 smcs; Baird Holm \$2,075.00 smcs; Baker & Taylor \$4,466.86 smcs; Barney Abstract \$390.00 smcs; Bases Loaded Sports \$976.49 smcs; Baughman, Jallyce \$100.00 smcs; Beads In A Box \$100.44 smcs; Bells Curb Grinding \$1,520.00 co; Benner,J \$31.63 smcs; Big Apple Fun \$30.00 smcs; Big Rack Shack \$200.00 smcs; Blessing \$246,603.05 co,ps; Bluecross Blueshield \$157,644.25 smcs; Boardtronics \$358.87 smcs; Bosselman \$22,670.54 smcs; Branstiter,M \$22.00 smcs; Broadfoot Sand \$1,785.00 smcs; Brodine,S \$255.68 smcs; Bruha,S \$200.00 smcs; BSN Sport Supply \$236.81 smcs; Buckle \$1,111.00 smcs; Buffalo Outdoor Power \$780.09 smcs,co; Buildadesigncom \$14.99 smcs; Builders \$1,069.98 smcs; Buzz's Marine \$208.55 smcs; Cabela's \$30.00 smcs; Capital Business Systems \$113.63 smcs; Carquest \$3,469.80 smcs; Casey's \$130.30 smcs; Cash-Wa \$4,735.60 smcs; CBA Lighting \$799.40 smcs; Cenex Farmers \$60.00 smcs; Center Point Large Print \$72.71 smcs; Central Hydraulics \$354.94 smcs; Central NE Bobcat \$533.07 smcs; Charter \$72.36 smcs; Chesterman \$750.95 smcs; Chevron \$73.06 smcs; Chicken Coop \$40.00

smcs; Chief Supply \$178.09 smcs; Christensen,A \$6.22 smcs; Cintas \$42.00 smcs; City of Ky \$25,552.76 co,smcs,ps; Claeys,S \$31.44 smcs; Clevenger Oil \$939.25 smcs; CNA Ins \$120.00 smcs; Coldspring \$225.90 smcs; Collins,B \$84.90 smcs; Conseco \$19.00 ps; Consolidated Management \$368.75 smcs; Construction Rental \$1,643.22 smcs,co; Conzemius,K \$41.17 smcs; Copycat Printing \$168.00 smcs; CPS \$1,387.18 smcs; Creative Teacher \$42.31 smcs; Crossroads Ford \$1,636.46 smcs; Culligan \$110.00 smcs; Cummins \$2,492.49 smcs; Cut Rate Batteries \$34.60 smcs; Cxtec \$939.84 smcs; D&S Lighting \$34.62 smcs; Danko Emergency \$2,528.76 smcs; Davad Motorsports \$18.45 smcs; Davis Equipment \$882.43 smcs; Dawson PPD \$39,917.10 smcs; Dell \$1,294.79 smcs; Delta Air \$371.50 smcs; Depository Trust \$2,028,145.13 ds; Deterdings \$505.09 smcs; Diamond Vogel \$20.27 smcs; Dish \$178.35 smcs; Displays2gocom \$55.10 smcs; Don's Appliance Service \$115.00 smcs; DPC Industries \$6,825.34 smcs; DPM \$2,105.00 smcs; Dugan Business Forms \$551.88 smcs; Eakes \$2,829.64 smcs; Earl May \$1,502.86 smcs; Economic Dev Council \$11,856.11 smcs; Eileen's Cookies \$90.75 smcs; EMC Ins \$29,032.82 smcs; Enterprise \$26.27 smcs; Essentialhardwarecom \$112.54 smcs; Etsy \$13.00 smcs; Eustis Body Shop \$100.00 smcs; Expression Wear \$215.00 smcs; Facebook \$4.08 smcs; Fairbanks Int'l \$1,028.25 smcs; Fastenal \$359.23 smcs; Fastgas \$44.89 smcs; Federal Signal Corp \$13,067.00 smcs; Fedex \$170.46 smcs; Fiddelke Heating \$358.75 smcs; Fireguard \$6,349.45 smcs,co; Fitness Finders \$142.02 smcs; Fleetpride \$1,174.32 smcs; Fluid Tech \$60.93 smcs; Footjoy \$47.76 smcs; Frontier Communications \$190.00 smcs; Fun Life Science \$350.00 smcs; Gale \$362.04 smcs; Galeton Gloves \$658.20 smcs; Galls \$106.98 smcs; Gamma Sports \$320.38 smcs; Gangwish Turf \$85.48 smcs; Ganson Engineering \$116.00 co; Garrett Tires \$7,679.31 smcs; GD Concrete Construction \$26,320.00 co; Goff,J \$31.00 smcs; Gopher \$314.67 smcs; Graham Tire \$802.16 smcs; Grainger \$3,864.94 smcs; Gray,C \$45.00 smcs; Guildcraft \$110.24 smcs; H&H Distributing \$1,047.15 smcs; Hach \$4,261.09 smcs; Halogen Supply \$417.00 smcs; Hampton Inn \$346.73 smcs; Harris,P \$80.00 smcs; Harrisonville \$47.07 smcs; Harshbarger,K \$1,146.00 smcs; Harvey,K \$75.00 smcs; HD Supply \$1,431.05 smcs; HDS Fire Engineering \$716.00 smcs; Heartland Strategy Group \$5,000.00 smcs; Herrschners \$56.18 smcs; Highsmith \$89.80 smcs; Hilltop Mall \$125.00 co; Hilti \$920.04 smcs; Hireright \$16.50 smcs; HOA Solutions \$35,604.01 smcs,co; Hobby-Lobby \$437.19 smcs; Holmes Plbg \$3,593.73 smcs,co; Hometown Leasing \$430.98 smcs; Hoover Fence \$160.42 smcs; Hopkins,J \$62.35 smcs; HR Direct/G Neil \$865.75 smcs; Hyvee \$35.94 smcs; ICMA \$4,770.46 smcs,ps; Kimball Midwest \$330.26 smcs; Inland Truck Parts \$131.07 smcs; IRS \$137,941.47 ps; Int'l Code Council \$125.00 smcs; Jack Lederman \$460.16 smcs; James,D \$210.00 smcs; JCB Enterprises \$33.50 smcs; JJ Keller & Associates \$519.00 smcs; Joann Store Internet \$33.57 smcs; John Deere Landscapes \$937.18 smcs,co; Johnstone Supply \$433.99 smcs; Jones,C \$21.42 smcs; K&K Parts \$1,345.61 smcs; Kart-Man \$998.96 smcs; Ky Cinema 8 \$85.00 smcs; Ky Aviation Center \$120.37 smcs; Ky Clinic \$392.00 ps; Ky Concrete \$20,129.37 smcs,co; Ky Crete & Block \$3,421.33 smcs,co; Ky Family YMCA \$120.00 ps; Ky Glass \$26.90 smcs; Ky Hub \$3,598.46 smcs; Ky Humane Society \$6,825.00 smcs; Ky Power Sports \$481.85 smcs; Ky Towing \$400.00 smcs; Ky Warehouse \$221.76 smcs; Ky Winlectric \$88.19 smcs; Ky Winnelson \$28.21 smcs; Kelley,M \$25.00 smcs; Kelly Electric \$96.56 smcs; Kelly Supply \$381.42 smcs; Kernick,T \$8.69 smcs; KGFW/KQKY/KRNY \$52.00 smcs; Knaggs Construction \$11.21 smcs; Konica Minolta \$1,314.22 smcs; Kruse,J \$16.05 smcs; Ksprintscom \$136.05 smcs; Kwik Stop \$7.68 smcs; La Quinta Inn \$707.68 smcs; Lamb,A \$19.57 smcs; Landmark Implement \$967.88 smcs; Lantzer,D

\$7.75 smcs; Larue Distributing \$88.60 smcs; Laser Art Designs \$263.00 smcs; Leach,C \$72.22 smcs; LECC \$220.00 smcs; Lego \$270.62 smcs; Lips Printing Service \$105.68 smcs; Lockmobile \$41.20 smcs,co; Mail Express \$112.04 smcs; Marlatt Machine Shop \$1,522.14 smcs; Matheson \$117.87 smcs; Matheson Tri-Gas \$104.63 smcs; McDonald's \$90.00 smcs; Menards \$3,711.56 smcs,co; Mesloh,M \$35.12 smcs; Metal Doors \$1,712.73 smcs,co; Mid Amer Signal \$14,493.00 smcs; Mid-NE Garage Doors \$185.00 smcs; Midware Brainy Toys \$180.55 smcs; Midwest Labs \$335.09 smcs; Midwest Police Gear \$44.20 smcs; Midwest Striping \$16,387.00 smcs; Midwest Turf \$470.66 smcs; Miller & Associates \$21,895.00 co; Miller Signs \$405.00 smcs; Molina,O \$0.69 smcs; Moonlight Embroidery \$1,668.50 smcs; Mrs. Caldwell's Flea Market \$26.85 smcs; Municipal Supply \$2,621.22 smcs; Murphy Tractor \$95.13 smcs; Mycreativeshopcom \$19.95 smcs; Nat'l Alliance Youth Sports \$20.00 smcs; NCL of Wisconsin \$760.37 smcs; NCS Equipment \$442.85 smcs,co; NE Child Support \$2,439.27 ps; NE Dept Environmental \$250.00 smcs; NE DOL/Boiler Inspection \$72.00 smcs; NE Environmental Products \$896.14 smcs; NE Library Comm \$780.00 smcs; NE Machinery \$1,980.70 smcs; NE Public Health \$265.00 smcs; NE Safety & Fire \$172.55 smcs; NE Sec of State \$60.00 smcs; NE State Library \$18.75 smcs; NE Truck Center \$1,546.51 co; NEland Distributors \$1,055.00 smcs; NE-Machinery \$13.60 smcs; Netmotion Wireless \$705.17 smcs; Newegg \$499.99 co; Newman Signs \$222.96 smcs; Northern Tool \$311.98 smcs; Northwestern Energy \$5,111.26 smcs; OCLC \$672.61 smcs; Office Depot \$147.10 smcs; Officemax \$1,218.88 smcs,co; O'Hara Lindsay & Associates \$2,000.00 smcs; Ohri,R \$17.53 smcs; Olsson Associates \$5,249.88 co; On Court Off Court \$101.70 smcs; Optics Planet \$149.78 smcs; O'Reilly Automotive \$681.69 smcs; Oriental Trading \$126.48 smcs; Orscheln \$2,186.40 smcs; Outdoor Recreation Products \$907.00 co; Overland Trails \$250.00 smcs; Paramount \$254.74 smcs; Party America \$73.04 smcs; Pat's Plumbing \$3,270.00 smcs; Paypal \$1,013.75 smcs; Pennwell Books \$56.15 smcs; Pfeiffer,C \$27.24 smcs; Pflum,H \$35.00 smcs; Pilot \$25.00 smcs; Pinpros \$535.00 smcs; Pioneer Mfg \$1,344.60 smcs; Plester,J \$40.09 smcs; Poppe,B \$8.56 smcs; Presto-X \$564.44 smcs; Proactive Sports \$172.50 smcs; Provantage \$421.09 smcs; Quill \$104.04 smcs; Racquetworldcom \$36.08 smcs; Rakutencom \$134.74 smcs; Random House, Inc \$438.25 smcs; Ready Mixed Concrete \$14,222.45 co; Recorded Books \$1,112.30 smcs; Recreonics \$87.63 smcs; Red Cross Store \$55.11 smcs; Redman's Shoes \$167.99 smcs,co; Reinke's \$658.67 smcs; Resource Management Co \$165.12 smcs; Rhode Island Novelty \$96.40 smcs; RNDC-Falcon Division \$101.34 smcs; Romar Pest Control \$133.75 smcs; S&S Worldwide \$430.37 smcs; Safariland \$230.39 smcs; Safelite Autoglass \$256.90 smcs; Sahling Kenworth \$369.33 smcs; Sandhill Plastics \$128.39 smcs; Sapp Bros \$26,403.21 smcs; SCALES \$1,000.00 smcs; Scheuffele,D \$64.20 smcs; Schindler Elevator \$741.12 smcs; School Dist #7 \$3,330.90 smcs; Schwan Home Service \$639.93 smcs; See Clear Cleaning \$1,700.00 smcs; Select Sprayers \$132.33 co; Sequel Bookshop \$10.00 smcs; Shannon,B \$32.96 smcs; Shearer,A \$25.00 smcs; Sheldon,J \$14.88 smcs; Sherwin Williams \$252.17 smcs; Shopletcom \$55.46 smcs; Sign Center \$310.00 smcs; Signwarehousecom \$31.62 smcs; Sixel Consulting \$825.00 smcs; Skeeter Barnes \$140.00 smcs; Smith,R \$48.20 smcs; Soc for Human Resource \$185.00 smcs; Software ST \$35.00 co; Sporting Edge \$3,653.00 smcs; Sprinkler Warehouse \$356.36 smcs; Stalker,C \$183.03 smcs; Stampscom \$4.99 smcs; Staples \$282.79 smcs; Steele,L \$50.53 smcs; Steinbrink Landscaping \$3,365.38 smcs; Sterling Distributing \$830.00 smcs; Strategic Insights \$675.00 smcs; Strategic Materials \$352.42 smcs; Stumps \$33.94 smcs; Sunmart \$23.23 smcs; Super Shine Auto Care \$69.68 smcs;

Superior Signals \$1,662.50 smcs; Suspenz \$223.80 smcs; Target \$259.06 smcs; Texoma Golf \$149.87 smcs; Thirsty's \$3.84 smcs; Thompson Co. \$123.10 smcs; Thurlaw,H \$30.98 smcs; Ticket Omaha \$656.50 smcs; Tielke's Sandwiches \$31.30 smcs; Titan Machinery \$8,655.42 smcs; Titleist \$1,324.57 smcs; TL Sund Construction \$111,641.54 co; Tokay Software \$2,220.00 smcs; Tractor-Supply \$488.85 smcs; Tri-City BMX \$1,909.96 smcs; Turner Body Shop \$810.60 smcs; Tye & Rademacher \$183.39 ps; Union Bank & Trust \$60,547.51 ps; UPRR \$100.00 er; Unique Management \$179.00 smcs; United Industries \$940.22 smcs; United Seeds \$2,000.00 smcs; UPS Store \$99.43 smcs,co; USA Blue Book \$390.74 smcs; USPS \$111.32 smcs; Valencia,M \$100.00 smcs; Valentino's \$305.00 smcs; Van Diest Supply \$5,544.67 smcs; Verizon Wireless \$49.46 smcs; V-The Gypsy Cowbelle \$300.00 smcs; Walgreens \$28.43 smcs; Wal-mart \$3,706.17 smcs,co; Wald & Co. \$14,000.00 smcs; Walters Electric \$1,422.26 smcs; Wayfair \$145.24 smcs; Wenzlick,A \$77.72 smcs; When to Work \$60.00 smcs; White,A \$300.00 smcs; Wilke's True Value \$568.31 smcs; Williams & Sons Housemovers \$3,600.00 smcs; World Theatre \$100.00 smcs; WPCI \$107.00 ps; Yanda's Music \$92.45 smcs,co; Zapata,C \$31.00 smcs; Payroll Ending 6/14/2014 -- \$421,197.97. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set July 8, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve setting July 8, 2014 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2012-953, 2012-954, 2012-955A, 2013-961; Water District Nos. 2012-565, 2012-566, 2012-567; and Sewer District Nos. 2012-505A, 2012-506.

5. Approve the application submitted by Terry Broadfoot from Broadfoot Sand & Gravel to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.

6. Adopt **Resolution No. 2014-115** approving Application and Certificate for Payment No. 8 in the amount of \$82,218.90 submitted by Midlands Contracting and approved Miller & Associates for the 2013 Part 1 Improvements – Bid A consisting of Water District No. 2013-570, 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. 2014-115

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. 8 in the amount of \$82,218.90, 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)	<u>+ 5,710.00</u>
Contract Sum To Date	1,147,238.00
Gross Amount Due	1,084,506.00
Retainage (5%)	54,225.30
Amount Due to Date	1,030,280.70
Less Previous Certificates for Payment	<u>948,061.80</u>
Current Payment Due	\$ 82,218.90

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

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Adopt **Resolution No. 2014-116** approving Application and Certificate for Payment No. 3 in the amount of \$515,662.20 submitted by Paulsen, Inc. and approved 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. 2014-116

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. 3 in the amount of \$515,662.20, 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	979,743.00
Retainage (10%)	97,974.30
Amount Due to Date	881,768.70
Less Previous Certificates for Payment	<u>366,106.50</u>
Current Payment Due	\$ 515,662.20

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

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

8. Adopt **Resolution No. 2014-117** approving T-Hangar C-9 Lease Agreement between the City of Kearney and Gary Barth for storage purposes at the Kearney Regional Airport.

RESOLUTION NO. 2014-117

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 C-9 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Gary Barth. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Adopt **Resolution No. 2014-118** accepting the storm sewer constructed for Lot 2, Oak Park Center, an addition to the City of Kearney, Nebraska.

RESOLUTION NO. 2014-118

WHEREAS, on the 25th day of March, 2014 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2014-60 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Hy-Vee, Inc., to construct the storm sewer for Lot 2, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for the construction of storm sewer for Lot 2, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt **Resolution No. 2014-119** approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

RESOLUTION NO. 2014-119

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt **Resolution No. 2014-120** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and GGR, LLC for the

construction of paving, water, sanitary sewer and storm sewer for Meadowlark Ridge Estates.

RESOLUTION NO. 2014-120

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Meadowlark Ridge Estates" between the City of Kearney and GGR, LLC, a Nebraska Limited Liability Company for the construction of paving, water, sanitary sewer and storm sewer to serve Meadowlark Ridge Estates, 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 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the Special Event Permit submitted by the University of Nebraska Kearney to conduct the Homecoming/Band Day Parade scheduled for September 20, 2014 beginning at 10:00 a.m. commencing in the MONA parking lot, south on Central Avenue to Railroad Street, west on Railroad Street to 3rd Avenue, north on 3rd Avenue to 21st Street, west on 21st Street to 8th Avenue, south on 8th Avenue to 20th Street, west of 20th Street and concluding in the West Company parking lot. The following streets will temporarily be closed for the line-up area: Avenues C, D and E from the south side of 25th Street to Railroad Street, 22nd, 23rd and 24th Streets from Avenue A to Avenue D and to authorize the towing of any vehicles by the Kearney Police Department within the designated area and will be an expense to the owners of such vehicles.

13. Approve the Special Event Permit submitted by the Big Red Express to temporarily close Railroad Street from 1st Avenue to Avenue A, 1st Avenue, Central Avenue and Avenue A from Railroad Street to 21st Street from 1:00 p.m. until 3:30 p.m. and to authorize the towing of any vehicles by the Kearney Police Department within the designated area and will be an expense to the owners of such vehicles.

14. Adopt **Resolution No. 2014-121** approving Application and Certificate for Payment No. 4 in the amount of \$140,564.46 submitted by Blessing, LLC and approved by Miller & Associates for the 2013 Part 7 Improvements; Downtown Lighting Improvements.

RESOLUTION NO. 2014-121

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 Application and Certificate for Payment No. 4 in the amount of \$140,564.46, as shown on Exhibit "A" 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
Change Order No. 3 (5-27-2014)	<u>+ 4,366.50</u>
Contract Sum To Date	\$ 616,696.35
Gross Amount Due	590,585.56
Retainage (10%)	59,058.56
Amount Due to Date	531,527.00
Less Previous Certificates for Payment	<u>390,962.54</u>
Current Payment Due	\$ 140,564.46

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

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt **Resolution No. 2014-122** approving Change Order No. 2 for a decrease in the amount of \$11,933.25, Application and Certificate for Payment No. 7-Final in the amount of \$35,687.58, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area.

RESOLUTION NO. 2014-122

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 Change Order No. 2 showing a decrease in the amount of \$11,933.25, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Application and Certificate for Payment No. 7-Final in the amount of \$35,687.58, as shown on Exhibit "B" 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)	.00
Change Order No. 2 (6-24-2014)	<u>- 11,933.25</u>
Contract Sum To Date	278,951.98
Gross Amount Due	278,951.98
Retainage (0%)	.00
Amount Due to Date	278,951.98
Less Previous Certificates for Payment	<u>243,264.40</u>

Current Payment Due

\$ 35,687.58

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 16, 2014, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 7-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt Resolution No. 2014-123 approving Application and Certificate for Payment No. 2 in the amount of \$625,182.39 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 1 Improvements consisting of Northeast Trunk Sanitary Sewer consisting of Sanitary Sewer District No. 2014-510 beginning at the southeast corner of Remington Heights Second Addition, northwesterly in an easement along the south side of Block Three, Remington Heights Second to the west line of Remington Heights Second, then northerly along the west line of Remington Heights Second to the north line of Remington Heights Second, then westerly and following the north line of the Southeast Quarter of Section 24, Township 9 North, Range 16 West to the northwest corner of the Southeast Quarter of Section 24.

RESOLUTION NO. 2014-123

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 1 Improvements; Northeast Trunk Sanitary Sewer consisting of Sanitary Sewer District No. 2014-510 beginning at the southeast corner of Remington Heights Second Addition, northwesterly in an easement along the south side of Block Three, Remington Heights Second to the west line of Remington Heights Second, then northerly along the west line of Remington Heights Second to the north line of Remington Heights Second, then westerly and following the north line of the Southeast Quarter of Section 24, Township 9 North, Range 16 West to the northwest corner of the Southeast Quarter of Section 24, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$625,182.39 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$926,111.00</u>
Contract Sum To Date	926,111.00
Gross Amount Due	699,247.68
Retainage (5%)	34,962.38
Amount Due to Date	664,285.30
Less Previous Certificates for Payment	<u>39,102.91</u>
Current Payment Due	\$625,182.39

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 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Adopt **Resolution No. 2014-124** accepting the bids received 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 award the bid to Blessing, LLC in the amount of \$872,819.97.

RESOLUTION NO. 2014-124

WHEREAS, Olsson Associates and the City of Kearney has reviewed the sealed bids which were opened on June 17, 2014 at 2:00 p.m. 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; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$1,137,028.20 for the said project; and

WHEREAS, the engineers have recommended the bid offered by Blessing LLC of Kearney, Nebraska in the amount of \$872,819.97 be accepted as the lowest responsible bid for the 2014 Part 6 Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Blessing LLC be and is the lowest responsible bidder for the 2014 Part 6 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing LLC in the amount of \$872,819.97 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for the 2014 Part 6 Improvements in the amount of \$1,137,028.20 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

18. Adopt **Resolution No. 2014-10A** amending the legal description for an area determined to be blight and substandard and in need of redevelopment and referred to as Redevelopment Area #12.

RESOLUTION NO. 2014-10A

WHEREAS, a blighted and substandard study and declaration, and adoption of a redevelopment plan, is a requirement before an area can be considered eligible for Tax Increment Financing; and

WHEREAS, the City Council adopted Resolution No. 2014-10 on January 14, 2014 determining an area to be blighted and substandard and designated as Redevelopment Area #12; and

WHEREAS, it has been determined that the legal description set forth in Resolution No. 2014-10 needed to be amended to reflect the correct description.

WHEREAS, Hanna:Keelan Associates conducted a survey to determine whether all or part of an area in Kearney, Nebraska qualifies as a blighted and substandard area within the definition set forth in the Nebraska Community Development Law, Section 18-2103. Redevelopment Area #12 in the City of Kearney, Nebraska is described as follows: a tract of land beginning at the intersection of the north line of West 24th Street (Highway 30) and the west line of University Drive, thence south across West 24th Street to the intersection of the south line of West 24th Street and the west line of University Drive, thence south along platted west line of said University Drive to its intersection with the extended north line of Lot 2, Block 2, Kearney Plaza Addition, thence west along said extended north line to its intersection with the east line of Tract 8 of said Kearney Plaza Addition, thence north along said east line of Tract 8 to its intersection with the south line of Tract 7, thence north along said east line of Tract 7 to its intersection with the south line of Lot 27, Lincoln Way Villa Addition, thence west along said south line to its intersection with the west line of Lot 28, Lincoln Way Villa Addition, thence north along said west line to its intersection with the south line of West 24th Street, thence west along said south line of West 24th Street to its intersection with the west line of 30th Avenue, thence north across West 24th Street to its intersection with the north line of said Street, thence north, east and north along the west line of 30th Avenue to its intersection with the extended north line of Lot 1 of irregular Tract "G", thence east along said extended north line across 30th Avenue and continuing northeasterly and then southeasterly along the north line of irregular Tract "G" to its intersection with the east line of Lot 5 of irregular Tract "G", thence south along said east line of Lot 5 to its intersection with the north line of West 24th Street, thence east along said north line to its intersection with the west line of University Drive, also the point of beginning, all located in the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, Hanna:Keelan Associates submitted a document entitled "Blight & Substandard Determination Study & General Redevelopment Plan; Kearney Redevelopment Area #12", a copy of which marked Exhibit "A" is attached hereto and made a part hereof by reference, and recommended that the City find and determine the subject area to be "blighted and substandard"; and

WHEREAS, City of Kearney, Nebraska in furtherance of the purposes and pursuant to the provisions of Sections 18-2101 to 18-2154, Reissue Revised Statutes of Nebraska, 1943, as amended (collectively the "Act"), in 2009 declared and designated an area as being "blighted and substandard," as defined in the Act, being generally described as "Redevelopment Area #10", and more particularly described as follows: a tract of land beginning at the intersection of the north line of West 24th Street with the east line of 15th Avenue, thence south along said east line to its intersection with the north line of West Railroad Street, thence west southwest along said north line to its intersection with the west extended line of Patterson's Tract "E", thence south along

said extended line across the West Railroad Street right-of-way, continuing south to intersect with the west line of the G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska, thence south along said west line (also the City of Kearney west corporate limit line) and continuing south along the west line of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (also the corporate limit line) and continuing south along Sun West Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (also the corporate limit line) to its intersection with the north line of West 11th Street, thence continuing south along an extended line of said west line across West 11th Street to intersect with the south line of West 11th Street, thence west along said south line to its intersection with the west line of 30th Avenue, thence continuing west along the south line of West 11th Street approximately 1,436 feet to the west fence line of the property located at the northwest corner of West 11th Street and 30th Avenue, thence north along the west fence line and continuing north along an extended line of said west fence line to an intersection with the north line of West Railroad Street, thence east along said north line across the right-of-way of 30th Avenue and continuing east along said north line to its intersection with the platted west line of University Drive (yet to be constructed), thence north along said west line to an intersection with the north line of West 24th Street, thence east along said north line to its intersection with the east extended line of 15th Avenue, also the point of beginning, all in Buffalo County, Nebraska.

WHEREAS, the City, in furtherance of the purposes and pursuant to the provisions of the Act, in 2009 adopted the Redevelopment Plan for Area #10 (the "Redevelopment Plan") for the redevelopment and correction of the blighted and substandard conditions then existing in Area #10, as designated by the City; and

WHEREAS, Area #12 is contiguous to Area #10 and similar in conditions and composition; and

WHEREAS, the City has duly reviewed the Redevelopment Study and the Redevelopment Plan originally prepared for it concerning Area #10 and the Redevelopment Study and the Redevelopment Plan prepared for Area #12, the City finds that: (a) the blighted and substandard conditions previously identified, despite ongoing redevelopment efforts, still exist in Area #10 to a degree requiring ongoing redevelopment activity, as set forth in the Act, and (b), that the Redevelopment Plan previously adopted for Area #10 continues to be an appropriate plan for the redevelopment of Area #10, and (c) the blighted and substandard conditions identified in Area #12 exist to a degree requiring ongoing redevelopment activity, as set forth in the Act.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the legal description set forth in Resolution No. 2014-10 be amended as set forth in said Resolution No. 2014-10A.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska that:

1. The recitals and findings set forth above be incorporated herein; and
2. The City Council finds that:
 - a. The blighted and substandard conditions previously identified, despite ongoing redevelopment efforts, still exist in Area #10 to a degree requiring ongoing redevelopment activity, as set forth in the Act, and as originally determined by the City Council in August of 2009.
 - b. The Redevelopment Plan previously adopted by the City Council on August 11, 2009 for Area #10 continues to be an appropriate plan for the correction of

existing blighted and substandard conditions and the ongoing redevelopment of Area #10.

3. Redevelopment Area #10 should continue to be designated and deemed “blighted and substandard” as defined by Neb. Rev. Stat. Section 18-2103 of the Act.

4. Redevelopment Area #12 should be designated and deemed “blighted and substandard” and in need of redevelopment in accordance with the terms and provisions of Section 18-2109, R.R.S.

5. The City Council does hereby adopt the findings herein and shall renew its declaration that Area #10 be deemed “blighted and substandard,” as defined by Neb. Rev. Stat. Section 18-2103 of the Act; and that it re-adopt the original Redevelopment Plan for Area #10 and amend Area #10 to include Area #12 as defined above.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

19. Adopt **Resolution No. 2014-125** approving Application and Certificate for Payment No. 1-Final in the amount of \$61,464.00 and accept the Certificate of Substantial Completion submitted by RMV Construction and approved by Miller & Associates for the Meadowlark Hills Maintenance Building Repair.

RESOLUTION NO. 2014-125

WHEREAS, RMV Construction Co. of Kearney, Nebraska has performed services in connection with the Meadowlark Hills Maintenance Building Repair, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$61,464.00, as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$61,464.00</u>
Contract Sum To Date	61,464.00
Gross Amount Due	61,464.00
Retainage	.00
Amount Due to Date	61,464.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$61,464.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 16, 2014, 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. 1-Final, as shown on Exhibit “A”, and the Certificate of Substantial Completion as shown on Exhibit “B” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

20. Approve the recommendation from the Development Services Division on the annual renewal of the manufactured home court license for L & M Mobile Home Park located at 1110 Central Avenue until May 31, 2015.

21. Adopt **Resolution No. 2014-126** approving Application and Certificate for Payment No. 1-Final in the amount of \$26,320.00 and accept the Certificate of Substantial Completion submitted by GD Concrete Construction and approved by Miller & Associates for the Yanney Park Cope Amphitheater Trail/Driveway.

RESOLUTION NO. 2014-126

WHEREAS, GD Concrete Construction of Overton, Nebraska has performed services in connection with the Yanney Park Cope Amphitheater Trail/Driveway, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$26,320.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$26,320.00</u>
Contract Sum To Date	26,320.00
Gross Amount Due	26,320.00
Retainage	.00
Amount Due to Date	26,320.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$26,320.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 8, 2014, 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. 1-Final, as shown on Exhibit "A", and the Certificate of Substantial Completion as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

22. Adopt **Resolution No. 2014-127** calling for the redemption of Combined Utilities Revenue Refunding Bonds, Series 2009 in the principal amount of \$755,000.

RESOLUTION NO. 2014-127

BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska:

Section 1. The following bonds, in accordance with their option provisions are hereby called for payment on July 28, 2014, after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, Series 2009, of the City of Kearney, Nebraska, date of original issue – March 17, 2009, in the principal amount of Seven Hundred Fifty-five Thousand Dollars (\$755,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$ 485,000	June 1, 2015	2.60%	486894 HR 2
270,000	June 1, 2016	2.80	486894 HS 0

Said bonds are hereinafter referred to as the “Refunded Bonds.”

Said bonds are subject to redemption at any time on or after March 17, 2014, at par plus accrued interest, and said interest is payable semiannually. Said bonds were authorized by Ordinance No. 7504 and were issued for the purpose of providing funds along with City funds on hand to: 1) refund on March 17, 2009, \$6,315,000 Combined Utilities Revenue Refunding Bonds, Series 1998, of the City, date of original issue – December 1, 1998; 2) refund on March 17, 2009, \$760,000 Combined Utilities Revenue Bonds, Series 2001, of the City, date of original issue - May 15, 2001; 3) make a deposit into the Debt Service Reserve Account with respect to the Series 2009 Bonds; and 4) pay issuance costs of the Series 2009 Bonds.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of Kearney, Kearney, Nebraska (the “Paying Agent”), as paying agent and registrar for the Refunded Bonds.

Section 3. A true copy of this resolution shall be filed immediately with the Paying Agent, and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty (30) days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the Refunded Bonds.

PASSED AND APPROVED THIS 24TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

23. Approve the extension of Conditional Use Permit No. 2011-09 granted to Werner Construction, Inc. and Kappas Enterprises, LLC to operate a construction batch plant on property described as Government Lots 1, 2, 3 and 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east side of Cherry Avenue, north of Wastewater Treatment Plant), said extension to be limited to six months past the length of the Phase II project.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7905 ADOPTING 2014 EDITION OF THE NATIONAL ELECTRICAL CODE

The Nebraska State Electrical Division is responsible for the licensing and enforcement of electrical wiring in the State of Nebraska. Periodically the Division adopts the latest edition of the National Electrical Code and requires municipalities that perform inspections within their individual communities to adopt the latest edition of the code. The Nebraska State Electrical Board has recently adopted the 2014 Edition of the National Electrical Code. The City of Kearney is required to adopt this edition of the code to be in compliance with State mandates.

There are several changes from the 2011 code that will impact the cost of electrical installations:

Garbage disposals and dishwashers must have GFCI protection and may not be on the same circuit.

- GFCI protection is required on all 15 and 20 amp receptacles, whether or not a sink is present.
- GFCI protected devices must be accessible, e.g. not located in a cabinet.
- Arc-Fault Circuit Interrupters are required in Kitchens and Laundry areas.

Electrical Contractors were notified of pending changes in the April Development Services Newsletter and by letter that was sent May 29, 2014.

Council Member Clouse introduced Ordinance No. 7905 amending Chapter 9 "Public Works" of the City Code as follows: Section 9-734 "Electrical Code; Adopted" of Article 7 "Electricity" to adopt the National Electrical Code 2014 Edition; amend Section 9-736.1 "Service Masts as Supports" to adopt the National Electrical Code 2014 Edition; to delete in its entirety Section 9-753 "Section 403.102. Amended; Motor Disconnect, Location", 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 Lammers 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, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. 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. 7905 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7905 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7905 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. 7906 AMEND SECTION 4-601 OF CITY CODE

Wire sparklers, except that silver and gold sparklers are no longer deemed consumer fireworks after January 1, 2014 according to the State of Nebraska. Section 4-601; Permissible Fireworks of the Kearney City Code shall be amended to Wooden Sparklers.

Council Member Clouse introduced Ordinance No. 7906 amending Section 4-601 "Fireworks; Definitions" of Article 6 "Fireworks" of Chapter 4 "Fire Regulations" of the City Code to delete gold or silver sparklers and to allow wooden sparklers to coincide with State law, 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 Lammers 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, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. 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. 7906 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7906 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7906 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$83,447.04 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 5:40 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**