

*Kearney, Nebraska  
July 22, 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 July 22, 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 and Jonathan Nikkila. Absent: Bruce Lear and Bob Lammers. 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; Shawna Erbsen, Administrative Services Director; and Kelly Korgel, Assistant to the City Clerk were also present. Some of the citizens present in the audience included: Jason Alexander, Felicia Fowler-Alexander, Mike Hendrickson, Stacey Plautz, Danielle Buschkoetter, Michelle Matzek, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

With the absence of a minister, the Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

The Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

### **OATH OF OFFICE; POLICE OFFICERS BRADY PLUNKETT AND CHRISTOPHER WALKEMEYER**

City Clerk administered the oath of office to Police Officers Brady Plunkett and Christopher Walkemeyer. Other police officers and the families of these officers were present to congratulate the new officers.

## **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **SOZO AMERICAN CUISINE CATERING TO LIQUOR LICENSE**

Moved by Nikkila seconded by Buschkoetter that Public Hearing 1 be removed from the table for discussion. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter. Nay: None. Lear and Lammers absent. Motion carried.

Mayor Clouse opened the public hearing on the Application for Catering to Liquor License submitted by Sozo American Cuisine, LLC, dba Sozo American Cuisine in connection with their Class I-101648 liquor license located at 110 South 2nd Avenue and to consider Resolution No. 2014-128.

Once again, there was no representation to discuss this matter with the Council.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-128** denying or recommending denial to the Nebraska Liquor Control Commission the Application for Catering to Liquor License submitted by Sozo American Cuisine, LLC, dba Sozo American Cuisine in connection with their Class I-101648 liquor license located at 110 South 2nd Avenue for the reason they did not appear at the Council meeting on July 8 or July 22, 2014. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter. Nay: None. Lear and Lammers absent. Motion carried.

### **RESOLUTION NO. 2014-128**

WHEREAS, Sozo American Cuisine, LLC, dba Sozo American Cuisine has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Catering License in connection with their Class I-101648 Liquor License located at 110 South 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 to be held relating to said application on July 8, 2014 but postponed to July 22, 2014 and the cost of the published notice was \$11.29.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska that the application for a Catering License in connection with their Class I-101648 Liquor License submitted by Sozo American Cuisine, LLC, dba Sozo American Cuisine located at 110 South 2nd Avenue, Kearney, Nebraska be denied or recommend denial to the Nebraska Liquor Control Commission for the reason the applicant nor any representative appeared at either the July 8 nor the July 22, 2014 Council meetings after receiving several notifications of the said hearings.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the

Council action denying or recommending denial of the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**THE CELLAR BAR & GRILL CATERING TO LIQUOR LICENSE**

Mayor Clouse opened the public hearing on the Application for Catering to Liquor License submitted by Earn & Return Investments Inc. dba The Cellar Bar & Grill in connection with their Class I-064728 liquor license located at 3901 North 2nd Avenue and consider Resolution No. 2014-136.

Stacey Plautz presented this matter to the Council. The reason they are going for the catering license because last year The Cellar did the UNK tailgates. Without a catering license, they can only have six special designated licenses a year so just in case a wedding would come up or something else, they need to get the catering license so they can get additional SDL licenses.

Mayor Clouse asked same training nothing has changed. Ms. Plautz stated that is correct.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-136** approving or recommending approval to the Nebraska Liquor Control Commission the Application for Catering to Liquor License submitted by Earn & Return Investments Inc. dba The Cellar Bar & Grill in connection with their Class I-064728 liquor license located at 3901 North 2nd Avenue. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila. Nay: None. Lear and Lammers absent. Motion carried.

**RESOLUTION NO. 2014-136**

WHEREAS, Earn & Return Investments Inc. dba The Cellar Bar & Grill has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Catering License in connection with their Class I-064728 Liquor License located at 3901 North 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 July 22, 2014 and the cost of the published notice was \$11.78.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of a Catering License to Earn & Return Investments Inc. dba The Cellar Bar & Grill in connection with their Class I-064728 Liquor License located at 3901 North 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 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **THE FLIPPIN SWEET LIQUOR LICENSE**

Mayor Clouse opened the public hearing on the Application for a Class I-107216 liquor license submitted by Felicia Fowler-Alexander & Jason Alexander dba The Flippin Sweet located at 203 East 25th Street which includes both inside the building and an enclosed 27' by 10' outdoor fenced patio and consider Resolution No. 2014-137. Staff recommends approving for inside the building but denies the request for outdoor seating for the reason they will not have the minimum number of parking stalls required for both indoor seating and the additional outdoor seating.

Jason and Felicia Fowler-Alexander were present to discuss this matter with the Council. Mr. Alexander stated they had intended to look at outdoor seating for their building but due to the parking situation they decided to withdraw that part of the application. Mr. Alexander stated when he talked to Max Richard he explained all the math and he understood that. Mayor Clouse asked about the training. Mr. Alexander stated all the staff that would be handling alcohol has taken the Serve Safe Online Course, they have all started to get their cards in the mail so they have those to submit to the City.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-137** approving the Application for a Class I-107216 liquor license submitted by Felicia Fowler-Alexander & Jason Alexander dba The Flippin Sweet located at 203 East 25th Street for inside the building but denies the request for outdoor seating for the reason they will not have the minimum number of parking stalls required for both indoor seating and the additional outdoor seating. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila. Nay: None. Lear and Lammers absent. Motion carried.

### **RESOLUTION NO. 2014-137**

WHEREAS, Felicia Fowler-Alexander & Jason Alexander dba The Flippin Sweet has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Class I-107216 Liquor License to do business at 203 East 25th Street, 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 July 22, 2014 and the cost of the published notice was \$11.78; and

WHEREAS, the applicant has submitted the Liquor License Training Compliance form indicating they will comply with the policy; and

WHEREAS, Felicia Fowler-Alexander & Jason Alexander dba The Flippin Sweet

shall provide certification of this training of their employees to the City Clerk within 60 days of the issuance of their liquor license from the Nebraska Liquor Control Commission.

NOW, THEREFORE, BE IT RESOLVED that the 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 I-107216 Liquor License to Felicia Fowler-Alexander & Jason Alexander dba The Flippin Sweet located at 203 East 25th Street, Kearney, Nebraska for indoor seating only.

BE IT FURTHER RESOLVED that the President and City Council of the City of Kearney, Nebraska deny or recommend denial to the Nebraska Liquor Control Commission that part of the application requesting outdoor seating based on the limited parking for the site for the current seating that is in the building; they will not have the minimum number of parking stalls required for the indoor seating and the additional outdoor seating.

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 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

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

Mayor Clouse stated the Consent Agenda was amended on Monday, July 21 by adding Subsections 16, 17, 18 and 19.

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

1. Approve Minutes of Regular Meeting held July 8, 2014 and Special Meeting held July 10, 2014.

2. Approve the following Claims:

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

1000bulbscom \$172.84 smcs; 4Imprint \$646.57 smcs; A-1 Refrigeration \$442.82 smcs; Ace Eaton Metals \$240.00 smcs; Ace Hardware \$236.91 smcs; Ad Starr \$537.75 smcs; Advance Auto Parts \$55.45 smcs; Agri Coop \$3,567.29 smcs; Agrium Advanced \$758.83 smcs; Alamar \$19.55 ps; Alfred Benesch \$15,898.61 co; All Makes Auto \$1,392.63 smcs; Amazon \$1,450.75 smcs,co; American \$239.35 smcs; Amer Cancer Society \$20.00 smcs; Amer Fence \$1,854.92 smcs; Amer First Aid \$358.10 smcs; Amer Red Cross \$532.00 smcs; Amer Signal \$159.00 smcs; Anaconda Sports \$87.84 smcs;

Anderson,B \$100.00 smcs; APA-Membership \$845.00 smcs; Apple Itunes Store \$7.48 smcs; Apple Market \$8.00 smcs; ARC Services Training \$92.00 smcs; Ask Supply \$1,223.11 smcs; Aurora Coop \$58.40 smcs; Aussie Hydraulics \$38.04 smcs; Awards Unlimited \$88.70 smcs; Babbit,H \$5.31 smcs; Baker & Taylor Books \$2,669.09 smcs; Ballast Shop \$141.99 smcs; Bamford \$200.00 smcs; Big Apple Fun Center \$20.00 smcs; Blakely Ins \$43.83 smcs; Blessing \$23,868.46 co; Blindscom \$579.95 smcs; BlueCross BlueShield \$175,876.18 smcs; Boogaarts \$28.08 smcs; Bosselman \$180.00 smcs; Bridget Broman \$18.00 smcs; Broadfoot's \$1,062.00 smcs; Bruha,S \$390.00 smcs; Buffalo Co Treasurer \$9,919.63 co; Buffalo Co Sheriff \$106,845.84 smcs; Buffalo Outdoor Power \$1,113.92 smcs,co; Buggy Bath Car Wash \$10.00 smcs; Builders \$1,496.29 smcs,co; Cabela's \$553.84 smcs; Carquest \$2,502.28 smcs; Casey's \$48.34 smcs; Cash-Wa \$6,692.06 smcs; CDW Govt \$534.18 co; Cenex Farmers \$46.00 smcs; Center Point Publishing \$243.35 smcs; Central Hydraulic \$1,590.17 smcs; Central NE Bobcat \$32.60 smcs; Central NE Sod \$14,455.00 co; Charter \$435.43 smcs; Chesterman \$3,270.27 smcs; Chicken Coop \$40.00 smcs; Chiles,T \$36.82 smcs; Cintas \$39.38 smcs; City of Ky \$17,303.21 smc,co; Coldspring \$648.00 smcs; Consolidated Management \$213.50 smcs; Construction Rental \$1,461.71 smcs,co; Copycat Printing \$8.50 smcs; CPS \$480.84 smcs; Crane River Theater \$318.32 smcs; Creative Teacher \$2.40 smcs; Crossroads Ford \$129.25 smcs; Culligan \$169.00 smcs; Cummins \$4,141.17 smcs; D&S Lighting \$318.16 smcs; Danko Emergency \$180.00 smcs; Davis Equipment \$628.19 smcs; Dawson PPD \$31,164.83 smcs; Dell \$758.25 co; Deterdings \$831.62 smcs; Diamond Vogel Paint \$26.06 smcs; Dish \$178.35 smcs; Dmilaco Sports \$242.46 smcs; Dogpoopbagscom \$132.28 smcs; Dollar-General \$69.91 smcs; DPC Industries \$6,057.54 smcs; Dutton-Lainson \$42.96 smcs; Eakes \$1,949.22 smcs; Earthgrains \$15.40 smcs; Eirich,T \$50.00 smcs; EMC Ins \$27,577.77 smcs; Engel,J \$19.57 smcs; Ericson,D \$36.04 smcs; Eustis Body Shop \$400.00 smcs; Evans,N \$15.38 smcs; Ewing,G \$307.57 smcs; Express Sharpening \$102.00 smcs; Facebook \$25.18 smcs; Fairbanks \$1,008.90 smcs; Fastenal \$692.09 smcs; Fedex \$111.15 smcs; Finch,P \$100.00 smcs; Fireguard \$262.85 smcs; Franklin,A \$33.42 smcs; Frontier \$187.33 smcs; Fujan,L \$50.36 smcs; Fun Express \$94.95 smcs; Gale \$497.49 smcs; Gangwish Turf \$342.00 smcs; Garrett Tires \$3,646.15 smcs; Gateway Distributors \$58.80 smcs; General Traffic Controls \$131.61 smcs; Georgia Fountain \$1,006.49 smcs; Graham Tire \$1,068.11 smcs; Grainger \$1,918.57 smcs; H&H Distributing \$1,353.01 smcs; Hach Co \$1,224.51 smcs; Hall,B \$200.00 smcs; Harley Davidson \$83.66 smcs; Harshbarger,D \$25.00 smcs; HD Supply Waterworks \$3,117.84 smcs; Heartland Strategy Group \$5,000.00 smcs; Hilltop 4 \$30.00 smcs; Hireright \$16.50 smcs; HOA Solutions \$13,730.49 smcs; Hobby-Lobby \$410.46 smcs; Hoffman,A \$50.98 smcs; Holmes Plbg \$855.73 smcs; Home Thyme \$10,000.00 co; Hometown Leasing \$165.06 smcs; Hooker Bros \$429.49 smcs; Horn Legend/Skins Game \$2,158.00 smcs; Hy Vee \$299.96 smcs; Island Trophy \$349.79 smcs; Jack Lederman \$213.66 smcs; James,D \$2,707.50 smcs; John Deere Landscapes \$524.62 smcs; Johnstone Supply \$271.28 smcs; K&K Parts \$1,588.77 smcs; Kart-Man \$998.96 smcs; Ky Centre Vac \$458.95 smcs; Ky Chamber Comm \$80.00 smcs; Ky Cinema 8 \$80.00 smcs; Ky Concrete \$18,761.00 smcs,co; Ky Crete & Block \$520.01 smcs,co; Ky Glass \$7.98 smcs; Ky Hub \$2,290.66 smcs; Ky Humane Soc \$6,825.00 smcs; Ky Power Sports \$254.50 smcs; Ky Towing \$265.00 smcs; Ky Winlectric \$417.35 smcs; Ky Winnelson \$76.50 smcs; Kelly Supply \$319.90 smcs; Killion Motors \$92.78 smcs; Kimball Midwest \$314.90 smcs; Kmart \$29.96 smcs; Konica \$882.26 smcs; Kosch,K \$61.17 smcs; Kugler,C \$30.00 smcs; Landmark Implement \$17,528.05 smcs,co; Larue

Distributing \$166.07 smcs; Lawn Builders \$50.00 smcs; League of NE Municipalities \$293.00 smcs; Leopold Painting \$1,185.00 smcs; Lied Conference Center \$150.25 smcs; Lockmobile \$60.00 smcs; Lundeen-Isaacson \$2,127.00 ps; Mail Express \$259.76 smcs; Malwarebytes \$427.50 smcs; Marlatt Machine Shop \$1,134.66 smcs; Masek Golf Car \$177.40 smcs; Matheson \$298.13 smcs; Matt Friend Truck Equipment \$12,026.00 co; MCM Electronics \$584.10 co; McMaster-Carr \$117.56 smcs; Menards \$2,822.16 smcs,co; Meridian Library \$10.00 smcs; Midlands Contracting \$102,032.52 co; Midwest Labs \$4,849.50 smcs; Midwest Turf \$1,672.95 smcs; Milam,D \$38.76 smcs; Milescraft \$38.67 smcs; Miller & Associates \$7,900.00 smcs,co; Miller Signs \$870.00 smcs; Mirror Image Car Wash \$78.20 smcs; Misty Mountain \$68.95 smcs; Moonlight Embroidery \$793.00 smcs; Moonlight Horseshoeing \$30.00 smcs; Mycreativeshopcom \$19.95 smcs; Napa Auto Parts \$29.88 smcs; Navigator Motorcoaches \$175.00 smcs; NCS Equipment \$455.28 smcs; NE Dept of Labor \$372.00 smcs; NE Dept of Rev \$28,042.00 smcs; NE Dept of Environmental \$15,951.71 smcs; NE Dept of Roads \$103,191.76 co; NE DOL/Office of Safety \$280.00 smcs; NE Truck Center \$510.69 smcs; NE Turfgrass Assoc \$50.00 smcs; Neal,B \$100.00 smcs; NE Safety & Fire \$375.00 smcs; NEland Distributing \$1,830.80 smcs; NE-LTAP \$190.00 smcs; New Victorian Inn \$49.99 smcs; New World Systems \$600.00 smcs; Newman Traffic Signs \$3,547.50 smcs; Norm's Plbg \$4,279.61 smcs; Northern Safety \$349.18 smcs; Northwestern Energy \$2,224.93 smcs; NRG Media \$280.00 smcs; OCLC \$689.68 smcs; Office Max \$436.14 smcs,co; Officenet \$364.34 smcs; Olsson Associates \$5,439.90 co; Optics Planet \$160.54 smcs; O'Reilly Auto \$714.41 smcs; Orscheln \$1,104.97 smcs; Oshkosh Corp. \$3,620.01 smcs; Outdoor Recreation \$317.50 co; Paczosa,J \$29.36 smcs; Panowicz,M \$45.00 smcs; Paramount \$340.56 smcs; Partstreecom \$69.24 smcs; Party America \$13.96 smcs; Paypal \$2,598.00 smcs,co; Pedalboatcom \$113.49 smcs; Pep Co \$112.68 smcs; Pet Pick Ups \$167.16 smcs; PGA Member Info Services \$476.00 smcs; Platte Valley Comm \$26.76 smcs; Posguyscom \$630.00 smcs; Postage Refill \$900.00 smcs; Potthoff,D \$0.93 smcs; Power & Telephone Supply \$469.78 smcs; Precision Small Engine \$119.36 smcs; Prestige Group \$300.00 smcs; Presto X \$608.02 smcs; Prime Communications \$3,610.03 smcs; Pro Therapy Supplies \$13.95 smcs; Progressive Business \$299.00 smcs; Provantage \$1,901.56 smcs,co; Pulliman,R \$40.00 smcs; Purvis,W \$43.66 smcs; Quill \$798.99 smcs; Radioshack \$7.47 smcs; Rainbow Racing \$120.30 smcs; Random House \$90.00 smcs; Ready Mixed Concrete \$16,048.02 co; Recognition Unlimited \$74.60 smcs; Recorded Books \$165.34 smcs; Recrooms \$41.59 smcs; Redman's Shoes \$371.42 smcs; Reeder,L \$45.00 smcs; Reinke's \$318.53 smcs; Research Technology \$820.00 smcs; Resource Management \$240.96 smcs; RNDC-Falcon Division \$101.34 smcs; Rockefeller,S \$30.00 smcs; Roper Radiator \$795.00 smcs; RT Corp \$60.80 smcs; Safelite Autoglass \$486.94 smcs; Sahling Kenworth \$122.81 smcs; Sampson Construction \$172,154.43 co; Sanchez,R \$20.06 smcs; Sanitation Products \$830.42 smcs; Sapp Bros \$27,646.70 smcs; Schwan's \$2,450.97 smcs; See Clear Cleaning \$1,700.00 smcs; Seifert,K \$19.57 smcs; Select Sprayers \$1,163.56 co; Sherwin Williams \$259.70 smcs; Shopletcom \$371.40 smcs; Soc for Human Resources \$185.00 smcs; Sonicwall \$164.78 smcs; SOS Portable Toilets \$305.00 smcs; Sprinkler Warehouse \$825.64 smcs; Stampscom \$4.99 smcs; Staples \$186.61 smcs; State Electrical Division \$60.00 smcs; Steinbrink Landscaping \$4,630.92 smcs,co; Sterling Distributing \$830.00 smcs; Stika,R \$4.47 smcs; Stogdill,D \$15.00 smcs; Strategic Materials \$333.50 smcs; Streakwave Wireless \$200.41 co; Stull & Stull \$1,701.11 smcs; Sunmart \$59.92 smcs; Super Shine Auto Care \$66.00 smcs; Surveillancevideocom \$66.45 smcs; Sutphen \$837.40 smcs; Swartz,A \$24.00 smcs;

Tacha,J \$50.00 smcs; Target \$610.32 smcs; Thompson Co. \$92.72 smcs; Tielke's Sandwiches \$125.26 smcs; Tigerdirectcom \$123.33 smcs; Titleist \$106.00 smcs; TL Sund Constructors \$63,579.24 co; TM Sporting Goods \$18.18 smcs; Tonerandinkjetstorecom \$83.98 smcs; Tractor-Supply \$1,554.18 smcs,co; Trans Iowa Equipment \$107.92 smcs; Travel Insured Int'l \$207.00 smcs; Turfwerks \$237.49 smcs; Turner Body Shop \$245.00 smcs; Uchbori,Y \$43.40 smcs; Ullman,M \$297.00 smcs; Union Pacific Railroad \$2,318.55 smcs, er; Unique Management \$313.25 smcs; United Labs \$390.10 smcs; UPS \$42.35 smcs; Urbanek,G \$16.14 smcs; USA Blue Book \$169.80 smcs; USPS \$219.24 smcs; Van Allen,L \$35.92 smcs; Van Diest Supply \$4,307.51 smcs; Van Wall Equipment \$407.82 smcs; Velo Subscription \$54.95 smcs; Verizon \$20.10 smcs; Wal-Mart \$2,726.46 smcs; Walters Electric \$1,201.45 smcs; Walton,T \$105.00 smcs; Waterlink \$668.73 smcs; We Care Tree Care \$100.00 co; Webster,S \$29.21 smcs; WhiteboardAtoZcom \$609.25 smcs; Wiedel,G \$297.00 smcs; Wilkes True Value \$231.67 smcs,co; Work Boots USA \$82.99 smcs; WPCI \$160.50 smcs; Yanda's Music \$605.00 smcs,co; Ziegenbein,A \$49.88 smcs; Zimmerman Printing \$215.10 smcs; Payroll Ending 7-12-2014 -- \$ 420,600.07. 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 August 12, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2014-138** approving the Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with AIP No. 3-31-0045-029-2014 to acquire an Aircraft Rescue & Fire Fighting Vehicle (Class III) for the Kearney Regional Airport.

### **RESOLUTION NO. 2014-138**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 3-31-0045-029-2014 TO ACQUIRE AN AIRCRAFT RESCUE & FIRE FIGHTING VEHICLE (CLASS III) FOR THE KEARNEY REGIONAL AIRPORT

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Project No. 3-31-0045-029-2014 to acquire an Aircraft Rescue & Fire Fighting Vehicle (Class III) for the Kearney Regional Airport; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

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

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Project No. 3-31-0045-029-2014 for the purpose of acquiring an Aircraft Rescue & Fire Fighting Vehicle (Class III) for the Kearney Regional Airport. The Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Adopt **Resolution No. 2014-139** approving T-Hangar C-6 Lease Agreement between the City of Kearney and John and Kristen Graczyk for storage at the Kearney Regional Airport.

**RESOLUTION NO. 2014-139**

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-6 Lease Agreement, on behalf of the City of Kearney, Nebraska, with John and Kristen Graczyk. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Adopt **Resolution No. 2014-140** approving Change Order No. 1 showing an increase in the amount of \$26,040.87 submitted by Blessing LLC and approved by Miller & Associates for the paving improvements for Avenue M from 11th Street 1st Street to 11th Street.

**RESOLUTION NO. 2014-140**

WHEREAS, on June 11, 2013 the Council adopted Resolution No. 2013-112 wherein the City of Kearney and Buffalo County entered into an Interlocal Agreement to determine the financing of the financing of the relocation and construction costs for the paving improvements for Avenue M from 11th Street 1st Street to 11th Street; and

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the paving improvements for Avenue M from 11th Street 1st Street to 11th Street and have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$26,040.87, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$ 81,587.08
Change Order No. 1 (7-22-2014)	<u>+ 26,040.87</u>
Contract Sum to Date	\$107,627.95

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Adopt **Resolution No. 2014-141** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Jean and Dan Wurtz, Trustees, for the construction of water and sanitary sewer improvements for the north 240 feet of Lots 2, 3 and 4 of Lincoln Way Villa Plots (Logan View Apartments).

**RESOLUTION NO. 2014-141**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Logan View Apartments" between the City of Kearney and Jean E. Wurtz and Dan J. Wurtz, Trustees, for the construction of water and sanitary sewer improvements to serve the north 240 feet of Lots 2, 3 and 4, Lincoln Way Villa Plots, a subdivision of the City of Kearney located in Section 3, Township 8 North, Range 16 West of the 6th P.M., 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 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

8. Adopt **Resolution No. 2014-142** approving the Release of Easement lying within a tract of land located in the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south side of 56th Street near proposed 11th Avenue).

**RESOLUTION NO. 2014-142**

WHEREAS, the City of Kearney, Nebraska was granted an a Temporary and Permanent Utility Easement in order to construct a sanitary sewer main and lift station on the south side of 56th Street near proposed 11th Avenue by Bernard A. Norsworthy, Jr., Wynne E. Norsworthy, Milton J. Norsworthy, Joan E. Combs, and Virginia S. Hansen, on the 7th day of July, 1994, and recorded on Roll 94, Pages 11564 thru 11571, in the office of the Register of Deeds of Buffalo County, Nebraska, on July 15, 1994; and

WHEREAS, with the growth of the City, the lift station was taken out of service in 2011 with the extension of a gravity sewer main north of 56th Street along 11th Avenue and constructing a new lift station on the north side of Spruce Hollow Estates Fifth Addition to the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Temporary and Permanent Utility Easement recorded on July 15, 1994 at Roll 94, Pages 11564 thru 11571 be and is hereby released. The Release of Easement is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. Adopt **Resolution No. 2014-143** approving Change Order No. 2 showing a decrease in the amount of \$41,862.00, Application and Certificate for Payment No. 9-Final in the amount of \$75,095.30 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by 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. 2014-143**

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

the amount of \$41,862.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Application and Certificate for Payment No. 9-Final in the amount of \$75,095.30, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,141,528.00
Change Order No. 1 (3-25-2014)	+ 5,710.00
Change Order No. 2 (7-22-2014)	- <u>41,862.00</u>
Contract Sum To Date	1,105,376.00
Gross Amount Due	1,105,376.00
Retainage (0%)	.00
Amount Due to Date	1,105,376.00
Less Previous Certificates for Payment	<u>1,030,280.70</u>
Current Payment Due	\$ 75,095.30

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 30, 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. 9-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 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10. Adopt Resolution No. 2014-144** approving Application and Certificate for Payment No. 4 in the amount of \$254,141.31 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. 2014-144**

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. 4 in the amount of \$254,141.31, 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	1,195,694.75
Retainage (5%)	59,784.74
Amount Due to Date	1,135,910.01
Less Previous Certificates for Payment	<u>881,768.70</u>
Current Payment Due	\$ 254,141.31

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

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**11.** Adopt **Resolution No. 2014-145** approving Application and Certificate for Payment No. 3 in the amount of \$337,277.42 submitted by Blessing Construction and approved by Brungardt Engineering for the 2013 Part 3 Improvements – Bid B consisting of Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the of the centerline of Ontario Road; Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly; Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly.

#### **RESOLUTION NO. 2014-145**

WHEREAS, Blessing LLC of Kearney, Nebraska has performed services in connection with the 2013 Part 3 Improvements – Bid B consisting of Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the of the centerline of Ontario Road; Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly; Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly, and the City's engineer, Brungardt Engineering, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$337,277.42 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$542,906.65</u>
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Contract Sum To Date	542,906.65
Gross Amount Due	520,449.60
Retainage (2%)	10,408.99
Amount Due to Date	510,040.61
Less Previous Certificates for Payment	<u>172,763.19</u>
Current Payment Due	\$337,277.42

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**12. Adopt Resolution No. 2014-146** approving Application and Certificate for Payment No. 1 in the amount of \$54,141.21 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C.

**RESOLUTION NO. 2014-146**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$54,141.21 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$2,474,168.95</u>
Contract Sum To Date	2,474,168.95
Gross Amount Due	60,156.90
Retainage (10%)	6,015.69
Amount Due to Date	54,141.21
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 54,141.21

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**13.** Adopt **Resolution No. 2014-147** approving Application and Certificate for Payment No. 3 in the amount of \$136,314.17 submitted by Midlands Contracting and approved by Miller & Associates for 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.

**RESOLUTION NO. 2014-147**

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. 3 in the amount of \$136,314.17 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	842,736.28
Retainage (5%)	42,136.81
Amount Due to Date	800,599.47
Less Previous Certificates for Payment	<u>664,285.30</u>
Current Payment Due	\$136,314.17

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**14.** Adopt **Resolution No. 2014-148** approving the Purchase Agreement between the City of Kearney and Bosselman Energy, Inc. for a tract of land being part of the North Half of the Southwest Quarter and part of the North Half of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

**RESOLUTION NO. 2014-148**

WHEREAS, the City of Kearney is the owner of a tract of land being part of the North Half of the Southwest Quarter and part of the North Half of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of Government Lot 3, said corner also being the Southwest Corner of the Southeast Quarter of Section 28 and assuming the South line of said Government Lot as bearing N88°39'42"E and all bearings contained herein are relative thereto; thence N88°39'42"E and on the South line of said Government Lot a distance of 71.57 feet to a point on the West Right-of-Way line of Airport Road; thence N06°45'34"E and on the West Right-of-Way line of said Airport Road (Avenue "A") a distance of 1982.27 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N06°45'34"E and on the West Right-of-Way line of said Airport Road (Avenue "A") a distance of 99.38 feet; thence N83°14'27"W a distance of 783.13 feet to a point on the East Right-of-Way line of Piper Avenue (Avenue "B"); thence S06°44'25"W and on the East Right-of-Way line of Piper Avenue (Avenue "B") a distance of 340.00 feet; thence S83°14'27"E a distance of 469.76 feet; thence N59°13'52"E a distance of 987.20 feet to the place of beginning, containing 5.25 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, there has been an offer to purchase these lots for \$183,750; and

WHEREAS, it has been proposed that the City agree to the sale of this parcel of land, as shown on the Purchase Agreement between the City of Kearney and Bosselman Energy, Inc.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Purchase Agreement on behalf of the City of Kearney, as shown on Exhibit "A", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**15.** Adopt **Resolution No. 2014-149** appointing citizens to serve on the Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Library Advisory Board, Planning Commission, and Senior Services Advisory Board.

**RESOLUTION NO. 2014-149**

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

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

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS  
Scot Fransk appointed to succeed Dave Klone to July 31, 2019

AIRPORT ADVISORY BOARD  
Michelle Stover reappointed to July 31, 2019

COMMUNITY REDEVELOPMENT AUTHORITY  
Tim Mannlein reappointed to July 31, 2019

DOWNTOWN IMPROVEMENT BOARD  
Mike Suchan reappointed to July 31, 2019

GOLF ADVISORY BOARD  
Pam Pearson reappointed to July 31, 2018

KEARNEY HOUSING AGENCY  
Tom Watson reappointed to July 31, 2019

LIBRARY ADVISORY BOARD  
Bani Christine reappointed to July 31, 2018  
Patricia Bruner appointed to succeed Priscilla Jepson to July 31, 2018

PLANNING COMMISSION  
Jim Ganz Jr. reappointed to July 31, 2017  
Jim McKeon reappointed to July 31, 2017  
Jack McSweeney reappointed to July 31, 2017  
Tami Moore appointed to fulfill vacancy of Rob Cunningham to July 31, 2015

SENIOR SERVICES ADVISORY BOARD  
Patricia Candy appointed to succeed Doris Maurer to July 31, 2017  
Delbert Brock appointed to succeed Sue Wright to July 31, 2017

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

PASSED AND APPROVED THIS 8TH DAY OF JULY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 16, 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 August 16, 2014 from 3:00 p.m. until 1:00 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 23, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

**19.** Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 16, 2014 from 6:00 p.m. until 1:00 a.m. for a dance.

## **V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **RUBY TUESDAY MANAGER APPLICATION**

Mayor Clouse opened for discussion the manager application for Michelle Matzek submitted by RT Omaha Franchise, LLC, dba Ruby Tuesday in connection with their Class I-070404 liquor license and located at 108 1st Avenue Place.

Michelle Matzek presented this matter to the Council. She has worked at Ruby Tuesday for almost nine years just taking over the manager position. Through the years they never had any issues with alcohol. Employees have been taking the training classes, if they have not they are in the process of being taken, getting cards sent out to get them approved. They also are having employees take in-store training for all the liquor matters.

Moved by Buschkoetter seconded by Clouse to approve the manager application for Michelle Matzek submitted by RT Omaha Franchise, LLC, dba Ruby Tuesday in connection with their Class I-070404 liquor license and located at 108 1st Avenue Place. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila. Nay: None. Lear and Lammers absent. Motion carried.

## **VII. REPORTS**

### **CRUISE NITE UPDATE**

Police Chief Dan Lynch stated the officers worked very hard and it is believed the behaviors were better longer than they have been especially in the recent past. The neighborhood stood up. Participating in this, blocking off yards, putting out signage and

being there was a boom because a lot of their problems are when the people gather and if they do not have those places to gather they are basically in a constant movement and they really do not have the kinds of problems. At a certain point they either obtained permission, which he doubts or simply found places where they could congregate and that is when the behaviors get bad.

This was a combined effort and it could not have done it without the Buffalo County Community Partners, neighbors, realtors and property managers. This is year one, they are going to build on what they have and he will be coming back to Council with suggestions they need as tools as they go down the road but he is relatively pleased with the response they got. It was better than it was last year for longer and they are just looking to make it better every year.

Council commended all the officers and the other agencies that participated.

Police Chief stated the terror that evening for most of us is that combination of pedestrian traffic and vehicle traffic. Some of the behaviors, of course, absolutely inappropriate and those that are illegal they attempt to address those to the best of their ability. But he is very proud of the officers and pleased with the help of the Sheriff's office, the patrols enforcement on the edge of town helped to establish a tone. That continued through the evening so he appreciates the City Council's support and appreciates the City Manager's support.

### **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:49 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila. Nay: None. Lear and Lammers absent. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**