

Kearney, Nebraska
September 23, 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 September 23, 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 (arrived at 5:35). Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Eric Hellriegel, 2 UNK students, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Two Boy Scouts 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

VACATE LOT 12, WESTERN HILLS SUBDIVISION AND REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 56TH STREET AND 30TH AVENUE

Mayor Clouse stated the public hearing on the Applications submitted by Miller & Associates for Tracy and Jacqueline Burns for (1) the vacation of Lot 12, Western Hills Subdivision, Buffalo County, Nebraska; and (2) the rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue) were withdrawn by the applicant. They are not ready to move forward on this development. Therefore, no action was taken.

FINAL PLAT FOR WESTERN HILLS SECOND SUBDIVISION

Mayor Clouse stated the public hearing on the Application submitted by Miller & Associates for Tracy and Jacqueline Burns for the Final Plat for Western Hills Second Subdivision, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue) was withdrawn by the applicant. They are not ready to move forward on this development. Therefore, no action was taken.

VACATE LOTS 1 AND 2 OF BLOCK 1, G & K ADDITION AND AMEND THE LAND USE MAP FOR PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Mayor Clouse stated the developer and City staff are requesting to postpone until October 14, 2014 the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for (1) the vacation of Lots 1 and 2 of Block 1, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Buschkoetter seconded by Lear to postpone until October 14, 2014 the public hearing on the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for (1) the vacation of Lots 1 and 2 of Block 1, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

REZONING PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Mayor Clouse stated the developer and City staff are requesting to postpone until October 14, 2014 the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1, Limited Industrial/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Buschkoetter seconded by Lear to postpone until October 14, 2014 the public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1, Limited Industrial/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

FINAL PLAT FOR FULLER AND DALEY FIRST ADDITION

Mayor Clouse stated the developer and City staff are requesting to postpone until October 14, 2014 the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Buschkoetter seconded by Lear to postpone until October 14, 2014 the public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

DEVELOPMENT PLAN FOR PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Mayor Clouse stated the developer and City staff are requesting to postpone until October 14, 2014 the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for Planned District Development Plan Approval to construction of a duplex and a tri-plex on property to be zoned R-2/PD,

Urban Residential Mixed-Density/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Buschkoetter seconded by Lear to postpone until October 14, 2014 the public hearing on Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for Planned District Development Plan Approval to construction of a duplex and a tri-plex on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

AMEND 2013-2014 CITY OF KEARNEY BUDGET

Mayor Clouse opened the public hearing for the purpose of revising the City of Kearney Budget for the 2013-2014 Fiscal Year and to consider Ordinance No. 7934. With the absence of Nikkila and Lammers, we will conduct and close the hearing and any action on the ordinance will be voted on towards the end of the meeting when Council member Lammers will be present.

Director of Finance Wendell Wessels presented this matter to the Council. By law, the City may not expend more than the total budget of expenditures unless the provisions of State Statute 13-511, R.R.S. 1943 are met. Due to unforeseen circumstances, actual expenditures for the current fiscal year will exceed budgeted expenditures unless the current fiscal year budget is supplemented. Under these circumstances, state law requires that a public hearing be conducted to supplement the previously adopted budget and an ordinance be passed authorizing the expenditure of the additional requirements.

An explanation of the budget adjustments for the three funds are as follows:

Various Purpose Bond: The budgeted expenditures in the Various Purpose Bond Fund need to be increased from \$2,521,990 to \$7,436,990, or by \$4,915,000. As you may recall, on September 24, 2013 the City Council approved the issuance of Various Purpose G.O. Refunding Bonds Series 2013 for the purpose of refunding Various Purpose G.O. Bonds Series 2008. The City saved \$284,559 in interest costs over the life of the refunding bonds. Additionally, on September 24, 2013 the City Council approved the issuance of Highway Allocation Fund Refunding Bonds Series 2013 for the purpose of refunding Highway Allocation Fund Bonds Series 2008. The City saved \$111,586 in interest costs over the life of the refunding bonds. This refunding transaction was not anticipated when the 2013-2014 budget was approved on September 10, 2013; therefore, the 2013-2014 budget needs to be revised to provide the authority to redeem the refunded bonds.

Sewer and Water Revenue Bond: The budgeted expenditures in the Sewer Bond Fund need to be increased from \$1,359,067.00 to \$2,897,547.00, or by \$1,538,480.00 and

the budgeted expenditures in the Water Bond Fund need to be increased from \$1,206,725.00 to \$3,668,245.00, or by \$2,461,520.00. As you may recall, on August 12, 2014 the City Council approved the issuance of Combined Utilities Refunding Bonds Series 2014 for the purpose of refunding Combined Utilities Revenue Bonds Series 2000 (SRF), Series 2001 (SRF), and Series 2002 (SRF). The City saved \$262,376.00 in interest costs over the life of the refunding bonds. This refunding transaction was not anticipated when the 2013-2014 budget was approved on September 10, 2013; therefore, the 2013-2014 budget needs to be revised to provide the authority to redeem the refunded bonds.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Clouse to close the public hearing for the purpose of revising the City of Kearney Budget for the 2013-2014 Fiscal Year and further moved that Ordinance No. 7934 be moved towards the end of the meeting for approval.

Council Member Lear introduced Ordinance No. 7934 revising the City of Kearney Budget for the 2013-2014 Fiscal Year, 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 Clouse seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. 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. 7934 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Buschkoetter that Ordinance No. 7934 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. 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. 7934 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.

CDBG APPLICATION FOR COMMUNITY REVITALIZATION PROGRAM

Mayor Clouse opened the public hearing for the purpose of submitting an application to the Nebraska Department of Economic Development for the Community Revitalization program for a combination of sidewalks, streets and accessible sidewalk ramps for an area from Avenue C to Avenue Q and from 16th Street to 21st Street and to consider Resolution No. 2014-190.

Eric Hellriegel from Miller & Associates presented this matter to the Council. The Comprehensive Revitalization program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development. This program allows DED to conditionally guarantee grant awards in 2013, 2014 and 2015 for non-entitlement local governments, between 20,000 and 49,999 populations, based on the number of low- and moderate-income (LMI) persons residing in the community. The method for allocating funds through the CR category presents the following advantages:

- Ability to make greater impact through guaranteed funding for longer period of time;
- Larger, urban municipalities who are non-entitlement communities are eligible;
- CDBG funding is more effectively targeted to persons with lower incomes.

The proposed project funds will be used for improvements in the targeted Census Tract which spans an area west to east from Avenue C to Avenue Q, and north to south from East 21st Street to 16th Street. The target area is located in southeast Kearney. These blocks require significant improvements to sidewalks, since there are gaps in the sidewalk system as well as lack of handicap ramps at intersections to meet ADA requirements. In addition, the project will pave one of the last gravel streets in this residential neighborhood. The selected area contains 55.15% LMI households as documented by the 2014 Census estimates.

The total funds for the project from CDBG is estimated at \$150,000; \$135,000 will be used for construction and \$15,000 for grant administration. Matching funds in the amount of \$67,500 are required for the grant will come from local sales tax funds. Total construction costs for the project will total \$202,500.

The City is responsible for 1:2 leverage. Because of the number and nature of the needs discovered during the assessment process, Kearney citizens voted overwhelmingly to implement a ½ percent sales tax, effective April 1, 2006. Combining program funding and the sales tax money will provide the opportunity to serve the low- and moderate-income populations and to improve accessibility from the residential neighborhoods to the public facilities, business communities and along major arterial streets that is the responsibility of the community.

The project will be completed in 2015, during which residents can expect to see a combination of improvements to sidewalks, streets, and accessible sidewalk ramps at intersections.

1. Street, Sidewalks and ADA Ramps – The proposed improvements are to pave approximately 2,200 S.F. of 4-foot wide sidewalks, 300 L.F. of street paving, and construct 56 ADA ramps in the area with detectable warnings.

Council member Buschkoetter commented that the City is about ten years away from having all the ADA ramps, etc. installed. Mr. Hellriegel stated this would be correct. There is no inventory out there. The nice thing about these programs is it does allow the City to incrementally work through some of these areas. In this particular area, there will be some paving and there will be significant improvement in the pedestrian and infrastructure in this neighborhood.

Mr. Hellriegel stated this is one of the last graveled streets in this neighborhood. Council member Lammers asked how many graveled streets were left in Kearney. City Manager stated the City did put in the ½ cent sales tax fund for the opportunity to partially fund those streets in partnership with the property owners. Director of Public Works Rod Wiederspan stated the area between the two railroad tracks, the old abandoned spur and the UPRR, there are a number of graveled streets in that area. A lot of that area is not served with water and sewer there is not much development in there that has requested anything. There are a few streets remaining in the southwest part of time, maybe five blocks total.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-190** approving the submission of an application to the Nebraska Department of Economic Development for the Community Revitalization program for a combination of sidewalks, streets and accessible sidewalk ramps for an area from Avenue C to Avenue Q and from 16th Street to 21st Street. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

RESOLUTION NO. 2014-190

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 \$150,000 for street, sidewalk & ADA improvements.

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

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Lammers that Subsections 1 through 18 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 Special Meeting held September 3, 2014 and Regular Meeting held September 9, 2014.

2. Approve the following Claims:

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

4Imprint \$186.62 smcs; Accessdata \$1,119.00 smcs; Ace Eaton Metals \$592.68 co; Ace Hardware \$77.22 smcs; Adamson,T \$8.00 smcs; Advance Auto Parts \$4.39 smcs; Agrium Advanced \$1,989.30 smcs; All Makes Auto \$2,220.80 smcs; Allixa Consulting \$15,233.55 smcs; Amazon \$8,794.64 smcs,co; American \$859.78 smcs; Amer Fence \$5,461.75 smcs; Amer First Aid \$602.94 smcs; Amer Legion Emblem \$268.44 smcs; Amsan \$1,037.79 smcs; Anaconda Sports \$275.52 smcs; Andresen,A \$59.00 smcs; Antelope Bookstore \$50.00 smcs; Apple Market \$5.34 smcs; ARC of Buffalo Co \$675.34 smcs; Ask Supply \$681.30 smcs; Associated Bag \$881.03 smcs; Aurora Coop \$88.56 smcs; Aussie Hydraulics \$46.15 smcs; B&B Autoglass \$140.00 smcs; B&H Photo \$1,549.00 smcs; Babbittsonlinecom \$41.73 smcs; Baker & Taylor Books \$8,431.23 smcs; Barco Municipal \$433.46 smcs; Barnes & Noble \$69.44 smcs; Baye,S \$36.82 smcs; Benson,G \$725.00 smcs; Bert Gurney \$3,596.42 smcs; Best Buy \$1,835.81 co; Big Dally's Deli \$32.00 smcs; Big Rack Shack \$4,495.00 smcs; Bigsprinklercom \$239.52 smcs; Blackburn Mfg \$169.84 smcs; BlackStone Audio Books \$50.00 smcs; Blessing \$3,850.00 co; BLR/HCPRO \$319.95 smcs; BlueCross BlueShield \$255,276.63 smcs; BMI \$297.00 smcs; Bosselman \$2,428.38 smcs; Broadfoot's \$149.50 smcs; Buffalo Co Treasurer \$27.00 co; Buffalo Co Attorney \$18,750.00 smcs; Buffalo Outdoor Power \$670.40 smcs; Buggy Bath Car Wash \$10.00 smcs; Builders \$2,349.29 smcs,co; Business Mgmt Daily \$89.00 smcs; Cabela's \$527.93 smcs; Cadex Electronics \$165.00 smcs; Capital Business Systems \$167.48 smcs; Carquest \$10,766.19 smcs; Casey's \$98.35 smcs; Cash Wa \$3,021.45 smcs; CDW Govt \$604.46 co; Cenex \$245.02 smcs; Cengage Learning \$216.30 smcs; Center Point Large Print \$220.23 smcs; Central Fire & Safety \$5,458.50 smcs; Central Hydraulic \$841.66 smcs; Central NE Bobcat \$41.00 smcs; Chances R \$360.47 smcs; Charter \$595.47 smcs; ChemSearch \$325.92 smcs; Chesterman \$2,625.72 smcs; Chicken Coop \$40.00 smcs; CHS Agri Service \$2,230.24 smcs; Cintas \$42.77 smcs; City of Ky \$31,014.30 smcs,ps; Compass Tools \$880.50 smcs; Compasscom \$100.00 smcs; Computer Hardware \$2,451.00 smcs; Conoco \$83.09 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$6,239.77 smcs,co; Copycat \$400.47 smcs; Corey's Complete Detailing \$200.00 smcs; Corner Store \$43.93 smcs; Cornhusker Cleaning \$59.59 smcs; CPS \$1,997.15 smcs; Cracker Barrel \$304.50 smcs; Crossroads Ford \$405.38 smcs; Crowley,V \$8.08 smcs; Culligan \$110.00 smcs; Cummins Central Power \$951.51 smcs; D&S Lighting \$688.89 smcs; Danko Emergency \$204.00 smcs; Dannenberg,B \$17.88 smcs; Davis Equipment \$699.94 smcs; Dawson PPD \$63,440.58 smcs,co; Daylight Donuts \$32.40 smcs; Dell \$7,304.10 smcs; Delta Air \$515.70 smcs; Demco \$752.41 smcs; Deterdings \$2,895.45 smcs; Diamond Vogel \$20.70 smcs; Dish \$95.00 smcs; Disney Educational \$574.45 smcs; Dmilaco \$131.92 smcs; Dobberstein,J \$15.93 smcs; Dollar-General \$8.02 smcs; Doubletree Thornton \$665.50 smcs; DPC Industries \$6,365.03 smcs; Drury Inn \$315.64 smcs; Eakes \$9,598.17 smcs; Earl May \$59.93 smcs; Seaview \$156.87 smcs; Eileen's Cookies \$29.15 smcs; Elliott Equipment \$355.01 smcs; EMC Ins \$35,220.13 smcs; Epco \$772.00 smcs; Equicross \$1,106.90 smcs; Ereplacementpartscom \$25.00 smcs; Eustis Body Shop \$500.00 smcs;

Fairbanks \$238.11 smcs; Fastenal \$485.41 smcs; Fedex \$112.08 smcs; Fiddelke \$9,498.80 smcs; First Natl Bank \$65.00 smcs; Fitbit \$699.65 ps; Fleetpride \$1,522.44 smcs; Fools of Oz \$350.00 smcs; Footjoy \$63.50 smcs; Foremost Promotions \$4,845.00 smcs; Forestry Suppliers \$490.82 smcs; Frank,G \$3.44 smcs; Frontier \$34,378.50 smcs; Gale \$1,038.37 smcs; Galeton Gloves \$658.20 smcs; Garrett Tires \$13,602.11 smcs; General Traffic Controls \$8,617.15 smcs; Godaddycom \$155.10 smcs; Good Sam \$15.00 smcs; Govt Finance \$85.00 smcs; Graham Tire \$1,227.03 smcs; Grainger \$1,620.88 smcs; Gray,C \$48.75 smcs; Great Plains Safety \$447.00 smcs; H&H Distributing \$483.56 smcs; Hach Co \$152.77 smcs; Hampton Inn \$118.16 smcs; Harrison,R \$161.00 smcs; Hastings Tribune \$35.60 smcs; HD Supply \$310.53 smcs; Hermosillo,A \$13.19 smcs; Hilti \$56.87 smcs; HOA Solutions \$13,403.38 smcs; Hobby-Lobby \$208.20 smcs; Holmes Plbg \$940.52 smcs,co; Home Depot \$37.71 smcs; Hometown Leasing \$265.92 smcs; Hotelscom \$663.00 smcs; Howard Tech \$1,168.00 smcs; Hullinger,R \$6.85 smcs; Hy Vee \$6.98 smcs; ICMA RC \$4,097.79 ps; IRS \$130,783.07 ps; Jack Lederman \$1,392.99 smcs; Jack's Uniforms \$1,998.24 smcs; Johnson,C \$36.61 smcs; Johnstone Supply \$1,241.00 smcs; K&K Parts \$1,426.31 smcs; Ky Clinic \$1,881.00 ps; Ky Concrete \$18,774.88 smcs,co; Ky Crete & Block \$678.72 smcs,co; Ky Hub \$8,757.76 smcs; Ky Investment Corp \$203.87 ps; Ky Powersports \$184.80 smcs; Ky Towing \$365.00 smcs; Ky Warehouse \$1,373.62 smcs; Ky Winlectric \$76.95 smcs; Ky Winnelson \$282.39 smcs,co; Kelly Supply \$24.56 smcs; Kendall Acquisition \$152.00 smcs; Klaus,M \$371.84 smcs; Konica Minolta \$446.54 smcs; Ksprintscom \$825.49 smcs; Kwik-N-Kleen \$2,350.00 smcs; La Quinta Inn \$88.48 smcs; Landmark Implement \$1,884.31 smcs; Laramie Boomerang \$84.00 smcs; Lawson Products \$1,310.08 smcs; Lee,M \$28.85 smcs; Locateballbearingscom \$140.38 smcs; Lock & Lube \$29.95 smcs; Lockmobile \$82.85 smcs; Logan Contractors \$31,486.85 smcs,co; Lundeen-Isaacson \$2,478.00 ps; Lynaugh,L \$24.75 smcs; Mail Express \$356.98 smcs; Mfg Supply \$66.98 smcs; Marlatt Machine Shop \$842.50 smcs; Masco Electric \$317.18 smcs; Matheson \$179.49 smcs; Maverik \$61.33 smcs; McCarty,D \$11.00 smcs; Mead Lumbar \$17.95 smcs; Menagh,J \$25.29 smcs; Menards \$3,242.51 smcs,co; Metal Masters \$995.00 smcs; Microsoft Store \$106.99 smcs; Mid Amer Signal \$1,796.00 smcs; Midwest Labs \$167.00 smcs; Midwest Striping \$13,908.00 smcs; Midwest Turf \$5,511.35 smcs; Miller & Associates \$4,818.28 smcs; Miller Signs \$300.00 smcs; Mindmixer.com \$250.00 smcs; Mine Safety Appliance \$2,400.00 smcs; Mobile Edge \$39.34 smcs; Mobile Pro Shop \$336.19 smcs; Moonlight Embroidery \$1,145.00 smcs; MSC Industrial \$336.47 smcs; Municipal Supply \$1,408.59 smcs; Museum of America SPD \$260.00 smcs; Natl ITC \$197.00 smcs; Natl Recreation \$800.00 smcs; NCS Equipment \$281.02 smcs; NE Arborists Assoc \$240.00 smcs; NE Child Support \$2,755.66 ps; NE Dept Environmental \$3,039,785.80 ds, smcs; NE Dept of Revenue \$75.00 smcs; NE DOL/Office Safety \$140.00 smcs; NE Golf Assoc \$774.00 smcs; NE Library Assoc \$315.00 smcs; NE Library Commission \$2,887.12 smcs; NE Truck Center \$369,759.70 smcs,co; NE Machinery \$4,455.29 smcs; NEland Distributing \$1,288.21 smcs; Nelson's Furniture \$551.65 smcs; New Victorian Inn \$54.99 smcs; Newman Signs \$1,801.54 smcs; Norm's Plbg \$10,910.15 smcs,co; Northern Safety \$186.23 smcs; Northwestern Energy \$2,054.13 smcs; Nova Health Equipment \$469.50 ps; NRG Media \$52.00 smcs; NSA/POAN \$720.00 smcs; NSF Ticket Office \$484.00 smcs; OCLC \$607.10 smcs; Office Max \$1,276.73 smcs,co; O'Hara Lindsay \$2,000.00 smcs; Olive Software \$325.00 smcs; Olson,B \$8.67 smcs; Omaha World Herald \$205.89 smcs; One Call Concepts \$499.75 smcs; Optics Planet \$45.97 smcs; O'Reilly Auto \$1,483.86 smcs; Orscheln \$511.72 smcs,co; Oshkosh \$128.22 smcs; Overdrive

\$3,000.00 smcs; Overhead Door \$845.00 smcs; Paramount \$230.00 smcs; Party American \$27.90 smcs; Passion Labels \$124.70 smcs; Paypal \$1,917.48 smcs,co; PBD Ala-Graph \$41.42 smcs; Pieco \$177.34 smcs; Pioneer Mfg \$1,052.55 smcs; Platte Valley Comm \$47,550.45 smcs,co; Platte Valley Labs \$62.50 smcs; Pocketcloud \$14.99 smcs; Police Technical Training \$900.00 smcs; Positive Promotions \$51.38 smcs; Postage Refill \$109.75 smcs; Precision Multiple \$399.42 smcs; Prestige Group \$1,326.95 smcs; Presto-X \$607.98 smcs; Priceline \$350.00 smcs; Provantage \$460.00 smcs; Qualified Hardware \$55.25 smcs; Quick Return Tags \$580.58 smcs; Quill \$282.51 smcs; Raasch,K \$25.04 smcs; Random House \$405.00 smcs; Rasmussen Mechanical \$151.75 smcs; Ready Mixed Concrete \$25,316.00 smcs,co; Reams \$291.05 smcs,co; Recognition Unlimited \$1,888.31 smcs; Recorded Books \$881.80 smcs; Reeves,B \$14.88 smcs; Reminderbrand \$2,477.98 smcs; Research Technology \$248.75 smcs; Resource Management \$1,028.16 smcs; RF Parts \$6,929.16 smcs; Rogue Fitness \$350.00 ps; Roth,K \$20.30 smcs; Russell's Appliance \$10.76 smcs; S&J Construction \$11,310.29 co; SA Foster Lumber \$328.56 co; Safariland \$686.94 smcs; Safelite Autoglass \$60.57 smcs; Sahling Kenworth \$158.35 smcs; Sapp Bros \$28,233.10 smcs; Schanou,J \$755.00 smcs; Schwans \$1,260.34 smcs; Scotts Bluff Co Sheriff \$150.00 smcs; Seams,B \$60.00 smcs; Sears \$654.67 smcs; Seneca Co \$154,944.00 co; Senus Metering \$402.34 smcs; Setcom \$3,537.43 smcs; Shell Oil \$26.80 smcs; Sherwin Williams \$361.71 smcs; Shopletcom \$371.40 smcs; SHRM Member \$185.00 smcs; Signwarehousecom \$89.34 smcs; Sirchie Finger Print Lab \$280.04 smcs; Small,J \$318.00 smcs; Software ST \$460.00 smcs; Sorge,B \$424.86 smcs; Sprinkler Warehouse \$885.68 smcs; Stadler Implement \$68.29 smcs; Stampscom \$4.99 smcs; Staples \$105.36 smcs; Star-Herald \$127.92 smcs; Stay Online \$610.19 smcs; Steinbrink Landscaping \$3,717.45 smcs; Stewart Mgmt & Booking \$350.00 smcs; Stratgic Air & Space \$270.00 smcs; Streeter,G \$35.38 smcs; Stuff \$70.85 smcs; Suburban Fire \$1,707.88 co; Sungard Public Sector \$375.00 smcs; Sunmart \$36.92 smcs; Sutphen \$15,647.80 smcs; SWANA \$200.00 smcs; Swanson,J \$77.07 smcs; Synoveck,M \$20.79 smcs; Target \$134.98 smcs; Techsoup \$89.00 smcs; Thirsty's \$5.99 smcs; Thompson Co \$241.50 smcs; Thor Tarps \$1,378.32 smcs; Tielke's Sandwiches \$85.02 smcs; Tigerdirect \$310.05 smcs; Tokay Software \$2,650.00 smcs; Tomark Sports \$1,090.00 smcs; Tractor Supply \$1,215.30 smcs; Transit Works \$210.00 smcs; Tri-Cities Group \$123.64 smcs; TSI Service \$580.29 smcs; Tumbleweed Press \$799.00 smcs; Tye & Rademacher \$183.39 ps; U Stop \$61.12 smcs; Uline \$378.70 smcs; Under Armour Direct \$44.98 ps; Union Bank & Trust \$61,825.83 ps; Unique Management \$223.75 smcs; United \$854.80 smcs; United Seeds \$467.50 smcs; UPS Store \$74.58 smcs; USPS \$213.17 smcs; Vailscapes Landscaping \$1,037.50 co; Valentino's \$261.85 smcs; Van Diest Supply \$4,502.23 smcs; Van Wall Equipment \$307.60 smcs; Verizon \$228.66 smcs; Vessco \$156.77 smcs; Video Service of America \$1,328.00 smcs; Walgreens \$34.64 smcs; Wal-mart \$838.00 smcs; Walsh,C \$75.04 smcs; Walter's Electric \$676.05 smcs; Warren-T \$4,055.75 smcs; Weis Fire \$130.00 smcs; Wessels,W \$105.80 smcs; Wilke's True Value \$521.58 smcs; Williams,M \$73.97 smcs; Witmer Public Safety \$898.76 smcs; Worley Monument \$330.00 smcs; WPCI \$346.00 ps; Yant Equipment \$1,110.00 smcs; Yorkshire Playhouse \$15.00 smcs; Young,M \$258.00 smcs; Zazzle \$140.89 smcs; Payroll Ending 9-6-2014 -- \$372,494.04. 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 October 14, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2014-191** approving the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport between the City of Kearney and Buffalo Air Service.

RESOLUTION NO. 2014-191

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Coop Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2014-192** approving the Agreement and Permit for Aeronautical Services at the Kearney Regional Airport between the City of Kearney and Buffalo Air Service.

RESOLUTION NO. 2014-192

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Agreement and Permit for Aeronautical Services on behalf of the City of Kearney, Nebraska, with Aurora Coop Elevator Company, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2014-193** approving the Training Center Lease Agreement located at the Kearney Regional Airport between the City of Kearney and the Kearney Volunteer Fire Department.

RESOLUTION NO. 2014-193

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Training Center Lease Agreement on behalf of the City of Kearney, Nebraska, with the Kearney Volunteer Fire Department, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt **Resolution No. 2014-194** approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.

RESOLUTION NO. 2014-194

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt **Resolution No. 2014-195** approving the Use and Operations Agreement for Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Rodgers Helicopter Services.

RESOLUTION NO. 2014-195

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Rodgers Helicopter Services for Annex A in Hangar T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2014-196** approving the Non-Owned Corporate Hangar Lease Agreement for Hangar T-929 located at the Kearney Regional Airport between the City of Kearney and Home Safety Systems, Inc.

RESOLUTION NO. 2014-196

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Non-Owned

Corporate Hangar Lease Agreement on behalf of the City of Kearney, Nebraska, with Home Safety Systems, Inc. for Building T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt **Resolution No. 2014-197** approving Change Order No. 1 showing a decrease in the amount of \$28,524.00, Application and Certificate for Payment No. 1-Final in the amount of \$86,366.00 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 9 consisting of Water District No. 2014-573 in Avenue A from a point located at the south line of Lot 717, Original Town of Kearney Junction northward to the north line of South Railroad Street, then easterly in South Railroad Street to the west line of Avenue B; and Sanitary Sewer District No. 2014-511 in In the easement located in Lot 1, Brown's Second Addition beginning at a point 132 feet south of the south line of Lot 2, Big Boy Addition northward to the south line of Lot 2, Big Boy Addition, then west along the south line of Big Boy Addition in the easement to the west line of Lot 2, Big Boy Addition then north along the west line of Big Boy Addition in an easement to the north line of Big Boy Addition.

RESOLUTION NO. 2014-197

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 9 consisting of Water District No. 2014-573 in Avenue A from a point located at the south line of Lot 717, Original Town of Kearney Junction northward to the north line of South Railroad Street, then easterly in South Railroad Street to the west line of Avenue B; and Sanitary Sewer District No. 2014-511 in In the easement located in Lot 1, Brown's Second Addition beginning at a point 132 feet south of the south line of Lot 2, Big Boy Addition northward to the south line of Lot 2, Big Boy Addition, then west along the south line of Big Boy Addition in the easement to the west line of Lot 2, Big Boy Addition then north along the west line of Big Boy Addition in an easement to the north line of Big Boy Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$28,524.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$86,366.00, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$114,890.00
Change Order No. 1 (9-23-2014)	<u>- 28,524.00</u>
Contract Sum To Date	86,366.00
Gross Amount Due	86,366.00
Retainage	.00

Amount Due to Date	86,366.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 86,366.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 13, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt **Resolution No. 2014-198** approving Change Order No. 1 showing an increase in the amount of \$15,139.12 and accept the Certificate of Substantial Completion submitted by Wilke Contracting and approved by Miller & Associates for the 2014 Part 5 Improvement; University Drive Bridge Deck Rehab Project.

RESOLUTION NO. 2014-198

WHEREAS, Wilke Contracting of Kearney, Nebraska has performed services in connection with the 2014 2014 Part 5 Improvement; University Drive Bridge Deck Rehab Project, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$15,139.12, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

Original Contract Sum	\$99,940.80
Change Order No. 1 (9-23-2014)	<u>+ 15,139.12</u>
Contract Sum To Date	\$115,079.92

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 19, 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 Change Order No. 1, 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 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Adopt **Resolution No. 2014-199** approving Application and Certificate for Payment No. 3 in the amount of \$319,630.00 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. 2014-199

WHEREAS, Blessing, LLC 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. 3 in the amount of \$319,630.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$2,474,168.95
Change Order No. 1 (8-26-2014)	<u>+ 17,375.00</u>
Contract Sum To Date	2,491,543.95
Gross Amount Due	704,491.90
Retainage (10%)	70,449.19
Amount Due to Date	634,042.71
Less Previous Certificates for Payment	<u>314,412.71</u>
Current Payment Due	\$ 319,630.00

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 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

13. Adopt **Resolution No. 2014-200** approving Change Order No. 1 showing a decrease in the amount of \$73,859.00, Application and Certificate for Payment No. 4-Final in the amount of \$51,652.53 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 1 Improvements consisting of the Northeast Trunk Sanitary Sewer comprising 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. 2014-200

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 Change Order No. 1 showing a decrease in the amount of \$73,859.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$51,652.53 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$926,111.00
Change Order No. 1 (9-23-2014)	<u>- 73,859.00</u>
Contract Sum To Date	852,252.00
Gross Amount Due	852,252.00
Retainage (5%)	.00
Amount Due to Date	852,252.00
Less Previous Certificates for Payment	<u>800,599.47</u>
Current Payment Due	\$ 51,652.53

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 31, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

14. Adopt **Resolution No. 2014-201** approving the LPA – Consultant Professional Services Agreement between the City of Kearney and JEO Consulting Group providing preliminary engineering services with regard to the City of Kearney Comprehensive Plan (NDOR Project Number: SPR-1(52)).

RESOLUTION NO. 2014-201

WHEREAS, the City of Kearney is developing a transportation project for which it intends to obtain Federal funds; and

WHEREAS, the City of Kearney as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, City of Kearney and JEO Consulting Group wish to enter into a Professional Services Agreement to provide preliminary engineering services for the Federal-aid project.

NOW THEREFORE BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Stanley Clouse, Mayor of the City of Kearney, Nebraska be and is hereby authorized to sign the attached engineering services agreement between the City of Kearney, Nebraska and JEO Consulting Group (NDOR Project Number: SPR-1(52); NDOR Control Number: 00918; NDOR Project Description: City of Kearney Comprehensive Plan) A copy of the Agreement is attached hereby and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Approve the Plans and Specifications of the UV Disinfection Project for the Platte River Well Field and set the bid opening date for October 21, 2014 at 2:00 p.m.

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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 11, 2014 from 3:00 p.m. until 1:00 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 October 25, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

18. Accept the bids received for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue and adopt **Resolution No. 2014-202**.

RESOLUTION NO. 2014-202

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on September 16, 2014 at 2:00 p.m. for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$5,185,379.50; and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$5,513,218.10 be accepted as the lowest responsible bid for the 2014 Part 7 Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineer’s recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the 2014 Part 7 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$5,513,218.10 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost for in the amount of \$5,185,379.50 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 23RD DAY OF SEPTEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$538.98 payable to Stan Clouse and in the amount of \$137,274.33 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained and Nikkila absent. Motion carried.

VII. REPORTS

NEW CITY LOGO

City Manager presented the new City logo that will be implemented. It will take time to convert over and not everything will have the crane logo.

CLOSED SESSION

Moved by Buschkoetter seconded by Lammers that Council adjourn into closed session at 5:47 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Clouse seconded by Lammers that Council reconvene in regular session at 6:04 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

VIII. ADJOURN

Moved by Buschkoetter seconded by Lammers that Council adjourn at 6:04 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**