

**Kearney, Nebraska**  
**April 28, 2015**  
**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 April 28, 2015, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Bruce Lear and Bob Lammers. Absent: Randy Buschkoetter and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; 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: Lucas Dutcher, Lori Potter, Steve Altmaier from KGFW Radio, Brent Wiethorn from KKPR, 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**

Boy Scout Zach Schwartz 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**

Mayor Clouse thanked Assistant City Manager Suzanne Brodine and presented her with a token of appreciation. Mayor Clouse thanked her for all her hard work and years and wished her good luck in her future endeavor. The community is a lot better because she has been a part of it with her leadership.

## II. UNFINISHED BUSINESS

There was no Unfinished Business.

## III. PUBLIC HEARINGS

### BOARD OF EQUALIZATION

Moved by Lammers seconded by Lear to remove from the table Public Hearing 1 for the Board of Equalization. Roll call resulted as follows: Aye: Clouse, Lear, Lammers. Nay: None. Buschkoetter and Nikkila absent. Motion carried.

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Paving Improvement District No. 2013-962; Water District No. 2013-570; Sanitary Sewer District No. 2013-508 and consider Resolution No. 2015-81.

These districts were created on May 14, 2013 and amended on June 25, 2013. They are public improvements 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.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. These districts have been completed and, in order to satisfy state law, when paving, water and sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within 50 days (June 18) or they can pay the assessment over a 5-year period for water and sanitary sewer and 10 years for paving. Section 57-102 of the Kearney City Code requires the developer to deposit fifty percent of the total estimated costs of the districts. The remaining unpaid costs of the improvements shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Clouse to close the hearing for the Council meeting as the Board of Equalization and adopt **Resolution No. 2015-81** assessing costs in connection with Paving Improvement District No. 2013-962, Water District No. 2013-570, and Sanitary Sewer District No. 2013-508. Roll call resulted as follows: Aye: Clouse, Lear, Lammers. Nay: None. Buschkoetter and Nikkila absent. Motion carried.

### **RESOLUTION NO. 2015-81**

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

Section 1. The President and Council find and determine that the streets in Paving Improvement District No. 2013-962 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked

Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the water main heretofore ordered installed in Water District No. 2013-570 has been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 3. The President and Council find and determine that the sanitary sewer main heretofore ordered installed in Sanitary Sewer District No. 2013-508 has been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sanitary sewer main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 4. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District No. 2013-962 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 6. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2013-570 shall become delinquent as follows:

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

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 7. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District No. 2013-508 shall become delinquent as follows:

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

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**VACATE PORTION OF SPRUCE HOLLOW ESTATES FOURTH AND FIFTH AND REZONING EAST OF 11TH AVENUE BETWEEN WEST 57TH STREET PLACE AND WEST 58TH STREET**

Public Hearings 2, 3 and 4 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until May 12, 2015 Public Hearing 2 on the applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska.

Moved by Clouse seconded by Lammers to postpone until May 12, 2015 Public Hearing 2 on the applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth

Addition, additions to the City of Kearney, Buffalo County, Nebraska; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Lear. Nay: None. Buschkoetter and Nikkila absent. Motion carried

**FINAL PLAT FOR SPRUCE HOLLOW ESTATES SIXTH ADDITION**

Public Hearings 2, 3 and 4 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until May 12, 2015 Public Hearing 3 on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska

Moved by Clouse seconded by Lammers to postpone until May 12, 2015 Public Hearing 3 on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Lear. Nay: None. Buschkoetter and Nikkila absent. Motion carried.

**DEVELOPMENT PLANS FOR 15 SINGLE FAMILY CONDOMINIUMS LOCATED EAST OF 11TH AVENUE BETWEEN WEST 57TH STREET PLACE AND WEST OF 58TH STREET**

Public Hearings 2, 3 and 4 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until May 12, 2015 Public Hearing 4 on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska.

Moved by Clouse seconded by Lammers to postpone until May 12, 2015 Public Hearing 4 on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-

Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Lear. Nay: None. Buschkoetter and Nikkila absent. Motion carried.

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

Moved by Lammers seconded by Lear that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Lear. Nay: None. Buschkoetter and Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held April 13, 2015.

2. Approve the following Claims:

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

1000bulbs.com \$87.67 smcs; 5.11 Tactical \$683.74 ps; Ace Eaton Metals \$550.00 co; Ace Hardware \$87.17 smcs; Affordable Faucets \$138.03 smcs; Albrecht, H \$1,230.00 smcs; Alfred Benesch \$277.09 co; All Makes Auto \$3,311.34 smcs; Alley Rose \$87.59 smcs; Ally B Design \$115.00 smcs; Alzheimer's Assn \$225.00 smcs; Amazon \$4,950.79 smcs; co; Ambassador BP \$42.75 smcs; American \$252.44 smcs; Amer Cemetery \$85.00 smcs; Amer Fence \$24,283.00 smcs, co; Amer First Aid \$194.08 smcs; Amer Planning Assn \$845.00 smcs; Americinn \$94.41 smcs; Andersen Wrecking \$15.00 smcs; Anderson Bros \$371.27 smcs; Anderson, B \$48.55 smcs; APA-Jobs Online \$250.00 smcs; Apple Market \$11.67 smcs; Arvato Windows \$99.99 co; Ask Supply \$1,753.90 smcs; Asure Software \$385.00 smcs; Aurora Coop \$126.72 smcs; Baker & Taylor \$4,936.19 smcs; Ball State University \$44.69 smcs; Bashore, W \$17.83 smcs; Batteryprice \$63.31 smcs; Beansmith Coffee \$310.00 smcs; Beckenhauer, T \$1,580.10 smcs; Becker, G \$68.75 smcs; Bells Construction \$400.00 co; Big Rack Shack \$1,478.03 smcs; BlueCross BlueShield \$289,605.84 smcs; Boardtronics \$907.31 smcs; Boehler, C \$100.00 smcs; Bosselman Energy \$4,173.97 smcs; Boys Town \$501.13 smcs; Brass, D \$137.50 smcs; Broadfoot's \$378.00 smcs; Brownells \$134.85 smcs; Bruha, S \$200.00 smcs; Buck, S \$297.00 smcs; Buffalo Outdoor Power \$170.36 smcs; Buggy Bath \$10.00 smcs; Builders \$3,686.83 smcs, co; Buse, D \$68.73 smcs; Buzz's Marine \$9.99 smcs; Capstone Press \$5,554.80 smcs; Carquest \$2,465.30 smcs; Casey's \$106.59 smcs; Cash Wa \$744.35 smcs; CBA Lighting \$670.75 smcs; CDW Govt \$784.00 co; Cenex Farmers \$72.50 smcs; Center Point Publishing \$72.71 smcs; Central District Health \$2,557.50 smcs; Central Fire \$398.50 smcs; Central Hydraulics \$315.35 smcs; Central NE Bobcat \$131.50 smcs; Central States Wire \$3,025.94 smcs; Charter \$451.52 smcs; Cheddar's \$30.40 smcs; Chemsearch \$259.32 smcs; Childs, L \$17.94 smcs; Chocolaterie \$155.00 smcs; Cintas \$376.90 smcs; City of Ky \$10,560.25 smcs, ps; Clark Enersen \$23,594.43 co; Clinch Enterprises \$974.64 smcs; Community Action Partner \$768.00 smcs; Compass Tools \$295.00 smcs; Computer Quatred \$95.40 smcs; Conesco Life \$19.00 ps; Construction Rental \$1,738.96 smcs; Cooperative Produces \$150.40 smcs; Copycat Printing \$408.17 smcs; Cracker Barrel

\$331.53 smcs; Crossroads Ford \$188.76 smcs; CSO Research \$100.00 smcs; Culligan \$152.50 smcs; Cummins Central Power \$77.53 smcs; Cunninham,S \$213.50 smcs; Cutter & Buck \$49.38 smcs; Davis Equipment \$1,343.11 smcs; Dawson PPD \$18,400.35 smcs; Daylight Donuts \$16.00 smcs; Delight Donuts \$30.00 smcs; Dell \$541.48 co; Demco \$105.28 smcs; Denison,M \$119.00 smcs; Diamond Tours \$500.00 smcs; Dish \$79.00 smcs; Diversified \$755.40 smcs; Dmilaco Sports \$282.00 ps; Dogpoopbags.com \$264.43 smcs; Dollar-General \$14.45 smcs; Dowhy Towing \$200.00 smcs; Dutton-Lainson \$18.45 smcs; DW Inspections \$895.00 smcs; Eakes \$867.53 smcs; Earl May \$163.89 smcs; Easytogrowbulbs.com \$35.52 smcs; Eileen's Cookies \$20.25 smcs; Elliott Equipment \$458.49 smcs; Engineered Controls \$1,825.00 smcs; Enterprise \$93.66 smcs; Etsy \$40.96 smcs; Expedia \$128.64 smcs; Express Check Advance \$15.98 smcs; Fairbanks \$595.65 smcs; Fairfield Inn \$1,674.56 smcs; Family Fresh Market \$94.11 smcs; Fast Mart \$126.24 smcs,co; Fastenal \$389.28 smcs; Faz,A \$5.31 smcs; Fedex \$65.41 smcs; Fireguard \$599.68 smcs; Firesen Chevrolet \$150.56 smcs; FLS Banners \$468.63 smcs; Flynn,B \$1,580.10 smcs; Fredrickson Construction \$10,168.00 co; Frontier \$9,113.04 smcs; Fun Express \$282.52 co; Gale Research \$539.77 smcs; Ganson Engineering \$116.00 smcs; Ganz Title & Escrow \$250.00 smcs; Garrett Tires \$8,236.05 smcs; Gempler \$136.05 smcs; Golf Buddy \$341.51 smcs; Graham Tire \$374.20 smcs; Grainger \$1,560.04 smcs; Gray,C \$70.50 smcs; H & H Distributing \$1,389.01 smcs; Hampton Inn \$233.04 smcs; Hardware Sales \$659.00 smcs; Harley-Davidson \$393.12 smcs; HD Supply \$1,281.13 smcs; Hesselgesser Electric \$41.44 smcs; Hill,M \$213.50 smcs; Hireright \$24.75 smcs; Hobby-Lobby \$269.21 smcs; Holiday Inns \$185.92 smcs; Holland Bulb Farms \$111.96 smcs; Hollman Media \$1,667.00 smcs; Holmes Plbg \$951.02 smcs; Hometown Leasing \$545.13 smcs; Hy-Vee \$4,220.97 smcs; ICMA Internet \$111.38 smcs; ICMA RC \$4,438.67 ps; Int'l Code Council \$378.00 smcs; IRS \$135,929.66 ps; J&B Powder \$200.00 smcs; Jack Lederman \$79.00 smcs; James,D \$80.00 smcs; Jasmann,B \$99.00 smcs; JEO Consulting \$11,927.82 smcs; JJ Keller \$945.00 smcs; John Deer Landscapes \$269.77 smcs; Johnstone Supply \$303.89 smcs; Jons,S \$92.28 smcs; JR's Sanitation \$6,058.80 smcs; Jrs Western \$69.98 smcs; K&K Parts \$15.63 smcs; Kart-Man \$998.73 smcs; KASCO \$145.49 smcs; Ky Hub \$804.00 smcs; Ky Noon Rotary \$120.00 smcs; Ky Quality Sew \$16.99 smcs; Ky Towing \$200.00 smcs; Ky Winnelson \$207.41 smcs; Kelly Supply \$1,251.80 smcs; Koettters,J \$1,650.10 smcs; Konica Minolta \$1,497.36 smcs; Ksprints.com \$21.65 smcs; Laerdal Medical \$215.95 smcs; Lagenburg,B \$67,306.60 smcs; Landmark Implement \$1,325.41 smcs; Lawson Products \$535.89 smcs; Lifeguard Store \$389.96 smcs; Lifeline Training \$139.00 smcs; Linkedin \$199.00 smcs; Little Caesars \$15.00 smcs; Lockmobile \$127.50 smcs; Logan Contractors \$871.97 smcs,co; Longleaf Services \$216.73 smcs; Luhn,N \$21.66 smcs; Machinex Technologies \$1,337.37 smcs; Mail Express \$111.98 smcs; Marlatt Machine Shop \$1,176.24 smcs; Marriott \$1,610.89 smcs; Matheson \$366.16 smcs; Menards \$3,863.77 smcs,co; Merryman \$303.00 smcs; Meza,J \$18.36 smcs; Middleton Electric \$101.48 smcs; Midway Chevrolet \$386.61 smcs; Midway Chrysler \$165.37 smcs; Midwest Labs \$30.59 smcs; Midwest Turf \$801.72 smcs; Miller & Associates \$59,444.79 smcs, co; Miracle Recreation \$2,251.27 smcs; Moonlight Embroidery \$849.50 smcs; Mueller,J \$576.00 smcs; Municipal Supply \$230.02 smcs; Navigator Motorcoaches \$350.00 smcs; NE Child Support \$2,776.42 ps; NE Dept Environmental \$13,729.38 smcs; NE Dept Agriculture \$90.00 smcs; NE Dept Labor \$219.42 ps; NE Dept Revenue \$31,133.00 smcs; NE Library Assn \$30.00 smcs; NE Machinery \$98,295.08 smcs,co; NE Planning & Zoning \$315.00 smcs; NE Salt & Grain \$2,046.26 smcs; Ne Truck

Center \$260.35 smcs; Nebraska.gov \$500.00 smcs; NEland Distributors \$1,886.18 smcs; Nelson,B \$198.00 smcs; Network Solutions \$85.97 smcs; New Admin Arsenal \$225.00 co; Northwestern Energy \$5,516.63 smcs; OCLC \$606.61 smcs; Office Depot \$223.94 smcs; Office Max \$953.15 smcs,co; Officenet \$45.78 smcs; O'Hara Lindsay \$2,000.00 smcs; Olsson Associates \$8,606.80 co; Omaha Fixture \$401.73 smcs; On Site Studio \$541.24 smcs; O'Reilly Auto \$724.15 smcs; Orscheln \$563.96 smcs; Paramount \$211.61 smcs; Party America \$33.94 smcs; Paypal-Claimthis \$339.00 co; Paypal-Ecycle It \$84.96 co; Paypal-Eric Z Rowe \$510.20 co; Paypal-PATC \$70.00 smcs; Paypal-Smartpartpc \$1,979.94 co; Paypal-Stvkane066 \$93.15 smcs; Peerless Machine \$4,864.50 co; Pet Pick Ups \$614.16 smcs; Pet Solutions \$97.55 smcs; Petmountain.com \$74.98 smcs; Petro Restaurant \$89.23 smcs; Pickleball Cellar \$31.00 smcs; Ping \$674.18 smcs; Pioneer Revere \$416.92 smcs; Platte Valley Comm \$642.15 smcs; Precision Printing \$304.25 smcs; Prestige Group \$100.00 smcs; Provantage \$950.55 co; Pukka \$92.28 smcs; Pulliam,R \$40.00 smcs; QA Balance Services \$125.00 smcs; Quill \$212.51 smcs; RDO Truck Center \$1,458.35 smcs; Ready Mixed Concrete \$1,472.75 co; Reams \$2,817.66 smcs; Red Cross Store \$35.00 smcs; Redbox \$1.61 smcs; Reinke's Refrigeration \$2,775.00 smcs; Rheome Tree \$110.00 smcs; Rich,T \$50.00 smcs; RNDC-Falcon \$802.37 smcs; Robinson,R \$8.35 smcs; Rockler Woodwork \$29.98 smcs; RT Corporation \$438.92 smcs; Rusher,D \$2,500.00 co; Sahling Kenworth \$86.03 smcs; Sapp Bros \$18,140.97 smcs; Schools.in.com \$95.83 smcs; Sears Hometown \$374.98 smcs; Select Sprayers \$55.08 smcs; Shell Oil \$61.00 smcs; Sherwin Williams \$65.14 smcs; Sign Center \$120.00 smcs; Sirchie Finger Print \$630.77 smcs; Snap-On Tools \$29.45 smcs; SOS Portable \$115.00 smcs; Stamps.com \$4.99 smcs; Stegeman Solutions \$3,201.25 smcs; Steinbrink's \$287.50 smcs; Sterling Distributing \$1,196.00 smcs; Streakwave Wireless \$165.19 co; Suburban Fire Protection \$112.50 ps; Sunbelt Rentals \$59.90 smcs; Supplyworks \$1,056.96 smcs; Swalter Packaging \$392.17 smcs; Tacha,J \$50.00 smcs; Target \$142.90 smcs; Techsoup \$248.00 co; Lerner Group \$1,103.16 smcs; Thompson Co \$100.69 smcs; Thomson Reuters \$936.00 smcs; Titleist \$1,418.86 smcs; TM Sporting Goods \$21.39 smcs; Tom Dinsdale Chevrolet \$327.19 smcs; Tour Edge \$900.18 smcs; Tractor-Supply \$508.40 smcs; Trade Well Pallet \$2,380.00 smcs; Trinity Supplies \$700.00 co; Turfwerks \$677.65 smcs; Twin City Hardware \$227.19 smcs; Ultra Chem \$552.38 smcs; Union Bank \$64,934.48 ps; UNL Marketplace \$55.00 smcs; UPS Store \$39.02 smcs; USA Communications \$150.95 smcs; USPS \$222.92 smcs; Van Wall Equipment \$1,710.66 smcs; Verizon Networkfleet \$94.75 smcs; Vermont Systems \$12,591.00 co; Waferseals.com \$46.59 smcs; Wald & Co \$12,000.00 smcs; Wal-Mart \$985.76 smcs; Walters Electric \$6,297.07 smcs; Warrior Mindset.com \$250.00 smcs; Weis Fire & Safety \$130.00 smcs; Weller,B \$36.60 smcs; Wells Fargo Bank \$15,679.00 smcs; Western Iowa Tech \$150.00 smcs; Wick's Sterling \$199.27 smcs; Wilke's True Value \$260.00 smcs; Winter Equipment \$376.22 smcs; Wood,T \$31.00 smcs; WPCI \$317.50 smcs; Payroll Ending 4-18-2015 -- \$ 378,601.71. 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 May 12, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.

**4.** Approve the application for a Special Designated License submitted by Dady, Inc., dba Dad's Tavern in connection with their Class C-009081 liquor license to

dispense beer, wine and distilled spirits outside in a 30' x 25' fenced area located north of their facility located at 1910 Central Avenue on May 15, 2015 from 10:00 p.m. until 1:00 a.m. and on May 16, 2015 from 9:00 a.m. until 1:00 a.m. for a beer garden.

5. Approve the application for a Special Designated License submitted by Dady, Inc., dba Dad's Tavern in connection with their Class C-009081 liquor license to dispense beer, wine and distilled spirits outside in a 30' x 25' fenced area located north of their facility located at 1910 Central Avenue on May 29 and 30, 2015 from 10:00 p.m. until 1:00 a.m. for a beer garden.

6. 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 and wine in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on May 16, 2015 from 3:00 p.m. until 12:00 a.m. for a graduation party.

7. 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 in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 17, 2015 from 12:00 p.m. until 12:00 a.m. for a graduation party.

8. Adopt **Resolution No. 2015-84** approving the Planning Grant Administrator for Phase II planning downtown revitalization activities.

**RESOLUTION NO. 2015-84**

WHEREAS, the City of Kearney is applying for a Community Development Block Grant for Downtown Revitalization from the Nebraska Department of Economic Development for Downtown Revitalization Planning for 2015 to continue improvements in Off Street Parking District #1; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Planning Grant Administrator to ensure that the activities conducted with grant funding are in compliance with DED and Federal regulations; and

WHEREAS, City staff received one proposal and recommends pursuing a contract with Miller & Associates of Kearney to provide management and supervision services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, approving the selection of Miller & Associates to perform the duties as Planning Grant Administrator of the CDBG Grant.

BE IT FURTHER RESOLVED that upon award of the grant application by the Nebraska Department of Economic Development, the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and Miller & Associates.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. Approve the Plans and Specifications for the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue and set the bid opening date for May 18, 2015 at 2:00 p.m.

10. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits inside the First National Bank located at 2223 2nd Avenue on May 14, 2015 from 5:00 p.m. until 8:00 p.m. for a reception.

11. Adopt **Resolution No. 2015-85** approving Application and Certificate for Payment No. 1 in the amount of \$88,578.90 submitted by Dan Roeder Concrete and approved by Miller & Associates for 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition.

**RESOLUTION NO. 2015-85**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$88,578.90 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$203,669.00
Change Order No. 1 (2-24-2015)	<u>+ 3,354.00</u>
Contract Sum To Date	207,023.00
Gross Amount Due	98,421.00
Retainage (10%)	9,842.10
Amount Due to Date	88,578.90
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 88,578.90

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 28TH DAY OF APRIL, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

12. Adopt **Resolution No. 2015-86** approving Change Order No. 3 showing an increase in the amount of \$4,300.00, Application and Certificate for Payment No. 7 in the amount of \$232,532.10 submitted by Blessing LLC and approved by Miller & Associates for 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. 2015-86**

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 Change Order No. 3 showing an increase in the amount of \$4,300.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$232,532.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$2,474,168.95
Change Order No. 1 (8-26-2014)	+ 17,375.00
Change Order No. 2 (11-25-2014)	+ <u>11,757.75</u>
Contract Sum To Date	2,503,301.70
Gross Amount Due	1,654,253.30
Retainage (10%)	165,425.33
Amount Due to Date	1,488,827.97
Less Previous Certificates for Payment	<u>1,256,295.87</u>
Current Payment Due	\$ 232,532.10

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown on Exhibit "A" and Application and Certificate for Payment No. 7, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**13.** Adopt **Resolution No. 2015-87** approving Change Order No. 1 showing a decrease in the amount of \$28,521.20, Application and Certificate for Payment No. 5-Final in the amount of \$86,274.29, Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet.

**RESOLUTION NO. 2015-87**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in

the amount of \$28,521.20, 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. 5-Final in the amount of \$86,274.29 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$749,062.00
Change Order No. 1 (4-28-2015)	<u>-\$28,521.20</u>
Contract Sum To Date	720,540.80
Gross Amount Due	720,540.80
Retainage (5%)	.00
Amount Due to Date	720,540.80
Less Previous Certificates for Payment	<u>634,266.51</u>
Current Payment Due	\$ 86,274.29

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of March 31, 2015, 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. 5-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 28TH DAY OF APRIL, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**14.** Adopt **Resolution No. 2015-88** approving Application and Certificate for Payment No. 6 in the amount of \$289,334.50 submitted by Midlands Contracting and approved by Miller & Associates for 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.

**RESOLUTION NO. 2015-88**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$289,334.50 as shown on Exhibit "A" attached hereto and made a part

hereof by reference and as follows:

Original Contract Sum	<u>\$5,513,218.10</u>
Contract Sum To Date	5,513,218.10
Gross Amount Due	2,785,909.11
Retainage (10%)	278,590.91
Amount Due to Date	2,507,318.20
Less Previous Certificates for Payment	<u>2,217,983.69</u>
Current Payment Due	\$ 289,334.50

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 6, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**15.** Adopt **Resolution No. 2015-89** approving Application and Certificate for Payment No. 1 in the amount of \$183,232.80 submitted by Trojan Technologies and approved by Miller & Associates for the UV Disinfection Building Equipment at the Platte River Well Field.

**RESOLUTION NO. 2015-89**

WHEREAS, Trojan Technologies of London, Ontario, Canada has performed services in connection with the UV Disinfection Building Equipment at the Platte River Well Field, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$183,232.80 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$254,490.00</u>
Contract Sum To Date	254,490.00
Gross Amount Due	203,592.00
Retainage (10%)	20,359.20
Amount Due to Date	183,232.80
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$183,232.80

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 28TH DAY OF APRIL, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**16.** Adopt **Resolution No. 2015-90** approving Application and Certificate for Payment No. 2 in the amount of \$420,840.00 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

**RESOLUTION NO. 2015-90**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the UV Disinfection Building at the Platte River Well Field, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$420,840.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,535,860.00</u>
Contract Sum To Date	1,535,860.00
Gross Amount Due	853,450.00
Retainage (10%)	85,345.00
Amount Due to Date	768,105.00
Less Previous Certificates for Payment	<u>347,265.00</u>
Current Payment Due	\$ 420,840.00

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

PASSED AND APPROVED THIS 28TH DAY OF APRIL, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**17.** Approve the Plans and Specifications for 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition and set the bid opening date for May 18, 2015 at 2:00 p.m.

**18.** Approve the Plans and Specifications for 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps and set the bid opening date for May 18, 2015 at 2:00 p.m.

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 7992 AMENDING CHAPTER 4 "FIREWORKS" OF CITY CODE PERTAINING TO FIREWORKS**

With the absence of Council Members Buschkoetter and Nikkila, it was moved by Lear and seconded by Clouse that Ordinance No. 7992 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7992 amending the following sections of Article 6 "Fireworks" of Chapter 4 "Fire Regulations" of the Code of the City

of Kearney as follows: Section 4-601 "Fireworks; Definitions" to remove the definition of permissible fireworks and adopt the definition of consumer fireworks which would coincide with state law; Section 4-602 "Generally" to remove the outdated wording and adopt what is allowed by state law; and Section 4-603 "Permit to Sell Fireworks" to remove the reference of permissible fireworks and replace with consumer fireworks which would coincide with state law. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers. Nay: None. Buschkoetter and Nikkila absent. City Clerk read Ordinance No. 7880 by title on first reading. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers. Nay: None. Buschkoetter and Nikkila absent. Motion carried.

## **VI. REGULAR AGENDA**

### **OPEN ACCOUNT CLAIM**

With the absence of Councilmen Buschkoetter and Nikkila and Mayor Clouse abstention, the Open Account Claim for NPPD will be placed on the next agenda.

## **VII. REPORTS**

City Manager Michael Morgan stated there will be a Press Release in the morning announcing the City of Minden has joined with the other communities as part of the Greater Nebraska Cities. That will give GNC approximately 150,000 citizens represented by the group. They will communicate to the Legislature and the affected individuals. They do have one other community that is interested as well and will work on that community and maybe have a change in the future.

## **VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 5:37 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers. Nay: None. Buschkoetter and Nikkila 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**