

Kearney, Nebraska
July 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 July 28, 2015, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, 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: Jerry Decker, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, Brent Wiethorn from KKPR Radio.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEED FOR HIKE/BIKE TRAIL IN FOUNTAIN HILLS FIFTH ADDITION

Mayor Clouse opened the public hearing on the proposed acquisition for the hike/bike trail extension from 11th Avenue to 17th Avenue on a tract of land described as Outlot A and Outlot B, Fountain Hills Fifth Addition and consider Resolution No. 2015-149.

City Attorney Michael Tye presented this matter to the Council. As a part of the development of the Fountain Hills subdivision, the developer agreed to dedicate as a part of its plat an area for the hike/bike trail between 11th Avenue and 17th Avenue. This extension of the hike/bike trail is complete and the developer has requested that the City accept a deed to this parcel of property.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-149** approving the proposed acquisition for the hike/bike trail extension from 11th Avenue to 17th Avenue on a tract of land described as Outlot A and Outlot B, Fountain Hills Fifth Addition. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-149

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for an extension to the hike/bike trail from 11th Avenue to 17th Avenue in Fountain Hills Fifth Addition and voted in favor to proceed with the acquisition; and

WHEREAS, Grand West LLC, a Nebraska limited liability company, has granted to the City of Kearney, Nebraska a Warranty Deed for a tract of land described as Outlot A and Outlot B, Fountain Hills Fifth Addition to the City of Kearney, Buffalo County, Nebraska for an extension of the hike/bike trail from 11th Avenue to 17th Avenue; and

WHEREAS, Anna L. Stehlik, Trustee for the benefit of Morrison Enterprises, LLC has granted to the City of Kearney, Nebraska a Partial Deed of Reconveyance for a tract of land described as Outlot A and Outlot B, Fountain Hills Fifth Addition to the City of Kearney, Buffalo County, Nebraska for an extension of the hike/bike trail from 11th Avenue to 17th Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by Grand West LLC, a Nebraska limited liability company, with the City of Kearney be and is hereby accepted and approved. The Warranty Deed, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Partial Deed of Reconveyance granted by Anna L. Stehlik, Trustee for the benefit of Morrison Enterprises, LLC, with the City of Kearney be and is hereby accepted and approved. The Partial Deed of Reconveyance, marked as Exhibit "B" is attached hereto and made a part hereof by reference.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

UNION PACIFIC RAILROAD ROADWAY EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a roadway easement along Railroad Street on tracts of land located in Sections 2 and 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2015-150.

City Attorney Michael Tye presented this matter to the Council. The City Council approved an agreement with the Union Pacific Railroad to acquire a permanent railroad easement rather than entering into a lease. It involves a portion of North Railroad Street and a portion of South Railroad Street. This is an acceptance of the transfer of the property. The City paid \$196,000 to the railroad so that the City will not have future lease payments so this will be a permanent road easement.

Mayor Clouse asked where the location is. Mr. Tye stated it is essentially from West Company west towards 30th Avenue that runs on a railroad right-of-way. The City will have a permanent railroad easement to be used for road purposes on a permanent basis rather than entering into a lease.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2015-150** approving the proposed acquisition for a roadway easement along Railroad Street on tracts of land located in Sections 2 and 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2015-150

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a permanent roadway easement and voted in favor to proceed with the acquisition; and

WHEREAS, Union Pacific Railroad Company, a Delaware corporation, has granted to the City of Kearney, Nebraska an Easement Deed and Agreement for a permanent roadway easement on a tract of land described as the north 50.0 feet of the Union Pacific Railroad right-of-way in Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 6.16 acres, more or less; AND a tract of land being part of Union Pacific Railroad right-of-way in Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: beginning at a point on the west line of said Section 2, said point being 100.0

feet northerly of, as measured at right angles to the centerline of the Union Pacific Railroad right-of-way; thence northeasterly, parallel with and 100.0 feet northerly of the aforesaid centerline a distance of 701.0 feet, more or less, to a point on the West line of 15th Avenue, a street in the City of Kearney, Buffalo County, Nebraska (if extended southerly) a distance of 100.8 feet to a point 200.0 feet northerly of, as measured at right angles to, the centerline of the Union Pacific Railroad right-of-way; thence northeasterly parallel with and 200.0 feet northerly of the aforesaid centerline a distance of 66.55 feet to a point on the east line of 15th Avenue; thence southerly on the aforesaid east line a distance of 100.8 feet to a point 100.0 feet northerly of, as measured at right angles to, the centerline of the Union Pacific Railroad right-of-way; thence northeasterly parallel with and 100.0 feet northerly on the aforesaid centerline a distance of 1565.0 feet, more or less, to a point 307.2 feet westerly of, as measured at right angles to, the north and south quarter section line of said Section 2; thence northeasterly a distance of 323 feet, more or less to the southwest corner of Lot 5, Block 17, Ashland Addition to the City of Kearney, Buffalo County, Nebraska, said point being on the foresaid north and south quarter section line; thence southerly on the aforesaid north and south quarter section line a distance of 50.4 feet to a point 110.0 feet northerly of, as measured at right angles to, the centerline of the Union Pacific Railroad right-of-way; thence northeasterly, parallel with and 110.0 feet northerly on the aforesaid centerline a distance of 125.2 feet, more or less, to a point 15.0 feet westerly of, as measured at right angles to, the centerline of 9th Avenue, a street in the City of Kearney; thence southerly parallel with and 15.0 feet westerly of the aforesaid centerline a distance of 20.15 feet to a point 90.0 feet northerly of, as measured at right angles to, the centerline of the Union Pacific Railroad right-of-way; thence southwesterly a distance of 440.4 feet to a point 50.0 feet northerly of, as measured at right angles to, the centerline of the Union Pacific Railroad right-of-way; thence southwesterly, parallel with and 50.0 feet northerly of the aforesaid centerline a distance of 2335 feet, more or less to a point on the west line of said Section 2; thence northerly on the aforesaid west line a distance of 50.4 feet to the place of beginning, containing 3.37 acres, more or less; AND a tract of land being part of the Union Pacific Railroad right-of-way in the North Half of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract containing part of Block One, part of Block Two, part of Block Three, part of Block Four, and part of the streets abutting said lots, Kearney Land & Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska, all more particularly described as follows: beginning at the point of intersection of the south line of the Union Pacific Railroad right-of-way and the west line of 10th Avenue, a street in the City of Kearney; thence northeasterly on and along the aforesaid south line a distance of 1565.6 feet, more or less, to a point on the east line of 6th Avenue, a street in the City of Kearney; thence with a deflection angle to the left of 173°04'48" and in a westerly direction a distance of 245.2 feet; thence left 90°00' and in a westerly direction a distance of 84.0 feet; thence right 90°00' and in a northerly direction a distance of 10.0 feet; thence left 90°00' and in a westerly direction a distance of 85.8 feet to a point 150.0 feet southerly of, as measured at right angles to the centerline of the Union Pacific Railroad right-of-way; thence southwesterly, parallel with and 150.0 feet southerly of the aforesaid centerline a distance of 1147.3 feet, more or less, to a point on the west line of 10th Avenue; thence southerly on the aforesaid west line a distance of 50.41 feet to the place of beginning, containing 1.54 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the

City of Kearney, Nebraska that the Easement Deed and Agreement granted by Union Pacific Railroad Company, a Delaware corporation, with the City of Kearney be and is hereby accepted and approved. The Easement Deed and Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Special Meeting held July 9, 2015, Minutes of Regular Meeting held July 14, 2015, and Minutes of Special Meeting held July 21, 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 \$634.37 smcs; 3595-American \$244.46 smcs,co; 5.11 Tactical \$56.94 ps; Ace Eaton Metals \$1,239.20 smcs; Ace Hardware \$320.35 smcs; Ace Irrigation \$150.00 smcs; Alfred Benesch \$1,501.37 co; All Makes Auto \$3,586.10 smcs; Amazon \$3,988.48 smcs,co; Amer First Aid \$348.01 smcs; Amer Flagstore \$381.50 smcs; Amer Legion \$336.33 smcs; Amer Library Assn \$255.00 smcs; Apple Market \$35.28 smcs; Apple Online \$678.00 smcs; Aprons & Smocks \$120.04 smcs; ARC Services \$788.00 smcs; Archway \$2.14 co; Arrow Stage Lines \$150.00 smcs; Ask Supply \$165.34 smcs; Audio Conexus \$20.00 co; Aurora Coop \$265.59 smcs; Austin Kayak \$67.99 smcs; Auto Value \$94.67 smcs; Aviator Bar Grill \$65.56 smcs; Award Unlimited \$144.00 smcs; Beacon Athletics \$2,779.24 smcs; Bells Construction \$720.00 co; Bike Shed \$169.93 smcs; Blevins,D \$240.00 smcs; BlueCross BlueShield \$117,193.95 smcs; BMPstore.com \$810.12 smcs; Bosselman \$12,637.96 smcs; Boxwood Tech \$199.00 smcs; Broadfoot's \$105.00 smcs; Bruha,S \$520.00 smcs; Buckle \$36.00 smcs; Buffalo Co Treasurer \$25.63 smcs; Buffalo Co Sheriff \$127,498.64 smcs; Buffalo Outdoor Power \$558.62 smcs; Builders \$1,165.53 smcs,co; Cabela's \$139.97 smcs; Capital Business Systems \$4,186.92 smcs; Carmichael Business \$7,990.00 co; Carpenter,K \$15.18 smcs; Carquest \$492.43 smcs; Casey's \$127.71 smcs; Cash-Wa \$914.54 smcs; Cenex \$21.35 smcs; Central District Health \$3,379.00 smcs; Central Fire & Safety \$34.25 smcs; Central Hydraulic \$825.25 smcs; Central NE Bobcat \$758.31 smcs; Central States Wire \$208.20 smcs; Centurion Technologies \$592.65 smcs; Charter \$438.34 smcs; Chesterman \$87.75 smcs; Chicken Coop \$50.00 smcs; CHS Agri Service \$3,243.24 smcs; Cintas \$385.88 smcs; City of Ky \$25,431.09 co,smcs,ps; Clevenger Oil \$899.00 smcs; Coldspring \$881.40 smcs; Consolidated Management \$176.50 smcs; Construction Rental \$2,454.23 smcs, co; Copycat \$535.52 smcs; Crane

River Theater \$419.97 smcs; Creative Teacher \$63.82 smcs; Crown Awards \$385.77 smcs; Culligan \$117.00 smcs; Cummins \$1,178.39 smcs; Cymax Stores \$72.99 smcs; Danko Emergency \$757.61 smcs; Davis Equipment \$542.03 smcs; Dawson PPD \$27,782.91 smcs; Delight Donuts \$48.40 smcs; Deterdings \$371.55 smcs; Diamond Vogel \$929.57 smcs; Dickey's Barbeque Pit \$25.00 smcs; Dmilaco Sports \$251.82 smcs; Dog Poop Bags \$198.31 smcs; Dollar General \$35.00 smcs; Douglas Industries \$384.00 smcs; Dowhy Towing \$100.00 smcs; DPC Industries \$5,561.08 smcs; Dugan Business Forms \$144.43 smcs; Eakes \$11,926.97 smcs,co; Earthgrains \$17.25 smcs; Education Specialty \$2,028.90 smcs; Eggleston,D \$25.00 smcs; Elliott Equipment \$13,041.75 smcs; EMC Ins \$12,886.75 smcs; Enterprise \$385.22 smcs; Eustis Body Shop \$100.00 smcs; Facebook \$7.22 smcs; Family Fresh Market \$137.97 smcs; Fastenal \$159.48 smcs,co; Fiddelke Heating \$543.22 smcs; Fireguard \$273.19 smcs; First Nat'l Bank \$40.00 smcs; Friesen Chevrolet \$463.48 smcs; Frontier \$69.99 smcs; Fyr-Tek \$124.00 smcs; Gall's \$411.55 smcs,ps; Gannon Travel \$140.00 smcs; Garrett Tires \$964.24 smcs; GCSAA \$190.00 smcs; Geographic Technologies \$315.00 smcs; GoDaddy.com \$119.58 smcs; Golden Rule Creations \$1,149.21 smcs; Govt Finance \$225.00 smcs; Graham Tire \$276.54 smcs; Grainger \$453.69 smcs; Granite City Tool \$69.90 smcs; H&H Distributing \$952.25 smcs; Hach \$860.35 smcs; Harshbarger,K \$1,248.75 smcs; Hastings \$25.62 smcs; HC Klover Architect \$43.00 smcs; HD Supply \$4,654.50 smcs; HealthPort \$20.00 smcs; Heartland Curbing \$5,430.25 smcs; HF Wilson Engineering \$187.19 smcs; Hiner,D \$31.00 smcs; HOA Solutions \$12,375.09 co; Hobby-Lobby \$228.96 smcs; Holiday Inn Express \$194.22 smcs; Hollands \$600.00 smcs; Holmes Plbg \$2,217.47 smcs,co; Hometown Leasing \$265.92 smcs; Hooker Bros \$423.88 smcs; Hy-Vee \$115.66 smcs; ICMA RC \$4,302.58 ps; Infrared Systems \$45.00 smcs; Int'l Code Council \$253.00 smcs; Int'l Society Arboriculture \$100.00 smcs; IPMA \$390.00 smcs; IRS \$150,325.79 ps; Itunes \$6.41 smcs; Jack Lederman \$271.89 smcs; Jacobitz,G \$94.00 smcs; James,D \$3,678.40 smcs; JCB Enterprises \$49.00 smcs; JEO Consulting \$15,966.09 smcs; John Deere Credit \$22.72 smcs; John Deere Landscapes \$776.79 smcs,co; Johnson Controls \$181.20 smcs; Johnson,S \$36.98 smcs; Johnstone Supply \$51.44 smcs; K&K Parts \$127.68 smcs; Kansas City Royals \$1,595.00 smcs; Kaul,R \$421.46 smcs; Kaw Valley \$265.03 smcs; Ky Clinic \$158.00 smcs; Ky Concrete \$20,188.21 smcs,co; Ky Crete & Block \$41.40 co; Ky Hub \$6,425.20 smcs; Ky Powersports \$202.80 smcs; Ky Warehouse \$1,253.55 smcs; Ky Winlectric \$228.45 smcs; Ky Winnelson \$95.61 smcs,co; Kelly Supply \$45.84 smcs; Konica Minolta \$1,663.02 smcs; Kottich,J \$55.00 smcs; Kozeal,T \$30.23 smcs; Landmark Implement \$2,640.23 smcs; Larue Distributing \$70.80 smcs; Latte' Da! \$25.00 smcs; Lawson Products \$84.87 smcs; Leroy Law Info \$734.65 smcs; License Management \$315.00 smcs; Lifeline Training \$249.00 smcs; Lincoln Winwater \$660.36 smcs; Little Caesars \$25.89 co; Logan Contractors \$1,740.90 smcs; London,S \$100.00 smcs; L-Tron \$916.20 smcs; Luke & Jake's \$30.00 smcs; Mac Tools \$323.00 smcs; Mail Express \$176.84 smcs; Marlatt Machine \$480.01 smcs; Matheson Tri-Gas \$266.00 smcs; McAlister's Deli \$508.14 smcs; Meadowlark Hills Golf \$27.82 smcs; Menards \$3,109.04 smcs,co; Mid-Ne Garage Doors \$162.00 smcs; Midway Chevrolet \$62.47 smcs; Midway Chrysler \$243.78 smcs; Milco Environmental \$4,549.70 smcs; Miller & Associates \$900.00 co; Miller Signs \$4,800.00 smcs,co; Moonlight Embroidery \$437.30 smcs; Motion Picture Licensing \$226.22 smcs; National Hole In One \$266.00 smcs; Nature-Watch \$160.88 smcs; Navigator Motorcoaches \$175.00 smcs; NE Child Support \$2,522.36 ps; NE City Management Assn \$498.23 smcs; NE Dept Environmental \$17,025.88 smcs; NE Dept of Revenue \$29,159.00 smcs; NE Machinery \$210,914.81

smcs,co; NE Truck Center \$867.15 smcs; Neal,B \$100.00 smcs; NEland Distributors \$1,545.84 smcs; Nevco Scoreboard \$607.35 smcs; New World Systems \$600.00 smcs; NFPA \$165.00 smcs; Northern Safety \$438.05 smcs; Northgate Veterinary \$317.32 smcs; Northwest Electric \$1,451.33 smcs; Northwestern Energy \$560.74 smcs; Northwestern University \$10,304.51 smcs; Nott,R \$12.90 smcs; NRG Media \$225.00 smcs; Oakley \$121.44 smcs; Officemax \$1,109.45 smcs; O'Reilly Automotive \$1,223.76 smcs; Oriental Trading \$536.03 smcs; Orscheln \$1,040.03 smcs; Paramount \$197.31 smcs; Party America \$3.44 smcs; Paypal-Cnhrma \$79.00 smcs; Paypal-Dell \$1,181.54 smcs,co; Paypal-Ebay Marktplc \$31.35 smcs; Paypal-Nebraskawat \$300.00 smcs; Pedalboat.com \$179.02 smcs; Pioneer Mfg \$746.25 smcs; Platte Valley Auto Mart \$86.80 smcs; Platte Valley Labs \$125.00 smcs; Pot O' Gold \$155.00 smcs; Precision Printing \$395.00 smcs; Presto-X \$159.53 smcs; Prime Communications \$5,408.21 co; Prososki,C \$28.60 smcs; Pro-Tint \$100.00 smcs; Provantage \$273.86 smcs; Pruitt Outdoor Power \$103.20 smcs; Pump & Pantry \$44.68 smcs; Quill \$211.44 smcs; Random House \$254.25 smcs; RDO Truck Center \$205.99 smcs; Ready-Mixed Concrete \$17,620.76 co; Reams \$1,608.65 smcs; Recorded Books \$864.75 smcs; Recreonics \$534.91 smcs; Red Fox West \$22.62 smcs; Redbox \$24.21 smcs; Reinke's Refrigeration \$204.75 smcs; Rem-Para-Bush-Barn \$1,125.00 smcs; Rycom Instruments \$412.83 smcs; S&B Heating \$532.63 smcs; S&S Worldwide \$127.79 smcs; Safelite Autoglass \$253.42 smcs; Sahling Kenworth \$494.66 smcs; Sapp Bros \$18,882.61 smcs; Schwans \$2,295.31 smcs; Sears \$364.96 smcs; See Clear Cleaning \$2,050.00 smcs; Sesna,D \$409.30 smcs; Sherwin Williams \$909.15 smcs; Shoplet \$23.52 smcs; Shotkoski Services \$105.00 smcs; Smokin for a Reason \$25.00 smcs; SOS Portable Toilets \$315.00 smcs; SPS VAR \$12,695.00 smcs; Stamps.com \$4.99 smcs; St of NE/ Dept Labor \$1,408.54 ps; Steinbrink Landscaping \$1,649.08 smcs; Sterling Distributing \$305.20 smcs; Stone Boss Industries \$101.75 smcs; Strategic Materials \$355.96 smcs; Sun Studio \$491.50 smcs; Sunbelt Rentals \$814.52 smcs,co; Supplyworks \$1,311.11 smcs; Sutphen \$772.80 smcs; SWANA \$239.00 smcs; SYX Global \$1,749.70 co; Target \$34.75 smcs; Thome,B \$257.00 smcs; Thompson Co \$226.48 smcs; Thompson,K \$434.30 smcs; Thompson,M \$20.19 smcs; Tielke's Sandwiches \$58.93 smcs; Titan Machinery \$669.05 smcs; Titleist \$1,147.61 smcs; Tool Doctor \$74.50 smcs; Tour Edge Golf \$38.00 smcs; Tractor-Supply \$996.08 smcs; Trans Iowa Equipment \$513.83 smcs; Travel Insured \$35.00 smcs; TS Auto Glass \$17.00 smcs; Union Bank & Trust Co \$64,812.32 ps; Unique Management \$295.35 smcs; UNL Marketplace \$110.00 smcs; UPS Store \$76.87 smcs; US Flagstore \$99.00 smcs; USA Blue Book \$45.79 smcs; USPS \$386.91 smcs; Van Diest Supply \$1,585.10 smcs; Van Wall Equipment \$2,311.25 smcs; Verizon \$233.14 smcs; Video Kingdom \$128.95 smcs; Vulcan Signs \$17,545.46 smcs; Walgreens \$98.53 smcs; Walker Display \$79.89 smcs; Wal-Mart \$2,769.88 smcs,co; Walters Electric \$5,923.09 smcs; Watchguard Video \$746.00 co; Waterlink \$668.73 smcs; Web Network Solutions \$75.98 co; Western Apparel \$29.82 smcs; Wetvel,K \$29.41 smcs; Wilke's True Value \$563.33 smcs; Williams,M \$74.18 smcs; Willis,M \$20.00 smcs; Winnavegas Casino \$2,500.00 smcs; WPCI \$107.00 ps; Yantzie,H \$60.00 smcs; Payroll Ending 7-11-2015 -- \$440,198.46. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set August 11, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Renee Snider submitted by Walgreens Co., dba Walgreens #03716 in connection with their Class D-88636 liquor license located at 2615 2nd Avenue.

5. Adopt **Resolution No. 2015-151** approving the recommendation from the Advisory Board of Park & Recreation Commissioners on naming the new youth sports complex to Patriot Park.

RESOLUTION NO. 2015-151

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, at the General Election held on November 4, 2014 the citizens approved the construction of a youth sports complex; and

WHEREAS, the Ball Field Design Committee considered approximately 70 suggestions from the community and submitted the name "Patriot Park for the Park and Recreation Advisory Board; and

WHEREAS, the Park and Recreation Advisory Board met on July 16, 2015 and has forwarded the recommendation to the City Council for the naming of the youth sports complex to "Patriot Park"; and

WHEREAS, the City Council discussed the naming of this land at its meeting held on July 28, 2015 and determined it would be appropriate to name the youth sports complex as "Patriot Park".

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the recommendation from the Park and Recreation Advisory Board.

BE IT FURTHER RESOLVED that the designation submitted for the youth sports complex be named "Patriot Park".

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2015-152** appointing citizens to serve on the Advisory Board of Park & Recreation Commissioners, Board of Adjustment, Civil Service Commission, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Planning Commission, and Senior Services Advisory Board.

RESOLUTION NO. 2015-152

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of

Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS

Kyle Flaherty reappointed to July 31, 2020

BOARD OF ADJUSTMENT

Brian Moore reappointed to July 31, 2018

Marty Madden reappointed to July 31, 2018

CIVIL SERVICE COMMISSION

Barry Sherman reappointed to July 31, 2021

COMMUNITY REDEVELOPMENT AUTHORITY

Janice Wiebusch reappointed to July 31, 2020

DOWNTOWN IMPROVEMENT BOARD

SueZan King reappointed to July 31, 2020

GOLF ADVISORY BOARD

Gary Chramosta appointed to succeed Tim Hughbanks to July 31, 2019

KEARNEY HOUSING AGENCY

Joyce Lieske reappointed to July 31, 2020

Dawn Rios appointed to succeed Gwen Traxler to July 31, 2020

PLANNING COMMISSION

Stan Dart reappointed to July 31, 2018

Ed Berglund reappointed to July 31, 2018

Tami Moore reappointed to July 31, 2018

Justin Wolf appointed to fulfill the term of Jason Peck to July 31, 2016

SENIOR SERVICES ADVISORY BOARD

Ruby Martin reappointed to July 31, 2018

Betty Jo Armagost appointed to succeed Jackie Purdy to July 31, 2018

Brad Stephan appointed to succeed Tim O'Dea to July 31, 2018

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Accept the report from the City Clerk on the insufficiency of objection/protest filed in connection with Ordinance No. 8004 creating Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

8. Adopt **Resolution No. 2015-153** approving Application and Certificate for Payment No. 9 in the amount of \$635,185.90 submitted by Midlands Contracting and approved by Miller & Associates 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.

RESOLUTION NO. 2015-153

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. 9 in the amount of \$635,185.90 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$5,513,218.10
Change Order No. 1 (5-12-2015)	+ \$36,900.00
Change Order No. 2 (5-12-2015)	+ <u>\$4,814.00</u>
Contract Sum To Date	5,554,932.10
Gross Amount Due	4,566,590.75
Retainage (10%)	456,659.08
Amount Due to Date	4,109,931.68
Less Previous Certificates for Payment	<u>3,474,745.78</u>
Current Payment Due	\$ 635,185.90

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

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

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Adopt Resolution No. 2015-154 approving Application and Certificate for Payment No. 3 in the amount of \$27,445.59 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 12; Airport Water System Improvements.

RESOLUTION NO. 2015-154

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 12 Improvements; Airport Water System Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$27,445.59 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$308,336.00</u>
Contract Sum To Date	308,336.00
Gross Amount Due	298,583.92
Retainage (5%)	14,929.20
Amount Due to Date	283,654.72
Less Previous Certificates for Payment	<u>256,209.13</u>

Current Payment Due

\$ 27,445.59

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 28TH DAY OF JULY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt Resolution No. 2015-155 Application and Certificate for Payment No. 5 in the amount of \$125,447.50 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

RESOLUTION NO. 2015-155

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. 5 in the amount of \$125,447.50 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	1,087,750.00
Retainage (5%)	54,387.50
Amount Due to Date	1,033,362.50
Less Previous Certificates for Payment	<u>907,915.00</u>
Current Payment Due	\$ 125,447.50

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt Resolution No. 2015-156 approving Change Order No. 1 showing an increase in the amount of \$13,996.95, and Application and Certificate for Payment No. 2 in the amount of \$10,077.79 submitted by Trojan Technologies and approved by Miller & Associates for the UV Disinfection Building Equipment at the Platte River Well Field.

RESOLUTION NO. 2015-156

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

Change Order No. 1 showing an increase in the amount of \$13,996.95 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Trojan Technologies and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$10,077.79 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$254,490.00
Change Order No. 1 (7-28-2015)	<u>+ 13,996.95</u>
Contract Sum To Date	268,486.95
Gross Amount Due	214,789.55
Retainage (10%)	21,478.96
Amount Due to Date	193,310.59
Less Previous Certificates for Payment	<u>183,232.80</u>
Current Payment Due	\$ 10,077.79

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 Application and Certificate for Payment No. 2, as shown on Exhibit "B", be and is hereby accepted and approved.

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

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

12. Adopt Resolution No. 2015-157 approving Application and Certificate for Payment No. 1 in the amount of \$51,013.80 submitted by RMV Construction and approved by Miller & Associates for the Household Hazardous Waste Collection Facility.

RESOLUTION NO. 2015-157

WHEREAS, RMV Construction Company of Kearney, Nebraska has performed services in connection with the Household Hazardous Waste Collection Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$51,013.80 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$525,227.56</u>
Contract Sum To Date	525,227.56
Gross Amount Due	56,682.00
Retainage (10%)	5,668.20
Amount Due to Date	51,013.80
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 51,013.80

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 JULY, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

13. Adopt Resolution No. 2015-158 approving Change Order No. 5 showing a decrease in the amount of \$342,920.60, Application and Certificate for Payment No. 10-Final in the amount of \$50,742.99, and accept the Certificate of Substantial Completion 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. 2015-158

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. 5 showing a decrease in the amount of \$342,920.60, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, have filed with the City Clerk Application and Certificate for Payment No. 10-Final in the amount of \$50,742.99 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)	+ 11,757.75
Change Order No. 3 (4-28-2015)	+ 4,300.00
Change Order No. 4 (5-26-2015)	+ 8,202.30
Change Order No. 5 (7-28-2015)	<u>- 342,920.60</u>
Contract Sum To Date	2,172,883.40
Gross Amount Due	2,172,883.40
Retainage (0%)	.00
Amount Due to Date	2,172,883.40
Less Previous Certificates for Payment	<u>2,122,140.41</u>
Current Payment Due	\$ 50,742.99

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 22, 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. 5, as shown on Exhibit "A", Application and Certificate for Payment No. 10-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 JULY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the application to extend Conditional Use Permit No. 2011-02 submitted by Carl Whitney Sand & Gravel, Mid-Nebraska Aggregate Inc., and Dennis Clabaugh to locate and sand and gravel extraction operation located at 3825 East 1st Street for a period of four years.

15. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home courts: Cornhusker Mobile Home Park, 1115 Avenue C; L & M Properties, 1110 Central Avenue; and East Lawn Mobile Homes Estates, 2900, 3010 Grand Avenue.

16. Adopt **Resolution No. 2015-159** entering into an Interlocal Cooperation Agreement to join the Nebraska Community Energy Alliance to promote transportation and housing choices that include lifecycle cost of ownership, retained energy value, and economic competitiveness by coordinating and leveraging federal and state policies and investments to community projects demonstrating direct high impact.

RESOLUTION NO. 2015-159

WHEREAS, the City of Kearney, Nebraska desires to enter into an agreement to become a member of the Nebraska Community Energy Alliance for the purpose of identifying, applying for, administering or otherwise making available grants and funding sources to members thereof.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney to approve the Nebraska Community Energy Alliance Interlocal Cooperation Agreement (Amended and Restated as of June 2014) and authorizes the Mayor to execute said Agreement on behalf of the City. A copy of the Agreement, marked as Exhibit A, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City of Kearney hereby appoints the Assistant City Manager to serve as a director on the initial board of directors for the Nebraska Community Energy Alliance.

BE IT FURTHER RESOLVED that the City of Kearney hereby designates the Assistant City Manager to serve as its initial voting delegate to represent the City at the annual membership meeting of the Nebraska Community Energy Alliance.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Adopt **Resolution No. 2015-160** approving Application and Certificate for Payment No. 1 in the amount of \$144,186.01 submitted by Blessing Construction and approved by Olsson Associates for the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden's Addition.

RESOLUTION NO. 2015-160

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden’s Addition, and the City’s engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$144,186.01 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$872,819.97</u>
Contract Sum To Date	872,819.97
Gross Amount Due	160,206.68
Retainage (10%)	16,020.67
Amount Due to Date	144,186.01
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$144,186.01

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 JULY, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

18. 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 at the Museum of Nebraska Art, 2501 Central Avenue on August 16, 2015 from 4:30 p.m. until 9:30 p.m. for a reception.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

None.

VII. REPORTS

IT Supervisor Mike Klaus demonstrated the new cameras and other updates to the Council Chambers.

City Manager Michael Morgan stated the City is excited for the improvements and at some point City staff will be manning the stations, assuming that responsibility and moving forward. But it is exciting with the new software and the streaming capabilities all public needs can be streamed live. The City will have control and in September when that system starts, it will be a big improvement for citizens to access.

City Manager stated it will still be live on Charter. Council Member Nikkila stated it is a good deal because he does not have cable and they cannot watch the meetings. City Manager stated they will be streaming Planning Commission and they will look at other meetings down the road.

City Manager and City Council thanked Ashley White from the Kearney Hub for her hard work and wished her well as she pursues other endeavors.

City Manager stated Landon Street has been a project that has been discussed for a long time and it's moving forward. The City is also pursuing an electric vehicle, Paul Briseno, Assistant City Manager is working on that project and working with other communities on that. Patriot Park naming was approved tonight. He has been hearing good reports about Dryden Park splash ground and people are enjoying it.

Council Member Lammers commended the City Manager and staff for their participation with the Xpanxion project. They have spent a lot of time, effort and work on that project along with Darren Robinson and Paul Eureck. He also commended Scott Hayden, Director of Park & Recreation on the work on the baseball/softball complex. The committee is spending a lot of hours going through that and trying to make that the best possible park and spend the money wisely.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 5:38 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**