

*Kearney, Nebraska  
September 22, 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 September 22, 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. Absent: Bob Lammers and Jonathan Nikkila. 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: Craig Bennett, Steve Altmaier from KGFW Radio, Amanda Brandt 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**

A Boy Scout from Troop 158 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### III. PUBLIC HEARINGS

There are no public hearings.

### 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, Lear, Buschkoetter. Nay: Lammers and Nikkila absent. None. Motion carried.

1. Approve Minutes of Regular Meeting held September 8, 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 \$495.01 smcs; 4Imprint \$1,899.59 smcs; Ace Hardware \$100.83 smcs,co; Acushnet \$868.77 smcs; Adamson,T \$8.00 smcs; Advantage Financial \$72.31 smcs; Agri Coop \$2,741.18 smcs; AGT Battery \$83.10 smcs; Alamar Uniforms \$266.65 smcs,ps; All Makes Auto \$2,868.52 smcs,co; Allied Electronics \$13.23 smcs; Amazon \$6,054.89 smcs,co; American \$186.87 smcs; Amer First Aid \$177.58 smcs; Amer Flag Store \$56.50 smcs; Amer Library Assn \$777.00 smcs; Amer Red Cross \$38.00 smcs; Andersen,B \$18.16 smcs; Anderson,B \$40.00 smcs; Anson,I \$30.00 smcs; Antelope Bookstore \$12.80 smcs; APA-Jobs Online \$250.00 smcs; Apple Market \$27.74 smcs; Ask Supply \$253.18 smcs; Associated Bag Co \$1,570.39 smcs; Aurora Coop \$296.36 smcs; Auto Value \$9.44 smcs; Baker & Taylor \$5,485.09 smcs; Ballast \$190.40 smcs; Barnes & Noble \$93.09 smcs; Best Buy \$534.99 smcs; Big Rack Shack \$130.00 smcs; Biglasers.com \$174.50 smcs; Bike Shed \$4,512.00 smcs; Blackburn Mfg \$779.08 smcs; BlueCross BlueShield \$322,580.21 smcs; BMI \$301.50 smcs; Book Page \$720.00 smcs; Bosselman \$12,628.12 smcs; Broadfoots \$1,881.00 smcs; Buffalo Co Reg Deeds \$106.00 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$1,651.35 smcs; Builders \$3,369.78 smcs,co; Buss,E \$30.00 smcs; Buysm Sod \$56.00 smcs; Camden Hotel \$6,767.16 smcs; Carquest \$19,347.74 smcs; Casey's \$114.36 smcs; Cash Wa \$3,855.53 smcs; Cenex Farmers \$50.00 smcs; Center Point Large Print \$72.71 smcs; Central Fire & Safety \$9,544.00 smcs; Central Hydraulic Systems \$3,417.56 smcs; Central NE Bobcat \$3,518.96 smcs,co; Central Valley Irr \$88.50 smcs; Charter \$518.40 smcs; ChemSearch \$946.91 smcs; Chesterman \$741.50 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$1,792.07 smcs; Cintas \$270.87 smcs; City of Ky \$75,971.86 smcs,ps; Clark Enersen Partners \$54,931.06 co; Clinch Enterprises \$31.78 smcs; Clint Smith Graphics \$5,929.99 smcs; Coast to Coast \$64.16 smcs; Coldspring \$232.20 smcs; Conseco Life \$19.00 ps; Consolidated Management \$74.00 smcs; Construction Rental \$291.75 smcs; Cook,K \$31.00 smcs; Copycat \$524.44 smcs; Country Inn \$193.36 smcs; Cracker Barrel \$26.73 smcs; Crouch Recreation \$980.00 co; Crowley,V \$38.37 smcs; Crystal Clean \$414.00 smcs; Culligan \$266.70 smcs; Cummins \$768.90 smcs; Curb-It \$840.00 smcs; Dakota Bus Service \$4,750.00 smcs; Davis Equipment \$2,374.60 smcs; Dawson Co PPD \$261.00 co; Daylight Donuts

\$162.36 smcs; Days Inn \$703.97 smcs; Decatur Electronics \$265.00 smcs; Delight Donuts \$63.90 smcs; Dell \$840.24 co; Demco \$761.85 smcs; Deterdings \$380.19 smcs; Digicert \$419.00 co; Digital Chalk \$125.00 smcs; Displayst2go.com \$180.90 smcs; Dmilaco \$240.92 smcs,ps; Doubletree \$1,441.60 smcs; Dowhy Towing \$100.00 smcs; DPC Industries \$5,796.05 smcs; Dreamstime.com \$39.00 smcs; Dutton-Lainson \$83.36 smcs; Eakes \$4,442.45 smcs; Ebsco Publishing \$1,518.00 smcs; Ed Feld Equipment \$9,898.33 smcs; Education Specialty \$384.00 smcs; Eileen's Cookies \$13.50 smcs; EMC Ins \$7,165.78 smcs; Emergency Apparatus \$623.14 smcs; Engineered Controls \$1,825.00 smcs; Engraving Awards \$645.00 smcs; Enterprise \$236.83 smcs; Envirotech \$23,408.34 smcs; Eustis Body Shop \$100.00 smcs; Expression Wear \$120.00 smcs; Exstream Cleaning \$285.00 smcs; Facebook \$104.99 smcs; Farmtek \$829.27 co; FARO Technologies \$99,341.00 co; Fastenal \$489.13 smcs; Federal Signal \$266.52 smcs; Fiddelke \$21,550.86 smcs,co; Fire Dept Training Net \$1,495.00 smcs; Fireguard \$20,522.78 smcs; First Natl Bank \$65.00 smcs; Friesen Chevrolet \$53.33 smcs; Frontier \$191.55 smcs; Fun Express \$143.12 smcs; Gale \$365.16 smcs; Galls \$375.89 smcs,ps; Gannon Travel \$1,855.00 smcs; Garrett Tires \$13,965.30 smcs; General Spring of Kansas \$127.10 smcs; General Traffic Controls \$1,147.50 smcs; Gerogia Fountain \$1,831.00 smcs; Glenn Shepard Seminar \$299.00 smcs; Gopher Sport \$279.63 smcs; Govt Finance \$135.00 smcs; Graham Tire \$143.40 smcs; Grainger \$1,580.53 smcs; Great Plains Safety \$894.00 smcs; Grow NE \$13.90 smcs; GW Brown Co \$125.00 smcs; H&H Distributing \$474.60 smcs; Hach \$547.79 smcs; Happ,L \$100.00 smcs; HD Supply \$288.90 smcs; Hobby-Lobby \$755.51 smcs; Holmes Plbg \$807.63 smcs; Hometown Leasing \$430.98 smcs; Hy Vee \$102.75 smcs; IBT \$289.39 smcs; ICMA Online \$796.00 smcs; ICMA RC \$4,280.10 ps; ID Security \$42.00 smcs; IES Commercial \$50,000.00 co; IRS \$132,274.38 ps; Jack Lederman \$1,451.18 smcs; Jacob's House \$660.00 smcs; James,D \$80.67 smcs; Jegs 190 Autoparts \$146.18 smcs; John Deere Landscapes \$2,228.61 smcs; Johnson Controls \$154.60 smcs; Johnson Service \$1,750.00 smcs; Johnstone Supply \$495.27 smcs; Ka-Boomers \$200.00 smcs; Kart-Man \$998.51 smcs; Kasson B&B \$150.00 smcs; Kate Lord Ahead \$1,669.85 smcs; Ky Catholic High School \$1,980.50 smcs; Ky Chamber Comm \$75.00 smcs; Ky Clinic \$1,532.00 ps; Ky Concrete \$14,131.13 smcs,co; Ky Crete & Block \$452.34 smcs; Ky Hub \$9,440.39 smcs; Ky Humane Society \$7,166.25 smcs; Ky Literacy \$2,000.00 smcs; Ky Towing \$85.00 smcs; Ky Warehouse \$999.50 smcs; Ky Winlectric \$13.67 smcs; Ky Winnelson \$10.77 smcs; Keepsake Int'l \$62.40 smcs; Kellogg Community College \$3,889.04 smcs; Kelly Supply \$385.97 smcs; Kimball Midwest \$129.90 smcs; Kirkish,K \$30.23 smcs; Konica Minolta \$573.93 smcs; Kriz Davis \$51.78 smcs; Krull Ins \$2,194.75 smcs; Kwiatkowski,L \$50.00 smcs; L.A. Crafts \$135.79 smcs; Landmark Implement \$2,519.75 smcs; Lands End \$96.32 smcs; Leopold Painting \$3,450.00 smcs; Linkedin.com \$249.00 smcs; Linner,A \$12.50 smcs; Logan Contractors \$15,145.36 smcs; Lorimer,K \$22.56 smcs; Luke & Jake's \$25.00 smcs; Lynch,D \$1,340.24 smcs; Mac Tools \$1,289.00 smcs; Mail Express \$7,433.32 smcs; Maintenance Engineering \$2,251.56 smcs; Marlatt Machine \$2,370.00 smcs; Mason Motors \$170.90 smcs; Matheson \$155.75 smcs; McCall,D \$32.07 smcs; McDonald's \$8.94 smcs; Mead Lumber \$83.02 smcs; Medicbatteries.com \$161.28 smcs; Menards \$3,116.68 smcs,co; Mid American Signal \$7,089.68 smcs; Mid-Iowa Solid Waste \$118.82 smcs; Mid-NE Garage Doors \$1,678.00 smcs,co; Midway Chrysler \$42.00 smcs; Midwest Munitions \$2,495.00 smcs; Midwest Striping \$14,182.50 smcs; Midwest Turf \$1,014.33 smcs; Midwest Underground \$249.64 smcs; Miller & Associates \$9,450.00 smcs,co; Minitex \$1,108.00 smcs; Mirror Image \$293.30 smcs; MMF

Industries \$56.67 smcs; Molina,R \$32.00 smcs; Monoprice \$71.54 smcs; Moonlight Embroidery \$1,418.00 smcs; Motivators \$956.11 smcs; Municipal Emergency \$2,600.00 smcs; Municipal Supply \$591.98 smcs; Murphy Tractor \$27,857.27 smc,co; NE Arborists Assn \$350.00 smcs; NE Child Support \$2,504.82 ps; NE Library Assn \$280.00 smcs; NE Machinery \$2,397.63 smcs; NE Safety Council \$300.00 smcs; NE Salt & Grain \$10,433.51 smcs; NE School Activities \$45.00 smcs; NE Sec of State \$30.00 smcs; NE Statewide Arboretum \$130.00 smcs; NE Truck Center \$308,284.77 smc,co; NEland Distributors \$492.00 smcs; NERPA \$300.00 smcs; Network Solutions \$75.98 co; NFPA \$249.80 smcs; NFS \$170.00 smcs; NISC Membership \$145.00 smcs; Norm's Plbg \$559.05 smcs; Northern Safety \$137.40 smcs; Northwestern Energy \$1,776.55 smcs; Nova Health Equipment \$19,534.66 co,ps; NRG Media \$67.50 smcs; NRPA Housing \$95.20 smcs; NTOA \$150.00 smcs; Oceaneering Int'l \$12,470.00 smcs; Office Depot \$738.02 smcs; Officemax \$918.05 smcs; Officenet \$69.51 smcs; O'Hara Lindsay \$2,000.00 smcs; O'Keefe Elevator \$570.25 smcs; One Call Concepts \$538.90 smcs; O'Reilly Auto \$828.77 smcs; Orscheln \$398.28 smcs; Overhead Door \$1,016.14 smcs; Paramount \$335.42 smcs; Party America \$28.00 smcs; Paypal-Columbussup \$212.99 ps; Paypal-Ebay Marketplac \$49.94 smcs; Peaceful Valley \$152.97 smcs; Pet Pick Ups \$365.10 smcs; Plano Metal Specialties \$398.96 ps; Platte Valley Auto Mart \$1,047.53 smcs; Platte Valley Comm \$45,181.62 smcs,co; Pot O'Gold \$155.00 smcs; Presto-X \$661.54 smcs; Pukka \$546.00 smcs; Pulliam,R \$40.00 smcs; Qualifiedhardware.com \$444.00 smcs; Quill \$411.49 smcs; Random House \$67.50 smcs; RDO Truck Center \$147.15 smcs; Ready Mixed Concrete \$21,877.18 smcs,co; Reams \$639.11 smcs,co; Recognition Unlimited \$188.90 smcs; Recorded Books \$222.03 smcs; Recreonics \$3,912.39 smcs; Redman's Shoes \$565.00 smcs; Research Technology \$465.05 smcs; Rich,T \$50.00 smcs; Road ID Safety Gear \$64.19 smcs; Rogue Fitness \$779.00 ps; Rutt's Heating \$6,228.00 co; Rylind Industries \$29,154.00 co; S&B Heating \$5,838.58 smcs; SA Foster \$1,208.07 smcs; Safelite Autoglass \$616.94 smcs; Safety Vision \$265.93 smcs; Sanitation Products \$470.17 smcs; Sargent Drilling \$1,125.00 smcs; School District #7 \$945.05 smcs; Schwans \$1,329.19 smcs; See Clear Cleaning \$2,050.00 smcs; Sesna,D \$64.40 smcs; Sheldon,S \$61.53 smcs; Shell Oil \$64.99 smcs; Sherwin Williams \$1,428.34 smcs; SHRM \$190.00 smcs; Snap-On Tools \$274.98 smcs; Southwest \$344.50 smcs; Sportsman Outdoor \$175.39 smcs; Sprinkler Warehouse \$1,417.40 co; Stamps.com \$4.99 smcs; Staples \$61.06 smcs; Steinbrink Landscaping \$4,653.93 smcs,co; Sunbelt Rentals \$8,367.99 smcs,co; Sunny Communications \$2,020.00 smcs; Supplyworks \$1,383.25 smcs; Tacha,J \$50.00 smcs; Target \$791.87 smcs; Target Sports \$506.74 smcs; Terry's Tickets \$700.00 smcs; Terry's Transportation \$12,609.00 smcs; Theis,J \$80.00 smcs; TheSnugg \$33.99 smcs; Thirsty's \$21.35 smcs; Thompson,K \$64.40 smcs; Ticket Omaha \$650.00 smcs; Tielke's Sandwiches \$35.01 smcs; Titan Machinery \$13,090.00 smcs; Titleist \$285.43 smcs; TL Sund \$20,516.65 co; Topperz \$25.00 smcs; Tractor-Supply \$714.69 smcs,co; Tradewell Pallet \$1,500.00 smcs; Trans Iowa Equipment \$1,869.95 smcs; Turfwerks \$6,952.99 smcs,co; Turner Body Shop \$225.00 smcs; Uldrich,K \$259.21 smcs; Union Bank & Trust \$63,611.50 ps; Unique Management \$366.95 smcs; United Pacific \$54.00 smcs; United Seeds \$1,217.50 smcs; US Golf Assn \$110.00 smcs; UPS Store \$107.12 smcs; USA Communications \$150.95 smcs; USPS \$244.70 smcs; Van Diest \$1,454.22 smcs; Van Vleet,K \$43.90 smcs; Van Wall \$154.76 smcs; Verizon \$172.49 smcs; Versatile Roofing \$9,046.31 smcs; Vessco \$448.06 smcs; Video Service \$2,652.00 smcs; VXB.com \$37.75 smcs; Walgreens \$69.19 smcs; Walker Display \$402.67 smcs; Wal-Mart \$745.10 smcs; Walters Electric \$2,835.78 smcs,co; Webstaurant Store

\$1,162.81 smcs; Weis Fire \$260.00 smcs; Whentowork \$200.00 smcs; Wilke's True Value \$261.71 smcs; Witmer Public Safety \$990.38 smcs; Worldmarket.com \$146.94 smcs; WPCI \$107.00 ps; Xerox \$2,985.00 smcs; Yanda's Music \$23,422.88 smcs; Zimmerman Printers \$281.75 smcs; Payroll Ending 9-5-2015 -- \$375,832.43. 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 13, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2015-193 approving the Agreements between the City of Kearney and Aurora Coop Elevator, dba Buffalo Air Service for T-100, T-707B, T-708, and T-932 for the operation of a crop spraying service, office area, storage area and loading dock located at the Kearney Regional Airport.

**RESOLUTION NO. 2015-193**

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 the operation of a crop spraying service, office area, and storage area 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.

BE IT FURTHER 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 "2", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Adopt Resolution No. 2015-194 approving T-Hangar A-6 Lease Agreement between the City of Kearney and Dave Winfield for storage purposes at the Kearney Regional Airport.

**RESOLUTION NO. 2015-194**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar A-6 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Dave Winfield, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Adopt Resolution No. 2015-195 approving the Agreements for Hangar T-926, Hangar T-927, Hangar T-913, and Hangar T-385 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center for Fixed Base Operations and storage at the Kearney Regional Airport.

**RESOLUTION NO. 2015-195**

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 Fixed Base Operator Use and Operations Agreements for Hangars T-926 and T-927 for the said operation at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center, the Agreements, marked Exhibits "1" and "2" are attached hereto and made a part hereof by reference.

BE IT FURTHER 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 Use and Operations Agreement for Hangar T-913 for the commercial storage of aircraft in connection with the fixed base operation of Annex C of Hangar T-926 at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center, the Agreement, marked Exhibit "3", is attached hereto and made a part hereof by reference.

BE IT FURTHER 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 Use and Operations Agreement for Hangar T-385 for the commercial storage of aircraft in connection with the fixed base operation of Annex C of Hangar T-926 at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center, the Agreement, marked Exhibit "4", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve the application for a Special Designated License submitted by Chug-A-Lug Sports Bar Inc., dba Chug A Lug Sports Bar in connection with their Class C-042049 liquor license to dispense beer and distilled spirits in a 32'x54' fenced area located south of their licensed beer garden located at 1115 East 25th Street on October 10, 2015 from 8:00 a.m. until 1:00 a.m. (alternate date is October 11, 2015 from 11:00 a.m. until 12:00 a.m.) for a sampling/tasting.

8. Adopt Resolution No. 2015-196 approving Change Order No. 1 showing a decrease in the amount of \$3,672.00, Application and Certificate for Payment No. 2 in the amount of \$70,747.20 submitted by RMV Construction and approved by Miller & Associates for the Household Hazardous Waste Collection Facility.

**RESOLUTION NO. 2015-196**

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 Change Order No. 1 showing a decrease to the contract sum in the amount of \$3,672.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction Company and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$70,747.20 as shown on Exhibit "B" 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	135,290.00
Retainage (10%)	13,529.00
Amount Due to Date	121,761.00
Less Previous Certificates for Payment	<u>51,013.80</u>
Current Payment Due	\$ 70,747.20

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 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. Adopt Resolution No. 2015-197 approving Application and Certificate for Payment No. 1 in the amount of \$25,920.00 submitted by Blessing Construction and approved by Miller & Associates for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue.

**RESOLUTION NO. 2015-197**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$25,920.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$281,250.00
Change Order No. 1 (7-14-2015)	<u>- 3,652.50</u>
Contract Sum To Date	237,597.50
Gross Amount Due	28,800.00
Retainage (10%)	2,880.00
Amount Due to Date	25,920.00

Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 25,920.00

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

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10.** Adopt Resolution No. 2015-198 approving Application and Certificate for Payment No. 7 in the amount of \$286,210.30 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

### RESOLUTION NO. 2015-198

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. 7 in the amount of \$286,210.30 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	1,513,424.00
Retainage (5%)	75,671.20
Amount Due to Date	1,437,752.80
Less Previous Certificates for Payment	<u>1,151,542.50</u>
Current Payment Due	\$ 286,210.30

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

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**11.** Adopt Resolution No. 2015-199 approving Application and Certificate for Payment No. 11 in the amount of \$142,358.40 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. 2015-199**

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. 11 in the amount of \$142,358.40 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	5,041,315.60
Retainage (10%)	504,131.56
Amount Due to Date	4,537,184.04
Less Previous Certificates for Payment	<u>4,394,825.64</u>
Current Payment Due	\$ 142,358.40

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

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

12. Adopt Resolution No. 2015-200 approving Application and Certificate for Payment No. 2 in the amount of \$58,248.00 submitted by GD Concrete Construction and approved by Miller & Associates for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps.

**RESOLUTION NO. 2015-200**

WHEREAS, GD Concrete Construction of Overton, Nebraska has performed services in connection with the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$58,248.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$215,620.00</u>
Contract Sum To Date	215,620.00

Gross Amount Due	94,668.00
Retainage (10%)	9,466.80
Amount Due to Date	85,201.20
Less Previous Certificates for Payment	<u>26,953.20</u>
Current Payment Due	\$ 58,248.00

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 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**13.** Adopt Resolution No. 2015-201 approving Application and Certificate for Payment No. 3 in the amount of \$112,891.93 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.

### RESOLUTION NO. 2015-201

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$112,891.93 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	<u>+ 40,765.12</u>
Contract Sum To Date	1,855,161.12
Gross Amount Due	323,822.39
Retainage (10%)	32,382.24
Amount Due to Date	291,440.15
Less Previous Certificates for Payment	<u>178,548.22</u>
Current Payment Due	\$ 112,891.93

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 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

14. Approve the Plans and Specifications for the 2015 Part 11 Improvements consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue; Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue and set the bid opening date for October 15, 2015 at 2:00 p.m.

15. Adopt Resolution No. 2015-202 approving Change Order No. 1 showing an increase in the amount of \$96,221.75 and Application and Certificate for Payment No. 3 in the amount of \$361,132.19 submitted by Blessing LLC 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. 2015-202**

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 Change Order No. 1 showing an increase to the contract sum in the amount of \$96,221.75 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$361,132.19 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$872,819.97
Change Order No. 1 (9-22-2015)	<u>+ 96,221.75</u>
Contract Sum To Date	969,041.72
Gross Amount Due	697,996.92
Retainage (10%)	69,799.69
Amount Due to Date	628,197.23
Less Previous Certificates for Payment	<u>267,065.04</u>
Current Payment Due	\$361,132.19

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

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

16. Adopt Resolution No. 2015-203 approving Application and Certificate for Payment No. 1 in the amount of \$186,548.85 submitted by Ramos Construction and approved by Miller & Associates for the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1.

**RESOLUTION NO. 2015-203**

WHEREAS, Ramos Construction of Shelton, Nebraska has performed services in connection with the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$186,548.85 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$219,556.00</u>
Contract Sum To Date	219,556.00
Gross Amount Due	207,276.50
Retainage (10%)	20,727.65
Amount Due to Date	186,548.85
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$186,548.85

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 22ND DAY OF SEPTEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

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 in the Exchange Bank located at 1502 2nd Avenue on Thursday, October 8, 2015 from 4:00 p.m. until 11:00 p.m. for a Chamber of Commerce event.

18. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 10, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

**19.** 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 Suite Child located at 2304 Central Avenue on Thursday, October 22, 2015 from 4:00 p.m. until 11:00 p.m. for a Chamber of Commerce event.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

None.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Buschkoetter seconded by Clouse that Council adjourn at 5:32 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**MICHAELLE E. TREMBLY  
CITY CLERK**