

*Kearney, Nebraska
October 13, 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 October 13, 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 were also present. Some of the citizens present in the audience included: Robin Phipps, Tom McCarty, Trenton Snow, Craig Bennett, Betty Jorgensen, Andy Bartling, Barry Sherman, 15 UNK students, Steve Altmaier from KGFW Radio, Amanda Brandt 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

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.

OATH OF OFFICE; POLICE OFFICERS CHRISTOPHER OBRADOVICH, JEFF SCHWARZ AND AMY TRAUSCH

City Clerk administered the oath of office to Police Officers Christopher Obradovich, Jeff Schwarz and Amy Trausch. Other police officers and the families of these officers were present to congratulate them.

PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Clouse read a Proclamation for the month of October as Domestic Violence Awareness Month and presented the Proclamation to Robin Phipps from The S.A.F.E. Center.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS**VACATE PORTIONS OF KEARNEY PLAZA VILLAS AND TONY H. ADDITION AND FINAL PLAT FOR JUDY MEADOWS**

Mayor Clouse opened the public hearing on the Applications submitted by Trenton Snow for Kearney Plaza Villas (1) to vacate Lot 1, Kearney Plaza Villas, an addition to the City of Kearney and Outlot A of Block One, Tony H. Addition, an addition to the City of Kearney, all in Buffalo County, Nebraska and consider Ordinance No. 8037; and (2) the Final Plat and Subdivision Agreement for Judy Meadows, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1, Kearney Plaza Villas, an addition to the City of Kearney (to be vacated) and Outlot A of Block One, Tony H. Addition, an addition to the City of Kearney (to be vacated), all in Buffalo County, Nebraska (75 La Crosse Drive) and consider Resolution No. 2015-204.

Trenton Snow presented this matter to the Council. This has been before City Council before as a Planned Development. They are planning on building duplexes on the property. There was a piece in the northwest corner that did not have any plans to build a duplex on it at that time. There is room for two more. Because of financing reasons they have to split that into two separate parcels so that their financing can go through and it can be two separate entities.

There was also an issue with the southwest portion that was an Outlot, the way that the plans were designed the driveway going into the duplexes crossed over a little piece of property, a 30-foot ingress/egress easement. Currently, they are platting part of the Outlot to become part of Lot 1 so that they do own the property that their access goes off over. The City of Kearney had the Outlot to begin with.

Next month City Council will be hearing another plat that will add the other piece of the Outlot to Lot 15 of Tiffany Square Addition which is currently the ballfields and is the access to the parking lot. This will then become Tiffany Square Third upon approval.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Trenton Snow for Kearney Plaza Villas and introduced Ordinance No. 8037 vacating Lot 1, Kearney Plaza Villas, an addition to the City of Kearney and Outlot A of Block One, Tony H. Addition, an addition to the City of Kearney, all in Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8037. 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, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8037 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8037 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8037 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2015-204** approving the Final Plat and Subdivision Agreement for Judy Meadows. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-204

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Judy Meadows, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land described as Lot 1, Kearney Plaza Villas, an addition to the City of Kearney, Buffalo County, Nebraska, now vacated, AND part of Outlot A of Block One, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska, now vacated, all being part of the Southwest Quarter of the Northwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 3 and assuming the North line of said Southwest Quarter of the Northwest Quarter as bearing S 87°50' W and all bearings contained herein are relative thereto; thence S 87°50' W on the aforesaid North line a distance of 524.8 feet to the ACTUAL PLACE OF BEGINNING, said point being the northeast corner of Lot 1 in said Kearney Plaza Villas (now vacated); thence continuing S 87°50' W on the aforesaid North line and on the

north line of said Lot 1 a distance of 400.0 feet to the northwest corner of said Lot 1; thence S 00°04' W on the west line of said lot a distance of 248.5 feet to the southwest corner of said lot; thence S 34°19' E a distance of 48.75 feet to a point on the north line of LaCrosse Drive, a street in the City of Kearney and on a non-tangent curve; thence on the aforesaid north line of LaCrosse Drive on a 230.0 foot radius non-tangent curve, concave southeasterly, forming a central angle of 34°21'34" an arc distance of 137.93 feet to the point of tangency; thence tangent S 89°56' E continuing on the aforesaid north line a distance of 222.67 feet to the point of curvature; thence on a 260.0 foot radius curve to the right, forming a central angle of 06°41'59" a distance of 30.4 feet to the southeast corner of said Lot 1; thence leaving the north line of LaCrosse Drive N 02°10' W on the east line of said Lot 1 a distance of 266.23 feet to the place of beginning, containing 2.44 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

FINAL PLAT FOR TECH ONE FIRST SUBDIVISION

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett for City of Kearney, Nebraska for the Final Plat for Tech One First Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 56th Street and Antelope Avenue) and consider Resolution No. 2015-205.

Craig Bennett from Miller & Associates presented this matter to the Council. The property is located east of Antelope Avenue and south of 56th Street. The property is currently zoned BP/PD so it does have a Planned Development Overlay on top of the parcel and the surrounding area to the south and east. It is bordered on the north and west by Ag zoning.

At the present time there is not a plan to come forward. It was presented as part of the package for the development plan that went to Planning Commission but was continued until next meeting due to the fact they want to revise it.

It is currently served by infrastructure that has water on the north side of the property which is 56th Street, served by existing sanitary sewer on the west side which would serve the lots as well and it is paved on both the north and west side which is 56th Street and Antelope Avenue.

There is a floodplain in the area and the subdivision in its entirety as being platted is not included in the 100-500 year floodplain. Electrical services are available and there is a substation to the east of it for the property. When it was originally laid out as a Data Tech Center Park there is infrastructure for a fiber optic series of easements to circulate the property and it would be part of the subdivision since that is already in existence and one carrier is in the easements.

Basic drainage is from northwest to southeast across the property to a detention cell that would be a regional detention cell located north of the NRD Outfall Channel.

Before City Council tonight is the final plat that was presented to Planning Commission which consists of a circulating drive known as Tech One Boulevard that would come off of Antelope Avenue on the west and circulate the 34 acres to the east and curve back up to the north of 56th Street. It would have a public right-of-way street called Global Drive that would circulate the three lots on the outside and encompass the one lot that would be available to the southeast.

Council Member Lammers asked do they have a conceptual idea on how that all will develop as it moves the bigger tract once the rest of it gets developed. Mr. Bennett stated right now the Global Drive on the parcel that will go before Planning Commission what would be known as Lot 2 which is northwest of Global Drive but Lot 1 and Lot 3 on the north and west side of Global Drive it's undetermined right now so it is open for development and Lot 1, Block Two which is encompassed by Global Drive and Tech One Boulevard there is an outer area that is a larger parcel of the original 112 acres that is also available to develop. There is basically 90 acres outside there that still has to be developed.

City Manager Michael Morgan stated the plat reflects the land transfer agreement between the City and Development Council approximately 30 plus/minus acres.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-205** approving the Application submitted by Craig Bennett for City of Kearney, Nebraska for the Final Plat for Tech One First Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 56th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-205

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Tech One First Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Northwest corner of the Northwest Quarter of Section 29 and assuming the North line of said Northwest Quarter as bearing N 89°51'38" E and all bearings contained herein are relative thereto; thence N 89°51'38" E on said North line of the Northwest Quarter a distance of 1348.85 feet; thence S 00°08'22" E perpendicular to said North line a distance of 804.10 feet; thence Southwesterly on a tangent curve to the Right, having a central angle of 89°33'26", a radius of 330.00 feet, an arc length of 515.81 feet, and a chord bearing of S 44°38'21" W a distance of 464.88 feet; thence S 89°25'04" W perpendicular to the West line of said Northwest Quarter a distance of 1012.61 feet to said West line; thence N 00°34'56" W on said West line a distance of 1141.95 feet to the Point of Beginning, containing 34.56 acres more or less, of which 1.85 acres more or less are presently being used for road purposes along the North and West sides, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR 515 2ND AVENUE EAST

Mayor Clouse opened the public hearing on the Application submitted by Hamilton Investments Limited for Revised Planned District Development Plan Approval for an addition to the north side of buildings, update exterior façade and minor internal remodel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Motel 6 Subdivision, a subdivision to the City of Kearney; Lots 14 and 15, Last Addition, a subdivision to the City of Kearney; and Lots 1, 3 and 4, Carlson Addition, an addition to the City of Kearney, all in Buffalo County, Nebraska (515 2nd Avenue East) and consider Resolution No. 2015-206.

Andy Bartling from BD Construction presented this matter to the Council. This is for the Midway Chevy project. They are looking at doing an addition to the north side of the facility as well as doing an image compliance with GM. They also will be expanding their parking lot. The location is at 2nd Avenue and encompasses also Central Avenue.

It is an addition of approximately 5,000 square feet of a pre-engineered metal building and it will be on the north side up to the property line. They will also update the current

west elevation which is the side that faces 2nd Avenue to the General Motors image standards. Due to their expansion, they are needing additional paving on the southeast lot which is the lot that goes along Central Avenue and that is approximately 10,900 square feet of additional paving.

The pre-engineered building will sit on the north side and the intent is that will be the service drive, customers will come in on the north entrance and have the ability to stack and not be convoluted where the current service drive is. It makes sense as far as flow coming into the facility.

The proposed floor plan, again the pre-engineered building on the north end coming through into the service bays and then coming back out allowing a better flow and safety for the people out in the lots.

The exterior of the facility is currently covered with brick, efface and metal panel. The proposed exterior elevations, the north side will be building metal panel and the façades that are facing the west will be the ACM panel which is an aluminum composite material mostly the aluminum color will be blue.

They are also looking at doing some additional parking, vehicle storage on the Central Avenue side as well as a water detention cell. The paving is approximately 60'x175'. The detention cell is approximately 20'x120'x2.5'. They had to do that because the storm sewer that runs along Central Avenue sits up high.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-206** approving the Application submitted by Hamilton Investments Limited for Revised Planned District Development Plan Approval for an addition to the north side of buildings, update exterior façade and minor internal remodel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Motel 6 Subdivision, a subdivision to the City of Kearney; Lots 14 and 15, Last Addition, a subdivision to the City of Kearney; and Lots 1, 3 and 4, Carlson Addition, an addition to the City of Kearney, all in Buffalo County, Nebraska (515 2nd Avenue East). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-206

WHEREAS, Hamilton Investments Limited has applied for Revised Planned District Development Plan Approval for an addition to the north side of the buildings, update exterior façade and minor internal remodel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Motel 6 Subdivision, a subdivision to the City of Kearney; Lots 14 and 15, Last Addition, a subdivision to the City of Kearney; and Lots 1, 3 and 4, Carlson Addition, an addition to the City of Kearney, all in Buffalo County, Nebraska (515 2nd Avenue East).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Hamilton Investments Limited for Revised Planned District Development Plan Approval for an addition to the north side of

the buildings, update exterior façade and minor internal remodel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Motel 6 Subdivision, a subdivision to the City of Kearney; Lots 14 and 15, Last Addition, a subdivision to the City of Kearney; and Lots 1, 3 and 4, Carlson Addition, an addition to the City of Kearney, all in Buffalo County, Nebraska (515 2nd Avenue East) be approved.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that Subsections 11, 12 and 13 need to be corrected to reflect the dates as November 7, 8 and 14 and not October. Also, the Consent Agenda was amended on Monday, October 12 by adding Subsection 14.

Moved by Lammers seconded by Nikkila that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held September 22, 2015.

2. Approve the following Claims:

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

2FA \$2,400.00 smcs; Accu-Steel \$39,290.00 smcs; Agri Coop \$14,100.62 smcs; Amazon \$2,231.01 smcs; Amer Electric \$88.26 smcs; Amer First Aid \$52.01 smcs; Anderson,B \$40.00 smcs; Archway \$5,000.00 smcs; Arctic Refrigeration \$1,000.41 smcs; Arrow Striping \$3,935.00 smcs; Ask Supply \$920.16 smcs; Aurora Coop \$96.00 smcs; Baker & Taylor \$11,743.45 smcs; Blessing \$499,944.12 co; BlueCross/BlueShield \$234,942.15 smcs; Boersma,C \$80.25 smcs; Bosselman \$5,811.86 smcs; Brodart Co \$81.84 smcs; Broich,N \$17.79 smcs; Bruha,S \$90.00 smcs; Buffalo Co Reg Deeds \$426.00 smcs; Buffalo Co Sheriff \$155,553.25 smcs; Buffalo Co Treasurer \$20.00 co; Builders \$30.26 smcs,co; Capital Business Systems \$1,235.52 smcs; Cash-Wa \$237.41 smcs; Cengage Learning \$373.78 smcs; Central NE Bobcat \$2,056.00 smcs; Charter \$283.21 smcs; Chief Supply \$176.51 smcs; Churchill,C \$309.24 smcs; City of Ky \$380,112.55 smcs; Civic Plus \$6,568.46 smcs; Comcate \$6,796.91 smcs; Community Health Char \$10.00 ps; Compasscom \$5,239.60 smcs,co; Consolidated Management \$203.75 smcs; Construction Rental \$712.25 smcs; Copycat \$544.09 smcs; Curbit \$1,474.00 smcs; D&M Security \$64.50 smcs; Dale,D \$45.65 smcs; Dawson PPD \$42,876.07 smcs; Dell Marketing \$4,479.00 smcs; Depository Trust \$40,952.50 ds; Deterding's Alternatives \$2,639.88 smcs; Dish \$184.00 smcs; DPC Industries \$11,669.65 smcs; Dugan Business \$571.35 smcs; Eakes Office Plus

\$2,145.15 smcs; Eirich,T \$250.80 smcs; Elesch Boutique \$84.98 smcs; Elliott Equipment \$3,427.05 smcs,co; Entenmann-Rovin \$581.90 smcs; Families Included \$170.00 smcs; Felsburg Holt & Ullevig \$1,201.17 smcs; Fries,N \$71.92 smcs; Frontier \$9,216.95 smcs; GD Concrete Construction \$58,248.00 co; Gear For Sports \$1,327.14 smcs; Granicus \$1,200.00 smcs; GSI Engineering \$2,500.00 co; Harner,M \$35.00 smcs; HD Supply \$13,025.12 smcs; Hoffman,M \$67.12 co; Holmes Plbg \$218.29 smcs; Hometown Leasing \$157.20 smcs; ICMA \$4,300.58 ps; Infinisource \$2,425.20 smcs; IRS \$145,446.00 ps; Jack Lederman \$1,695.32 smcs; James,D \$120.00 smcs; JEO Consulting \$30,601.64 smcs; John Deere Landscapes \$396.87 smcs; KCHS \$15.00 smcs; Ky Area United Way \$539.00 ps; Ky High School \$110.00 smcs; Ky Hub \$967.80 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Visitors Bureau \$52,173.55 smcs; KVFD \$3,000.00 smcs; Konica Minolta \$301.89 smcs; Kring,J \$106.25 smcs; Krull Ins \$2,194.75 smcs; Lappe,D \$70.00 smcs; LaRue Distributing \$88.92 smcs; League of NE Municipalities \$44,120.00 smcs; Lips Printing \$50.69 smcs; Lundell,N \$31.72 smcs; Magic Cleaning \$4,740.00 smcs; Mail Express \$3,426.48 smcs; Maloyed,C \$33.78 smcs; Matheson-Linweld \$102.48 smcs; McCarty,D \$15.80 smcs; McKinney,J \$160.00 smcs; MDI \$198.51 smcs; Mead Lumber \$107.94 co; MetLife \$8,354.20 ps; Microfilm Imaging Sys \$1,040.00 smcs; Midlands Contracting \$428,568.70 co; Midwest Mailing \$3,898.56 smcs; Miller & Associates \$16,672.27 co; MONA \$100.00 smcs; Moonlight Embroidery \$120.00 smcs; Moore & O'Connor Const \$5.74 smcs; Morris,A \$210.00 smcs; Municipal Supply \$411.94 smcs; NE Child Support Center \$2,504.82 ps; NE Dept of Revenue \$107,785.44 smcs, ps; NE Local Technical \$100.00 smcs; NE Machinery \$1,761.93 smcs; North Central Regional Lib \$9.00 smcs; Northwestern Energy \$1,131.39 smcs; Nova Health \$340.00 ps; NRG Media \$54.00 smcs; O'Neill Wood Resources \$18,860.00 smcs; OCLC \$630.59 smcs; O'Keefe Elevator \$397.98 smcs; Paramount \$244.81 smcs; Parsons,P \$5.96 smcs; Payflex Systems \$569.50 smcs,ps; Penworthy Co \$637.09 smcs; Petr,J \$35.00 smcs; Phillippi,P \$35.00 smcs; Physio-Control \$114.20 smcs; Pitney Bowes \$992.87 smcs; Platte Valley Automart \$1,178.56 smcs; Pohlman,G \$1.36 smcs; Pulliam,R \$40.00 smcs; Railyard Fitness \$2,500.00 co; Rains,S \$513.00 smcs; Ramos Construction \$186,548.85 co; Random House \$112.50 smcs; Reams Sprinkler Supply \$1,629.07 smcs; Recorded Books \$449.30 smcs; Reikes Equipment \$228.48 smcs; Rheome Tree \$2,090.00 smcs; Rich,T \$50.00 smcs; RMV Construction \$70,747.20 co; Salter,J \$178.30 smcs; Sapp Bros \$33,330.48 smcs; School District #7 \$2,768.20 smcs; Schumacher Bros \$490.00 smcs; Sheffield,E \$31.00 smcs; Sheffield,S \$3,766.80 smcs; Sherwin Williams \$104.27 smcs; Siddons Martin \$578.11 smcs; Siminoe,E \$31.00 smcs; Sinsel,V \$31.37 smcs; Skrdlant,K \$60.00 smcs; Snap-On Tools \$435.50 smcs; SOS Portable Toilets \$175.00 smcs; State of NE/AS Central \$6,083.43 smcs; Stuehm \$100.00 smcs; A \$61,389.44 smcs; Tacha,J \$50.00 smcs; Theis,G \$250.80 smcs; Theis,J \$80.00 smcs; Titan Machinery \$3,308.67 smcs; Titleist \$3,332.93 smcs; Torres,A \$60.00 smcs; Trenkle,M \$115.00 smcs; Tri-City BMX \$2,046.96 smcs; TruGreen ChemLawn \$170.00 smcs; Turfwerks \$366.09 smcs; Tye Law Firm \$11,865.96 smcs; Uldrich,M \$216.45 smcs; Union Bank \$68,704.97 ps; UNK Aviation \$3,000.00 smcs; Verizon Wireless \$1,539.88 smcs; Village Cleaners \$381.97 smcs; Weis Fire \$260.00 smcs; Weller,B \$14.74 smcs; Whalen,J \$250.80 smcs; Wright,D \$45.70 smcs; Yanda's Music \$2,634.00 smcs; Younes Hospitality \$120.00 smcs; Pay Period Ending 9-19-2015 -- \$406,091.61; and Payroll Period Ending 10-3-2015 -- \$411,228.42.

3. Monthly enplanement report from Great Lakes Airlines.

- 4. Adopt Resolution No. 2015-207 continuing the Agreement between the City of Kearney and the Tye Law Firm for legal services as City Attorney.

RESOLUTION NO. 2015-207

WHEREAS, the City of Kearney entered into an Agreement for Legal Services and The Tye Law Firm (formerly the Law Firm of Tye & Rademacher) on September 13, 2005 to provide legal services to the City of Kearney; and

WHEREAS, said Agreement was continued for an additional three years on September 26, 2006, again on August 25, 2009 and again on October 9, 2012; and

WHEREAS, in accordance with the terms of the Agreement, City staff is recommending continuing the Agreement with The Tye Law Firm for an additional three years and effective October 1, 2015 the annual sum will increase to One Hundred Fifty Dollars (\$150,000.00), and will increase three percent (3%) on October 1, 2016 and three percent (3%) on October 1, 2017.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Legal Services dated October 1, 2015 between the City of Kearney, Nebraska and The Tye Law Firm for services as outlined in said Agreement.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Barbie Petersen submitted by Kearney Lodging, LLC, dba Kearney Ramada/Al Fresco in connection with their Class C-096499 liquor license and located at 301 2nd Avenue.

- 6. Adopt Resolution No. 2015-208 accepting the bids received for the 2015 Part 12 Improvements consisting of Paving Improvement District No. 2015-978, Water District No. 2015-580, Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac; Paving Improvement District No. 2015-979, Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau and award the bid to Midlands Contracting in the amount of \$196,043.85 for Bid A (water and sewer) and to Blessing, LLC in the amount of \$260,526.50 for Bid B (paving).

RESOLUTION NO. 2015-208

WHEREAS, Miller & Associates and the City of Kearney has reviewed the sealed bids which were opened on October 6, 2015 at 2:00 p.m. for the 2015 Part 12 Improvements consisting of Paving Improvement District No. 2015-978, Water District No. 2015-580, Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac; Paving Improvement District No. 2015-979, Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project

was \$231,340.00 for Bid A (Water and Sanitary Sewer) and \$251,110.00 for Bid B (Paving); and

WHEREAS, Miller & Associates has recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$196,043.85 for Bid A (Water and Sanitary Sewer) be accepted as the lowest responsible bid for the 2015 Part 12 Improvements – Bid A consisting of consisting of Water District No. 2015-580 and Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac and Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau; and

WHEREAS, Miller & Associates has recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$260,526.50 for Bid B (Paving) be accepted as the lowest responsible bid for the 2015 Part 12 Improvements – Bid B consisting of Paving Improvement District No. 2015-978 for 9th from 10th Street south to its terminus in a cul-de-sac and Paving Improvement District No. 2015-979 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineer's recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the 2015 Part 12 Improvements – Bid A consisting of consisting of Water District No. 2015-580 and Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac and Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$196,043.85 be and is hereby accepted.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineer's recommendation is hereby accepted and approved, that Blessing Construction be and is the lowest responsible bidder for the 2015 Part 12 Improvements – Bid B consisting of Paving Improvement District No. 2015-978 for 9th from 10th Street south to its terminus in a cul-de-sac and Paving Improvement District No. 2015-979 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction in the amount of \$260,526.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost in the amount of \$231,340.00 for Bid A (Water and Sanitary Sewer) and \$251,110.00 for Bid B (Paving) be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 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 Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-77615 liquor license to dispense wine in the Landmark Implement Area (Exposition Building) located at the Fairgrounds, 3807 Avenue N on November 14, 2015 from 8:30 a.m. until 4:30 p.m. for a sampling/tasting.

8. Adopt Resolution No. 2015-209 granting a temporary license to U.S.A. Outdoor for the location of a billboard that is presently located in the City’s right-of-way and described as a tract of land located in the North 8.5 feet of Lot 1505, Original Town of Kearney, Buffalo County, Nebraska, with said use being limited to the present location of the billboard which is approximately 68.85 feet from the eastern boundary line of said lot.

RESOLUTION NO. 2015-209

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, granting a temporary license to U.S.A. Outdoor for the location of a billboard that is presently located in the City’s right-of-way and described as a tract of land located in the North 8.5 feet of Lot 1505, Original Town of Kearney, Buffalo County, Nebraska, with said use being limited to the present location of the billboard which is approximately 68.85 feet from the eastern boundary line of said lot.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the License on behalf of the City of Kearney. The License, marked as Exhibit “A” is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2015-210 approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates for General Administrative Services for Community Development Block Grant Program for the 2015 DTR Planning.

RESOLUTION NO. 2015-210

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds for a Community Development Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Administrator in connection with the management and supervision relating to the downtown revitalization planning project, as set forth in the Contract. The said Contract, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so

as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Accept the bids received for the purchase of six roll off boxes to be used at recyclable collection drop off sites and award the bid to Solid Waste Equipment Company of Omaha, Nebraska in the amount of \$38,775.10.

11. 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 7, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

12. 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, October 8, 2015 from 3:00 p.m. until 12:00 a.m. for a fund raiser.

13. 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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 14, 2015 from 3:00 p.m. until 1:00 a.m. for a fund raiser.

14. ADDENDUM ITEM. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building (alternate location is Exhibit Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 7, 2015 from 3:00 p.m. until 1:00 a.m. for a dance.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8024A AMENDING LEGAL DESCRIPTION FOR SANITARY SEWER DISTRICT NO. 2015-518

On August 25 the Council approved Ordinance No. 8024 creating Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau. When the City proceeded to file the district with the Register of Deeds, it was determined there was an error with the legal description. Therefore, Ordinance No. 8024A simply corrects the legal description.

Council Member Nikkila introduced Ordinance No. Ordinance No. 8024A amending the legal description for Ordinance No. 8024 creating Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean

Michel of Chateau Marteau, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8024A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8024A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8024A is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8038 REPEAL ORDINANCE NO. 8032 AND RE-VACATE LOTS 1 OF BLOCK ONE, HEIDEN SECOND SUBDIVISION

At the September 8 Council meeting, the Council approved the development of Heiden Third Subdivision which consisted on a 3-lot subdivision that includes an existing house on one lot and two more buildable lots. This property is located north and west of 6620 and 6640 2nd Avenue. This project required the vacation of Lot 1, Block One of Heiden Second Subdivision. When the ordinance and plat were being filed with the Register of Deeds, it was determined that the legal description was wrong and needed to be corrected. Therefore, Ordinance No. 8038 repeals Ordinance No. 8032 and re-vacates the property with the correct legal description.

Council Member Nikkila introduced Ordinance No. Ordinance No. 8038 repealing Ordinance No. 8032 and to vacate Lot 1 of Block One, Heiden Second Subdivision of Buffalo County, Nebraska, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8038 by number. Roll call of those in favor of the passage of said ordinance on the first

reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8038 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8038 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS

Moved by Clouse seconded by Lammers that the Open Account Claim in the amount of \$2,030.92 payable to Goodwill be allowed. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter abstained. Motion carried.

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

VII. REPORTS

None.

VIII. ADJOURN

Moved by Lear seconded by Clouse that Council adjourn at 5:55 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**