

*Kearney, Nebraska  
December 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 December 22, 2015 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Paul Briseno, Assistant City Manager; Kirk Stocker, Director of Utilities; and Rod Wiederspan, Director of Public Works were also present. Some of the citizens present in the audience included: Danielle Buschkoetter, Jessica Kokesh from Kearney Hub, Brent Wiethort 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 Lammers seconded by Nikkila that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 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 \$75.78 smcs; 5.11 Tactical \$137.94 ps; A&D Technical \$298.11 smcs; Ace Hardware \$103.25 smcs; Advance Auto Parts \$41.54 smcs; Alamar Uniforms \$3,720.63 smcs; Albrecht,M \$30.64 smcs; Alertshirt \$555.16 smcs; All Makes Auto \$3,091.08 smcs; Allied Electronics \$105.55 smcs; Ally B Design \$880.00 smcs; Amazon \$11,098.56 smc,co; American \$326.48 smcs; Amer Chamber Comm \$198.40 smcs; Amer Fence \$29,735.00 smcs; Amer First Aid \$551.47 smcs; Amer Legion Emblem \$75.69 smcs; Amer Library Assn \$305.00 smcs; APWA \$110.00 smcs; Anderson,B \$40.00 smcs; Applemarket \$3.55 smcs; Arch \$75,000.00 smcs; Archivesocial \$2,388.00 smcs; Ask Supply \$4,464.89 smcs; Aurora Coop \$2,098.30 smcs; Aussie Hydraulics \$2,642.66 smcs; Auto Value \$1,161.34 smcs; Baker & Taylor \$4,645.77 smcs; Bamford \$1,275.00 smcs; Barney Abstract \$175.00 co; Beadaholique \$6.75 smcs; Big Rack Shack \$1,858.20 smc,co; Blackburn Mfg \$244.30 smcs; Blackstone Audiobooks \$446.25 smcs; Blessing \$79,795.97 co; BlueCross/BlueShield \$224,154.76 smcs; Bomgar \$3,065.12 smcs; Boogaarts \$11.44 smcs; Bosselman \$520.70 smcs; Brilliance Publishing \$85.76 smcs; Broadfoots \$935.00 smcs; Bruha,S \$120.00 smcs; BSN Sports \$362.63 smcs; Buffalo Co Reg Deeds \$66.00 smcs; Buffalo Co Treasurer \$18,770.00 smcs,co; Buffalo Co Weed Control \$1,148.68 smcs; Buffalo Outdoor Power \$908.37 smcs; Buffalo Surveying \$1,933.10 co; Builders \$1,431.39 smcs; Capstone Press \$5,576.84 smcs; Carls Place \$434.90 smcs; Carquest \$1,052.85 smcs; Caseys \$4.99 smcs; Cash-Wa \$699.59 smcs; CBI Acronis \$119.00 smcs; CDW Government \$880.20 smcs; Cenex Frontier \$29.36 smcs; Cengage Learning \$3,224.00 smcs; Center Point Publishing \$72.06 smcs; Central Hydraulics \$1,254.54 smcs; Central NE Bobcat \$391.02 smcs,co; Central States Wire \$5,935.92 smcs; Charter \$728.57 smcs; Cheddars Egiftcard \$800.00 smcs; Chemsearch \$1,028.65 smcs; Chesterman \$218.28 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$29.98 smcs; Child's World \$1,065.30 smcs; Cintas \$326.69 smcs; City of Ky \$60,378.51 smcs,ps; CivicPlus \$9,042.50 smcs; Clark Enersen Partners \$10,232.99 co; Clement,D \$450.00 co; CNA Insurance \$40.00 smcs; Coast to Coast \$123.36 smcs; Comm. Act. Partnership \$288.00 smcs; Consec Life \$19.00 ps; Consolidated Mgmt. \$998.75 smcs; Construction Rental \$1,122.25 smcs; Copycat \$354.87 smcs; Corky Canvas \$200.00 smcs; Cornerstone Berean

Church \$1,247.91 co; Culligan \$1,216.50 smcs; Curbit \$200.00 co; Danko Emergency \$409.70 smcs; Dawson PPD \$17,451.42 smcs; Debban,H \$145.00 smcs; Dell \$1,701.33 smcs; Depository Trust \$1,617,707.34 ds; DHHS Online Licensing \$2,185.00 smcs; Dish \$107.00 smcs; Dmilaco \$90.00 smcs; Dogpoopbags.com \$198.13 smcs; Dollar-General \$3.58 smcs; DPC Industries \$6,262.27 smcs; Dreamstime.com \$39.00 smcs; Dultmeier sales \$309.85 smcs; Dutton-Lainson \$89.64 smcs; Eakes \$2,044.48 smcs; Earl May \$50.97 smcs; Education Specialty \$800.00 smcs; Eirich,D \$863.13 smcs; Elliott Equipment \$18,109.36 smcs; Ensley Electrical \$9,320.00 co; Enterprise \$620.76 smcs; Eustis Body Shop \$100.00 smcs; Expression Wear \$688.00 ps; Facebook \$20.00 smcs; Family Fresh \$5.98 smcs; Farmers Union Coop \$427.50 smcs; Fastenal \$647.86 smcs; Fedex \$84.77 smcs; Felsburg,H \$1,381.34 smcs; Fiddelke \$199.50 smcs; Fireguard \$7,713.27 smcs; Friesen Chevrolet \$753.60 smcs; Frontier \$9,636.38 smcs; Fun Express \$45.33 smcs; Gander Island Consult. \$3,300.00 co; Garrett Tires \$5,307.86 smcs; Graham Tire \$981.97 smcs; Grainger \$682.85 smcs; Granicus \$1,200.00 smcs; Green,J \$47.51 smcs; Hach \$868.34 smcs; Hall,B \$1,133.00 smcs; HD Supply \$6,681.10 smcs; Heggemeyer,L \$77.87 smcs; Hehnke,T \$53.00 smcs; HOA Solutions \$875.00 smcs; Hobby-Lobby \$260.11 smcs; Holmes Plbg \$826.39 smcs; Hometown Leasing \$265.92 smcs;HTM Sales \$640.87 smcs; IACP Net \$1,225.00 smcs; ICMA \$4,400.75 ps; IMLA \$625.00 smcs; Industrial Safety \$126.38 smcs; Infogroup \$2,968.00 smcs; IRS \$160,724.37 ps; Jack Lederman \$311.81 smcs; JEO Consulting \$30,790.69 smcs; Jimmy Johns \$697.84 smcs; Johnstone Supply \$53.24 smcs; Jonak,K \$100.00 smcs; JRs Western \$104.97 smcs; Ky Chamber Comm \$225.00 smcs; Ky Clinic \$102.50 smcs; Ky Concrete \$5,189.82 smcs; Ky Hub \$3,236.53 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Towing \$657.00 smcs; Ky Visitors Bureau \$44,885.72 smcs; KVFD \$1,000.00 ps; Ky Warehouse \$644.70 smcs; Ky Winlectric \$137.73 smcs; Ky Winnelson \$538.23 smcs; Kelly Supply \$68.07 smcs; KGIN-TV \$10,360.00 smcs; Kimball Midwest \$234.85 smcs; Kmart \$27.00 smcs; Konica Minolta \$647.28 smcs; Landmark Implement \$7,051.41 smcs,co; Langham,L \$7.11 smcs; Larue Distributing \$56.06 smcs; Laser Link Golf \$144.00 smcs; Lawson Products \$816.15 smcs; League of NE Municipalities \$90.00 smcs; Lerner Publishing \$1,099.34 smcs; Liberty Cleaners \$102.00 smcs; Librarica \$907.35 smcs; LinkedIn \$199.00 smcs; Lockmobile \$19.50 smcs; Lopez,A \$36.81 smcs; L-Tron \$189.00 smcs; Mac Tools \$159.99 smcs; Magic Cleaning \$2,600.00 smcs; Mail Express \$3,795.94 smcs; Marlatt Machine \$5,428.22 smcs,co; Matheson \$718.30 smcs; McKinney,J \$49.65 smcs; Medicbatteries.com \$61.22 smcs; Mellen & Assoc \$352.78 smcs; Menards \$2,637.29 smcs; Merryman Performing Arts \$1,702.68 smcs; Metlife \$3.46 ps; Metz,R \$155.00 smcs; Microsoft \$106.99 co; Middleton Electric \$271.00 smcs; Midlands Contracting \$581,974.94 co; Midnight Cleaning \$250.00 smcs; Midway Chrysler \$425.88 smcs; Midwest Turf \$65.96 smcs; Milco Environmental \$3,454.30 smcs; Miller & Associates \$80,319.65 smcs,co; Miller Signs \$25.00 smcs; Mirror Image \$127.20 smcs; MONA \$100.00 smcs; Monoprice \$99.20 co; Moonlight Embroidery \$1,548.60 smcs; Morse,P \$53.00 smcs; Municipal Supply \$8,507.00 smcs; Musicians Friend \$10.00 smcs; National Bus Sales \$32.67 smcs; NCL of Wisconsin \$1,236.60 smcs; NE Child Support \$2,233.89 ps; NE Machinery \$257.28 smcs; NE Peterbilt \$367.55 smcs; NE Safety & Fire \$95.00 smcs; NE State Fire Marshal \$600.00 smcs; NE Truck Center \$2,279.81 smcs; NE Turfgrass Assn \$950.00 smcs; NFPA Nat'l Fire \$275.98 smcs; NLETC \$1,000.00 smcs; Northern Tool \$968.53 smcs; NorthernSafety.com \$260.87 smcs; Northwestern Energy \$5,844.31 smcs; Notarystamp.com \$18.95 smcs; NRG Media \$117.50 smcs; Office Supply \$339.62

smcs; Officemax \$1,257.12 smcs; Officenet \$20.35 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; Omaha Print \$86.00 smcs; Oncourt Offcourt \$28.96 smcs; One Call Concepts \$326.05 smcs; O'Reilly Automotive \$548.71 smcs; Oriental Trading \$21.98 smcs; Orscheln \$330.99 smcs; Otto Environmental \$24,997.00 smcs; Owens,L \$22.08 smcs; Palace Adv Room Dep \$145.60 smcs; Panowicz,K \$30.00 ps; Paramount \$312.25 smcs; Payl-Systemsinte \$79.12 co; Paypal-Barkerleamar \$400.00 smcs; Paypal-IAPE \$400.00 smcs; Penworthy Co \$364.03 smcs; Platinum Awards \$936.35 ps; Platte Valley Auto \$264.98 smcs; Platte Valley Automart \$607.20 smcs; Platte Valley Comm \$845.00 smcs; Platte Valley Labs \$62.50 smcs; Potter,B \$8.97 smcs; Prestige Flags \$423.39 smcs; Prestige Group \$169.00 smcs; Presto-X \$661.54 smcs; Proactive Sports \$260.85 smcs; Promotions Now \$940.71 smcs; Provantage \$99.52 smcs; Pulliam,R \$40.00 smcs; Pump & Pantry \$37.17 smcs; Quality Craft Tools \$45.00 smcs; Quatred \$1,200.91 smcs; Quill \$758.61 smcs; Random House \$116.25 smcs; RDJ Specialties \$320.95 smcs; RDO Truck Center \$611.47 smcs; Reams \$90.58 smcs; Recorded Books \$697.50 smcs; Redbox \$17.66 smcs; Redman's Shoes \$300.00 smcs; Reed,C \$6.86 smcs; Research Technology Int'l \$200.00 smcs; Rich,T \$50.00 smcs; RMV Construction \$109,615.50 co; Rohrer Mfg \$541.30 smcs; Rolfe,M \$17.98 smcs; Rolfes,I \$26.36 smcs; Rourke Publishing \$1,241.00 smcs; RR Donnelley \$184.39 smcs; RW Sorensen \$2,855.00 smcs; Safety Vision \$240.67 smcs; Sahling Kenworth \$639.65 smcs; Sapp Bros \$13,855.60 smcs; Schmitz,M \$77.25 smcs; School District #7 \$3,560.80 smcs; School Outfitters \$371.93 co; Sears \$17.99 smcs; See Clear Cleaning \$2,050.00 smcs; Shell Oil \$32.56 smcs; Snap-On Tools \$81.05 smcs; Stamps.com \$4.99 smcs; Staybridge Suites \$224.99 smcs; Steinbrink Landscaping \$1,326.31 smcs; Streakwave Wireless \$166.42 smcs; Subway \$15.52 smcs; Sun Life Financial \$62,309.44 smcs; Sunbelt Rentals \$100.99 smcs; Supplyhouse.com \$22.75 smcs; Suppyworks \$1,372.41 smcs; Tacha,J \$50.00 smcs; Target \$190.67 smcs; Techsoup \$370.00 co; Thompson Co \$78.88 smcs; Thomson West \$185.00 smcs; Tigerdirect.com \$145.63 smcs; Titan Machinery \$828.30 smcs; Tractor-Supply \$1,092.48 smcs; Trophy Depot \$186.12 smcs; Uline \$229.78 smcs; UMX \$152.70 smcs; Union Bank & Trust \$75,152.37 smcs,ps; Unique Management \$232.70 smcs; United Seeds \$1,880.00 smcs; United Way \$600.00 smcs; Universal Merc Exchange \$80.13 smcs; UNK \$500.00 smcs; UNL Athletic \$375.00 smcs; UPS \$117.73 smcs; US Postal Service \$98.00 smcs; USA Blue Book \$912.45 smcs; USA Communications \$156.31 smcs; USPS \$261.39 smcs; Valv-Tect \$3,145.23 smcs; VanDusen,L \$53.00 smcs; Vaughn,L \$9.13 smcs; Verizon \$1,935.75 smcs; Verizon Long Distance \$40.01 smcs; Video Store Shopper \$1,477.99 smcs; Viter,B \$42.35 smcs; Wal-Mart \$694.94 smcs; Walters Electric \$736.70 smcs; Ward Labs \$50.00 smcs; Wilke's True Value \$300.05 smcs; Winchester Trim \$332.49 smcs; Woodward,R \$475.00 smcs; Woollen,S \$50.00 smcs; Yanda's \$319.00 smcs; Zero Friction \$486.86 smcs; Payroll Ending 12-12-2015 -- \$385,568.33. 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 January 12, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.

**4.** Adopt Resolution No. 2015-263 setting the interest rate, providing equal annual installments, providing the interest rate for delinquent installments for special assessments for 2016 with regard to the creation of paving, water and sanitary sewer

districts; and to establish a policy on reimbursing developers for infrastructure costs for Developer Constructed Infrastructure Agreements.

**RESOLUTION NO. 2015-263**

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

Section 1. Streets that have been improved by paving, curbing and guttering and incidental work, and/or the installation of water mains, and/or the installation of sanitary sewer mains shall be assessed to lots and parcels of ground where specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. All special assessments provided for by the laws of the state shall become due fifty (50) days after the date of levy and may be paid within that time without interest, but if not so paid, each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from the date the Board of Equalization convened until the same become delinquent. This interest rate is effective for the 2016 calendar year.

Section 3. Such assessments shall become delinquent in equal annual installments as follows:

Paving	Water	Sanitary Sewer
1/10th fifty days after date of Board of Equalization	1/5th fifty days after date of Board of Equalization	1/5th fifty days after date of Board of Equalization
1/10th one year after date of Board of Equalization	1/5th one year after date of Board of Equalization	1/5th one year after date of Board of Equalization
1/10th two year after date of Board of Equalization	1/5th two year after date of Board of Equalization	1/5th two year after date of Board of Equalization
1/10th three year after date of Board of Equalization	1/5th three year after date of Board of Equalization	1/5th three year after date of Board of Equalization
1/10th four year after date of Board of Equalization	1/5th four year after date of Board of Equalization	1/5th four year after date of Board of Equalization
1/10th five year after date of Board of Equalization		
1/10th six year after date of Board of Equalization		
1/10th seven year after date of Board of Equalization		
1/10th eight year after date of Board of Equalization		
1/10th nine year after date of Board of Equalization		

Such assessments shall become delinquent in equal annual installments over such period of years as set forth above. Delinquent installments shall bear interest at the rate

specified in Section 45-104.01 of the Nebraska Revised Statutes, which is currently set at fourteen percent, and such rate may from time to time be adjusted by the Legislature, until paid and shall be collected in the usual manner for the collection of general taxes and shall be subject to the same penalties.

Section 4. Pursuant to Section 9-1310 of the Kearney City Code, the City will reimburse Developers for infrastructure costs considered the responsibility of the City as outlined in paragraphs 1, 2, 3, and 4 of Section 57-103(B) of the Kearney City Code based on the most recent unit price bids received by the City, and approved by the City Council, for similar projects. The attached schedule of unit price bids is hereby approved by the City Council and shall be used by the City Engineer to calculate infrastructure reimbursements to Developers for qualified Developer Constructed Infrastructure Agreements approved by the City Council during the 2016 calendar year. Developers will not be reimbursed for infrastructure items not included on the attached schedule of unit price bids.

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

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Adopt Resolution No. 2015-264 approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2016 until December 31, 2016: B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres); David Fleming (364.36 non-irrigated acres and 276 irrigated acres); Gary Henderson (38 irrigated acres); Don Hendrickson (193.5 irrigated acres); Ron Hendrickson (75 dry land hay acres); and Lee Potter (62 irrigated acres).

#### **RESOLUTION NO. 2015-264**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2016 until December 31, 2016:

- B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres) – annual cash rent is \$42,855
- David R. Fleming (364.36 non-irrigated acres) – annual cash rent is \$38,259;
- David R. Fleming (276 irrigated acres) – annual cash rent is \$69,888;
- Gary Henderson (38 irrigated acres) – annual cash rent is \$8,931;
- Don Hendrickson, dba Agrident, Inc. (193.5 irrigated acres) – annual cash rent is \$45,474;
- Ron Hendrickson, dba Agrident, Inc. (75 acres dry land hay) – annual cash rent is \$4,875;
- Lee Potter (62 irrigated acres) – annual cash rent is \$14,571;

A copy of the Agreements, marked Exhibits “1”, “2”, “3”, “4”, “5”, “6”, “7” are attached hereto and made a part hereof by reference.

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

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Adopt Resolution No. 2015-265 approving the Developer Constructed Infrastructure Agreement for Good Samaritan Society between the City of Kearney and Evangelical Lutheran Good Samaritan Society for paving, water and sanitary sewer improvements to extend Country Club Lane from Lighthouse Point north to 56th Street.

**RESOLUTION NO. 2015-265**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Good Samaritan Society" between the City of Kearney and Evangelical Lutheran Good Samaritan Society, for paving, water and sanitary sewer improvements to extend Country Club Lane from Lighthouse Point north to 56th Street in the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

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

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Tina Krings submitted by Casey's Retail Company, dba Casey's General Store #2717 in connection with their Class B liquor license located at 705 2nd Avenue.

8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Patrick Dytrych submitted by STL of Nebraska, Inc., dba Target Store T-0857 in connection with their Class DK liquor license located at 4800 3rd Avenue.

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

10. Adopt Resolution No. 2015-266 accepting the bids received for a new pump station, removal and replacement of roof on existing pump house at the Meadowlark Hills Golf Course and award the bid to ProPump and Controls in the amount of \$181,290.00.

**RESOLUTION NO. 2015-266**

WHEREAS, the City of Kearney has reviewed the two sealed bids which were opened on November 24, 2015 at 2:00 p.m. for a new pump station, removal and replacement of roof on existing pump house at Meadowlark Hills Golf Course; and

WHEREAS, the two bids received were above the budgeted amount and in accordance with Section 16-321 of the Nebraska Revised Statutes, the City negotiated with the low bidder; and

WHEREAS, the bid offered by ProPump and Controls of Delta, Ohio in the amount of \$191,290.00 was negotiated with the new contract price being \$181,290.00 as indicated on the attached letter marked as Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, the City has recommended the bid offered by ProPump and Controls of Delta, Ohio in the amount of \$181,290.00 be accepted as the lowest responsible bid for a new pump station, removal and replacement of roof on existing pump house at Meadowlark Hills Golf Course.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that ProPump and Controls be and is the lowest responsible bidder for a new pump station, removal and replacement of roof on existing pump house at Meadowlark Hills Golf Course to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of ProPump and Controls in the amount of \$181,290.00 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 22ND DAY OF DECEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**11.** Adopt Resolution No. 2015-267 approving Application and Certificate of Payment No. 6 in the amount of \$236,407.37 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements – Bid B 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. 2015-267**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements – Bid B 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<sup>±</sup> 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. 6 in the amount of \$236,407.37 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)	+ 40,765.12
Change Order No. 2 (10-27-2015)	+ <u>1,903.13</u>
Contract Sum To Date	1,857,064.25
Gross Amount Due	1,505,999.40
Retainage (5%)	75,299.97
Amount Due to Date	1,430,699.43
Less Previous Certificates for Payment	<u>1,194,292.06</u>
Current Payment Due	\$ 236,407.37

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

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

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**12.** Adopt Resolution No. 2015-268 approving Change Order No. 1 showing a decrease in the amount of \$9,178.60, Application and Certificate for Payment No. 2-Final in the amount of \$64,747.10, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 6 Improvements consisting of Water Connection District No. 2015-1 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition and Sanitary Sewer Connection District No. 2015-1 in Landon Street from Central Avenue east to the east line of Lot 71, Riverside Addition.

### **RESOLUTION NO. 2015-268**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 6 Improvements consisting of Water Connection District No. 2015-1 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition and Sanitary Sewer Connection District No. 2015-1 in Landon Street from Central Avenue east to the east line of Lot 71, Riverside Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1-Final showing a decrease to the contract sum in the amount of \$9,178.60 as shown on Exhibit "A" attached hereto and made a part hereof by reference and;

WHEREAS, Midlands Contracting and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$64,747.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$267,567.00
Change Order No. 1 (12-22-2015)	<u>- \$9,178.60</u>
Contract Sum To Date	258,388.40
Gross Amount Due	258,388.40
Retainage (0%)	.00
Amount Due to Date	258,388.40
Less Previous Certificates for Payment	<u>193,641.30</u>
Current Payment Due	\$ 64,747.10

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 23, 2015, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1-Final, as shown on Exhibit "A", Application and Certificate for Payment No. 2-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 22ND DAY OF DECEMBER, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**13.** Adopt Resolution No. 2015-269 approving Change Order No. 1 showing a decrease in the amount of \$5,000, Application and Certificate of Payment No. 5-Final in the amount of \$33,479.87, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue.

### **RESOLUTION NO. 2015-269**

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 Change Order No. 2 showing a decrease to the contract sum in the amount of \$5,000.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and;

WHEREAS, Blessing Construction and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$33,479.87 as shown on Exhibit "B" 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)	- 43,652.50
Change Order No. 2 (12-22-2015)	<u>- 5,000.00</u>
Contract Sum To Date	232,597.50
Gross Amount Due	232,597.50
Retainage (0%)	.00
Amount Due to Date	232,597.50
Less Previous Certificates for Payment	<u>199,117.63</u>

Current Payment Due

\$ 33,479.87

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 30, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF DECEMBER, 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 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street and set the bid opening date for February 2, 2016 at 2:00 p.m.

15. Adopt Resolution No. 2015-270 authorizing the City to sell a 1983 Sutphen fire engine previously used by the Kearney Fire Department.

**RESOLUTION NO. 2015-270**

WHEREAS, on February 25, 2014 the City Council awarded the bid to Danko Emergency Equipment in the amount of \$503,387.00 for the purchase of a new aerial fire engine; and

WHEREAS, with the purchase of a new aerial truck, the City wishes to sell a 1983 fire engine; and

WHEREAS, in accordance with Section 1-1519, "Surplus Stock" of Article 15, "Purchasing" of Chapter 1, "Administration" of the City Code allows the City to sell or dispose of property \$20,000.00 or more in value by any method which is most advantageous to the City, including auction, sealed bid, private or public sale, trade-in for other property or disposal at the landfill.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City be and is hereby authorized and directed to sell the 1983 fire engine that was used by the Kearney Fire Department by the method deemed most advantageous to the City.

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

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8057 GRANTING SOURCEGAS FRANCHISE AGREEMENT**

Council Member Nikkila introduced Ordinance No. 8057 granting to SourceGas Distribution LLC the non-exclusive right and privilege to construct, maintain and operate a system of mains, pipes, services and other applicants in, under, upon, over, across and along the streets, avenues, alleys, bridges and public places of the City of Kearney for the transmission, transportation, distribution and sale of natural gas for domestic, commercial, industrial and other uses in the City, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8057 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8057 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8057 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. 8058 AMENDING CHAPTER 5 OF CITY CODE**

Council Member Nikkila introduced Ordinance No. 8058 amending the following sections in Article 2 "Garbage and Trash" of Chapter 5 "Health and Sanitation" of the City Code: Section 5-210, "Collection Regulations; Garbage Required" to require metal dumpsters to remain the property of the City and reside with the assigned address; Section 5-211, "Collection Regulations; Exclusive Use of Assigned Property" to clarify the language; Section 5-212, "Collection Regulations; Rates and Charges" to require commercial and industrial businesses using 90 and 300 gallon containers to pay the fees and to clarify the language; Section 5-213, "Collection Regulations; Maintenance of Containers" to allow businesses or apartment buildings to use plastic or metal containers, and that residential containers shall be purchased by the owners of newly constructed dwellings and shall remain at the dwelling; and Section 5-223, "Collection Regulations; Residential Dwellings" to clarify the language, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8058 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8058 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8058 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. 8059 CREATING PAVING DISTRICT NO. 2015-980**

Council Member Nikkila introduced Ordinance No. 8059 creating Paving Improvement District No. 2015-980 for 46th Street Place from Avenue R to its terminus in a cul-de-sac, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8059 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8059 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8059 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. 8060 CREATING WATER DISTRICT NO. 2015-582**

Council Member Nikkila introduced Ordinance No. 8060 creating Water District No. 2015-582 for 46th Street Place from Avenue R to its terminus in a cul-de-sac, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8060 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8060 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8060 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. 8061 CREATING SANITARY SEWER DISTRICT NO. 2015-519**

Council Member Nikkila introduced Ordinance No. 8061 creating Sanitary Sewer District No. 2015-519 for 46th Street Place from Avenue R to its terminus in a cul-de-sac, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8061 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8061 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8061 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. 8062 CREATING PAVING DISTRICT NO. 2015-981**

Council Member Nikkila introduced Ordinance No. 8062 creating Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8062 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8062 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8062 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 CLAIM**

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$182,702.15 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

## **VII. REPORTS**

### **CLOSED SESSION**

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 5:35 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

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

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 6:14 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

**VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 6:14 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**