

*Kearney, Nebraska  
February 9, 2016  
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 February 9, 2016, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter (left at 5:41 p.m.), Bruce Lear and Jonathan Nikkila. Absent: Bob Lammers. 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: Mindy Oman, Kent Cordes, Duane Ruh, Steve Altmaier from KGFW, Jessica Kokesh 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 and a Boy Scout from Troop 366 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**

#### **VACATE PORTION OF FOUNTAIN HILLS THIRD ADDITION AND APPROVE THE FINAL PLAT FOR FOUNTAIN HILLS EIGHTH ADDITION**

Mayor Clouse stated the developer requested to postpone Public Hearing 1 on the Applications submitted by Buffalo Surveying for Fountain Hills Properties, LLC to (1) vacate Lots 1 through 18, inclusive, Lots 43 through 48 inclusive, and part of Outlot A, all in Block 2; and Lots 1 through 12 inclusive, and part of Outlot B, Block 3, all in Fountain Hills Third Addition; and (2) for the Final Plat and Subdivision Agreement for Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property as described above (4803-4827 and 4903-4917 10th Avenue).

Moved by Nikkila seconded by Lear to postpone until February 9 Public Hearing 1 vacating a portion of Fountain Hills Third Addition and the final plat for Fountains Hills Eighth Addition. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

#### **DEVELOPMENT PLANS FOR NORTHEAST CORNER OF 10TH AVENUE AND 11TH AVENUE**

Mayor Clouse stated the developer requested to postpone Public Hearing 2 on the Application submitted by Brungardt Engineering for Fountain Hills Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of single story townhomes on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of 10th Avenue and 11th Avenue).

Moved by Nikkila seconded by Lear to postpone until February 9 Public Hearing 2 for the revised development plans for the proposed construction of single story townhomes. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

### **IV. CONSENT AGENDA**

Mayor Clouse stated the Consent Agenda was amended on Monday by adding Subsection 18.

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

1. Approve Minutes of Regular Meeting held January 26, 2016.
2. Approve the following Claims:

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

ABPA Region 12 \$75.00 smcs; Accessdata Group \$1,119.00 smcs; Ace Irrigation \$576.00 smcs; Ally B Designs \$200.00 co; Amer Fence \$1,530.00 co; Amer First Aid \$364.86 smcs; Anderson, Brad \$40.00 smcs; Around Campus \$445.00 smcs; Ask Supply \$1,004.91 smcs; Aurora Coop \$72.24 smcs; Baird Holm \$50.00 smcs; Baker & Taylor \$2,376.91 smcs; Beacon-Observer \$26.00 smcs; Blessing \$151,988.97 co; Bluecross Blueshield \$171,130.79 smcs; Bosselman \$2,047.28 smcs; Brilliance Audio \$224.90 smcs; Brodart \$551.60 smcs; Broweleit,C \$31.00 smcs; Builders \$368.20 smcs,co; Capital Business Systems \$169.93 smcs; Capstone Press \$53.97 smcs; Cash-Wa \$1,133.77 smcs; Central NE Bobcat \$8,625.30 co; Central NE Rehabilitation \$315.00 ps; Circle S Plbg \$57.00 smcs; City of Ky \$360,418.77 smcs,ps; Clark Enersen Partners \$42,621.58 smcs; Community Health Charities \$4.00 ps; Consolidated Mgmt \$461.50 smcs; Cooperative Producers \$465.60 smcs; Copycat \$716.49 smcs; Cryotech \$7,753.17 smcs; Danko Emergency \$30.87 smcs; Demco \$1,932.35 smcs; DHHS \$320.00 smcs; Dish \$184.00 smcs; Dmilaco \$243.00 smcs,ps; DPC Ind \$6,334.88 smcs; Dultmeier Sales \$915.47 smcs; Dutton Lainson \$23.70 smcs; Eakes \$2,279.24 smcs,co; Elliott Equipment \$3,119.45 smcs; Endorf,C \$360.36 smcs; Entenmann-Rovin \$115.50 smcs; Fiddelke \$63.75 smcs; Fireguard \$1,102.11 smcs; Frontier \$77.08 smcs; Gannon Travel \$245.00 smcs; Garrett Tires \$389.61 smcs; Great Plains Safety \$750.00 smcs; Hazzard,G \$70.00 smcs; HD Supply \$13,313.02 smcs,co; Hometown Leasing \$157.20 smcs; IACP \$150.00 smcs; ICMA RC Trust \$4,394.88 ps; IRS \$141,729.31 ps; Ipex \$2,000.00 smcs; Jack Lederman \$123.59 smcs; Jensen,L \$31.00 smcs; Johnson Hardware \$1,133.00 smcs; Johnstone Supply \$2,130.98 smcs; Kart-Man \$999.35 smcs; Ky Catholic School \$1,250.00 smcs; Ky Chamber Comm \$35.00 smcs; Ky Public Schools \$38,712.00 co; Ky Special Olympics \$1,085.94 smcs; Ky United Way \$788.50 ps; KHS HOSA Club \$516.25 smcs; Killion,L \$80.00 smcs; Konica Minolta \$1,323.63 smcs; Krull Ins \$2,195.00 smcs; Larue Distributing \$38.07 smcs; League of NE Municipalities \$444.00 smcs; Linda's Upholstery \$29.95 smcs; Magic Cleaning \$4,740.00 smcs; Mail Express \$103.89 smcs; Matheson-Linweld \$23.33 smcs; Menards \$132.39 smcs; Metlife \$9,061.15 ps; Michael-Rush,P \$65.00 smcs; Mid Amer Signal \$1,282.00 smcs; Midlands Contracting \$123,302.69 co; Midwest Radar \$1,120.00 co; Midwest Turf \$107.16 smcs; Miller & Associates \$27,455.76 smcs,co; Miller,R \$2,463.75 smcs; Navigator Motorcoaches \$1,125.00 smcs; NE Child Support \$2,083.88 ps; NE Dept of Revenue \$79,492.28 smcs,ps; NE Humanities Council \$50.00 smcs; NE LTAP \$95.00 smcs; Netmotion Wireless \$2,985.46 smcs; Noetzelman,J \$40.09 smcs; Northwestern \$2,604.33 smcs; NP Construction \$29.45 smcs; Nuttelman Fencing \$2,305.00 co; Nyffeler,R \$65.00 smcs; OCLC \$630.59 smcs; O'Keefe Elevator \$795.96 smcs; Overland Trails Council \$125.00 smcs; Paramount \$267.48 smcs; Patsios,M \$78.00 smcs; Payflex \$2,011.25 smcs,ps; PCM-G \$4,605.00 co; Platte Valley Comm \$15,831.82 smcs; Practical Applications \$450.00 smcs; Presto-X \$45.89 smcs; Pulliam,R \$40.00 smcs; Random House \$67.50 smcs; Recorded Books \$633.46 smcs; Reinke's Refrigeration \$1,234.18 smcs; Research Technology \$87.43 smcs; Rich,T \$50.00 smcs; Richter,K \$31.00 smcs; Roth,K \$20.30 smcs; Salient Sciences \$1,800.00 smcs; Snap-On Tools \$148.00 smcs; Sapp Bros \$22,422.73 smcs; School District #7

\$847.45 smcs; See Clear Cleaning \$2,050.00 smcs; Shafto,B \$140.40 smcs; Sixel Consulting Group \$5,799.01 smcs; Snap-On Tools \$439.00 smcs; Solid Waste Equipment \$38,775.06 co; State of NE/AS Central \$5,546.28 smcs; Stroud,J \$10.00 smcs; Sun Life Financial \$69,557.66 smcs; SUP Family Investments \$2,756.89 smcs; Supplyworks \$447.49 smcs; Tacha,J \$50.00 smcs; Thompson Co. \$63.54 smcs; Troutd,K \$185.00 smcs; Turner Body Shop \$250.00 smcs; Tye Law Firm \$12,720.48 smcs; Uline \$1,951.74 co; Union Bank \$71,037.68 ps; Vault Self-Storage \$540.00 smcs; Vermont Systems \$1,198.85 smcs; Warrington,D \$38.81 smcs; Watchguard Video \$169.00 co; We Care Tree Care \$125.00 smcs; Wiederspan,R \$48.60 smcs; Xavus \$890.00 smcs; Zimmerman Printers \$425.70 smcs; Payroll Ending 1-23-2016 -- \$390,055.30. 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. Approve the application submitted by Rick Shoemaker, Owner of Huss Livestock Market, to extend the permit to locate a manufactured home for security purposes located at 1202 West 19th Street for a period of one year.

4. Approve the application submitted by Rick Shoemaker, Owner of Huss Livestock Market, to extend Conditional Use Permit No. 2006-03 to stockpile snow and manure at 1202 West 19th Street for a period of one year.

5. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, February 27, 2016 from 6:00 p.m. until 1:00 a.m. for a dance.

6. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, March 19, 2016 from 6:00 p.m. until 1:00 a.m. for a dance.

7. Adopt Resolution No. 2016-20 approving Change Order No. 3 showing an increase in the amount of \$18,249.70 submitted by Blessing Construction 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<sup>±</sup> 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.

### **RESOLUTION NO. 2016-20**

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± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 in the amount of \$18,249.70 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)	+ 1,903.13
Change Order No. 3 (2-9-2016)	+ 18,249.70
Contract Sum To Date	<u>1,875,313.95</u>

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

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

8. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-07615 catering liquor license to dispense wine inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Tuesday, March 15, 2016 from 2:30 p.m. until 7:30 p.m. for a sampling/tasting.
9. Approve the purchase of a pump simulator in the amount of \$45,000.00 for the Kearney Volunteer Fire Department.
10. Approve the Plans and Specifications for the Yanney Park Irrigation Wells and set the bid opening date for March 1, 2016 at 2:00 p.m.
11. Approve the Plans and Specifications for the construction for the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive and set the bid opening date for March 1, 2016 at 2:00 p.m.
12. Accept the bids received for the purchase of a front loading refuse collection truck for the Utilities Department and award the bid to Nebraska Peterbilt in the amount of \$130,763.00.
13. Adopt Resolution No. 2016-21 approving an Engineering Agreement for Community Revitalization between the City of Kearney and Miller & Associates in connection with 2015 Part 14 Improvements for survey, design and construction observation services for Avenue E from 25th Street to 27th Street.

**RESOLUTION NO. 2016-21**

WHEREAS, the City of Kearney and Miller & Associates Consulting Engineers desire to enter into an Engineering Agreement in connection with 2015 Part 14 Improvements for survey, design and construction observation services for Avenue E from 25th Street to 27th Street.

NOW THEREFORE BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Stanley Clouse, Mayor of the City of Kearney, Nebraska be and is hereby authorized and directed to execute the attached Engineering Agreement for Community Revitalization between the City of Kearney, Nebraska and Miller & Associates Consulting Engineers. The Agreement, marked as Exhibit A, is attached hereby and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**14.** Adopt Resolution No. 2016-22 approving the Recreational Trails Program Project Agreement between the City of Kearney and the Nebraska Game and Parks Commission for the purpose of completing the Archway Trail, Phase II project.

**RESOLUTION NO. 2016-22**

WHEREAS, on January 15, 2016, the City of Kearney was awarded a Recreational Trails Program Grant in the amount of \$250,000 for the construction of a hike and bike trail from Cherry Avenue to Sweetwater Avenue.

NOW THEREFORE BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor of the City of Kearney, Nebraska be and is hereby authorized and directed to execute the attached Recreational Trails Program Project Agreement between the City of Kearney, Nebraska and the Nebraska Game and Parks Commission for the purpose of completing the Archway Trail, Phase II project. The Agreement, marked as Exhibit A, is attached hereby and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**15.** Approve the Agreement with the Museum of Nebraska Art for the temporary closing of the parking lot located north of MONA from 6:00 a.m. on March 30, 2016 through April 4, 2016; temporary closing of the parking stalls along the east side of Central Avenue between 24th Street and 25th Street and the temporary closing of the parking stalls along the north side of 24th Street between Central Avenue and Avenue A on April 1 and 2, 2016 beginning 4:00 p.m. until 11:00 p.m. each day in conjunction with Spirit: A Celebration of Art in the Heartland.

**16.** Adopt Resolution No. 2016-23 accepting the bids received for the installation of Harvey Park Ball Field Lighting; Phase 1 and award the bid to Kidwell in the amount of \$40,528.00.

**RESOLUTION NO. 2016-23**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the two sealed bids which were opened on February 4, 2016 at 2:00 p.m. for the installation of Harvey Park Ball Field Lighting; Phase 1; and

WHEREAS, the Engineer’s Estimate for the installation of Harvey Park Ball Field Lighting; Phase 1 was \$64,500.00; and

WHEREAS, the said engineers have recommended the bid offered by Kidwell of Kearney, Nebraska in the amount of \$40,328.00 be accepted as the lowest responsible bid for the installation of Harvey Park Ball Field Lighting; Phase 1; and

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 Kidwell be and is the lowest responsible bidder for the installation of Harvey Park Ball Field Lighting; Phase 1 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Kidwell in the amount of \$40,328.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Estimate for the installation of Harvey Park Ball Field Lighting; Phase 1 was \$64,500.00 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 9TH DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**17.** Adopt Resolution No. 2016-24 for 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street and award the bid to Blessing Construction in the amount of \$3,018,299.85.

**RESOLUTION NO. 2016-24**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the three sealed bids which were opened on February 4, 2016 at 2:00 p.m. for 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street; and

WHEREAS, the Engineer’s Estimate for 2015 Part 5 Improvements was \$3,482,699.00; and

WHEREAS, the said engineers have recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$3,018,299.85 be accepted as the lowest responsible bid for 2015 Part 5 Improvements; and

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 Blessing Construction be and is the lowest responsible bidder for 2015 Part 5 Improvements 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 \$3,018,299.85 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for 2015 Part 5 Improvements was \$3,482,699.00 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 9TH DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**18. ADDENDUM ITEM.** Adopt Resolution No. 2016-25 approving an amendment to the City of Kearney Personnel Manual to provide for the rehiring of former employees who resigned in good standing and the effective date of their reemployment is within one year or less.

### **RESOLUTION NO. 2016-25**

WHEREAS, the City of Kearney has adopted a Personnel and Employee Benefits Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006 the City Council adopted a newly revised Personnel and Employee Benefits Manual; and

WHEREAS, the City Manager and administrative staff have made a few minor revisions to the latest version of the Personnel and Employee Benefits Manual adopted on August 22, 2006; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel and Employee Benefits Manual adopted on December 26, 2007 by Resolution No. 2007-264 be and is hereby amended to include the following changes:

A former employee who had resigned in good standing and the effective date of their reemployment is within one (1) year or less following the effective date of their resignation may be rehired subject to the following conditions:

- If rehired, the employee's service date shall be adjusted to reflect their original hire date minus separation period.
- The adjusted service date will be used to calculate all benefit determinations.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel and Employee Benefits Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8065 SELLING PORTION OF VACATED 9TH STREET**

On November 13, 1979 the City adopted Ordinance No. 3093 selling the vacated south half of 9th Street as it abuts Lot 173, South Kearney Addition in the amount of \$75.00. The property owner paid the fee and picked up the documents that needed to be recorded in the Register of Deeds office. The property owner is considering selling Lot 173 and has determined that he never recorded the documents and they cannot be found. Therefore, since the documents cannot be found, this ordinance sells the vacated south half of 9th Street to the property so that the documents can be recorded.

Council Member Buschkoetter introduced Ordinance No. 8065 selling the vacated south half of 9th Street as it abuts Lot 173 on the north, together with that portion of the vacated west 17 feet of Avenue C as the same abuts the vacated south half of 9th Street (above mentioned) on the east, all in South Kearney Addition to the City of Kearney, 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 Clouse 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. Nay: None. Lammers absent. 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. 8065 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8065 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8065 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. 8066 AMENDING SALARY ORDINANCE**

For some time the City has been evaluating workload and structure of the Public Works Department. After a careful evaluation, it was determined that an Assistant Public

Works Director with a background in civil engineering would better fit the needs of the City at this time more than a certified City Engineer.

Accordingly, staff is recommending adding a new classification, Assistant Public Works Director, pay grade (34), and reclassifying the current Assistant Director of Utilities from pay grade (32) to (34) consistent with other Assistant Director positions in the organizational structure.

Additionally, it is recommended the addition of a part-time Clerk pay grade (14) to the Administration Department to assist with entry level clerical duties.

Council Member Buschkoetter introduced Ordinance No. 8066 repealing Ordinance No. 8043 and amend the Salary Ordinance reflecting changes in certain positions, 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 Clouse 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. Nay: None. Lammers absent. 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. 8066 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8066 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8066 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**

### **2014-2015 ANNUAL AUDIT**

Mayor Clouse opened for discussion the City of Kearney Annual Financial Report prepared by the accounting firm of McDermott & Miller.

Council member Buschkoetter left the meeting at 5:41 p.m.

Mindy Oman from McDermott & Miller presented this matter to the Council. They audited the financial statements for the year ending September 30, 2015 that was prepared by Director of Finance, Wendell Wessels and the Finance Department. They

have an unmodified opinion on the statements, which means they had no problems with the information presented.

She presented a few highlights of the statements: Assets exceeded liabilities which are known as net position by \$217,226,780 this was increased by \$9,736,000 over last year which is an increase of 4.7 percent. The total debt of the City increased by \$8,900,000 over last year which is an increase of 23.1 percent which the debt was to purchase a pumper truck, street improvements, construct the UV Disinfection Facility and replace an airport water main which were the main projects the debt goes to.

The City's General Fund which is the main operating fund did decrease by \$45,000. In the proprietary funds which is the utility funds, the net position increased by \$1,586,000 this is made up of increases for golf, sanitation, sewer and water and decreases for the airport and solid waste disposal facility.

The largest capital asset projects completed this year were paving improvement projects, sanitary sewer improvement projects and water improvement projects. Overall, the City is in really good financial shape, it has shown a lot of increases over the last years. They have a great finance staff that pays very good attention to detail and should be very proud of all that they do because they do a great job.

Moved by Nikkila seconded by Lear to accept the City of Kearney Annual Financial Report prepared by the accounting firm of McDermott & Miller. Roll call resulted as follows: Aye: Clouse, Nikkila, Lear. Nay: None. Buschkoetter and Lammers absent. Motion carried.

### **REVIEW ONE & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Clouse opened for discussion the One & Six Year Street Improvement Plan and set the public hearing for February 23, 2016.

Director of Public Works Rod Wiederspan presented this matter to the Council.

The following is the proposed One Year Street Plan:

<b>Location</b>	<b>Est. State Cost</b>	<b>Est. City Cost</b>	<b>Est. Total Cost</b>
Cherry Avenue Phase II – 11th Street to 56th Street	\$22,200,000	\$514,000	\$22,714,000
Cherry Avenue Phase III – 56th Street to Glenwood Corners	\$11,760,000	--	\$11,760,000
Central Avenue from 12th Street to 16th Street		\$1,968,456	\$1,968,456
Central Avenue from 16th Street to 18th Street		\$1,049,844	\$1,049,844
Talmadge from 2nd Avenue to 150' west of 3rd Avenue		\$437,000	\$437,000
29th Street from 6th Avenue to 8th Avenue		\$417,000	\$417,000
Avenue E from 25th Street to 27th Street		\$340,000	\$340,000
50th Street from 125' west of 22nd Avenue west to 49th Street Place, 1388'		\$404,000	\$404,000
49th Street from 49th Street Place to Country Club Lane, 265'		\$150,000	\$150,000
49th Street from 50th Street Place to end of cul-de-sac, 350'		\$210,000	\$210,000

49th Street from Country Club Lane west to end of pavement, 345'		\$190,000	\$190,000
Country Club Lane from 200' north of 48th Street north 750' to end of pavement		\$450,000	\$450,000
46th Street Place from Avenue R west to end of cul-de-sac, 310'		\$186,000	\$186,000
3rd Street from 3rd Avenue west 700'		\$380,000	\$380,000
4th Avenue from Talmadge Street to 3rd Street		\$169,000	\$169,000
3rd Street from 6th Avenue east 310'		\$275,830	\$275,830
6th Avenue from 3rd Street south to existing pavement, 130'		\$104,000	\$104,000
17th Avenue from 11th Street south 2400'		\$553,000	\$553,000
8th Street from 16th Avenue to 17th Avenue		\$116,000	\$116,000
9th Avenue from 100' north of 10th Street south to end of cul-de-sac, 350'		\$149,000	\$149,000
10th Street from 9th Avenue east to existing pavement, 480'		\$260,000	\$260,000
58th Street from Eastbrooke Drive east 450' to end of pavement		\$145,000	\$145,000
Avenue U from 58th Street north to existing pavement, 723'		\$231,000	\$231,000
60th Street from 3rd Avenue east 250'		\$90,000	\$90,000
Landon Street from Central Avenue east to end of pavement		\$1,420,000	\$1,420,000
8th Street from 125' east of 8th Avenue to 125' west of 9th Avenue, 600'		\$270,000	\$270,000
8th Avenue from 8th Street south 150'		\$65,000	\$65,000
9th Avenue from 8th Street south 150'		\$65,000	\$65,000
30th Avenue and 39th Street intersection improvements		\$200,000	\$200,000
51st Street Place from 150' west of 19th Avenue to 890; east of 19th Avenue, 1040'		\$625,000	\$625,000
19th Avenue from 150' south of 51st Street Place, north 365'		\$300,000	\$300,000
University Drive from 24th Street south 1100'		\$800,000	\$800,000
<b>TOTAL</b>	<b>\$33,960,000</b>	<b>\$12,534,130</b>	<b>\$46,494,130</b>

The following is the proposed Six Year Street Plan:

<b>Location</b>	<b>Est. State Cost</b>	<b>Est. City Cost</b>	<b>Est. Total Cost</b>
18th Street from Central Avenue to 1st Avenue		\$670,000	\$670,000
1st Avenue from 18th Street to South Railroad Street		\$1,532,000	\$1,532,000
30th Avenue from 39th Street north 2640'		\$2,808,000	\$2,808,000
Country Club Lane from 165' north of 37th Street to 39th Street, 410'		\$426,000	\$426,000
25th Street and 9th Avenue		\$368,000	\$368,000
39th Street from 30th Avenue west 5700'		\$2,415,000	\$2,415,000
31st and Avenue A intersection improvements		\$325,000	\$325,000
37th Street from Country Club Lane east to 38th Street, 421'		\$94,800	\$94,800
38th Street from Country Club Lane east to 37th Street, 504'		\$113,000	\$113,000
31st Street from Avenue E to Avenue I, 1300'		\$714,000	\$714,000

30th Avenue Bridge Expansion		\$2,100,000	\$2,100,000
56th Street from 6th Avenue west 5600'		\$2,940,000	\$2,940,000
17th Avenue, from 1800' south of 56th Street to 56th Street		\$945,000	\$945,000
Avenue A from 25th Street to 27th Street, 700'		\$485,000	\$485,000
11th Street from 7th Avenue to 14th Avenue		\$1,375,000	\$1,375,000
31st Street from Avenue A to Avenue D		\$550,000	\$550,000
TOTAL	\$00	\$17,861,600	\$17,861,600

Council Member Nikkila asked for clarification about the One Year Street Plan. City Manager Michael Morgan stated the projects may have been done already or will be done.

Council Member Nikkila asked about asphalt money. Director of Public Works stated they budget so much for asphalt improvements each year but they did spend ahead on it when they did the 5th Avenue project because it was such a large project. They will be doing the same thing on 31st Street. They will be using two years of asphalt money to do that project.

Council Member Nikkila asked if there would be funding for other projects like 56th Street widening and 30th Avenue overpass. City Manager stated he was not confident on 30th Avenue overpass but 56th Street widening they are very confident, they worked on that today and will see where they go on that. It is great to take the federal funds and put them in one larger group of projects because it is easier to spend them on the arterial streets which are what they are designed for.

Council Member Lear stated he realizes that, for example, the bridge expansion on the Six Year Plan has approximately \$2 million but the truth is when you actually sit down to do it, it will probably be more than that. They have \$17-18 million worth of projects on the Six Year Plan but you can know when you actually come to build them it will be well over \$18 million because costs will have jumped.

City Manager stated that was a great point because what is listed on the Plan are at today's best estimate of dollars. On a side note, the City has so much work in the area next year, they are not sure if there will be enough contractors to complete them.

Council Member Nikkila asked how far out are the 56th Street widening and the north 30th Avenue widening. Director of Public Works stated they are looking at the summer of 2017. Director of Finance, Wendell Wessels stated the north 30th Avenue widening is 2019.

Council Member Nikkila asked about 2nd Avenue and if the State will be making any improvements to potholes and other things before the City takes ownership. Director of Public Works stated they still have to go through and analyze that and negotiate.

Moved by Lear seconded by Clouse to set the public hearing for February 23, 2016 to adopt the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila. Nay: None. Buschkoetter and Lammers absent. Motion carried.

**OPEN ACCOUNT CLAIM**

Mayor Clouse stated with the absence of Council members Buschkoetter and Lammers and his abstention, the open account claim to NPPD cannot be approved and will be placed on the next agenda for approval.

**VII. REPORTS**

City Manager Michael Morgan introduced Amy Yancy, Community Affairs Coordinator. She stated they had an additional 700 likes during the snowstorm and reaches over 90,000 people with the Facebook posts. It was a successful use of social media. They had a lot of good feedback from the actual updates.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:59 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila. Nay: None. Buschkoetter and Lammers absent. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**