

**Kearney, Nebraska**  
**February 23, 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 23, 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, 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; Mike Kirkwood, Police Captain; Dan Lillis, Engineering Assistant II; and Amy Yancy, Community Affairs Coordinator were also present. Some of the citizens present in the audience included: Duane Ruh, Mitch Humphrey, Craig Bennett, Tony Daley, Tom Fuller, Bruce Karnatz, Gale Lawson, Steve Altmaier from KGFW Radio, 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**

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

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

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

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1 and 2 for consideration. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing 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 consider Ordinance No. 8063; 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) and consider Resolution No. 2016-1. Planning Commission recommended approval of the development plans with the following recommendation: The buildings will be staggered at the elevation break as discussed with the Engineer.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. They are vacating a portion of the project and presenting a different development plan for the north portion. The site is located north of 48th Street and 10th Avenue and on the west side there is a platted street known as 11th Avenue. The site is zoned R-3/PD and is a planned development thus they have to have a revised development plan approved.

They are requesting to vacate the lots to the north and west. The lots on the west which are along 11th Avenue will be vacated and re-dedicated by the plat and the reason they did that is because the owner wants to do some financing and capitalization on the lots separately and because of the issues with some of the utilities not being installed on 11th Avenue.

The project to the north consists of 24 long and narrow lots that were originally anticipated to be constructed the same as the existing buildings located to the south. There will be internal streets or easements. The waterlines will loop through the site as needed and the sewer drains into 10th Avenue. The units on the west side stay the same; the plans for them will be similar to what they have done so far in the first six units.

The final plat for the 24 lots with the ingress/egress easements and utility easements placed on there with the access being off of 10th Avenue. There will be some landscaping along 11th Avenue and 10th Avenue and other landscaping between the unit division lines.

The 4-plex units are basically all the same with some mirrored to have the garages abutting each other. The 5-plex is essentially the same with the additional unit on the right side. The units are very nice.

Council Member Lammers asked about the 1-foot offset concern from the Planning Commission. Mr. Humphrey confirmed and stated that was really the only issue they had. They can accomplish that; they will put a jog in the building.

Council Member Nikkila asked about the southeast parking lot and if they belong to the apartments to the south or the townhomes to the north. Mr. Humphrey stated the parking lots belong to the south units, there are a few extra stalls should the units need them. Council Member Nikkila asked and Mr. Humphrey confirmed the access for the people in the townhomes will continue to be there to drive through that parking lot and exit out that way if they want. There is a single owner for both complexes. He is working on an internal easement between the two entities to allow for the parking to go through should one of the other complexes be sold in the future.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Buffalo Surveying for Fountain Hills Properties, LLC and introduced Ordinance No. 8063 for the vacation of 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 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 close the hearing and suspend the rules for Ordinance No. 8063. 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, Nikkila, Lammers, Buschkoetter, Lear. 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. 8063 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8063 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8063 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 Buschkoetter seconded by Clouse to adopt **Resolution No. 1** approving the Final Plat and Subdivision Agreement for Fountain Hills Eighth Addition. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

**RESOLUTION NO. 2016-1**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section Twenty-Six (26), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land being inclusive of Lots One (1) through Eighteen (18), inclusive, Lots Forty-three (43) through Forty-eight (48), inclusive, and part of Outlot "A", said lots and part of Outlot "A" are now vacated, Block Two (2), Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Southeast Corner of the Northwest Quarter of Section 26 and assuming the East line of the Northwest Quarter of Section 26 as bearing N 00°16' 12" W and all bearings contained herein are relative thereto; thence on the East line of said Northwest Quarter of Section 26, N 00°16'12" W a distance of 66.06 feet to the Southeast Corner of Block 2, of said Fountain Hills Third Addition; thence continuing on the East line of said Northwest Quarter of Section 26 and on the East line of said Block 2, Fountain Hills Third Addition, N 00°16'12" W a distance of 463.77 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the on the East line of said Northwest Quarter of Section 26 and on the East line of said Block 2, Fountain Hills Third Addition, N 00°16'12" W a distance of 156.18 feet to the Northeast Corner of said Block 2, Fountain Hills Third Addition; thence leaving the East line of said Northwest Quarter of Section 26 and on the North line of said Block 2, Fountain Hills Third Addition, N 72°38'54" W a distance of 390.98 feet; thence continuing on the North line of said Block 2, Fountain Hills Third Addition, N 88°23'32" W a distance of 222.13 feet; thence continuing on the North line of said Block 2, Fountain Hills Third Addition, S 66°43'37" W a distance of 101.43 feet to the Northwest Corner of said Block 2, Fountain Hills Third Addition, said point being on the East line of 11th Avenue, a street shown on the Plat and Dedication of said Fountain Hills Third Addition; thence on the West line of said Block 2, Fountain Hills Third Addition and on the East line of said 11th Avenue, S 26°11'46" E a distance of 13.44 feet to a point of curvature; thence continuing on the West line of said Block 2, Fountain Hills Third Addition and on the East line of said 11th Avenue and on a 333.00 foot radius curve to the right forming a central angle of 33°02'33" an arc distance of 192.05 feet to the point of intersection with the Northerly line of 10th Avenue, a street shown on the Plat and Dedication of said Fountain Hills Third Addition; thence leaving the West line of said Block 2, Fountain Hills Third Addition and the East line of said 11th Avenue, and on the Southerly line of said Block 2, Fountain Hills Third Addition and on the Northerly line of said 10th Avenue, non-tangent, S 77°59'00" E a distance of 152.94 feet to a point of curvature; thence continuing on the Southerly line of said Block 2, Fountain Hills Third Addition and on the Easterly line of said 10th Avenue and on a 180.00 foot radius curve to the right forming a central angle of 34°02'30" an arc distance of 106.95 feet; thence leaving the Westerly line of said Block 2, Fountain Hills Third Addition and the Easterly line of said 10th Avenue, non-tangent, N 51°39'34" E a distance of 17.93 feet to a point of curvature; thence on a 117.50 foot radius curve to the right forming a central angle of 46°03'53" an arc distance of 94.47 feet to the point of tangency; thence tangent S 81°13'40" E a distance of 41.85 feet; thence N 09°16'21" E a distance of 20.00 feet; thence S 81°14'56" E a distance of 120.88 feet; thence N 83°25'31" E a distance of 118.26 feet thence N 89°43'48" E a distance of 25.00 feet to the place of beginning. TOGETHER

WITH a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section Twenty-Six (26), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land being inclusive of Lots One (1) through Twelve (12), inclusive, and part of Outlot "B", said lots and part of Outlot "B" are now vacated, Block Three (3), Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Southeast Corner of the Northwest Quarter of Section 26 and assuming the East line of the Northwest Quarter of Section 26 as bearing N 00°16' 12" W and all bearings contained herein are relative thereto; thence on the East line of said Northwest Quarter of Section 26, N 00°16'12" W a distance of 66.06 feet to the Southeast Corner of Block 2, of said Fountain Hills Third Addition; thence leaving the East line of the Northwest Quarter of said Section 26 and on the South line of said Block 2, and on the South line of Block 3 and on the North line of 48th Street, a street shown on the Plat and Dedication of said Fountain Hills Third Addition, S 89°29'22" W a distance of 426.02 feet to a point of curvature; thence continuing on the South line of said Block 3 and on the North line of said 48th Street and on a 467.00 foot radius curve to the right forming a central angle of 20°48'46" an arc distance of 169.64 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the South line of said Block 3 and on the North line of said 48th Street and on said 467.00 foot radius curve to the right forming a central angle of 17°07'56" an arc distance of 139.64 feet to the point of intersection with the East line of 11th Avenue, a street shown on the Plat and Dedication of said Fountain Hills Third Addition; thence leaving the North line of said 48th Street and on the East line of said 11th Avenue, and on the West line of said Block 3, Fountain Hills Third Addition, non-tangent N 41°42'27" E a distance of 310.43 feet to a point of curvature; thence continuing on the West line of said Block 3, Fountain Hills Third Addition and on the East line of said 11th Avenue, and on a 330.00 foot radius curve to the left forming a central angle of 24°32'14" an arc distance of 142.52 feet to the point of intersection with the Southerly line of 10th Avenue, a street shown on the Plat and Dedication of said Fountain Hills Third Addition; thence leaving the East line of said 11th Avenue and on the Northerly line of said Block 3 and on the Southerly line of said 10th Avenue, non-tangent S 77°59'00" E a distance of 143.98 feet; thence leaving the Northerly line of said Block 3, Fountain Hills Third Addition, and the Southerly line of said 10th Avenue, S 11°15'27" W a distance of 33.34 feet to a point of curvature; thence on a 150.00 foot radius curve to the right forming a central angle of 30°03'22" an arc distance of 78.69 feet to the point of tangency; thence S 41°18'50" W a distance of 385.26 feet to the place of beginning, containing a total of 5.16 acres, more or less, of which that part of Block 2 contains 3.65 acres, more or less, and that part of Block 3 contains 1.51 acres, more or less, all in 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 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

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

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing 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) and consider Resolution No. 2016-2.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2** approving 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 subject to the buildings will be staggered at the elevation break as discussed with the Engineer. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2016-2**

WHEREAS, Brungardt Engineering for Fountain Hills Properties, LLC has applied 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 Lots 1 through 24 inclusive, and Outlot B of Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (northeast corner of 10th Avenue and 11th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of 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 Lots 1 through 24 inclusive, and Outlot B of Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (northeast corner of 10th Avenue and 11th Avenue) be approved subject to the buildings will be staggered at the elevation break as discussed with the Engineer.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **½ ¢ SALES TAX CAPITAL IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney.

City Manager Michael Morgan presented this matter to the Council. He discussed the following projects for the CIP: downtown revitalization, residential street curbs, downtown planters and streetscape, North Railroad parking Lot, ADA curb/ramp improvements, park sidewalks/trails, Yanney Park irrigation extension and signage, Central Avenue from 12th Street to 18th Street, Avenue E from 25th Street to 27th Street, Northeast Neighborhood Park, Landon Street, University Village-Phase 1, 40 acres south of 56th Street purchased, Project Honor and Patriot Park.

When they look at the ½¢ sales tax they are still way below the guidelines on the amount of debt service, they are in the 25-28% which he believes that number was 35% for the goal.

They started some listening sessions; they met with the Senior Coalition and they are starting to identify new projects. The majority of the previous projects have been completed with the exception of Harmon Park Pool replacement which is one that had more comments.

Council Member Lammers asked about the distance between Country Club Lane from 39th Street to about 37th Street. City Manager stated that street has been done through development process; that developer has not expressed the need to continue that at this time until they develop more residential at which time they will have to connect that. It is such a short piece left that the City Council could direct that be ordered in, the challenge with that is they would have to fund it up front and apply debt service.

Director of Public Works Rod Wiederspan stated that falls under a gap paving district. It is under the 1,300 feet limit so they could order that in but the funds would need to be paid up front. Mayor Clouse asked about that cost. Mr. Wiederspan stated on the Six Year Plan they have it down for \$426,000 and that does not include the installation of water.

Bruce Karnatz, 19 Plaza Boulevard, stated he has worked with some other citizens and they are looking at utilizing the area south of the tracks, east of Central Avenue. They believe that area can attract visitors to Kearney. He believes they can get enough

private donations and grant money to pay for everything. They would like to have something done by May of 2017 because that is the 150th Anniversary for Nebraska.

City Manager stated it is City land and at this point nothing has been preserved. It was acquired several years ago and they worked with Old Towne and the development of the park and there is land available. They have had offers but they want to preserve it.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

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

Mayor Clouse opened the public hearing on the adoption of the One & Six Year Street Improvement Plan and consider Resolution No. 2015-26.

Public Works Director Rod Wiederspan presented this matter to the Council. He stated at the last meeting they went through all the projects and since that time they opened it up to any comments from the public. He has not received any himself and not sure if anybody else has.

The crews have been out filling potholes. They have covered all of the residential streets as of today and they will be back out on the highways tomorrow.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2016-26** approving the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2016-26**

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on February 23, 2016 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2017 and the Six Year City Street Plan ending September 30, 2022, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

## IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 23 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 February 9, 2016.
2. Approve the following Claims:

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

1000blubs.com \$236.20 smcs; 5.11 Tactical.com \$54.99 ps; AAA Tarps \$444.00 smcs; Accucut \$41.73 smcs; Ace Irrigation \$384.00 smcs; Alertshirt \$152.49 smcs; All Makes Auto Supply \$1,753.08 smcs; All Volleyball \$75.95 smcs; Allied Electronics \$61.08 smcs; Amazon \$4,215.87 smcs,co; American \$393.89 smcs; Amer Backflow Prev \$75.00 smcs; Amer Fence \$2,747.00 smcs; Amer First Aid \$203.43 smcs; Amer Legion \$247.34 smcs; Amer Locksets \$355.11 smcs; Andersen Wrecking \$524.00 smcs; Anderson,B \$50.00 smcs; Andrews,B \$57.31 smcs; Anythingtruck.com \$409.40 smcs; Apple \$105.93 smcs; Arner,T \$29.80 smcs; Ask Supply \$182.50 smcs; Athene Annuity \$1,220.00 ps; Audio Conexus \$20.00 smcs; AUM Films \$26.46 smcs; Aurora Coop \$1,223.40 smcs; Auto Value \$3,145.97 smcs; B&H Photo \$196.99 smcs; Baker & Taylor \$4,888.71 smcs; Barco Municipal \$363.98 smcs; Barnes & Noble \$175.89 smcs; Berg,B \$75.00 smcs; Bestbuy \$187.20 Co; Blackstone Audio \$311.24 smcs; Blue Diamond Cab \$57.21 smcs; Blue Ribbon Tax \$50.00 smcs; Bluecross Blueshield \$160,819.34 smcs; Bosselman \$10,043.29 smcs; Brilliance Publishing \$50.98 smcs; Broweleit,C \$75.00 smcs; Brumbaugh,S \$100.00 smcs; Buckle \$456.00 smcs; Buffalo Co. Register Deeds \$166.00 smcs; Buffalo Co Comm Partner. \$300.00 smcs; Buffalo Outdoor Power \$927.77 smcs; Buggy Bath \$10.00 smcs; Builders \$1,335.61 smcs,co; Butler Ag Equipment \$70.48 smcs; Buxton \$25,000.00 smcs; Cabela's \$168.93 smcs; Capital Business System \$193.90 smcs; Carls Place \$194.95 smcs; Carquest \$2,937.33 smcs; Cash-Wa \$159.29 smcs; CCI Solutions \$76.35 smcs; Cengage Learning \$97.97 smcs; Central Hydraulics \$726.66 smcs; Central NE Bobcat \$101.37 smcs; Central NE Rehabilitation \$45.00 ps; CFA Software \$2,995.00 smcs; Charter \$816.58 smcs; Chicago Elite 4 \$13.20 smcs; Chicken Coop \$50.00 smcs; Cintas \$328.78 smcs; City of Ky \$52,932.15 smcs, ps; CNHRMA \$90.00 smcs; Coldspring \$757.30 smcs; Colorado Chapter \$300.00 smcs; Compass.com \$550.00 smcs; Consec Life Insurance \$19.00 Ps; Consolidated Mgmt. \$157.50 smcs; Construction Rental \$250.86 smcs; Control Yours \$300.00 smcs; Courtyard Omaha \$350.85 smcs; Cracker Barrel \$420.00 smcs; Creative Teacher \$9.63 smcs; Culligan \$221.04 smcs; Cummins \$4,084.76 smcs; Dawson Public Power \$19,154.59 smcs; Dell \$624.70 smcs; Demco \$275.20 smcs; Depository Trust Co. \$3,725.00 ds; DLT Solutions \$3,197.26 smcs; Drivers License Guide Co. \$29.95 smcs; Eagle Engraving \$151.45 smcs; Eakes \$1,978.86 smcs; Ed M. Feld Equipment \$355.80 smcs; Elliott Equipment \$278.42 smcs;Embassy Suites \$773.75 smcs; Enterprise \$5,940.62 smcs; ESRI \$6,900.00 smcs; Eustis Body Shop \$100.00 smcs; Facebook \$69.00 smcs; Family Fresh Market

\$36.39 smcs; Fantasys Southport \$57.39 smcs; Farmers Union \$563.00 smcs; Fastenal \$891.85 smcs; Fearnley,M \$95.75 smcs; Fiddelke \$479.00 smcs; Fireguard \$577.91 Ps; Firehouse Innovations \$6,994.92 co; Fleetpride \$25.08 smcs; Food Service Warehouse \$37.80 smcs; Foster,D \$56.17 smcs; Frontier \$9,436.93 smcs; Fyr-Tek \$448.00 smcs; Garcinia Cambogia \$54.97 smcs; Garrett Tires \$2,215.02 smcs; Global Industrial \$543.89 co; Gopher Sport \$77.74 smcs; Grainger \$1,230.86 smcs; Habitat for Humanity \$135.16 smcs; Hall,B \$1,413.00 smcs; HD Supply \$12,560.74 Co; Hilti \$396.00 co; Hobby-Lobby \$32.77 smcs; Holiday Inn \$84.95 smcs; Holmes Plumbing \$485.09 smcs; Holt,E \$22.08 smcs; Hometown Leasing \$265.92 smcs; Hy-Vee \$50.00 smcs; ICMA Retirement Trust \$4,537.55 ps; Int'l Arboriculture \$190.00 smcs; Int'l Assoc. of Fire Chiefs \$234.00 smcs; IRS \$144,049.57 ps; Iseman Homes \$57.00 smcs; Jack Lederman \$582.58 smcs; John Deere Landscapes \$94.05 smcs; Johnson Controls \$11,563.59 smcs,co; Johnson Hardware \$948.00 smcs; Johnstone Supply \$295.14 smcs; JRs Western \$69.98 smcs; Just Blinds \$170.14 Co; Ky Chamber Comm \$209.00 smcs; Ky Clinic \$611.00 ps; Ky Concrete \$210.30 co; Ky Crete & Block \$644.00 smcs; Ky Hub \$2,856.60 smcs; Ky Humane Society \$7,166.25 smcs; Ky Power Sports \$478.75 smcs; Ky Towing \$385.00 smcs; Ky Winlectric \$1,625.79 smcs,co; Kelly Supply \$395.92 smcs; Kewanna Screen Printing \$192.93 smcs; Kimball Midwest \$164.95 smcs; Koffler Sales \$450.76 smcs; KOLN \$50.00 smcs; Konica Minolta \$853.52 smcs; Kreutzer,D \$49.62 smcs; Kwik Stop \$20.49 smcs; Landmark Implement \$1,883.00 smcs; Lawson Products \$329.31 smcs; LED Lighting \$355.43 smcs; LinkedIn \$47.00 smcs; Lockmobile \$25.60 smcs; LS Training \$300.00 smcs; Mail Express \$1,531.68 smcs; Mara Industrial \$24.31 smcs; Marketing Displays \$1,528.58 smcs; Marlatt Machine \$70.00 smcs; Martin,A \$14.92 smcs; Matheson \$173.83 smcs; McCarty,K \$13.03 smcs; Menards \$3,569.42 smcs; Metlife \$9.50 Ps; Meyer,R \$140.00 smcs; Michael Todd \$1,857.21 smcs; Middleton Electric \$55.00 smcs; Midwest Connect \$100.94 smcs; Midwest Turf \$187.39 smcs; Miller & Associates \$27,844.90 smcs,co; Minar,N \$9.38 smcs; Mirror Image Car Wash \$228.20 smcs; Moonlight Embroidery \$1,489.50 smcs; Morgan,M \$251.64 smcs; MPH Industries \$427.66 smcs; MSC \$33.52 smcs; Municipal Supply \$5,717.73 smcs; Murphy Tractor \$38.96 smcs; National Biz Furniture \$398.00 smcs; National Gym Supply \$122.29 smcs; Navigator Motorcoaches \$350.00 smcs; NE Assoc. of Airport \$250.00 smcs; NE Child Support Pyt Ctr \$2,178.96 ps; NE Library Commission \$1,020.00 smcs; NE Machinery \$837.24 smcs; NE Public Health \$18.00 smcs; NE Safety & Fire Equip \$87.00 smcs; NE Salt & Grain \$1,537.37 smcs; Ne Truck Center \$2,618.56 smcs; Norlab \$123.00 smcs; Northern Safety \$66.96 smcs; Northwest Electric \$86.64 smcs; Northwestern \$15,265.12 smcs; NRG Media \$54.00 smcs; Oak Creek Engineering \$9,741.00 Co; O'Brien,E \$26.48 smcs; OCLC \$630.59 smcs; O'Connor,S \$200.00 smcs; Office Depot \$2,056.40 smcs; Officemax \$580.41 smcs,co; Officenet \$752.49 smcs; O'Hara Lindsay \$4,000.00 smcs; Omaha World Herald \$96.20 smcs; Omni Chicago \$446.32 smcs; One Call Concepts \$151.83 smcs; O'Reilly Auto \$928.02 smcs; Oriental Trading \$68.47 smcs; Orscheln \$522.56 smcs; Otto Environmental \$13,600.00 smcs; Palos Sports \$746.43 smcs; Paramount \$261.12 smcs; Parts Town \$139.09 smcs; Paypal-Apollo Safe \$254.99 smcs; Paypal-Blondhaz \$43.45 smcs; Paypal-Extremelogi \$496.09 co; Paypal-Fantasticne \$116.20 smcs; Paypal-Hongtaoming \$1,055.98 Co; Paypal-Inkthemes \$59.00 smcs; Paypal-NRI \$31.23 smcs; Paypal-Sowens2 \$116.20 smcs; Paypal-Spymeg \$9.97 smcs; Paypal-Tech4lessde Tec \$329.04 co; Paypal-Topkue \$9.90 smcs; Paypal-Zieglerwld \$29.99 smcs; Paypal-Zoro.com \$52.28 smcs; Pfeiffer,D \$31.00 smcs; Pickleball Central \$68.99 smcs; Pierorazio,D \$45.00 smcs; Pitney Bowes \$60.00 smcs; Platte Valley Automart

\$611.29 smcs; Pohlman,K \$111.26 smcs; Powerplan \$900.80 smcs; Presto-X \$661.54 smcs; Printeron \$495.00 smcs; Progressive \$544.00 smcs; Progressive Business \$299.00 smcs; Proskocil,G \$141.48 smcs; Provantage \$97.97 smcs; Pulliam,R \$150.00 smcs; Pumps of Oklahoma \$485.40 smcs; Purdue Ag Education \$15.85 smcs; Qualifiedhardware.com \$322.00 smcs; Quill \$53.78 smcs; Random House \$105.00 smcs; Recorded Books \$411.68 smcs; Redbox \$1.61 smcs; Resource Management \$765.12 smcs; Rivera,D \$9.37 smcs; Rivers-Rittergut \$215.65 smcs; RockIT \$250.00 smcs; Rogue Fitness \$1,661.30 ps; Rohrer,D \$15.41 smcs; Rud-Chain \$167.85 smcs; Sahling Kenworth \$1,095.15 smcs; Sapp Bros \$10,814.17 smcs; Scales \$1,000.00 smcs; Schindler Elevator \$747.24 smcs; Schlake,B \$23.97 smcs; Sears \$24.99 smcs; Sequel Bookshop \$17.11 smcs; Shemat,K \$200.00 smcs; Sherwin Williams \$133.08 smcs; Shoutbomb \$360.00 smcs; Smartdraw.com \$216.95 smcs; Snap-On Tools \$175.00 smcs; Stamps.com \$4.99 smcs; Stones,B \$43.55 smcs; Sungard Public Sector \$4,200.00 smcs; Sup,C \$51.25 smcs; Super Shine Auto Care \$72.00 smcs; Supplyhouse.com \$24.90 smcs; Supplyworks \$559.70 smcs; Sutphen \$195.16 smcs; Target \$10.83 smcs; Taser Training \$435.00 smcs; Tenorio,D \$100.00 smcs; Tetrac.com \$72.00 smcs; Thompson,D \$200.00 smcs; Tilley Sprinkler \$183.75 smcs; Titan Machinery \$6,391.02 smcs; Titleist \$269.70 smcs; Tractor-Supply \$471.39 smcs; Trans Iowa Equipment \$64.64 smcs; Transource Computers \$779.52 co; Tri-County Glass \$455.09 co; TS Auto Glass \$201.95 smcs; Turner Body Shop \$1,218.00 smcs; Union Bank & Trust \$71,470.62 ps; Unique Management \$223.75 smcs; UNL Agronomy \$420.00 smcs; UNL Marketplace \$196.39 smcs; UPS Store \$170.37 smcs; USA Communications \$169.95 smcs; USPS \$186.31 smcs; U-Stuff-em \$300.00 Co; Van Diest Supply Co \$1,696.35 smcs; Verizon \$1,970.01 smcs; Vermeer \$873.06 smcs; VTS Globe Taxi \$8.50 smcs; Wal-Mart \$537.85 smcs; Wasteworks \$206.60 Co; WatchGuard Video \$1,520.00 smcs; Whelen Engineering Co \$1,008.00 smcs; Wilke's True Value \$368.75 smcs,co; WPCI \$53.50 9s; Yellow Van \$331.80 smcs; Payroll Ending 2-6-2016 -- \$396,769.98. 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 from Planning Commission and set March 8, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by Kearney Dawn Rotary to dispense beer and wine at the Museum of Nebraska Art, 2401 Central Avenue on Friday, March 11, 2016 from 4:00 p.m. until 11:00 p.m. for a fund raiser.
5. Adopt Resolution No. 2016-27 approving the Lease Termination and Surrender Agreement with Baldwin Filters, Inc. regarding the leasing of land located at 4980 Airport Road for warehouse and office use.

### **RESOLUTION NO. 2016-27**

WHEREAS, the City of Kearney and Baldwin Filters, Inc. entered into a Lease dated May 12, 2015; and

WHEREAS, the parties desire to terminate the Lease and return to leased premises to the City of Kearney prior to the current expiration date of the Lease.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Lease Termination Agreement between the City of

Kearney and Baldwin Filters, Inc. 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 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Adopt Resolution No. 2016-28 approving T-Hangar B-1 Lease Agreement between the City of Kearney and Roger Carlson for storage purposes at the Kearney Regional Airport.

**RESOLUTION NO. 2016-28**

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

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Adopt Resolution No. 2016-29 on the intent to issue tax exempt bonds for the 2015 Part Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue and the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street.

**RESOLUTION NO. 2016-29**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

2015 Part 4 Improvements – 29th Street, 6th Avenue to 8th Avenue

Paving District Number 2015-972 \$450,000.00  
2015 Part 5 Improvements – Central Avenue, 12th Street to 18th Street  
 Paving District Number 2015-981 \$3,220,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$3,670,000.00.

PASSED AND APPROVED THIS 23RD 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 Juan Lazo, dba El Tropicico 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 Friday, March 25, 2016 from 6:00 p.m. until 1:00 a.m. for a dance.

9. Adopt Resolution No. 2016-30 approving Change Order No. 2 showing an increase in the amount of \$1,181.00, Application and Certificate for Payment No. 6 in the amount of \$34,773.75 submitted by RMV Construction and approved by Miller & Associates for the Household Hazardous Waste Collection Facility.

**RESOLUTION NO. 2016-30**

WHEREAS, RMV Construction Company of Kearney, Nebraska has performed services in connection with the Household Hazardous Waste Collection Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$1,181.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction Company and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$34,773.75 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$525,227.96
Change Order No. 1 (9-22-2015)	- 3,672.00
Change Order No. 2 (2-23-2016)	+ 1,181.00
Contract Sum To Date	522,736.96
Gross Amount Due	522,736.96
Retainage	26,136.85
Amount Due to Date	496,600.11
Less Previous Certificates for Payment	<u>461,826.36</u>
Current Payment Due	\$ 34,773.75

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. 6, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**10.** Adopt Resolution No. 2016-31 approving Application and Certificate for Payment No. 8 in the amount of \$103,538.04 submitted by Blessing Construction and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850<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. 2016-31**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850<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, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 8 in the amount of \$103,538.04 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	1,774,975.20
Retainage	88,748.76
Amount Due to Date	1,686,226.44
Less Previous Certificates for Payment	<u>1,582,688.40</u>
Current Payment Due	\$ 103,538.04

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

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**11.** Adopt Resolution No. 2016-32 approving Change Order No. 1 showing a decrease in the amount of \$52,188.25, Application and Certificate for Payment No. 4-Final in the amount of \$89,848.63 and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015

Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition.

**RESOLUTION NO. 2016-32**

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an decrease to the contract sum in the amount of \$52,188.25, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$89,848.63 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$845,939.25
Change Order No. 1 (2-23-2016)	- <u>52,188.25</u>
Contract Sum To Date	793,751.00
Gross Amount Due	793,751.00
Retainage	.00
Amount Due to Date	793,751.00
Less Previous Certificates for Payment	<u>703,902.37</u>
Current Payment Due	<u>\$ 89,848.63</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of December 15, 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, as shown on Exhibit "A", Application and Certificate for Payment No. 3-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 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**12.** Adopt Resolution No. 2016-33 approving Application and Certificate for Payment No. 2 in the amount of \$48,605.11 submitted by Midlands Contracting and approved by

Miller & Associates for the 2015 Part 12 Improvements – Bid A 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; Water District No. 2015-581 and 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.

**RESOLUTION NO. 2016-33**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$48,605.11 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$196,043.85</u>
Contract Sum To Date	196,043.85
Gross Amount Due	94,534.61
Retainage	9,453.46
Amount Due to Date	85,081.15
Less Previous Certificates for Payment	<u>36,476.04</u>
Current Payment Due	\$ 48,605.11

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**13.** Adopt Resolution No. 2016-34 approving Application and Certificate for Payment No. 1 in the amount of \$3,505.96 submitted by Blessing Construction and approved by Miller & Associates 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.

**RESOLUTION NO. 2016-34**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with 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., and the City's engineer, Miller & Associates, have filed with the City Clerk Application

and Certificate for Payment No. 1 in the amount of \$3,505.95 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$260,526.50</u>
Contract Sum To Date	260,526.50
Gross Amount Due	3,895.50
Retainage	389.55
Amount Due to Date	3,505.95
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	<u>\$ 3,505.95</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

14. Approve the Plans and Specifications for the 2015 Part 15 Improvements consisting of Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition and set the bid opening date for March 15, 2016 at 2:00 p.m.

15. Adopt Resolution No. 2016-35 approving Change Order No. 2 showing a decrease in the amount of \$2,434.25, Application and Certificate for Payment No. 3-Final in the amount of \$15,338.30, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition.

**RESOLUTION NO. 2016-35**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an decrease to the contract sum in the amount of \$2,434.25, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$15,338.30 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$203,669.00
Change Order No. 1 (2-24-2015)	+ 3,354.00

Change Order No. 2 (2-23-2016)	- <u>2,434.25</u>
Contract Sum To Date	204,588.75
Gross Amount Due	204,588.75
Retainage	.00
Amount Due to Date	204,588.75
Less Previous Certificates for Payment	<u>189,250.45</u>
Current Payment Due	\$ 15,338.30

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of December 15, 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. 3-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 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**16.** Adopt Resolution No. 2016-36 approving Use and Operations Agreement for Annex A in T-926 located at the Kearney Regional Airport between the City of Kearney and Rodgers Helicopter Services.

#### **RESOLUTION NO. 2016-36**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney with Rodgers Helicopter Services for Annex A in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**17.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-116260 liquor license application submitted by Angus Burgers & Shakes LLC, dba Angus Burgers & Shakes to be located at 421 West Talmadge Street, Suite 3.

**18.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the application for a Restricted Farm Winery License (Class YK-116242) submitted by McFarland Family Farms LLC, dba Mac's Creek Wine Bar to be located at 421 West Talmadge Street, Suite 1.

**19.** Approve the recommendation to purchase a new 5-Cubic Yard Truck, Dump Body, Snow Plow, and Snow Plow Hitch for the Public Works Department submitted by Nebraska Truck Center in the amount of \$125,203.00.

**20.** 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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, March 12, 2016 from 10:00 a.m. until 10:00 p.m., and on Sunday, March 13, 2016 from 11:00 a.m. until 10:00 p.m. for a bike show.

**21.** 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, March 12, 2016 from 11:00 a.m. until 12:00 a.m. for a cage fight.

**22.** Adopt Resolution No. 2016-37 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Brent and Peggy Henderson for the construction of paving, water and sanitary sewer improvements for Lots 1, 2 and 3, East 11th Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2016-37**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for East 11th Industrial Park" between the City of Kearney and Brent and Peggy Henderson, for the construction of paving, water, sanitary sewer, and storm sewer improvements to serve Lots 1, 2 and 3, East 11th Industrial Park, an addition to 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 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**23.** Adopt Resolution No. 2016-38 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Camron Inc. for the construction of paving, water and sanitary sewer improvements for Lots 3, 4, 5, 6, 7 of Block One; Lot 1 of Block Two; Lots 1 and 14 of Block Three; and Lot 1 of Block Four, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2016-38**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fox Creek" between the City of Kearney and Camron Inc., for the construction of paving, water, sanitary sewer, and storm sewer improvements to serve Lots 3, 4, 5, 6, 7 of Block One; Lot 1 of Block Two; Lots 1 and 14 of Block Three; and Lot 1 of Block Four, Fox Creek, an addition to 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 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**24.** Adopt Resolution No. 2016-39 approving the Joint City of Kearney-Buffalo County Agreement for the 2016 Aerial Photography and Geographic Information System (GIS).

**RESOLUTION NO. 2016-39**

WHEREAS, the City of Kearney, Nebraska, and the County of Buffalo, Nebraska desire to enter into an Interlocal Agreement for aerial photography and Geographic Information System (GIS) sharing.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to execute the Joint City of Kearney/Buffalo County Agreement on Aerial Photography and (GIS) sharing between the City of Kearney, Nebraska, and the County of Buffalo, Nebraska. A copy of the said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD 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**

None.

## VI. REGULAR AGENDA

### REDEVELOPMENT PROJECT LOCATED NORTH OF 16TH STREET AND WEST OF 11TH AVENUE

Mayor Clouse opened for discussion the redevelopment project submitted by BK Development for Redevelopment Area #5 for an area described as Lots 3 through 8, inclusive, of Block 1; Lots 11, 12, 23, 24 of Block 2; and Lots 1 through 16, inclusive, of Block 3, all in Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street and west of 11th Avenue) and to consider Resolution No. 2016-40.

City Manager Michael Morgan presented this matter to the Council. He stated they have been working with BK Development for some time. They appreciate their patience and willingness to evaluate this from a variety of different ways but at the last CRA meeting they did make the presentation and the CRA is recommending to move forward for the development.

The project would be 10 duplexes and 6 storage buildings in the redevelopment area which is area #5. This would be done in phases. Staff recommends approval along with the CRA for this project.

This has been a challenging area to develop and they are moving through some phases and they appreciate the developer and the CRA on behalf of the City working with everyone to get this accomplished.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2016-40** approving the finding that the redevelopment project set forth in the application submitted by BK Development would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the anticipated TIF valuation up to a maximum of \$1,021,258 payable until the 15-year TIF period expires be granted for site development costs and to adopt Resolution No. 2016-40 granting the chairman and legal counsel the authority to negotiate and execute a redevelopment contract with BK Development. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2016-40**

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as Lot 3 (Parcel ID 600047302), Lot 4 (Parcel ID 600047303), Lot 5 (Parcel ID 600047304), Lot 6 (Parcel ID 600047305), Lot 7 (Parcel ID 600047306), Lot 8 (Parcel ID 600047307), of Block 1; Lots 11 and 12 (Parcel ID 600047320), Lots 23 and 24 (Parcel ID 600047332), of Block 2; and Lots 1 and 2 (Parcel ID 600047340), Lots 3 through 8 (Parcel ID 600047342), Lots 9 and 10 (Parcel ID 60047348), and Lots 11 through 16 (Parcel ID 600047350) of Block 3, all in Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land described as Lot 3 (Parcel ID 600047302), Lot 4 (Parcel ID 600047303), Lot 5 (Parcel ID 600047304), Lot 6 (Parcel ID 600047305), Lot 7 (Parcel ID 600047306), Lot 8 (Parcel ID 600047307), of Block 1; Lots 11 and 12 (Parcel ID 600047320), Lots 23 and 24 (Parcel ID 600047332), of Block 2; and Lots 1 and 2 (Parcel ID 600047340), Lots 3 through 8 (Parcel ID 600047342), Lots 9 and 10 (Parcel ID 60047348), and Lots 11 through 16 (Parcel ID 600047350) of Block 3, all in Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing;

that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as Lot 3 (Parcel ID 600047302), Lot 4 (Parcel ID 600047303), Lot 5 (Parcel ID 600047304), Lot 6 (Parcel ID 600047305), Lot 7 (Parcel ID 600047306), Lot 8 (Parcel ID 600047307), of Block 1; Lots 11 and 12 (Parcel ID 600047320), Lots 23 and 24 (Parcel ID 600047332), of Block 2; and Lots 1 and 2 (Parcel ID 600047340), Lots 3 through 8 (Parcel ID 600047342), Lots 9 and 10 (Parcel ID 60047348), and Lots 11 through 16 (Parcel ID 600047350) of Block 3, all in Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **OPEN ACCOUNT CLAIM**

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$106,364.57 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**

Mayor Clouse stated they attended the League of Municipalities conference last week in Lincoln and the big issue facing municipalities is LB958 which is the Governor's bill on restricting growth, moving interlocal agreements out under the lid and several other things that can significantly impact the City's ability to do some of the things they are doing tonight. They are obviously very concerned about it and they have the City's lobbyist and every municipality in the state and county working on it. It could be a significant impact. They have tried to determine if there are opportunities for reaching some negotiations, compromises and he is not sure where that will end up and even if they have the ability to do that.

The Governor is set in his path and has significant groups behind him wanting to really reign in property taxes of which the City is very small but the impact of that Legislation if it passes as is written can have a huge detrimental effect on economic development opportunities and a lot of things they are doing here. It would require ending bonding which the City does and so you cannot go out and bond street projects because it requires a vote and it may or may not happen. They are quite concerned about it but will watch and see what happens. The bill was prioritized by the Revenue Committee and so it will go to the floor and will be heard.

## **VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 6:05 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