

Kearney, Nebraska
April 12, 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 April 12, 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 and Bob Lammers. Absent: Bruce Lear and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Interim 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: Jim Kalb, Dee Schriener, Duane Ruh, Conrad Connealy, 2 UNK students, 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 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

REZONING 105 WEST 29TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Dee Schriener for Trius Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lot 415, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (105 West 29th Street) and consider Ordinance No. 8071. Planning Commission recommended approval.

Trius Federal Credit Union has acquired the subject property located at 105 West 29th Street and would like to rezone the property from R-2, Urban Residential Mixed-Density District to UC, Mixed Use Urban Corridor District in order to expand their business. The Future Land Use Map of the Comprehensive Development Plan shows the area from 2nd Avenue to 1st Avenue as "Mixed Use 1" which is in conformance with the rezoning request.

Urban Corridor zoning is intended to serve as a buffer between arterials and residential neighborhoods. This rezoning is a continuation of previous action by Planning Commission and City Council to allow redevelopment of older commercial and residential areas that abut 2nd Avenue in order to create commercial lots that are designed to lessen traffic congestion as well as protect residential blocks not adjacent to 2nd Avenue.

R-2 zoning is found across 29th Street to the south and across 1st Avenue to the east of the subject lot. The property is adjacent to UC zoning to the north and to the west. The subject lot at 105 West 29th Street is the only lot left on this block that is zoned R-2.

Dee Schriener presented this matter to the Council. She stated this is the last piece of property on that block that needs to be rezoned.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Dee Schriener for Trius Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lot 415, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (105 West 29th Street) and introduced Ordinance No. 8071 and moved that Ordinance No. 8071 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8071 on its first reading. Council Member Buschkoetter seconded the motion to place Ordinance No. 8071 on first reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 8071 by title on first reading.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held March 22, 2016 and Minutes of Special Meeting held March 31, 2016.

2. Approve the following Claims:

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

Alamar Uniforms \$292.63 smcs; Al-Jon \$42.92 smcs; All Makes Office Equip \$1,449.91 co; Amazon \$2,913.80 smcs; Amer Electric \$3,300.00 co; Amer Fence \$695.64 smcs; Amer First Aid \$164.54 smcs; Artic Refrigeration \$85.00 smcs; Artisans \$320.00 smcs; ASCAP \$338.63 smcs; Ask Supply \$3,461.92 smcs; Baker & Taylor \$6,241.02 smcs; Bamford \$15,750.00 smcs; BBLC \$1,900.00 smcs; Beacon Ballfields \$1,704.00 smcs; Blackstone \$314.99 smcs; Blessing \$71,468.48 co; BlueCross/BlueShield \$60,967.93 smcs; Bosselman \$9,685.31 smcs; Brilliance Publishing \$137.94 smcs; Bruha,S \$240.00 smcs; Buffalo Co Reg Deeds \$46.00 smcs; Buffalo Co Sheriff \$155,553.25 smcs; Builders \$3,766.39 smcs,co; Bursaw,C \$115.00 smcs; Buttler,M \$70.00 smcs; Capital Business Systems \$956.68 smcs; Capstone Press \$4,039.45 smcs; Cash-Wa \$1,545.05 smcs; Central States Wire \$7,233.10 co; Charter \$269.29 smcs; Chemsearch \$610.00 smcs; City of Ky \$405,673.15 smcs; ps; Coler,S \$290.00 smcs; Comm Health Charities \$4.00 ps; Cool Tech \$79.75 smcs; Copycat \$441.50 smcs; Cummins Central Power \$1,342.96 smcs; Danko Emergency \$342.85 smcs; Dauel,L \$42.34 smcs; DCI Credit \$231.10 ps; Dell \$1,454.98 co; Dish \$201.00 smcs; Dmilaco \$281.00 smcs; Dobish,K \$100.00 smcs; DPC Industries \$6,804.79 smcs; Dutton-Lainson \$51,070.38 smcs; Eakes \$741.51 smcs; Easy Picker Golf \$755.99 smcs; Ed M. Feld Equipment \$1,297.00 smcs; Elliott Equipment \$335.88 smcs; Enforcement/Watchguard \$636.00 co; Ensley Electrical \$24,758.00 co; Eureka,C \$300.00 ps; Expression Wear \$444.00 ps; Eynetich,P \$4.00 smcs; Feese,F \$55.00 smcs; Fiddelke \$583.00 smcs; Fireguard \$361.53 smcs; Foged,R \$31.00 smcs; Fox,J \$454.74 smcs; Gale \$1,486.29 smcs; Gannon Travel \$1,330.00 smcs; Garcia,R \$44.95 smcs; Gear for Sports \$888.14 smcs; Gillming,R \$30.00 smcs; Granicus \$1,200.00 smcs; HD Supply \$18,587.73 smcs; Heartland Electric \$830.00 smcs; HOA Solutions \$15,978.13 smcs, co; Holiday Inn \$599.50 smcs; Hometown Leasing \$157.20 smcs; ICMA \$4,453.18 ps; IRS \$143,995.66 ps; Jack Lederman \$373.50 smcs; Jacobsen Orr \$109.95 smcs; James,D \$40.00 smcs; JCB Enterprises \$52.75 smcs; Johnson Hardware \$1,178.24 smcs; Jones,C \$300.00 smcs; Kart-Man \$1,995.76 smcs; Ky Chamber Comm \$125.00 smcs; Ky Hub \$2,079.79 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Noon Rotary \$120.00 smcs; Ky Regional \$115.00 smcs; Ky Towing \$225.00 smcs; Ky United Way \$618.50 ps; Koettters,J \$203.66 smcs; Konica Minolta \$454.34 smcs; Kotschwar,T \$66.94 smcs; Krull Ins \$2,195.00 smcs; Kupec,C \$300.00 ps; Larue Distributing \$53.40 smcs; LECC \$520.00 smcs; Leigh Environmental \$573.00 smcs; Lerner \$1,958.86 smcs; Library

Ideas \$7,500.00 smcs; Lindeman,T \$9.70 smcs; Magic Cleaning \$4,740.00 smcs; Mail Express \$2,867.97 smcs; Matheson \$24.26 smcs; McCarty,D \$92.00 smcs; McLaughlin,P \$233.50 smcs; Meadowlark Hills Golf \$149.79 smcs; Mellen & Associates \$6,064.27 smcs; Menards \$90.87 co; Metlife \$9,173.50 ps; Mid Amer Signal \$7,750.00 smcs; Mid NE Plbg \$110.00 smcs; Mid-Iowa Solid Waste \$117.29 smcs; Midlands Contracting \$207,782.20 smcs, co; Midwest Breathing \$201.91 smcs; Milco Environmental \$2,480.50 smcs; Miller & Associates \$158,073.45 smcs,co; Miller Signs \$3,747.00 smcs; Milliman \$1,800.00 smcs; Miracle Recreation \$887.00 co; Mirepoix \$200.00 smcs; Mirror Image \$594.10 smcs; Municipal Supply \$12,523.74 smcs; Navigator Motorcoaches \$1,110.00 smcs; NE Child Support \$2,305.89 ps; NE Dept of Rev \$71,481.81 smcs, ps; NE DOL/Boiler Inspection \$126.00 smcs; NE Games & Parks \$1,000.00 smcs; NE Public Health \$1,535.00 smcs; NE Rural Water Assn \$375.00 smcs; NE Safety & Fire \$195.00 smcs; NE Soc of CPA's \$140.00 smcs; NE Truck Center \$10.91 smcs; Netmotion Wireless \$1,082.00 smcs; Northwestern Energy \$6,440.23 smcs; Nova Fitness \$340.00 ps; Odeys Inc \$14,015.93 smcs; Office Depot \$29.20 smcs; Ogden,D \$100.00 smcs; O'Keefe Elevator \$413.89 smcs; Olsson Associates \$4,800.00 co; One Call Concepts \$511.62 smcs; Outdoor Recreation \$702.00 co; Paramount \$307.56 smcs; Payflex \$582.25 smcs,ps; Payton,D \$18.00 smcs; Petzold,M \$30.00 smcs; Pfast,D \$50.00 smcs; Physio-Control \$362.01 smcs; Pioneer Industrial \$2,825.72 smcs; Platte Valley Comm \$1,066.60 smcs; Platte Valley Labs \$62.50 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$113.64 smcs; Proquest \$401.00 smcs; Public Engines \$1,188.00 smcs; Qisoft \$1,562.00 smcs; Random House \$237.00 smcs; RDO Truck Center \$2,103.31 smcs; Ready Mixed Concrete \$9,490.13 smcs; Recorded Books \$774.30 smcs,co; Republic Natl Dist \$776.46 smcs; Resource Management \$2,070.90 smcs; RMV Construction \$26,136.85 co; Rourke Publishing \$191.60 smcs; Sanitation Products \$1,561.22 smcs; Sapp Bros \$13,457.96 smcs; Schaeffer's Spec Lub \$1,236.03 smcs; School District #7 \$1,386.65 smcs; See Clear Cleaning \$2,400.00 smcs; Sheldon,C \$75.00 smcs; Sixel Consulting \$4,502.63 smcs; Snap-On Tools \$7,407.61 smcs; Sonetics Corp. \$342.53 smcs; SOS Portable Toilets \$175.00 smcs; State of NE/AS Central \$6,144.19 smcs,co; Sterling Distributing \$836.98 smcs; Stott,D \$213.50 smcs; Stover,C \$55.00 smcs; Streeter,J \$23.97 smcs; Suburban Fire Protection \$112.50 ps; Sun Life Financial \$69,747.39 smcs; Sungard \$3,628.70 co; The Despository Trust \$350,952.50 ds; Titleist \$10,773.05 smcs; TLO \$1,320.00 smcs; Tour Edge Golf \$202.50 smcs; Traffic Control \$3,100.00 smcs; Treadway,M \$300.00 ps; Tri-City Sign \$325.00 smcs; Tri-County Glass \$406.25 co; Turner Body Shop \$100.00 smcs; Tye Law Firm \$12,613.53 smcs; Tyler Technologies \$945.00 co; Union Bank & Trust \$71,790.06 ps; UNK-Wellness Lab \$250.00 ps; Urbanek,G \$285.60 smcs; Verizon \$1,641.30 smcs; Vetter,J \$115.00 smcs; Village Cleaners \$384.19 smcs; W.T. Cox \$10,883.24 smcs; Walters Electric \$905.00 co; Ward Labs \$133.00 smcs; Wasteworks \$1,273.80 co; Weis Equipment \$130.00 smcs; Wiles,R \$41.96 smcs; Williams,M \$45.36 smcs; Wright,T \$20.57 smcs; Wubbels,J \$57.00 smcs; Zinghoppers Group \$375.00 smcs; Payroll Ending 3-19-2016 -- \$403,422.69 and Payroll Ending 4-2-2016 -- \$396,100.33. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-116915 liquor license application submitted by El Limon, Inc., dba El Limon to be located at 119 3rd Avenue.

4. Adopt Resolution No. 2016-59 approving Certificate for Payment No. 1-Final in the amount of \$24,656.19 and accept the Certificate of Substantial Completion submitted by Linhart Construction, Inc. and approved by Miller & Associates for the Cemetery Retaining Wall.

RESOLUTION NO. 2016-59

WHEREAS, Linhart Construction of Omaha, Nebraska has performed services in connection with the construction of the Cemetery Retaining Wall, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$24,656.19 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$24,656.19</u>
Contract Sum To Date	24,656.19
Gross Amount Due	24,656.19
Retainage (0%)	.00
Amount Due to Date	24,656.19
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$24,656.19

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of March 11, 2016, as shown by Exhibit "B" 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 Application and Certificate for Payment No. 1-Final, as shown on Exhibit "A" and the Certificate of Substantial Completion as shown on Exhibit "B" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

5. Adopt Resolution No. 2016-60 approving Change Order No. 1 showing a decrease in the amount of \$3,695.75, Application and Certificate for Payment No. 3-Final in the amount of \$107,266.95, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 12 Improvements – Bid A consisting of Water District No. 2015-580, Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac; 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.

RESOLUTION NO. 2016-60

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 Change Order No. 1 showing an decrease to the contract sum in the amount of \$3,695.75, 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 \$107,266.95 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$196,043.85
Change Order No. 1 (4-12-2016)	- 3,695.75
Contract Sum To Date	<u>192,348.10</u>
Gross Amount Due	192,348.10
Retainage (0%)	.00
Amount Due to Date	192,348.10
Less Previous Certificates for Payment	<u>85,081.15</u>
Current Payment Due	<u>\$107,266.95</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of February 29, 2016, 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 12TH DAY OF APRIL, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Adopt Resolution No. 2016-61 approving Change Order No. 1 showing an increase in the amount of \$12,774.00, and Application and Certificate for Payment No. 1 in the amount of \$23,171.26 submitted by Kidwell, Inc. and approved by Miller & Associates for the Harvey Park Ball Field Lighting; Phase 1.

RESOLUTION NO. 2016-61

WHEREAS, Kidwell of Kearney, Nebraska has performed services in connection with the installation of Harvey Park Ball Field Lighting; Phase 1, and the City's engineer, Miller & Associates, have filed with the City Clerk have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$12,774.00, 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. 1 in the amount of \$23,171.26 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$40,528.00</u>
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Contract Sum To Date	40,528.00
Gross Amount Due	25,745.85
Retainage (10%)	2,574.59
Amount Due to Date	23,171.26
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$23,171.26

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

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Accept the bids received 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 adopt Resolution No. 2016-62 awarding the bid to Dan Roeder Concrete in the amount of \$779,898.00.

RESOLUTION NO. 2016-62

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 15, 2016 at 2:00 p.m. 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

WHEREAS, the Engineer's Estimate for the 2015 Part 15 Improvements was \$858,087.00; and

WHEREAS, the said engineers have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$779,898.00 be accepted as the lowest responsible bid for the 2015 Part 15 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 Dan Roeder Concrete be and is the lowest responsible bidder for the 2015 Part 15 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$779,898.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2015 Part 15 Improvements was \$858,087.00 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 12TH DAY OF APRIL, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

8. Adopt Resolution No. 2016-63 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and BK Development, LLC for the construction of paving, water, sanitary sewer and storm sewer improvements for Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2016-63

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Developer Constructed Infrastructure Agreement for Fuller and Daley Second Addition" for the construction of public improvements consisting of water, sanitary sewer, paving and storm sewer between the City of Kearney and BK Development, LLC to serve Fuller and Daley Second Addition, 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 12TH DAY OF APRIL, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2016-64 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Custer Federal State Bank for the construction of paving, water, sanitary sewer and storm sewer improvements for Whispering Pines, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2016-64

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Developer Constructed Infrastructure Agreement for Whispering Pines" for the construction of public improvements consisting of water, sanitary sewer, paving and storm sewer between the City of Kearney and Custer Federal State Bank to serve Whispering Pines, 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 12TH DAY OF APRIL, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Accept the bids received for the 2015 Part 16 Improvements; Country Club Lane Bridge and adopt Resolution No. 2016-65 awarding the bid to Wilke Contracting in the amount of \$315,457.75.

RESOLUTION NO. 2016-65

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the three sealed bids which were opened on April 5, 2016 at 2:00 p.m. for the 2015 Part 16 Improvements; Country Club Lane Bridge; and

WHEREAS, the Engineer’s Estimate for the 2015 Part 16 Improvements; Country Club Lane Bridge was \$314,800.00; and

WHEREAS, the said engineers have recommended the bid offered by Wilke Contracting of Kearney, Nebraska in the amount of \$315,457.75 be accepted as the lowest responsible bid for the 2015 Part 16 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 Wilke Contracting be and is the lowest responsible bidder for the 2015 Part 16 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Wilke Contracting in the amount of \$315,457.75 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Estimate for the 2015 Part 16 Improvements of \$314,800.00 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 12TH DAY OF APRIL, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt Resolution No. 2016-66 approving the Agricultural Lease between the City of Kearney and Kirk Potter to lease 40.8 acres of irrigated cropland located on a tract of land located in part of the West Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2016-66

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 Agriculture Lease Agreement between the City of Kearney and Kirk Potter to lease 40.8 acres of irrigated cropland located on a tract of land located in part of the West Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (adjacent to Tech Park) for an annual cash rent being \$9,400.00. The Agreement, marked Exhibit “1” is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits inside Schrock Chiropractic located at 5911 2nd Avenue West on Thursday, April 28, 2016 from 3:00 p.m. until 10:00 p.m. for a Chamber event.

13. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, May 14, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

14. 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 inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, May 21, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

None.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:34 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers. Nay: None. Lear and Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**