

Kearney, Nebraska
May 10, 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 May 10, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter (arrived at 5:32 p.m.), 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; Tony Jelinek, 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: Greg Barney, Tim Norwood, Paul Brungardt, Paul Fredrickson, Duane Ruh, 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

REZONING 3720 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Brungardt Engineering for Barney Building & Land Company to rezone from District C-O, Office District and District C-2, Community Commercial District to District C-2, Community Commercial District property described as Lot 48, Perkins Harford's 2nd Subdivision to the City of Kearney, Buffalo County, Nebraska (3720 2nd Avenue) and consider Ordinance No. 8074. Planning Commission recommended approval.

Paul Brungardt from Brungardt Engineering presented this matter to the Council. He represents Greg Barney on a rezoning of a piece of ground. The property is located on the southwest corner of 38th Street and 2nd Avenue. It is currently split zoned, the east half is zoned C-2 and the west half is zoned C-O. They are looking to ask that they have the entire piece of ground zoned C-2 which is similar to what they have up and down the 2nd Avenue corridor.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Brungardt Engineering for Barney Building & Land Company to rezone from District C-O, Office District and District C-2, Community Commercial District to District C-2, Community Commercial District property described as Lot 48, Perkins Harford's 2nd Subdivision to the City of Kearney, Buffalo County, Nebraska (3720 2nd Avenue) and introduced Ordinance No. 8074 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8074. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8074 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8074 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8074 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.

DEVELOPMENT PLANS FOR AN ADDITION TO 5210 PARKLANE DRIVE

Mayor Clouse opened the public hearing on the Application submitted by Fredrickson Construction for Prairie Building for Revised Planned District Development Plan Approval for the construction of an addition to an existing building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3 of Block 1, Skyview Addition, an addition to the City of Kearney, Buffalo County, Nebraska (5210 Parklane Drive) and consider Resolution No. 2016-80. Planning Commission recommended approval. Staff recommended approval subject to the replacement of the six street trees as well as the replacement of the three missing property trees.

Paul Fredrickson presented this matter to the Council. He represents Prairie Builders LLC who are the owners. They are proposing to add a 1,700 square foot addition to the north side of the property known as Overland Trails. With the proposed addition they will have a total of 9,596 square feet throughout the whole building which will require 39 parking stalls.

With this construction they will be adding six additional parking stalls to the parking lot and they will be adding these to the existing 36 parking stalls that are already there giving them a total of 42 parking stalls. Mr. Fredrickson discussed where the parking stalls will be. They will be relocating the trash enclosure also. They also have noted, for future use if needed, three additional stalls.

Mr. Fredrickson discussed the landscaping plan. There are a lot of trees that will be planted and added to the site.

They are presenting two different elevations. Mr. Fredrickson discussed the elevations. The exterior of the building will match as close as possible to the existing building with the roofing, siding, brick, windows, shutters and overhangs. They are 16.5 feet off of the property line but they have plenty of room from the neighbors.

They are not making any major changes to the property. The size of the addition is 26 feet by 66 feet so the total paved area is 25,050 square feet and the impervious coverage is 33.5 percent.

Council Member Lammers asked about the break in the roofline where they are going with a different roofline being a little staggered. Mr. Fredrickson stated the roof is going to because they are bringing it in two feet from each side so they do not have a big break in the wall line. If you ever added onto another roof, they do not want to have a line or slight bump because it was not made exactly the same. If they tuck it under the overhang, you will never see any problem like that. It is more for looks.

Mayor Clouse asked if the addition is to add more dialysis equipment. Mr. Fredrickson stated it is more for offices and storage area.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2016-80** approving the Application submitted by Fredrickson Construction for Prairie Building for Revised Planned District Development Plan Approval for the construction of an addition to an existing building on property zoned District C-2/PD, Community Commercial/ Planned Development Overlay District and described as Lot 3 of Block 1, Skyview Addition, an addition to the City of Kearney, Buffalo County, Nebraska (5210 Parklane Drive) subject to the replacement of the six street trees as well as the replacement of the three missing property trees. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2016-80

WHEREAS, Fredrickson Construction for Prairie Building has applied for Revised Planned District Development Plan Approval for the construction of an addition to an existing building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3 of Block 1, Skyview Addition, an addition to the City of Kearney, Buffalo County, Nebraska (5210 Parklane Drive).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Fredrickson Construction for Prairie Building for Revised Planned District Development Plan Approval for the construction of an addition to an existing building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 3 of Block 1, Skyview Addition, an addition to the City of Kearney, Buffalo County, Nebraska (5210 Parklane Drive) be approved subject to the replacement of the six street trees as well as the replacement of the three missing property trees.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING SOUTH OF 56TH STREET, EAST OF NPPD'S SUBSTATION AND WEST OF CHERRY AVENUE

Mayor Clouse opened the public hearing on the Application submitted by the City of Kearney to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District property described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to NPPD all in Buffalo County, Nebraska (south of 56th Street, east of NPPD's Substation, west of Cherry Avenue) and consider Ordinance No. 8075. Planning Commission recommended approval.

Assistant City Manager Paul Briseno presented this matter to the Council. The City of Kearney is requesting to rezone a 40-acre parcel from Agricultural District to Business Park/Planned Development Overlay District. The property is located south of 56th Street and west of Cherry Avenue with the northwest corner of the property abutting NPPD's Sub Station. City Code requires all projects in BP zoning districts to have a PD Overlay District. The properties adjacent to the subject property are zoned as follows:

the north property is zoned AG, the property to the east is AG, the properties south are zoned BP/PD and AG, and the property to the west is BP/PD.

The Future Land Use Map shows the current land status of the subject property as "Business Park". This land use is compatible with the proposed BP/PD zoning.

The rezoning is being pursued by the City of Kearney to continue the vision of this area as business park. Staff believes that this rezoning request provides a better development environment given the nature and high quality standard of the area.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by the City of Kearney to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District property described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to NPPD all in Buffalo County, Nebraska (south of 56th Street, east of NPPD's Substation, west of Cherry Avenue) and introduced Ordinance No. 8075 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8075. 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. 8075 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 Clouse seconded by Lammers that Ordinance No. 8075 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. 8075 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.

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 12 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 April 26, 2016.
2. Approve the following Claims:

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

2FA \$1,242.00 smcs; Alamar \$1,506.17 smcs,ps; Amax \$75.20 smcs; Amazon \$1,349.67 smcs; Amer First Aid \$176.89 smcs; Amer Library Assn \$143.00 smcs; Amer Red Cross \$70.00 smcs; Antonides,B \$1,100.00 co; Arctic Refrigeration \$838.97 smcs; Artisans \$345.00 smcs; Ask Supply \$979.82 smcs; Aurora Coop \$48.80 smcs; Auto Value \$604.85 smcs; Baker & Taylor \$3,123.80 smcs; Bamford \$1,045.00 smcs; Barco Municipal \$2,368.00 smcs; BBQ On the Bricks \$3,000.00 smcs; Benson,G \$818.00 smcs; Bieber,M \$321.77 smcs; Big Red Auto Glass \$287.97 smcs; Blackstone Audio \$720.00 smcs; Blessing \$419,267.99 smcs; BlueCross/BlueShield \$151,297.59 smcs; Bosselman \$1,004.20 smcs; Bowman,R \$400.00 smcs; Brilliance Publishing \$47.98 smcs; Broadfoots \$270.00 smcs; Bruha,S \$200.00 smcs; Buck,M \$345.00 smcs; Buck,S \$141.00 smcs; Builders \$97.43 smcs; Camron \$21,169.02 smcs; Capital Business Systems \$526.23 smcs; Carquest \$27.77 smcs; Cash-Wa \$627.23 smcs; Center Point Publishing \$72.06 smcs; Central District Health \$2,743.50 smcs; Central NE Bobcat \$3,455.00 smcs; Chesterman \$336.00 smcs; Childrens Hospital \$20.00 smcs; Christensen,T \$250.00 smcs; City of Ky \$409,802.18 smcs,ps; Clear Edge Filtration \$2,900.60 smcs; Comcate \$7,136.75 smcs; Community Action Mid NE \$546.00 smcs; Community Health \$4.00 ps; Construction Rental \$3,871.70 smcs,co; Cool Tech \$3,300.00 smcs; Copycat \$43.01 smcs; Crane River \$2,858.00 smcs; Crouch Recreation \$1,755.00 co; Culligan \$19.50 smcs; D&K Products \$9,209.50 smcs; D&M Security \$80.00 smcs; Dan Roeder Concrete \$185,288.13 smcs; Danko \$148.50 smcs; Dawson PPD \$17,270.58 smcs; DCI Credit Services \$181.93 ps; Demco \$905.66 smcs; Dish \$201.00 smcs; Don's Hobby Guns \$12,287.50 smcs; Dutton-Lainson \$487.41 smcs; Eagle Distributing \$682.80 smcs; Eakes \$2,053.67 smcs; Elite/Goody Tours \$3,900.00 smcs; EMC Ins \$2,018.00 smcs; Eynetich,J \$139.73 smcs; Farmers Union \$35.00 smcs; Felsburg Holt & Ullevig \$3,937.50 smcs; Frerichs,B \$5.68 smcs; Frontier \$85.23 smcs; Fyr-Tek \$917.37 smcs; Gale \$1,032.03 smcs; Gangwish Turf \$375.31 smcs,co; Gear for Sports \$1,321.08 smcs; Glass Doctor \$85.00 smcs; HD Supply \$7,485.19 smcs; Hickman,A \$25.00 smcs; Hobby Lobby \$1,390.00 smcs; Holmes,T \$5.22 smcs; Hometown Leasing \$157.20 smcs; Hotsy Equipment \$232.88 smcs; ICMA RC \$41,724.11 ps; ID Cards Unlimited \$2,152.41 smcs; Infogroup \$375.00 smcs; In-Situ \$1,104.78 smcs; IRS \$143,497.23 ps; Isaac,B \$44.99 smcs; Jack Lederman \$45.24 smcs; James,D \$200.00 smcs; Jarecke,T \$11.01 smcs; Jasmann,B \$70.00 smcs; Johnson Service \$1,768.00 smcs; Jones,K \$19.10 smcs; Kart-Man \$998.13 smcs; Ky Crete \$192.24 smcs; Ky Tire \$102.58 smcs; Ky United Way \$618.50 ps; Knox Company \$15.00 smcs; Konica Minolta \$476.24 smcs; Krull Ins \$2,195.00 smcs; Larsen,D \$261.08 smcs; Larue Distributing \$90.23 smcs; Lefeber,N \$200.00 smcs; Leon,A \$15.69 smcs; Lincoln Winwater Works \$117.70 smcs; Logan Contractors \$39,415.20 smcs, co; Mac Tools \$258.99 smcs; Magic Cleaning \$4,740.00 smcs; Magical Paradise Animals \$300.00 smcs; Mail Express \$3,249.98 smcs; Marlatt Machine \$695.00 smcs; Mead Lumber \$67.77 co; Menards \$142.44 smcs; Methe,E

\$110.00 smcs; Metlife \$9,139.49 ps; Midlands Contracting \$171,295.90 smcs; Mid-State Engineering \$2,554.00 co; Midwest Connect \$71.44 smcs; Midwest Labs \$677.50 smcs; Miller & Associates \$5,459.90 smcs,co; Miller Signs \$1,400.00 co; Moonlight Embroidery \$446.20 smcs; Musil,J \$21.99 smcs; NE Child Support \$2,328.97 ps; NE Code Officials Assn. \$205.00 smcs; NE Dept of Rev \$119,707.27 smcs,ps; NE Dept Labor \$63.00 smcs; NE Machinery \$3,147.01 smcs; NE Sec of State \$60.00 smcs; NEland Distributors \$1,178.30 smcs; Nichols,V \$10.26 smcs; Northwestern Energy \$2,379.19 smcs; Odeys \$1,910.50 smcs; Office Depot \$95.97 smcs; Ohri,R \$918.00 smcs; Olsson Associates \$4,800.00 co; One Call Concepts \$612.51 smcs; Paramount \$213.03 smcs; Payflex Systems \$578.00 smcs,ps; Petska,T \$37.34 smcs; Prime Communications \$3,702.85 co; Pulliam,R \$40.00 smcs; Ramsey,D \$136.21 smcs; Random House \$97.50 smcs; Ready Mixed \$622.94 smcs; Recorded Books \$579.18 smcs; REF Building \$262.00 smcs; Research Tech. Int'l \$165.95 smcs; Rheome Tree \$110.00 smcs; Rich,T \$50.00 smcs; River's End Holdings \$1,141.06 smcs; RockIt \$600.00 smcs; Sapp Bros \$14,149.89 smcs; Sauer,R \$400.00 smcs; Scharf,A \$7.24 smcs; Schriener,S \$31.00 smcs; Schukar,R \$70.00 smcs; See Clear Cleaning \$350.00 smcs; Sensus Metering \$435.13 smcs; Severson,P \$85.00 smcs; Sheldon,S \$64.37 smcs; Sign Center \$125.00 smcs; Simeon.L \$16.18 smcs; Sixel Consulting \$3,155.67 smcs; Skeeter Barnes \$4,618.20 smcs; SOS Portable \$175.00 smcs; Soto,S \$45.00 smcs; State of NE/AS Central \$5,292.53 smcs,co; Steinbrink's Landscaping \$979.96 smcs; Stroud,J \$19.54 smcs; Sun Life Financial \$69,937.12 smcs; Tacha,J \$50.00 smcs; Theis,J \$80.00 smcs; THEY Improv \$750.00 smcs; Thiel,A \$36.14 smcs; Thome,B \$9.10 smcs; Thomson Reuters-West \$1,080.00 smcs; Titleist \$797.87 smcs; Tri City Sign \$982.57 smcs; Tri Co Equipment \$256.48 smcs; Tri State Oil Reclaimers \$209.50 smcs; TWL \$179,008.46 smcs; Tye Law Firm \$13,445.59 smcs; Uldrich,K \$656.00 smcs; Union Bank \$70,080.76 ps; UNK \$3,000.00 smcs; Upstart \$149.25 smcs; US Bank \$91,778.61 smcs; Van Deist \$2,551.03 smcs; Verizon Wireless \$1,560.39 smcs; Village Uniform \$383.73 smcs; Walton,T \$40.00 smcs; Warrington,D \$716.85 smcs; Waterlink \$8,811.00 smcs; Western World \$94.05 smcs; Whalen,J \$313.82 smcs; Worley Monument \$240.00 smcs; Xavus \$260.00 smcs; Payroll Ending 4-30-2016 -- \$402,433.54. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the application 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 Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, June 4, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

4. 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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Friday, June 10, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

5. 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, June 11, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

6. 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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Friday, June 17, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

7. 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, June 18, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

8. 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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Thursday, June 23, 2016 from 3:00 p.m. until 1:00 a.m. for a corporate event.

9. Adopt Resolution No. 2016-81 appointing Bryce Jensen to fulfill the term vacated by Mike Suchan on the Downtown Improvement Board.

RESOLUTION NO. 2016-81

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, a vacancy currently exists on the Downtown Improvement Board.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as proposed by the Mayor of the City of Kearney, Nebraska, is hereby appointed to fulfill the vacated term as indicated:

DOWNTOWN IMPROVEMENT BOARD

Bryce Jensen appointed to fulfill the term vacated by Mike Suchan to July 31, 2019.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the Plans and Specifications for the 2016 Part 1 Improvements; Traffic Signal Construction at 39th Street and 30th Avenue and set the bid opening date for June 7, 2016 at 2:00 p.m.

11. Approve the Agreement submitted by the Central Nebraska Auto Club to temporarily block off Central Avenue from 25th Street to North Railroad Street, 24th

Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2016 on July 16, 2016. Parking on these public properties will be prohibited on July 16, 2016 beginning at 2:00 a.m.

12. Adopt Resolution No. 2016-82 approving the Cruise Nite parade scheduled for July 16, 2016 at 4:30 p.m. beginning at Railroad Street and Central Avenue, north on Central Avenue and dispersing at the intersection of 31st Street and Central Avenue.

RESOLUTION NO. 2016-82

WHEREAS, the City of Kearney has received and approved an application to conduct a parade on July 16, 2016 beginning at 4:30 p.m. and ending at 6:30 p.m.; and

WHEREAS, the route for the parade will begin at Central Avenue and Railroad Street, go north on Central Avenue and dispersing at the intersection of 31st Street and Central Avenue; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on July 16, 2016 beginning at 4:30 p.m. and ending at 6:30 p.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) on July 16, 2016 from 4:30 p.m. until 6:30 p.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City is not closing Highway 30; law enforcement stops the parade and allows traffic on Highway 30 to proceed and does not allow long waits for the Highway 30 traffic; and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the parade scheduled for July 16, 2016 beginning at 4:30 p.m. and ending at 6:30 p.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said parade.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30), on July 16, 2016 from 4:30 p.m. until 6:30 p.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said parade.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 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

None.

VII. REPORTS

Council member Lammers thanked his supporters and encouraged the citizens to vote.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:44 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**