

Kearney, Nebraska
May 24, 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 24, 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, 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: Chais Meyer, Jon Watts, 2 UNK students, 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

None.

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, May 23 by adding Subsection 20.

Moved by Lammers seconded by Nikkila that Subsections 1 through 20 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 10, 2016.
2. Approve the following Claims:

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

1000bulbs.com \$1,652.96 smcs; 24 Hour Tees \$476.25 smcs; 4imprint \$1,856.25 smcs; AAA Tarps \$1,619.78 smcs; Acco Brands \$13.89 smcs; Ace Hardware \$139.22 smcs; Advance Auto Parts \$31.98 smcs; Air Science \$484.83 smcs; Alamar \$266.42 smcs,ps; Alfred Benesch \$9,121.17 co; All Makes Auto \$2,908.86 smcs; Allied Electronics \$49.82 smcs; Amazon \$13,007.18 smcs,co; American \$543.15 smcs; Amer Fence \$1,550.00 smcs; Amer First Aid \$589.74 smcs; Ameristar Casino Hotel \$2,066.02 smcs; Apple Market \$33.90 smcs; Applebees \$18.38 smcs; Appliance Factory Parts \$17.01 smcs; ARC \$651.00 smcs; Ask Supply \$3,023.31 smcs; Atlanco \$202.82 smcs; Aurora Coop \$240.96 smcs; Aussie Hydraulics \$125.28 smcs; Auto Value \$73.50 smcs; Backer,H \$15.24 smcs; Baker & Taylor \$3,881.15 smcs; Bauer Underground \$20,483.90 smcs; Bauer,E \$25.35 smcs; Blessing \$72,092.87 smcs,co; BlueCross/BlueShield \$292,974.35 smcs; Bosselman \$5,267.41 smcs; Brilliance Publishing \$107.94 smcs; Broadfoots \$708.75 smcs; Brodart Co \$44.11 smcs; Brown,C \$46.67 smcs; Bruha,S \$320.00 smcs; Buffalo Co Mutual Aid \$50.00 smcs; Buffalo Co Treasurer \$35.50 smcs; Buffalo Outdoor Power \$943.70 smcs; Builders \$1,564.22 smcs,co; Buxton \$25,000.00 co; Cabela's \$54.98 smcs; Callahan,L \$19.82 smcs; Capital Business \$330.44 smcs; Carquest \$3,190.44 smcs; Casey's \$73.28 smcs; Cash-Wa \$2,264.38 smcs; Cenex \$33.00 smcs; Central Fire & Safety \$64.00 smcs; Central Hydraulic \$638.89 smcs; Central NE Bobcat \$233.67 smcs; Central NE Rehabilitation \$202.50 smcs,ps; Chances R Restaurant \$295.96 smcs; Charter \$767.60 smcs; ChemSearch \$305.00 smcs; Chesterman Co \$981.85 smcs; Chicken Coop \$50.00 smcs; Cintas \$280.74 smcs; City of Ky \$15,789.70 smcs,ps; CMH Interiors \$1,930.00 smcs; CMS Communications \$281.32 co; CNA Ins \$160.00 smcs; Coldspring \$443.00 smcs; Cole,S \$17.31 smcs; Comcate \$1,302.26 smcs; Consec Life \$19.00 ps; Construction Rental \$640.06 smcs,co; Copycat \$3,837.96 smcs; Cornerstone Berean Church \$821.78 co; Cornhusker Cleaning \$84.28 smcs; Crane River Theater \$300.00 smcs; Culligan \$307.85 smcs; Cummins \$2,422.94 smcs; Curtis,C \$35.23 smcs; Danko \$81.18 smcs;

Davis Equipment \$853.95 smcs; Dawson PPD \$21,627.07 smcs; Dean,C \$41.30 smcs; Dell \$4,727.09 smcs; Demco \$209.32 smcs; Depository Trust \$307,698.75 ds; Dibbern,K \$22.47 smcs; Digicert \$419.00 smcs; Dmilaco \$445.50 smcs; Dog Poop Bags \$199.57 smcs; Dolan,B \$13.61 smcs; DPC Industries \$24,080.10 smcs; Dr. Oz \$30.00 smcs; Dreamstime.com \$56.99 smcs; Dutton-Lainson \$16,137.44 smcs; Eagle Distributing \$872.50 smcs; Eakes \$11,884.91 smcs,co; Earl May \$100.00 smcs; Eileen's Cookies \$2,021.50 smcs; Electric Pump \$2,217.08 smcs; Elliott Equipment \$1,219.63 smcs; Embassy Suites \$1,028.16 smcs; Emmett Bower Band \$1,000.00 smcs; Engineered Controls \$222.00 smcs; Enterprise \$106.38 smcs; Eustis Body Shop \$100.00 smcs; Eynetich,J \$159.42 smcs; Facebook \$67.56 smcs; Fantasy Face Painting \$250.00 smcs; Fastenal \$198.72 smcs; Fedex \$64.24 smcs; Flag Unlimited \$139.07 smcs; Flaherty,T \$324.00 smcs; Fleetpride \$1,540.00 smcs; Fore Better Golf \$543.30 smcs; Fort Bend Services \$5,653.44 smcs; Fouts,S \$37.52 smcs; Frontier \$9,509.79 smcs; Fyr-Tek \$227.67 smcs; Gangwish \$583.20 co; Gannon Travel \$350.00 smcs; Garetto,S \$38.63 smcs; Garrett Tires \$4,689.90 smcs; GD Construction \$31,331.00 co; Gempler's \$370.05 smcs; General Traffic \$459.87 smcs; Gillen,T \$8.15 smcs; Gordon Electric \$129.94 smcs; Gotocitrix.com \$468.00 smcs; Graham Tire \$265.76 smcs; Grainger \$2,651.06 smcs; GI Clinic \$244.00 smcs; Granite City Tool \$124.95 smcs; Hach \$748.19 smcs; Hampton Inn \$306.64 smcs; Harmony,C \$66.69 smcs; Harris,L \$37.65 smcs; HD Supply \$48,402.52 smcs,co; High Speed Gear \$128.67 smcs; Holiday Inn \$237.60 smcs; Holmes Plbg \$331.22 smcs; Home Depot \$96.01 smcs; Hometown Leasing \$265.92 smcs; Human Solution \$179.10 smcs; Humanities NE \$100.00 smcs; Hy Vee \$47.13 smcs; ICMA \$4,505.18 ps; Idexx \$142.89 smcs; In Situ \$161.28 smcs; Indianapolis Airport \$2,825.55 smcs; Ink Toner Store \$46.90 smcs; Inland Truck Parts \$359.96 smcs; Integrated Construction \$6,961.00 co; Int'l Assn for ID \$80.00 smcs; Int'l Code Council \$135.00 smcs; IPEX \$1,500.00 smcs; IRS \$143,923.83 ps; Jack Lederman \$1,244.70 smcs; Java Junction \$240.00 smcs; JJ Keller \$315.00 smcs; John Deere Landscapes \$232.33 smcs; Johnstone Supply \$88.83 smcs; Kaman,K \$37.28 smcs; Ky Catholic \$2,875.00 smcs; Ky Chamber Comm \$2,684.51 smcs; Ky Clinic \$1,331.00 ps; Ky Concrete \$326.36 smcs,co; Ky Crete & Block \$192.24 smcs; Ky Goodwill \$8.35 smcs; Ky Hub \$8,907.98 smcs; Ky Humane Society \$7,166.25 smcs; Ky Liquor \$68.44 smcs; Ky Power Sports \$256.65 smcs; Ky Tire & Auto \$26.99 smcs; Ky Towing \$462.50 smcs; Ky Warehouse \$721.41 smcs; Ky Winlectric \$113.53 smcs; Ky Winnelson \$538.29 smcs; Kelly Supply \$45.89 smcs; Kenton,K \$2.42 smcs; Kimball Midwest \$749.40 smcs; Kirkland,R \$47.30 smcs; Kohl,J \$22.90 smcs; KOLN \$1,055.00 smcs; Konica Minolta \$798.40 smcs; Kratzer,K \$21.83 smcs; Landmark Implement \$436.88 smcs; Lands End \$187.24 smcs; Lawson Products \$1,090.41 smcs; Liberty Cleaners \$50.00 smcs; Library Store \$219.59 smcs; Lifeguard Store \$561.00 smcs; Lighting Components \$312.45 smcs; Little Caesars \$50.47 smcs; Look What's Cookin' \$51.08 smcs; Lueck,H \$48.14 smcs; LuLu Press \$35.24 smcs; Mail Express \$48.54 smcs; Maris,J \$17.42 smcs; Marlatt Machine \$2,511.86 smcs; Martin,C \$70.70 smcs; Massey,S \$22.85 smcs; Matheson \$243.07 smcs; Mauch,M \$34.70 smcs; Mauler,B \$39.85 smcs; McDowell,K \$23.43 smcs; Mead Lumber \$408.17 co; Medicbatteries.com \$176.88 smcs; Menards \$4,612.76 smcs,co; Merryman \$100.00 smcs; Metlife \$9.50 ps; Microfilm Imaging \$2,100.00 smcs; Mid Amer Signal \$1,310.00 smcs; Mid-NE Garage \$100.00 smcs; Midstates \$243.47 smcs; Mid-States Organized Crime \$195.00 smcs; Midway Chevrolet \$61.96 smcs; Midway Chrysler \$6.90 smcs; Midwest Connect \$2,502.70 smcs; Midwest Paint \$12,802.40 smcs; Midwest Turf \$9,550.50 smcs; Miller Signs \$1,625.00 smcs,co; Mirror Image \$246.40 smcs;

Moonlight Embroidery \$35.31 smcs; Morpho Trak \$10,663.00 smcs; Municipal Supply \$848.73 smcs; NASRO \$40.00 smcs; Navigator Motorcoaches \$2,675.00 smcs; NCL of Wisconsin \$888.01 smcs; NE Child Support \$2,328.97 ps; NE Dept of Environmental \$150.00 smcs; NE Environmental Product \$549.07 smcs; NE Library Assn \$30.00 smcs; NE Main Street \$40.00 smcs; NE Statewide Arboretum \$809.56 smcs; NE Truck Center \$3,080.65 smcs; Nelson,A \$40.53 smcs; Nelson's Furniture \$2,264.00 smcs; Newman Signs \$187.64 smcs; Nicholson,C \$8.14 smcs; NMC Exchange \$1,408.50 smcs; Northern Safety \$203.14 smcs; Northern Tool \$791.75 smcs,co; Northwest Electric \$79.69 smcs; Northwestern Energy \$5,153.31 smcs; NRG Media \$1,246.00 smcs; OCLC \$630.59 smcs; Office Depot \$234.97 smcs; Officemax \$726.87 smcs,co; Officenet \$825.30 smcs; Officesupply.com \$83.17 smcs; O'Hara Lindsay \$2,000.00 smcs; O'Keefe Elevator \$225.00 smcs; Olsson Associates \$1,348.25 co; O'Reilly Auto \$1,377.48 smcs; Oriental Trading \$89.93 smcs; Orscheln \$819.31 smcs,co; Otto Environmental \$24,702.00 smcs; Overhead Door \$329.39 smcs; Panera Bread \$86.94 smcs; Pankonin,E \$3.35 smcs; Paramount \$295.39 smcs; Party America \$16.92 smcs; Party City \$23.43 smcs; Paypal-Lightbulbs \$17.00 smcs; Paypal-Mimixa \$200.00 co; Paypal-Nebraskasof \$50.00 smcs; Paypal-Nebraskawat \$100.00 smcs; Paypal-Recycledemp \$301.05 smcs; Peerless Machine \$24,221.10 smcs; Pennwell books \$79.00 smcs; Peterson,C \$5.73 smcs; Pinnacle Bank Arena \$1,797.50 smcs; Placek,M \$9.13 smcs; Plains Tree Farm \$438.00 smcs; Platinum Awards \$23.85 smcs; Platte Valley Auto Mart \$413.62 smcs; Platte Valley Comm \$4,068.63 smcs; Platte Valley Labs \$167.50 smcs; Plixer Int'l \$926.00 smcs; Prestige Group \$207.71 smcs; Presto-X \$576.54 smcs; Prime Communications \$11,104.07 co; Propumps & Controls \$177,709.00 co; Pro-Tint \$955.50 smcs; Proud Souls \$3,000.00 smcs; Provantage \$2,004.59 smcs; PRW \$625.00 smcs; Pump & Pantry \$23.07 smcs; Qualified Hardware \$158.00 smcs; Quill \$366.57 smcs; Rainbowonlinesale \$159.06 smcs; Ramada Plaza \$361.56 smcs; Random House \$462.75 smcs; RDO Truck Center \$926.23 smcs; Ready Mixed Concrete \$14,589.27 smcs,co; Recorded Books \$472.09 smcs; Recovery Systems \$5,009.00 smcs; Recreation Division \$170.00 smcs; Recreonics \$403.98 smcs; Red Cross Store \$325.02 smcs; Redbox \$12.86 smcs; Ries,M \$41.65 smcs; Robideau,S \$34.00 smcs; Rogue Fitness \$200.67 ps; Rosentrater,A \$39.32 smcs; S&S Worldwide \$59.97 smcs; Sahling Kenworth \$164.59 smcs; Sampson Construction \$344,983.00 co; Sapp Bros \$16,047.80 smcs; Schoneman,A \$2.71 smcs; School Dist #7 \$11,166.25 smcs; Schroer,W \$34.67 smcs; Schultze,T \$11.52 smcs; Schwarz,J \$175.00 smcs; See Clear Cleaning \$1,700.00 smcs; Sherwin Williams \$108.94 smcs; Shullaw,M \$39.02 smcs; Shutterfly \$160.34 smcs; Silver,J \$55.32 smcs; Site One Landscapes \$7,199.51 smcs; Southern Computer \$161.60 smcs; Sport Supply \$179.88 smcs; Sporting Edge \$2,316.00 smcs; Sportvideos \$38.00 smcs; Stagecoach \$101.60 smcs; Staples \$548.84 smcs; Steinbrink's \$26,023.04 smcs,co; Stevespanglersci \$8.75 smcs; Stokes,J \$12.24 smcs; Strong,J \$12.52 smcs; Student Athletic Trainers \$15.00 smcs; Sungard \$29,983.10 co; Superior Signal \$167.37 smcs; Supplyworks \$2,547.23 smcs; Sutton,S \$1,326.00 smcs; Svoboda,R \$22.20 smcs; Swisher,N \$5.49 smcs; Tacticalgear.com \$93.95 smcs; Target \$245.63 smcs; Tesdall,G \$1,000.00 smcs; Texoma Golf \$175.90 smcs; Thomsen,J \$2.83 smcs; Ticket Omaha \$814.00 smcs; Tielke's Sandwiches \$54.52 smcs; Tilley Sprinkler \$50.00 smcs; Titan Machinery \$3,559.00 smcs,co; Titleist \$1,047.88 smcs; Tour Edge Golf Mfg \$202.50 smcs,co; Tractor-Supply \$1,131.64 smcs; Trade Well Pallet \$2,000.00 smcs; Trans Iowa Equipment \$449.97 smcs; Tri County Equipment \$33.48 smcs; Tri-Cities Group \$2,224.55 smcs; Tru Café \$500.00 smcs; TruGreen ChemLawn \$202.00 smcs; Turner

Body \$1,412.80 smcs; Uldrich,K \$20.00 smcs; Uline \$312.66 smcs; Uniforms and Accessories \$160.91 smcs; Union Bank \$70,147.87 ps; Unique Management \$205.85 smcs; United Seeds \$2,907.50 smcs; UNL Agron \$60.00 smcs; UNL Athletic Ticket Office \$156.00 smcs; UPS Store \$80.29 smcs; USA Blue Book \$312.77 smcs; USA Communications \$155.95 smcs; USPS \$359.06 smcs; Van Diest \$2,972.26 smcs; Vanwall \$2,259.57 smcs; Verizon \$141.52 smcs; Vermont Systems \$1,152.00 smcs; Waco Truck Stop \$42.49 smcs; Wal-Mart \$2,099.78 smcs; Walters Electric \$1,500.00 smcs; Warrington,D \$51.15 smcs; Webstaurant Store \$37.35 smcs; Weis Equipment \$130.00 smcs; Well Gain Electronics \$78.67 smcs; Wenz,N \$2.37 smcs; Westway Electric \$318.12 smcs; Whalen,J \$270.00 smcs; Whentowork \$180.00 smcs; Wiederspan,R \$51.30 smcs; Wilke's True Value \$638.55 smcs; Woodyard,K \$43.65 smcs; WPCI \$239.00 ps; Yanda's \$2,012.00 smcs; Yarrington,M \$20.45 smcs; Young,J \$37.69 smcs; Zoro Tools \$357.42 smcs; Payroll Ending 5-14-2016 -- \$413,581.29. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set June 14, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2016-83 approving the Group Employee Health and Welfare Benefits Program Consulting Services Agreement and the Business Associate Agreement submitted by Silver Stone Group of Omaha, Nebraska designating them as the City's Health Care Benefits Consultant.

RESOLUTION NO. 2016-83

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the SilverStone Group, Group Employee Health and Welfare Benefits Program Consulting Services Agreement and the Business Associate Agreement. The Group Employee Health and Welfare Benefits Program Consulting Services Agreement, marked as Exhibit "A" and the Business Associate Agreement, marked as Exhibit "B", are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:

- a) 24th Street Night Market to temporarily close 24th Street from 2nd Avenue to Central Avenue from 6:00 p.m. until 10:00 p.m. on June 2, 16, July 7, 21, August 4, 18, and September 1.
- b) Grand Lodge of Nebraska for band marching practice to use University Drive, 29th Street and 9th Avenue on June 1 from 6:30 p.m. until 7:30 p.m., June 2 from 1:15 p.m. until 2:15 p.m., and June 3 from 5:15 p.m. until 5:45 p.m.
- c) Shrine Bowl Parade to use Railroad Street, Central Avenue, 1st Avenue, 3rd

- Avenue, 4th Avenue, Avenues A, B, C, and D, 24th Street, 23rd Street on June 4 beginning at 10:00 a.m.
- d) Buffalo County Stampede ½ Marathon to use south lane of 11th Street from 6th Avenue to Kea West Avenue on June 5.
 - e) Community Olympiad 5K Run/Walk to use Avenue A, 27th Street, Avenue I, Tabor Street, 34th Street, Avenue G and Avenue H on June 25 from 7:30 a.m. until 9:00 a.m.
 - f) VFW Mural to temporarily block off 3 parking stalls and abutting sidewalk in front of 2215 1st Avenue from June 5 through June 12.
 - g) Pride 2016 Walk/Run to temporarily close the parking lot located north of the Museum of Nebraska Art on June 18 from 3:00 p.m. until 5:00 p.m.
- 6.** Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2017:
- a) East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue
 - b) Merriweather Mobile Home Village, 914 West 17th Street
 - c) Rodeo Court, 2414 West 24th Street
 - d) R-Villa East, 2500, 2719, 2803 West 24th Street
 - e) R-Villa West, 2500, 2719, 2803 West 24th Street
 - f) R-Villa South, 2500, 2719, 2803 West 24th Street
 - g) Villa Park, 2703 West 24th Street
- 7.** Adopt Resolution No. 2016-84 approving the Municipality Program Agreement; State Projects between the City of Kearney and the Nebraska Department of Roads for Project HSIP-30-4(159) detailing improvements to 25th Street from 6th Avenue to 13th Avenue.

RESOLUTION NO. 2016-84

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Municipality Program Agreement; State Projects between the City of Kearney and the Nebraska Department of Roads for Project HSIP-30-4(159) detailing improvements to 25th Street from 6th Avenue to 13th Avenue. The Municipality Program Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 8.** Adopt Resolution No. 2016-85 approving Change Order No. 2 showing a decrease in the amount of \$1,137.95, Application and Certificate for Payment No. 2-Final in the amount of \$28,992.79, and accept the Certificate of Substantial Completion submitted by Kidwell, Inc. and approved by Miller & Associates for the Harvey Park Ball Field Lighting; Phase 1.

RESOLUTION NO. 2016-85

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. 2 showing a decrease to the contract sum in the amount of \$1,137.95, 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. 2-Final in the amount of \$28,992.79 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$40,528.00
Change Order No. 1 (4-12-2016)	+12,774.00
Change Order No. 2 (5-24-2016)	<u>- 1,137.95</u>
Contract Sum To Date	52,164.05
Gross Amount Due	52,164.05
Retainage	.00
Amount Due to Date	52,164.05
Less Previous Certificates for Payment	<u>23,171.26</u>
Current Payment Due	<u>\$28,992.79</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 21, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 2-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Adopt Resolution No. 2016-86 approving Application and Certificate for Payment No. 11 in the amount of \$7,362.25 submitted by Blessing, LLC 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± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.

RESOLUTION NO. 2016-86

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± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 11 in the amount of \$7,362.25 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	+ 40,765.12
Change Order No. 2 (10-27-2015)	+ 1,903.13
Change Order No. 3 (2-9-2016)	+ <u>18,249.70</u>
Contract Sum To Date	1,875,313.95
Gross Amount Due	1,824,683.54
Retainage	36,493.67
Amount Due to Date	1,788,189.86
Less Previous Certificates for Payment	<u>1,780,827.61</u>
Current Payment Due	\$ 7,362.25

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

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

10. Adopt Resolution No. 2016-87 approving Application and Certificate for Payment No. 2 in the amount of \$69,185.25 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 2 Improvements consisting of Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition.

RESOLUTION NO. 2016-87

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 2 Improvements consisting of Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition, and

the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$69,185.25 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$583,423.50
Change Order No. 1 (1-12-2016)	<u>- 21,825.00</u>
Contract Sum To Date	561,598.50
Gross Amount Due	222,622.00
Retainage	22,262.20
Amount Due to Date	200,359.80
Less Previous Certificates for Payment	<u>131,174.55</u>
Current Payment Due	\$ 69,185.25

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 24TH DAY OF MAY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Adopt Resolution No. 2016-88 approving Change Order No. 2 for an increase in the amount of \$12,341.33 and Application and Certificate for Payment No. 1 in the amount of \$375,062.44 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street.

RESOLUTION NO. 2016-88

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street, 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 \$12,341.33 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 \$375,062.44 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$3,018,299.85
Change Order No. 1 (3-22-2016)	<u>+ 20,741.68</u>
Contract Sum To Date	3,039,041.53
Gross Amount Due	416,736.04
Retainage	41,673.60
Amount Due to Date	375,062.44
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 375,062.44

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" and Application and Certificate for Payment No. 1, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Adopt Resolution No. 2016-89 approving Change Order No. 2 for an increase in the amount of \$4,020.25, Application and Certificate for Payment No. 1-Final in the amount of \$133,377.25, and accept the Certificate of Substantial Completion submitted by Downey Drilling, Inc. and approved by Miller & Associates for the Yanney Park Irrigation Wells.

RESOLUTION NO. 2016-89

WHEREAS, Downey Drilling, Inc. of Lexington, Nebraska has performed services in connection with the installation of the Yanney Park Irrigation Wells, 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 \$4,020.25, 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. 1-Final in the amount of \$133,377.25 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$151,115.00
Change Order No. 1 (3-8-2016)	- 21,758.00
Change Order No. 2 (5-24-2016)	<u>+ 4,020.25</u>
Contract Sum To Date	133,377.25
Gross Amount Due	133,377.25
Retainage	.00
Amount Due to Date	133,377.25
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$133,377.25

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 6 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 1-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 24TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Accept the bids received for the construction of the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street and adopt Resolution No. 2016-90 awarding the bid to Blessing, LLC in the amount of \$448,188.75 contingent upon approval from Nebraska Department of Economic Development for the extension of the grant for construction in 2017.

RESOLUTION NO. 2016-90

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 17, 2016 at 2:00 p.m. for the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street; and

WHEREAS, the Engineer's Estimate for the 2015 Part 14 Improvements was \$446,124.00; and

WHEREAS, the said engineers have recommended the bid offered by Blessing, LLC of Kearney, Nebraska in the amount of \$448,188.75 be accepted as the lowest responsible bid for the 2015 Part 14 Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Blessing, LLC be and is the lowest responsible bidder for the 2015 Part 14 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing, LLC in the amount of \$448,188.75 be and is hereby accepted and is contingent upon approval from Nebraska Department of Economic Development for the extension of the grant for construction in 2017.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2015 Part 14 Improvements was \$446,124.00 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 24TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt Resolution No. 2016-91 approving Change Order No. 2 for an increase in the amount of \$35,563.00 submitted by Sampson Construction and approved by Clark Enersen Partners for the construction of a new sports complex at Patriot Park.

RESOLUTION NO. 2016-91

WHEREAS, Sampson Construction Co. from Lincoln, Nebraska has performed services in connection with for the construction of a new sports complex at Patriot Park, and the City's engineer, The Clark Enersen Partners, have filed with the City Clerk

Change Order No. 2 showing an increase to the contract sum in the amount of \$35,563.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$8,078,000.00
Change Order No. 1 (1-26-2016)	- 138,425.00
Change Order No. 2 (5-24-2016)	+ <u>35,563.00</u>
Contract Sum To Date	7,975,138.00

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", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

15. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer, wine and distilled spirits at FirstTier Bank located at 1015 2nd Avenue on Thursday, June 16, 2016 from 4:00 p.m. until 9:00 p.m. for a Chamber Business After Hours.

16. Adopt Resolution No. 2016-92 approving the Agency Agreement between the City of Kearney and Nebraska Department of Aeronautics for Project No. 3-31-0045-30-2016 for the purpose of obtaining federal assistance in the development of the Kearney Regional Airport.

RESOLUTION NO. 2016-92

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. 3-31-0045-30-2016 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT.

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

1. The City of Kearney shall enter into an Agency Agreement with the Department of Aeronautics for Project No. 3-31-0045-30-2016 for the purpose of obtaining federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.
2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.
3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

PASSED AND APPROVED THIS 24TH DAY OF MAY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. 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 Holmes Plumbing located at 2003 Avenue C on Friday, June 10, 2016 from 4:00 p.m. until 10:00 p.m. for a reception.

18. 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 building and inside an outdoor 200' x 400' fenced area located in the parking lot north of Kearney Power Sports, 511 South 2nd Avenue, on Friday, June 17, 2016 from 4:00 p.m. until 12:00 a.m. for a bike night reception.

19. 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 Eakes Office Supply located at 2401 Avenue A on Wednesday, June 22, 2016 from 4:00 p.m. until 10:00 p.m. for a business after hours event.

20. ADDENDUM ITEM. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, June 25, 2016 from 6:00 p.m. until 1:00 a.m. for a dance (alternate location is Exposition Building and alternate date is July 2, 2016).

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8076 RENAMING KEA WEST AVENUE TO YANNEY AVENUE

In honor of the Yanney family for donating and designing the land known as E.K. and Mary Yanney Heritage Park, the City would like to rename the street west of the park currently called Kea West Avenue. The street would be designated as Yanney Avenue. This designation will also assist visitors on locating the park. Only one property owner is affected who agreed with the change.

Council Member Nikkila introduced Ordinance No. 8076 renaming and redesignating Kea West Avenue to Yanney Avenue beginning from the south line of 11th Street south to the south right-of-way line of Interstate 80, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8076. President of the Council asked for discussion or if anyone in the audience was

interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8076 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8076 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8076 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$86,178.84 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council member Buschkoetter congratulated the spring sports teams that represented the City very well; the boys and girls soccer teams, the track team, and the Tri-City Storm.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:33 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**