

Kearney, Nebraska
June 28, 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 June 28, 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; Shawna Erbsen, Administrative Services Director; Jason Whalen, Fire Administrator; and Dan Lillis, Engineering Assistant II were also present. Some of the citizens present in the audience included: Bruce Lefler, Dallas Watkins, Michael Park, Duane Ruh, Ashley Weesner, 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

AMEND LAND USE MAP FOR SOUTH OF 55TH STREET AND EAST OF 11TH AVENUE

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 12, 2016 Public Hearing 1 on the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Parks to Mixed Use 1 property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until July 12, 2016 Public Hearing 1 on the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Parks to Mixed Use 1 property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

REZONING SOUTH OF 55TH STREET AND EAST OF 11TH AVENUE

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 12, 2016 Public Hearing 2 on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District A, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until July 12, 2016 Public Hearing 2 on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District A, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

FINAL PLAT FOR FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 12, 2016 Public Hearing 3 on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County,

Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until July 12, 2016 Public Hearing 3 on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ANNEXATION OF FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 12, 2016 Public Hearing 4 on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until July 12, 2016 Public Hearing 4 on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

DEVELOPMENT PLANS SOUTH OF 55TH STREET AND EAST OF 11TH AVENUE

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 12, 2016 Public Hearing 5 on the Application submitted by Miller & Associates for Grand West, LLC for Planned District Development Plan Approval for the construction of apartments, multi-family, duplexes and patio homes on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until July 12, 2016 Public Hearing 5 on the Application submitted by Miller & Associates for Grand West, LLC for Planned District Development Plan Approval for the construction of apartments, multi-family, duplexes and patio homes on property to be zoned District R-2/PD, Urban Residential

Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

CDBG 15-DTR-004

Mayor Clouse opened the public hearing to receive input from the public with regard to a downtown revitalization project under CDBG 15-DTR-004.

Ashley Weesner from Miller & Associates presented this matter to the Council. The hearing is to receive input on the progress of the downtown revitalization project that the City of Kearney received Federal moneys on. The City was funded in 2015 by CDBG funds in the amount of \$14,500 for downtown revitalization planning. The remaining funds of this project were provided by matching moneys in the amount of \$7,000 for a total project cost of \$21,500.

Council Member Nikkila asked about the comprehensive plan and what phase are they attempting to fund. Ms. Weesner stated they are coming up with a cost estimate and a lot of it will have to do with the cost estimates and what the funding allows. A big part of it will be lighting, aside from that there might be some extra money in there to update other areas.

Council Member Nikkila asked about the list and if they will be starting from the top of the list. Ms. Weesner confirmed.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing to receive input from the public with regard to a downtown revitalization project under CDBG 15-DTR-004. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held June 14, 2016 and Minutes of Special Meeting held June 15, 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 \$101.28 smcs; 4Imprint \$2,401.28 smcs; Ace Hardware \$12.82 smcs; Adobe \$256.67 smcs; Agri Service \$3,112.35 smcs; Alamar \$1,155.00 smcs; All Makes Auto \$413.40 smcs; Amazon \$7,263.34 smcs,co; American \$286.25 smcs,co; Amer Cancer Soc \$100.00 smcs; Amer First Aid \$346.93 smcs; Amer Legion \$46.85 smcs; Ameristar \$1,000.00 smcs; APA-Membership \$845.00 smcs; Apple Market \$17.00 smcs; ARC Services \$222.00 smcs; Ask Supply \$2,419.56 smcs; Assoc. Threat Assessment \$110.00 smcs; Aubeelauck,B \$52.81 smcs; Aurora Coop \$331.06 smcs; Aussie Hydraulics \$294.81 smcs; Auto Value \$1,453.55 smcs; Avngate*Mochasoft.dk \$319.93 co; Awards USA \$74.68 smcs; Baker & Taylor \$5,044.23 smcs; Bamford \$2,443.98 smcs,co; Barco Municipal \$422.42 smcs; Bath & Body \$96.00 smcs; Bierman,R \$43.64 smcs; Big Apple \$30.00 smcs; Blackstone Audio \$314.98 smcs; BlueCross/BlueShield \$224,489.38 smcs; Borgmann,N \$9.00 smcs; Bosselman \$21,166.76 smcs; Brilliance Publishing \$77.96 smcs; Bruha,S \$640.00 smcs; BSN Sport Supply \$378.22 smcs; Budget Rent-A-Car \$123.73 smcs; Buffalo Outdoor Power \$776.28 smcs; Buffalo Wild Wings \$30.00 smcs; Builders \$1,055.13 smcs,co; Cabela's \$59.99 smcs; Cacaro,K \$24.77 smcs; Carquest \$1,130.26 smcs; Cash Wa \$3,942.21 smcs; Cenex \$73.00 smcs; Central Hydraulic \$85.87 smcs; Central NE Bobcat \$2,017.10 smcs; Central NE Senior Golf \$64.00 smcs; Central Plains Library \$30.00 smcs; Charter \$766.07 smcs; Chesterman \$35.10 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$48.29 smcs; Cintas \$407.32 smcs; Citizenserve \$3,500.00 co; City of Ky \$365,847.94 smcs,ps; Clark Enersen \$9,848.83 co; CNA Ins \$80.00 smcs; Coffee Bean Direct \$28.50 smcs; Coldspring \$88.00 smcs; Comm. Health Charities \$4.00 ps; Construction Rental \$567.46 smcs; Control Yours \$185.00 smcs; Copycat \$658.97 smcs; Cullen,M \$80.37 smcs; Culligan \$142.00 smcs; Cummins \$944.70 smcs; Cyprss Information \$944.62 smcs; Dairy Queen \$30.00 smcs; Danko Emergency \$386.32 smcs; Davis Equipment \$785.84 smcs; Dawson PPD \$18,511.94 smcs; Day,D \$1,904.00 smcs; Daylight Donuts \$26.45 smcs; Delight Donuts \$50.00 co; Dell \$7,602.99 smcs,co; Demco \$57.45 smcs; Depository Trust \$541,397.50 ds; Deterdings \$4,460.14 co; Diamond Vogel \$197.19 smcs; Digicert \$315.00 co; Don's Hobby Guns \$4,750.00 smcs; Dowhy Towing \$65.00 smcs; DPC Industries \$6,627.00 smcs; Dreamstime.com \$39.00 smcs; ucker,A \$39.67 smcs; Dultmeier \$115.44 smcs; Dutton-Lainson \$135.39 smcs,co; Eagle Distributing \$684.85 smcs; Eakes \$1,791.46 smcs; Earl May \$190.09 smcs; Earnest Products \$1,019.15 smcs; Ebsco Publishing \$3,425.00 smcs; Eileen's Cookies \$39.75 smcs; Elliott Equipment \$1,734.79 smcs; EMI Supply \$68.56 smcs; Enforcement Technology \$171.91 smcs; Ensley Electrical \$74,585.30 co; Exhaust Pros \$88.50 smcs; Express Distribution \$154.00 smcs; Expression Wear \$408.00 ps; Exxonmobil \$18.00 smcs; Facebook \$20.00 smcs; Family Fresh \$72.85 smcs; Family Practice \$282.00 ps; Family Roots \$171.67 smcs; Farm House Café \$780.78 smcs; Fastenal \$798.96 smcs; Feikert,E \$260.00 smcs; Fireguard \$279.23 smcs; Flagpoles \$218.00 smcs; Front Range \$1,700.00 smcs; Frontier \$9,728.46 smcs; Fun Express \$711.92 smcs; Fyr-Tek \$130.35 smcs; Gale \$2,137.66 smcs; Gangwish Turf \$39.38 co; Garrett Tires \$5,940.90 smcs; Gear for Sports \$918.86 smcs; Gempler's \$126.20 smcs; Glass Doctor \$70.00 smcs; Glendale Parade Store \$182.20 smcs; Glock \$232.00 smcs; GoDaddy.com \$313.54 smcs; Graham Tire \$236.84 smcs; Grainger \$1,597.76 smcs; Granicus \$1,236.00 smcs; Hampton Inn \$199.64 smcs; Hastings Canvas \$234.30 smcs; HD Supply \$92,310.30 smcs,co; Hilltop Mall \$31.00 smcs; HOA Solutions \$3,850.75 smcs; Hobby-Lobby \$1,121.29 smcs; Hock,A \$188.82 smcs; Holmes Plbg \$1,282.62 smcs,co; Hometown Leasing \$265.92 smcs; Huerta's Upholstery \$737.65 smcs; Hy Vee \$100.00 smcs; ICMA RC \$4,676.72 ps; Int'l Code

Council \$398.00 smcs; IRS \$166,746.16 ps; Jack Lederman \$538.82 smcs; James,D \$120.00 smcs; JCB Enterprises \$92.00 smcs; JJ Keller \$945.00 smcs; Jochum,C \$46.97 smcs; Johnson Bros \$362.50 smcs; Johnstone Supply \$146.83 smcs; JRs Western \$174.95 smcs; Kansas City Royals \$108.00 smcs; Ky Cinema 8 \$300.00 smcs; Ky Concrete \$3,534.69 smcs; Ky Crete & Block \$15.41 smcs; Ky Hub \$4,029.68 smcs; Ky Power Sports \$145.95 smcs; Ky Quality Sewing \$416.98 smcs; Ky Tire & Auto \$51.98 smcs; Ky United Way \$599.50 ps; Ky Warehouse \$866.88 smcs; Ky Winlectric \$200.81 smcs; Ky Winnelson \$642.36 smcs; Kelly Supply \$1,190.56 smcs; Kewanna Screen \$284.86 smcs; KHS Drama MAPS \$2,999.94 smcs; Kidwell \$7,350.00 smcs; Kimball Midwest \$138.90 smcs; Konica Minolta \$920.69 smcs; Kotschwar,T \$31.00 smcs; KRVN \$129.00 smcs; K-Town Cakes \$36.00 smcs; Landmark Implement \$3,447.84 smcs; Less Lethal \$261.50 smcs; Liberty Cleaners \$55.68 smcs; Lockmobile \$11.00 smcs; Longleaf Services \$269.09 smcs; Loper Athletic Club \$2,497.25 smcs; LTD Commodities \$65.78 smcs; Lyon,S \$42.83 smcs; M&B's Battery \$48.80 smcs; Mac Tools \$55.00 smcs; Matheson \$294.27 smcs; Maxi Sweep \$112.53 smcs; Mead Lumber \$323.04 smcs,co; Meadowlark Hills Golf \$39.00 smcs; Menards \$3,000.04 smcs,co; Metlife \$9,087.35 ps; Michael Todd \$984.00 smcs; Midnight Cleaning \$250.00 smcs; Mid-Plains Equipment \$12.40 smcs; Midway Chrysler \$22.95 smcs; Midwest Breathing \$965.43 smcs; Midwest Connect \$3,174.26 smcs; Midwest Turf \$93.53 smcs; Miller Signs \$3,825.00 smcs,co; Mindware \$141.59 smcs; Mirror Image \$15.00 smcs; Moonlight Embroidery \$987.00 smcs; Mostek Electric \$719.06 smcs; Mostek,J \$100.00 smcs; Municipal Supply \$2,159.15 smcs,co; Murphy Tractor \$1,462.20 smcs; Museum of NE Art \$30.00 smcs; Nature-Watch \$367.13 smcs; NE Child Support \$2,328.97 ps; NE Dept of Environmental \$266,379.17 ds, smcs; NE Dept of Revenue \$45,109.06 ps; NE DOL \$81.00 smcs; NE Environment \$350.00 smcs; NE Environmental \$234,258.34 co; NE Golf Assn \$3,720.00 smcs; NE Liquor Control Comm \$80.00 smcs; NE Local Technical \$200.00 smcs; NE Machinery \$4,139.67 smcs; NE Safety & Fire \$165.00 smcs; NE State Chamber \$190.00 smcs; NE Truck Center \$2,936.00 smcs; NEland Distributing \$1,515.26 smcs; Network Solutions \$37.99 co; NFPA Nat'l Fire Protection \$175.00 smcs; Northern Safety \$255.28 smcs; Northern Tool \$79.83 smcs; Northwestern \$3,746.56 smcs; NPPD \$12,099.22 co,smcs; NSF Ticket Office \$506.00 smcs; Nat'l Alliance for Youth \$192.82 smcs; OCLC \$630.59 smcs; Odeys \$743.71 smcs; Office Depot \$199.30 smcs; Office Max \$1,391.95 smcs; Officialgear.com \$104.95 smcs; O'Hara Lindsay \$2,000.00 smcs; O'Keefe Elevator \$388.93 smcs; Olive Garden \$880.37 smcs; Olsson Associates \$1,106.77 co; O'Neill Wood \$9,635.00 smcs; O'Reilly Auto \$867.38 smcs; Oriental Trading \$426.77 smcs; Orscheln \$561.25 smcs; Oshkosh Corp \$663.71 smcs; Outdoor Recreation \$972.50 co; P&W Golf Supply \$372.50 smcs; Pallet Truck \$935.00 smcs; Paramount \$339.22 smcs; Party America \$87.28 smcs; Payflex \$569.50 ps; Payne-Polson,A \$20.00 smcs; Paypal \$495.00 smcs; Paypal*Androidwhsl \$349.96 smcs; Paypal*Martys \$20.65 smcs; Paypal*Milletsoft \$360.00 co; Paypal*Superseerco \$24.22 smcs; Payton,D \$9.47 smcs; Penguin Random House \$259.50 smcs; Pep Co. \$86.34 smcs; Pitney Bowes \$60.00 smcs; Pizza Hut \$27.02 smcs; Platt Electric \$2,111.49 co; Platte Valley Auto Mart \$29,192.90 smcs,co; Platte Valley Comm \$176.58 smcs; Postage Refill \$975.00 smcs; Precision Rifle Works \$150.00 smcs; Preitauer,A \$5.47 smcs; Presto-X \$816.98 smcs; Priceline \$684.65 smcs; Proactive Sports \$698.00 smcs; Prosocki,C \$61.56 smcs; Provantage \$261.06 smcs; Quill \$568.38 smcs; Raising Canes \$22.76 smcs; Raymond Geddes \$351.96 smcs; Ready Mixed Concrete \$708.75 co; Reams \$1,635.31 smcs; Recorded Books \$719.80 smcs; Redbox \$81.43 smcs; Redman's Shoes \$618.00 smcs; Remington Sod

\$276.00 co; S&S Worldwide \$498.80 smcs; Sahling Kenworth \$199.89 smcs; Sam's Club Direct \$1,384.03 smcs; Sanitation Products \$130.13 smcs; Scholastic \$2,672.72 smcs; School-Tech \$56.80 smcs; Schwans \$676.74 smcs; Select Sprayers \$39.37 smcs; Shearer,E \$20.00 smcs; Sherwin Industries \$401.50 smcs; Sherwin-Williams \$696.30 smcs; Sign Center \$81.25 smcs; Site One Landscapes \$1,760.09 smcs; Skeeter Barnes \$180.00 smcs; Smartsign \$28.45 smcs; Snap-On Tools \$259.90 smcs; Southern Computer \$331.08 smcs; Sporting Edge \$376.00 smcs; Stagedepot.com \$719.99 smcs; Steinbrink Landscaping \$1,934.93 smcs; Stitch 3 \$12.00 ps; Strategic Materials \$344.22 smcs; Sunbelt Rentals \$666.28 smcs; Sungard Public Sector \$45,158.76 co; Supplyworks \$854.65 smcs; Sutphen \$2,000.00 smcs; Target \$531.17 smcs; Team Effort \$452.18 smcs; Texoma Golf \$186.94 smcs; Theis,J \$80.00 smcs; Tielke's \$308.89 smcs; Toolup.com \$111.84 smcs; Tractor-Supply \$1,121.47 smcs; Tri County Glass \$19.00 smcs; Turner Body Shop \$281.00 smcs; Union Bank \$542,365.82 ds,ps; UPRR \$100.00 er; Unique Management \$358.00 smcs; United \$25.00 smcs; United Way-Ky \$45.00 co; UNK Safety Center \$200.00 smcs; UPS \$117.43 smcs; USA Communications \$155.95 smcs; USPS \$257.10 smcs; Valentinos \$302.12 smcs; VanWinkle,J \$48.53 smcs; Verizon \$134.84 smcs; VFW Post 759 \$3,500.00 smcs; Volleyballusa.com \$260.70 smcs; Walgreens \$39.11 smcs; Wal-mart \$1,752.91 smcs; Walsh,C \$125.00 smcs; Warren Technology \$123.00 smcs; Whaley,S \$30.00 smcs; Whentowork \$80.00 smcs; Wicks Sterling Trucks \$681.02 smcs; Wilke's True Value \$527.17 smcs; Wirecablego \$150.00 smcs; Workboots USA \$83.00 smcs; Yanda's Music \$395.00 smcs; Yant Equipment \$328.00 smcs; Payroll Ending 6-11-2016 -- \$480,646.97. 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 July 12, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.
- 4.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Adam Krepela submitted by Hy-Vee Inc., dba Hy-Vee Gas #1323 located at 5204 2nd Avenue in connection with their Class D-105991 liquor license.
- 5.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Adam Krepela submitted by Hy-Vee Inc., dba Hy-Vee Restaurant located at 5212 3rd Avenue in connection with their Class IK-105992 liquor license.
- 6.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Adam Krepela submitted by Hy-Vee Inc., dba Hy-Vee #1323 located at 5212 3rd Avenue in connection with their Class C-105993 liquor license.
- 7.** Approve the application submitted by Jerry Bumgardner from Crossroads Homeless Shelter to extend Conditional Use Permit No. 2011-05 to operate a homeless shelter located at 1404 East 39th Street for a period of five years.
- 8.** Adopt Resolution No. 2016-101 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire

Department: Josiah Gillming and Kevin Kalkowski.

RESOLUTION NO. 2016-101

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that those persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2016-102 approving Amendment No. 1 and Amendment No. 2 to the Consultant Agreement between the City of Kearney and Benesch and Company for AIP 3-31-0045-030 for Runway 18/36 Reconstruction.

RESOLUTION NO. 2016-102

WHEREAS, on January 12, 2016 the City Council adopted Resolution No. 2016-9 approving the Consultant Agreement with Alfred Benesch & Company for Project No. 3-31-0045-030 for the reconstruction or rehabilitation of primary Runway 18/36 which is being funded under the FAA Airport Improvement Program; and

WHEREAS, it has been determined and agreed upon by the Nebraska Department of Aeronautics (NDA) and the Federal Aviation Administration (FAA) that the original agreement needs to be amended; and

WHEREAS, Amendment No. 1, marked as Exhibit "A" attached hereto and made a part hereof by reference, is for adding services at the request of the FAA to complete some videoing of the existing storm sewer systems that currently run under existing Runway 18/36 and the proposed north taxiway realignment; as well as documenting a

shift in fees from the consultant’s Geotech budget to their preliminary design budget; and

WHEREAS, Amendment No. 2, marked as Exhibit “A” attached hereto and made a part hereof by reference, is to include final design, bidding, construction observation, closeout, and material testing services to the original preliminary design contract.

NOW, THEREFORE, 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 Amendment No. 1 and Amendment No. 2 to the Consultant Agreement with Alfred Benesch & Company as set forth in said Amendments.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve setting July 12, 2016 at 5:30 p.m. as the time and date to meet as the Board of Equalization to determine a connection fee in the amount of special benefits accruing to the property in Water Connection District No. 2015-1, Sanitary Sewer Connection District Nos. 2014-1 and 2015-1.

11. Adopt Resolution No. 2016-103 approving Application and Certificate for Payment No. 2 in the amount of \$319,108.05 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 11 Improvements – Bid B consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block Three, Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue.

RESOLUTION NO. 2016-103

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2015 Part 11 Improvements – Bid B consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block Three, Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$319,108.05 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$669,200.00</u>
Contract Sum To Date	669,200.00
Gross Amount Due	560,440.20
Retainage (10%)	56,044.02
Amount Due to Date	504,396.18
Less Previous Certificates for Payment	<u>185,288.13</u>
Current Payment Due	\$319,108.05

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 28TH DAY OF JUNE, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

12. Adopt Resolution No. 2016-104 approving Application and Certificate for Payment No. 1 in the amount of \$135,166.05 submitted by Dan Roeder Concrete and approved by Miller & Associates 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.

RESOLUTION NO. 2016-104

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$135,166.05 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$779,898.00</u>
Contract Sum To Date	779,898.00
Gross Amount Due	150,184.50
Retainage (10%)	15,018.45
Amount Due to Date	135,166.05
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$135,166.05

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

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

13. Adopt Resolution No. 2016-105 approving Application and Certificate for Payment No. 2 in the amount of \$308,204.44 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. 2016-105

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 Application and Certificate for Payment No. 2 in the amount of \$308,204.44 as shown on Exhibit "A" 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)	+ 20,741.68
Change Order No. 2 (5-24-2016)	+ <u>12,341.33</u>
Contract Sum To Date	3,051,382.86
Gross Amount Due	759,736.04
Retainage (10%)	75,918.54
Amount Due to Date	683,266.88
Less Previous Certificates for Payment	<u>375,062.44</u>
Current Payment Due	\$ 308,204.44

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 28TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt Resolution No. 2016-106 approving Application and Certificate for Payment No. 1 in the amount of \$112,847.96 submitted by Midlands Contracting and approved by Miller & Associates for 2015 Part 13 Improvements; Tech One Boulevard and Global Drive.

RESOLUTION NO. 2016-106

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$112,847.96 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$204,956.00</u>
Contract Sum To Date	204,956.00
Gross Amount Due	125,386.62
Retainage (10%)	12,538.66
Amount Due to Date	112,847.96
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$112,847.96

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

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

15. Adopt Resolution No. 2016-107 approving Change Order No. 4 showing a decrease in the amount of \$24,945.22, Application and Certificate for Payment No. 12-Final in the amount of \$62,178.87, and accept the Certificate of Substantial Completion 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. 2016-107

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 Change Order No. 4 showing an decrease to the contract sum in the amount of \$24,945.22, 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. 12-Final in the amount of \$62,178.87 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	+ 40,765.12
Change Order No. 2 (10-27-2015)	+ 1,903.13
Change Order No. 3 (2-9-2016)	+ 18,249.70
Change Order No. 4 (6-28-2016)	- <u>24,945.22</u>
Contract Sum To Date	1,850,368.73
Gross Amount Due	1,850,368.73
Retainage (0%)	.00
Amount Due to Date	1,850,368.73
Less Previous Certificates for Payment	<u>1,788,189.86</u>
Current Payment Due	\$ 62,178.87

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 31 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. 4, as shown on Exhibit "A", Application and Certificate for Payment No. 12-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 28TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt Resolution No. 2016-108 approving Application and Certificate for Payment No. 3 in the amount of \$11,286.00 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. 2016-108

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. 3 in the amount of \$11,286.00 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	235,162.00
Retainage (10%)	23,516.20
Amount Due to Date	211,645.80
Less Previous Certificates for Payment	<u>200,359.80</u>
Current Payment Due	\$ 11,286.00

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

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

17. Adopt Resolution No. 2016-109 approving Change Order No. 1 showing a decrease in the amount of \$4,175.50, Application and Certificate for Payment No. 3-Final in the amount of \$16,498.80, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for 2015 Part 12 Improvements – Bid B consisting of Paving Improvement District No. 2015-978 for 9th from 10th Street south to its terminus in a cul-de-sac; and Paving Improvement District No. 2015-979 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau.

RESOLUTION NO. 2016-109

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 12 Improvements – Bid B consisting of Paving Improvement District No. 2015-978 for 9th from 10th Street south to its terminus in a cul-de-sac and Paving Improvement District No. 2015-979 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$4,175.50, 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 \$16,498.80 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$260,526.50
Change Order No. 1 (6-28-2016)	<u>- 4,175.50</u>
Contract Sum To Date	256,351.00
Gross Amount Due	256,351.00
Retainage (0%)	.00
Amount Due to Date	256,351.00
Less Previous Certificates for Payment	<u>239,852.20</u>
Current Payment Due	\$ 16,498.80

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 30, 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 28TH DAY OF JUNE, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, August 6, 2016 from 11:00 a.m. until 12:00 a.m. for a family reunion.

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 the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, August 20, 2016 from 3:00 p.m. until 1:00 a.m. for a dance.

20. Adopt Resolution No. 2016-110 approving the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for 40-acre detention cell located in northeast Kearney.

RESOLUTION NO. 2016-110

WHEREAS, the City owns a large detention cell approximately 40 acres in northeast Kearney which is a part of the storm water drainage system in that part of the community; and

WHEREAS, the City and Greg Dollman will enter into a Property Maintenance and Lease Agreement in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement on behalf of the City of Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8083 AMENDING CHAPTER 9 OF THE CITY CODE

The model building codes enforced by the State of Nebraska and the City of Kearney are periodically updated to ensure modern up-to-date building codes, designs and building systems are available to contractors in the Kearney community.

The following four model codes have been presented to and reviewed by the contracting community and are now ready for adoption: The 2015 International Building Code, which regulates the construction of apartment buildings and all commercial structures; the 2015 International Residential Code, which regulates the construction of single family, duplex and townhouse structures; the 2015 Property Maintenance Code, which provides a means to regulate maintenance issues on existing structures; and the 2015 Uniform Plumbing Code, which regulates the installation of drain, waste and vent systems in all structures.

The Development Services Department has introduced these four additions of the codes to the building and plumbing communities with no concerns expressed toward their adoption. At the request of the City Manager, a 90-day window will be provided to allow the construction community to become familiar with the new codes. Enforcement of the new codes will begin on October 16, 2016.

Council Member Buschkoetter introduced Ordinance No. 8083 amending Section 9-204 "Advisory Note" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Residential Code, 2015 Edition and the International Building Code, 2015 Edition; to amend Section 9-210 "International Building Code; Adoption" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Residential Code, 2015 Edition and the International Building Code, 2015 Edition; to amend Section 9-211 "International Property Maintenance Code; Adopted" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Property Maintenance Code, 2015 Edition; to amend Section 9-213 "International Energy Conservation Code" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt the International Energy Conservation Code, 2009 Edition; to amend Section 9-301 "International Building Code; Amendments" of Article 3 "Amendments" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt and make amendments to the International Building Code, 2015 Edition; to amend Section 9-302 "International Residential Code; Amendments" of Article 3 "Amendments" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska to adopt and make amendments to the International Residential Code, 2015 Edition; to amend Section 9-1016 "Uniform Plumbing Code" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" to adopt the Uniform Plumbing Code, 2015 Edition; to amend Section 9-1017 "Amendments to Uniform Plumbing Code" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" to adopt and make amendments to the Uniform Plumbing Code, 2015 Edition; to amend Section 9-1018 "Septic Systems and Leach Fields" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" to adopt the Uniform Plumbing Code, 2015 Edition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8083. 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. 8083 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 Clouse seconded by Lammers that Ordinance No. 8083 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. 8083 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8084 AMENDING CHAPTER 4 OF THE CITY CODE

According to Section 81-502 of the Nebraska Revised Statutes, the Nebraska State Fire Marshal has the duty to “after careful study and investigation of relevant date, to adopt, promulgate, alter, and enforce through inspections and code compliance, orders, rules, and regulations covering the prevention of fires within the State of Nebraska.” The State of Nebraska currently uses the 2003 Edition of NFPA 1, Uniform Fire Code, and the City of Kearney has adopted the International Fire Code, 2006 Edition.

The Kearney Fire Department would like to recommend the repeal of Section 308.3.1 and 308.3.1.1 of the International Fire Code, 2006 Edition. These two sections pertain to the use of open-flame cooking devices of all residential buildings other than one- and two-family dwellings. The State Fire Marshal, under authority of the Governor, has repealed the similar sections of NFPA 1, Uniform Fire Code. The Kearney Fire Department would like to keep its fire code in line with the recommendations of the State Fire Marshal in order to reduce confusion and conflict between agencies and the public.

308.3.1 Open-flame cooking devices.

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.

LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One- and two-family dwellings.

Council Member Buschkoetter introduced Ordinance No. 8084 amending Section 4-301.2 “International Fire Code; Amendments” of Article 3 “Fire Prevention Code” of Chapter 4 “Fire Regulations” of the City Code to delete in its entirety Section 308.3.1 “Open-Flame Cooking Devices” and Section 308.3.1.1 “Liquefied-Petroleum-Gas-Fueled Cooking Devices” of the International Fire Code, 2006 Edition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8084. 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. 8084 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 Clouse seconded by Lammers that Ordinance No. 8084 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. 8084 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8085 AMENDING CHAPTER 3 OF THE CITY CODE REPEALING TATTOO BUSINESSES

Back in December of 1991, the City Council adopted regulations for tattoo businesses within the City of Kearney. Over the years, the State has been regulating them and the provisions in the City Code are more lenient. Therefore, attached is an ordinance that would repeal the entire Article pertaining to tattoo businesses.

Council Member Buschkoetter introduced Ordinance No. 8085 amending Article 25 "Tattoo Business" of Chapter 3 "Business Regulations" of the Code of the City of Kearney to delete in their entirety the following: Section 3-2501 "Tattoo Business; Licensed Required", Section 3-2502 "Application Fee", Section 3-2503 "License Fee", Section 3-2504 "Definitions", Section 3-2505 "Health and Sanitary Requirements", Section 3-2506 "Storing of Instruments", Section 3-2507 "Sterilizing of Instruments", Section 3-2508 "Use of Instruments", 3-2509 "Incineration of Wastes", Section 3-2510 "Records", Section 3-2511 "Infections", Section 3-2512 "Pigments and Dyes", Section 3-2513 "Bandages and Surgical Dressings", Section 3-2514 "Certification of Inspection", Section 3-2515 "Inspections", Section 3-2516 "Tattooing of Minors", Section 3-2517 "Hours of Operation", and Section 3-2518 "Penalty", and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8085. 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. 8085 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 Clouse seconded by Lammers that Ordinance No. 8085 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. 8085 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

ORDINANCE NO. 8086 ISSUING \$4,000,000 RECREATIONAL FACILITY BONDS, SERIES 2016

Bruce Lefler from Ameritas stated this ultimately will result in the issuance of \$4 million bonds for the Facilities Corporation which is the completion of the Baseball and Softball Complex approved by the voters last year. The first half of these bonds were completed late 2015. They had good participation certainly locally from institutions that about half of the bonds were sold to the local institution buyers.

The financing goes through June 15, 2023 to match up with the maturity of the 2015 Bonds. This particular issue had an all in interest cost to the City, and to the Facilities Corporation as well, of 1.55 percent over that 7-year period of time.

Council Member Lammers asked about the mixture of the bonds, some were one year at 1 percent and some of them were 1.75 percent. Mr. Lefler stated the maturity of the bonds is from June 15, 2017 - June 15, 2023. The interest rates run from .8 percent that first year out to 1.45 percent in the longer year. To compare this, the 2015 bonds that they did had an all in interest cost of 2.05 percent so these rates are about a .5 percent lower given the environment today versus the end of last year.

Mayor Clouse introduced Ordinance No. 8086 providing for the acquisition and operation of a recreational facility; authorizing a First Amendment to Lease-Purchase Agreement with City of Kearney Facilities Corporation relating to the acquisition and construction of said facility for use by the City; approving the execution of said First Amendment to Lease-Purchase Agreement and related documents; authorizing officers of the City to designate final terms within certain parameters; and providing for the publishing of this ordinance, and Council Member Lammers 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 suspend the rules for Ordinance No. 8086. 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. 8086 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 Nikkila seconded by Lear that Ordinance No. 8086 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. 8086 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8087 AMENDING CHAPTER 3 OF THE CITY CODE REGULATING FOOD TRUCKS

City Attorney Michael Tye stated the issue of food trucks came up a few months back when Mr. Park came before City Council and asked if the City would consider some changes to City Code to allow food trucks to operate in public parking lots. They have had meetings with several departments of City Staff, ongoing discussions with Mr. Park and they have brought forward what they think is a simple addition to code to allow another opportunity for food trucks.

To clarify, food trucks would continue to be required to have an itinerate merchant permit just as they always have and essentially these code changes would create an extra opportunity for them. It would not stop them from operating in private lots as they always have been allowed to do with permission by the owner and these rules would not restrict them or govern them parking in private property or a private lot. It would also not stop them from participating in special events. As you know, the food trucks do participate in various special events which require City Council to authorize that event if it is in the street.

Basically, what this does is creates a separate permit that would be issued on an annual basis to a food truck if they wanted to park in the designated northern edge of the MONA parking lot as the area they would allowed to operate. They are not required to get this permit if they want to continue to just be on a private lot they can continue to do that. This is just another opportunity for them.

It is limited to five per year, the theory behind that is they thought it was possibly how many could fit along the northern edge of the MONA parking lot. It does not restrict there being more food trucks in the community they just thought that is what would fit there at this time.

It does establish some basic rules. They are required to have insurance that protects the City if something should happen while they are operating in the City parking lot and restricts them from leaving their trash behind or dumping anything in the parking lot. There are hours of operation that are set forth in the code change.

It would be an opportunity to try it out and see how it goes to operate in a public lot and then if they need to evaluate it later, City Council can do that if it becomes necessary.

City Attorney further stated the City did not include food trucks when the restaurant tax was originally passed; they were exempted out primarily because there were not that many and they did not know if they could keep track of them. This modification would include all food trucks no matter where they are located so they would now be obligated to pay restaurant tax.

Mayor Clouse asked about the five permits. City Attorney stated there was no exact science to that; they believed five were appropriate. It could end up being that there is one or two food trucks there and those are the only ones who chose to participate but they thought they would put that number out there and evaluate it as it goes.

Council Member Lear asked how long the permits were valid. City Attorney stated they are an annual permit and they would go to the Police Department and they would issue a food truck permit for that location and they must display that in the food truck. Council Member Lear asked if a permit can be surrendered if they decide after two months they do not want to do it anymore. City Attorney stated they could or if they are not in compliance with the other requirements the Chief of Police has the ability to revoke their permit as well.

Council Member Lammers asked if \$1 million liability insurance is typical for food trucks. City Attorney stated that is typical for what the City requires for special events and other contracts for use agreements.

Council Member Lear asked if they will be issuing these permits on a first come first serve basis. City Attorney stated that is what is being presented. Council Member Lear asked on the first day it opens up if they have six applicants basically it will be an inline order. City Attorney stated they will just do it on a first come first serve basis and once they are gone they are gone. The police department will issue the permits.

City Attorney stated the idea here is that they are trying to keep it simple so that people can go in and buy an annual permit, try it out and see how it works. If at some point they run across issues or things they need to work through, they can always modify it. They are not anticipating that they will have a large number of people who would pull these permits but they will wait to see what happens.

Council Member Nikkila stated he had another suggestion if somebody does not utilize their permit over a 30-60 day window that it also gets surrendered so that if someone goes out of business, they are not sitting on the permit and cannot be used by someone else for a year.

Mr. Tye stated he is guessing what they can do is they can evaluate that and if they have a situation like that perhaps go to that business and say that they noticed that you are not utilizing this permit are you wanting to surrender it back and they could open it up for another business. If they say no, they could modify code and add some language if it is not used within a specified period of time that they relinquish it automatically.

They are hoping this creates another opportunity for food trucks and that if it works wells and they can discuss about how they might need to modify it in the future, if need be.

Council Member Lear introduced Ordinance No. 8087 amending Article 29 "Itinerant Merchants, Peddlers & Solicitors" of Chapter 3 "Business Regulations" of the City Code as follows: amend Section 3-2902 "Definitions" to define a food truck vendor; add a new section entitled Section 3-2903.02 "Food Truck Permit"; add a new section entitled Section 3-2903.03 "Food Truck Permit Rules"; to amend Section 3-3002 "Definitions of Article 30 "Restaurant and Drinking Place Occupation Tax" to remove the reference of push carts, lunch wagons, ice cream trucks, or other mobile facilities from which food ready for consumption is sold as exemptions to the Restaurant and Drinking Place Occupation Tax, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8087. 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. 8087 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 Buschkoetter seconded by Clouse that Ordinance No. 8087 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. 8087 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.

VII. REPORTS

Council member Nikkila commended the Park Department for another successful Community Olympics event.

Council member Lammers thanked the veterans for all they have done for our country.

Mayor Clouse thanked the Council members for assisting him with the many welcomes of the various groups that come to Kearney.

Council member Lear also commended the Park Department on the soccer fields being in great shape. There was the Kearney Soccer Club invitation tournament a few weeks ago. It was a great weekend. Park staff did a great job.

Council member Buschkoetter stated he read a Proclamation and gave a key to the City to Tervel Dlagney, a former UNK wrestler heading to the Olympics.

CLOSED SESSION

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 5:52 p.m. for the protection of the public interest to conduct the City Manager's annual evaluation. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to conduct the City Manager's annual evaluation. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Lear that Council reconvene in regular session at 7:15 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 7:15 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**