

Kearney, Nebraska
August 23, 2016
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on August 23, 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; and Jason Whalen, Fire Administrator were also present. Some of the citizens present in the audience included: 1 UNK student, 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

Moved by Lammers seconded by Nikkila that Subsections 1 through 24 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 August 9, 2016.

2. Approve the following Claims:

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

3Gstore.com \$274.98 co; AAA Tarps \$401.00 smcs; Adobe \$32.09 smcs; Adventure Enterprises \$1,250.00 smcs; Alert All \$800.00 smcs; Alertshirt \$361.50 smcs; Alfred Benesch \$23,836.62 smcs; All Makes Auto \$1,717.53 smcs; All Traffic Solutions \$10,880.00 smcs; Ally B \$600.00 smcs; Alzheimer's Assn \$75.00 smcs; Amazon \$2,690.10 smcs,co; American \$101.36 smcs,co; Amer First Aid \$115.40 smcs; Amer Red Cross \$209.00 smcs; Americinn \$284.11 smcs; Amicus \$31.60 smcs; Anderson,S \$231.80 smcs; Animoto \$264.00 smcs; Apple Market \$25.85 smcs; Applegate,N \$42.46 smcs; Ask Supply \$2,469.30 smcs; Aurora Coop \$97.64 smcs; Auto Value \$1,176.00 smcs; Baird Holm \$8,000.00 co; Baker & Taylor \$3,963.76 smcs; Bamford \$250.00 smcs; Barco Municipal \$532.74 smcs; Barco Products \$213.48 smcs; Barnes & Noble \$48.99 smcs; Bauer,M \$46.34 smcs; Baughman,J \$43.32 smcs; Baughman,J \$85.60 smcs; Bedford,S \$145.00 smcs; Bells Construction \$940.00 co; Bike Shed \$45.99 smcs; Blackstone Audio Books \$45.00 smcs; Blue,G \$47.74 smcs; BlueCross/BlueShield \$91,473.12 smcs; Bosselman \$3,565.23 smcs; Bosshammer,B \$43.42 smcs; Brainstorm Books \$3,769.50 smcs; Bralik,J \$39.49 smcs; Brilliance Publishing \$53.98 smcs; Briseno,P \$224.40 smcs; Broadfoot \$1,944.00 smcs; Bruha,S \$550.00 smcs; BSN Sports Supply \$145.43 smcs; Buffalo County Treasurer \$20.00 co; Buffalo Outdoor Power \$1,060.77 smcs; Buggy Bath \$10.00 smcs; Builders \$1,731.84 smcs,co; Burford,J \$219.92 smcs; Cabela's \$10.50 smcs; Caldwell,B \$36.81 smcs; Capital Business Systems \$228.55 co; Carolina Environmental \$530.57 smcs; Carquest \$1,366.63 smcs; Casey's \$12.57 smcs; Cash Wa \$1,036.54 smcs; Central Hydraulic \$147.19 smcs; Central NE Bobcat \$243.48 smcs; Central NE Rehabilitation \$45.00 ps; Centurion Technologies \$432.40 smcs; Charter \$638.51 smcs; ChemSearch \$610.00 smcs; Chicken Coop \$50.00 smcs; Cintas \$280.74 smcs; City of Ky \$25,235.17 smcs,ps; Clark Enersen \$4,503.11 co; Clicklinks.com \$134.87 smcs; Club Glove Schheyden \$585.11 smcs; CNA Ins \$40.00 smcs; Coldspring \$566.80 smcs; Comm Action Partnership \$364.28 smcs; Comodo Group \$230.85 co; Cone,B \$153.73 smcs; Conseco Life \$19.00 ps; Construction Rental \$3,097.18 smcs,co; Control Yours \$170.00 smcs; Copperhead Properties \$29.45 smcs; Copycat \$310.00 smcs; Cornhusker Cleaning \$1,301.64 smcs; Crabgrass Band \$350.00 smcs; Crown Awards

\$471.91 smcs; Culligan \$244.60 smcs; Cummins \$2,085.08 smcs; Cygnus \$1,440.00 smcs; D&D Investments \$51.25 smcs; Dale,D \$10.51 smcs; Davis Equipment \$3,329.25 smcs; Davis,M \$225.00 smcs; Dawson PPD \$46,584.92 smcs; Daylight Donuts \$97.00 smcs; Deadwood Gulch Resort \$200.00 smcs; Depository Trust \$1,493,725.00 ds; Deterdings \$2,895.92 smcs; Diamond Vogel \$213.13 smcs; Diessner Construction \$34.62 smcs; Dish \$201.06 smcs; Dobberstein Roofing \$26,700.00 smcs; DPC Industries \$5,614.09 smcs; Dreamstime.com \$39.00 smcs; Dutton-Lainson \$388.80 smcs; Eagle Distributing \$1,732.50 smcs; Eakes \$520.11 smcs; Ebsco Publishing \$1,625.00 smcs; Ed Broadfoot & Sons \$90.00 co; Egle,J \$49.74 smcs; Eileen's Cookies \$180.00 smcs; Elliott Equipment \$458.94 smcs; Engle,C \$37.95 smcs; Erbsen,S \$32.00 smcs; Expression Wear \$51.00 smcs; Facebook \$85.46 smcs; Family Fresh Market \$139.72 smcs; Fastenal \$183.05 smcs; Fedex \$88.61 smcs; Feusner,J \$27.25 smcs; Fire Protection \$70.00 smcs; Flatwater Publishing \$54.00 smcs; Fleetpride \$1,610.44 smcs; Foote,J \$66.63 smcs; Fountain Hills Property \$195.86 smcs; Franzin,A \$182.24 smcs; Freeze,G \$43.62 smcs; Friesen Cheverlot \$71.12 smcs; Frontier \$9,620.06 smcs; Gale Research \$131.97 smcs; Gannon Travel \$1,680.00 smcs; Garrett Tires \$7,039.48 smcs; GCSAA \$190.00 smcs; Glow With Us \$106.90 smcs; Gorgen,B \$17.84 smcs; Graham Tire \$147.76 smcs; Grainger \$1,311.59 smcs,co; Great Plains Subs \$243.93 smcs; Greguras,A \$33.60 smcs; Griffis,K \$13.25 smcs; Gruber,C \$28.22 smcs; Hach \$655.47 smcs; Hadley,A \$74.90 smcs; Hans,A \$0.26 smcs; Harshbarger,K \$12.12 smcs; Hartman,J \$22.71 smcs; HD Supply \$6,905.78 smcs; Heath,E \$32.57 smcs; HiTech \$630.00 smcs; Hobby-Lobby \$419.44 smcs; Holiday Inn Express \$84.00 smcs; Holmes Plbg \$676.51 smcs; Hometown Leasing \$265.92 smcs; Hook,T \$93.13 smcs; Hoover Fence \$69.21 smcs; ICMA \$4,786.11 ps; IDEXX \$219.71 smcs; Idsecurityonline.com \$42.00 smcs; IES Commercial \$634.00 smcs; Inland Truck Parts \$18.74 smcs; IRS \$155,887.87 ps; Interstate Batteries \$175.50 smcs; Inyopools.com \$160.88 smcs; Jack Lederman \$1,018.40 smcs; James,D \$80.00 smcs; JCB Enterprises \$62.00 smcs; Jelkin,J \$41.65 smcs; JEO Consulting \$500.00 co; Johnston,J \$4.50 smcs; Johnstone Supply \$378.27 smcs; Justbats.com \$100.00 smcs; Ky Visitors Bureau \$64,482.19 smcs; Ky Ace Hardware \$7.48 smcs; Ky Clinic \$1,060.00 ps; Ky Comm Foundation \$450.00 smcs; Ky Concrete \$6,755.60 co; Ky Crete & Block \$5,676.19 co; Ky Hub \$3,117.34 smcs; Ky Power Sports \$974.13 smcs; Ky Quality Sew \$233.97 smcs; Ky Rental Pros \$42.91 smcs; Ky Warehouse \$923.48 smcs; Ky Winlectric \$105.93 smcs; Ky Winnelson \$126.81 smcs; Kelly Supply \$567.71 smcs; Kesservani,A \$85.00 smcs; Kidwell \$1,651.54 smcs; Kimball Midwest \$244.50 smcs; Klinginsmith,R \$54.95 smcs; Konica Minolta \$188.51 smcs; KSNB \$460.00 smcs; Lamplighter Publishing \$152.66 smcs; Landmark Implement \$614.90 smcs; Larue Distributing \$71.20 smcs; Lauby,T \$39.48 smcs; Leininger,L \$206.33 smcs; Little Caesars \$56.25 smcs; Lockmobile \$126.40 smcs; Loeffelholz,S \$100.00 smcs; M & E Construction \$30.24 smcs; Magneticmic.com \$39.94 smcs; Mail Express \$105.68 smcs; Marlatt Machine \$1,589.99 smcs; Matheson \$344.56 smcs; Mayer,M \$23.90 smcs; McDonald's \$8.09 smcs; Mead Lumber \$79.89 co; Medicbatteries.com \$222.28 smcs; Mefferd,E \$679.00 smcs; Menards \$1,773.28 smcs; Merryman \$193.60 smcs; Mesco \$153.62 smcs; Metlife \$16.14 ps; Microfilm Imaging \$11,036.00 smcs; Midway \$1,213.00 smcs; Midwest Connect \$9,145.33 smcs; Midwest Paint \$1,676.80 smcs; Midwest Turf \$1,254.23 smcs; Millar,C \$45.22 smcs; Miller & Associates \$4,719.88 smcs,co; Miller,A \$120.00 smcs; Miller,D \$112.50 smcs; Miller,R \$28.30 smcs; Miller,S \$78.42 smcs; Miracle Recreation Equip. \$590.00 co; Mirror Image \$152.50 smcs; Mobile Pro Shop \$435.08 smcs; MONA \$100.00 smcs;

Moonlight Embroidery \$722.25 smcs; Moore & O'Connor \$121.03 smcs; Morgan,M \$25.50 smcs; Most Dependable Fountains \$210.09 smcs; Motion Industries \$671.59 smcs; Municipal Emergency \$131.77 ps; Municipal Supply \$2,002.70 smcs; Murphy Tractor \$1,868.75 smcs; Murray,D \$47.96 smcs; Navigator Motorcoaches \$350.00 smcs; NCH Software \$25.29 co; NE Child Support \$2,328.97 ps; NE Dept Environmental \$300.00 smcs; NE Library Assn \$195.00 smcs; NE Library Comm \$3,217.40 smcs; NE Machinery \$4,525.95 smcs; NE State Chamber \$95.00 smcs; NE Truck Center \$522.37 smcs; NE Turfgrass \$210.00 smcs; NEland Distributors \$1,032.65 smcs; New Horizons CLC \$1,150.00 smcs; NI NDA Device \$62.25 smcs; Nielson,R \$40.00 smcs; NISC \$145.00 smcs; Nixon,E \$84.97 smcs; Nordhues,B \$41.81 smcs; Northern Safety \$223.10 smcs; Northwest Electric \$96.62 smcs; Northwestern Energy \$2,674.21 smcs; Nutt,R \$101.16 smcs; OCLC \$654.79 smcs; Officemax \$776.93 smcs,co; Officenet \$387.28 smcs; O'Hara Lindsay \$2,000.00 smcs; Omaha-Zoo \$512.45 smcs; One Call \$802.41 smcs; Orbit Industries \$51.89 smcs; O'Reilly Automotive \$971.74 smcs; O'Rourke,G \$173.18 smcs; Orscheln \$969.73 smcs; Otto,M \$85.00 smcs; Outdoor Recreation \$484.00 co; Paddle King \$79.00 smcs; Paramount \$119.36 smcs; Party America \$27.16 smcs; Paypal*Busters \$7.20 smcs; Paypal*Conference \$500.00 smcs; Paypal*Nebraskawat \$140.00 smcs; Paypal*Openforbusi \$19.95 smcs; Paypal*Ruggeddepot \$37.44 co; Penguin Random House \$123.75 smcs; Peterson,D \$4.16 smcs; Pictometry \$562.50 co; Pietenpol,A \$37.41 smcs; Pipemarket.com \$27.06 smcs; Pizza Hut \$50.37 smcs; Platinum Awards \$20.85 smcs; Platte Valley Auto \$398.21 smcs; Platte Valley Comm \$87.94 smcs; Platte Valley Labs \$230.00 smcs; Platte Valley Medical \$256.00 ps; Pokharel,S \$16.34 smcs; Portable Computer \$123.50 co; Postage Refill \$975.00 smcs; Pot O' Gold \$155.00 smcs; Prapessarangkool,T \$57.08 smcs; Premier Police Training \$500.00 smcs; Presto-X \$465.96 smcs; Pritchard,B \$49.29 smcs; Prosocki,C \$67.50 smcs; Provantage \$3,806.98 smcs; Qualified Hardware \$158.00 smcs; Quill \$700.78 smcs; Rachow,E \$47.46 smcs; Radik,B \$52.76 smcs; Raymond Geddes \$189.75 smcs; Ready Mixed Concrete \$31,160.46 smcs,co; Reams \$825.24 smcs,co; Recorded Books \$393.86 smcs; Recreonics \$61.90 smcs; Redbox \$81.43 smcs; Rheome Tree \$880.00 smcs; Richter,A \$26.34 smcs; RNDK \$316.00 smcs; Roeder,R \$18.85 smcs; RTI \$329.55 smcs; Russell's Appliance \$98.76 smcs; SL Rentals \$107.74 smcs; S&S Worldwide \$58.93 smcs; SA Foster \$920.16 smcs; Sahling Kenworth \$117.67 smcs; Salinas,A \$54.30 smcs; Salyer,L \$78.23 smcs; Sampson Construction \$252,662.00 co; Sanitation Products \$227.52 smcs; Sapp Bros \$14,652.72 smcs; Schachta,H \$3.42 smcs; Schmitt,D \$31.00 smcs; Schneider,T \$160.49 smcs; Schwan's \$2,254.59 smcs; Sedcatch \$930.70 smcs; Shama \$44.77 smcs; Sherwin Williams \$335.13 smcs; Shop EZ \$9.95 smcs; Shundoff,J \$20.65 smcs; Sign Center \$515.00 smcs; Sims,D \$42.20 smcs; Site One Landscapes \$3,877.55 smcs; Smidt,J \$46.39 smcs; Smith,P \$14.99 smcs; Southern Glazier's Wine \$1,828.00 smcs; Star Homes \$208.98 smcs; State Fire Marshal \$200.00 smcs; Strategic Materials \$342.62 smcs; Streakwave Wireless \$387.27 co; Sunbelt Rentals \$315.82 smcs; Supplworks \$1,095.42 smcs; Sutherland,R \$45.85 smcs; Suveymonkey.com \$26.00 smcs; Swisher,N \$41.81 smcs; Target \$172.67 smcs; Tenhoff,H \$149.91 smcs; Texoma Golf \$122.46 smcs; Theis,J \$80.00 smcs; Thirsty's \$46.01 smcs; Thome,B \$3,141.25 smcs; Thota,S \$60.00 smcs; Ticket Omaha \$1,000.00 smcs; Titan Machinery \$1,021.54 smcs; Tractor-Supply \$439.46 smcs; Trade Well Pallet \$1,700.00 smcs; Trans Iowa Equipment \$68.76 smcs; Trenton D. Snow \$350.00 smcs; Tri State Oil \$310.50 smcs; TS Auto Glass \$17.00 smcs; Tumbleweed \$799.00 smcs; Turner Body Shop \$1,236.27 smcs; Union Bank

\$69,817.73 ps; Unique Management \$322.20 smcs; US Flag \$218.40 smcs; UPS \$48.56 smcs; USA Blue Book \$1,131.50 smcs; USA Communications \$155.95 smcs; USPS \$107.89 smcs; Van Diest \$688.20 smcs; Vanslyke,M \$9.74 smcs; Verizon \$20.04 smcs; Waggoner,C \$19.66 smcs; Walgreens \$6.49 smcs; Wallace,S \$46.18 smcs; Wal-mart \$2,319.67 smcs; Wilke's \$387.86 smcs; WPCI \$107.00 ps; Wright,V \$56.07 smcs; Wurtz,D \$41.89 smcs; Young,M \$690.50 smcs; Zikmund,A \$71.44 smcs; Payroll Ending 8-20-2016 -- \$433,545.59. 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 September 13, 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 Robert Meade submitted by Peak Interests, LLC, dba Pizza Hut located at 1412 2nd Avenue in connection with their Class A-33603 liquor license.
5. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in The Archway located at 3060 East 1st Street on Saturday, September 17, 2016 from 5:00 p.m. until 10:00 p.m. for a reception.
6. Approve the Plans and Specifications for the construction of the Archway Trail; Phase III from Sweetwater Avenue to Fort Kearny Trailhead and set the bid opening date for September 20, 2016 at 2:00 p.m.
7. Adopt Resolution No. 2016-137 approving the final allocation of levy authority in the amount of \$147,900.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2016-2017 and the final allocation of levy authority in the amount of \$49,382.00 for Offstreet Parking District No. 1 for fiscal year 2016-2017.

RESOLUTION NO. 2016-137

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 11, 2016, a preliminary request for levy allocation in the amount of \$147,900.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 6, 2016, a preliminary request for levy allocation in the amount of \$49,382.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$147,900.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2016 and a final allocation of levy authority of \$49,382.00 is hereby approved for Offstreet Parking District No. 1 for 2016.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2016, and shall be published in pamphlet form.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt Resolution No. 2016-138 approving the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to provide building inspection services to the City of Minden.

RESOLUTION NO. 2016-138

WHEREAS, on June 26, 2012 the City Council adopted Resolution No. 2012-104 approving Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement; and

WHEREAS, the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement was amended in 2013 and again in 2014; and

WHEREAS, it has been determined to be in the interest of both communities that the City of Kearney staff will provide plan review and building inspection services for up to twelve (12) months; and

WHEREAS, the City of Kearney and the City of Minden have agreed that Kearney continue to provide Minden with plan review and building inspection services for up to twelve (12) months.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement, marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the said Interlocal Agreement on behalf of the City of Kearney.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the application for a Special Designated License submitted by Chug-A-Lug Sports Bar Inc., dba Chug A Lug Sports Bar in connection with their Class C-042049 liquor license to dispense beer and distilled spirits in a 32'x54' fenced area located south of their licensed beer garden located at 1115 East 25th Street on Saturday, October 1, 2016 (October 8, 2016 alternate date) from 9:00 a.m. until 11:30 p.m. for a beer garden and sampling/tasting event.

10. Adopt Resolution No. 2016-139 approving the Amendment to the Tenant Use and Operations Agreement between the City of Kearney and Buffalo Air Service removing the reference to Building T-707B.

RESOLUTION NO. 2016-139

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Amendment to the Tenant Use and Operations Agreement at the Kearney Regional Airport on behalf of the City of Kearney, Nebraska with Aurora Coop Elevator Company, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt Resolution No. 2016-140 approving Application and Certificate for Payment No. 4 in the amount of \$53,764.65 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. 2016-140

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. 4 in the amount of \$53,764.65 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	1,125,267.36
Retainage (10%)	112,526.74
Amount Due to Date	1,012,740.62
Less Previous Certificates for Payment	<u>958,975.97</u>
Current Payment Due	\$ 53,764.65

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

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

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

12. Adopt Resolution No. 2016-141 approving Change Order No. 2 for an increase in the amount of \$7,306.10, Application and Certificate for Payment No. 5-Final in the amount of \$111,250.77 and accept the Certificate of Substantial Completion 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. 2016-141

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 Change Order No. 2 showing an increase to the contract sum in the amount of \$7,306.10, 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. 5-Final in the amount of \$111,250.77 as shown on Exhibit "B" 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)	- 21,825.00
Change Order No. 2 (8-23-2016)	<u>+ 7,306.10</u>
Contract Sum To Date	568,904.60
Gross Amount Due	568,904.60
Retainage (0%)	.00
Amount Due to Date	568,904.60
Less Previous Certificates for Payment	<u>457,653.83</u>
Current Payment Due	\$111,250.77

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 15, 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. 5-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt Resolution No. 2016-142 approving Change Order No. 1 for an increase in the amount of \$2,746.33 and Application and Certificate for Payment No. 2 in the amount of \$155,439.07 submitted by Blessing, LLC and approved by Olsson Associates for the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue.

RESOLUTION NO. 2016-142

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue, and the City's engineer, Olsson Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$2,746.33 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$155,439.07 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$554,294.65
Change Order No. 1 (8-23-2016)	<u>+ 2,746.33</u>
Contract Sum To Date	557,040.98
Gross Amount Due	373,825.98
Retainage (10%)	37,382.60
Amount Due to Date	336,443.38
Less Previous Certificates for Payment	<u>181,004.31</u>
Current Payment Due	\$155,439.07

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A" and Application and Certificate for Payment No. 2, as shown on Exhibit "B", be and is hereby accepted and approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt Resolution No. 2016-143 approving Application and Certificate for Payment No. 1 in the amount of \$25,928.99 submitted by IES Commercial Inc. and approved by Olsson Associates for the 2016 Part 1 Improvements; Traffic Signal at 30th Avenue and 39th Street.

RESOLUTION NO. 2016-143

WHEREAS, IES Commercial of Holdrege, Nebraska has performed services in connection with the 2016 Part 1 Improvements; 39th Street and 30th Avenue Traffic Signals, and the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$25,928.99 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$89,583.00</u>
Contract Sum To Date	89,583.00
Gross Amount Due	28,809.99
Retainage (10%)	2,881.00
Amount Due to Date	25,928.99
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$25,928.99

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt Resolution No. 2016-144 approving the U.S. Government Lease for Real Property between the City of Kearney and the General Services Administration for rental space in the Terminal located at the Kearney Regional Airport.

RESOLUTION NO. 2016-144

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the U.S. Government Lease for Real Property on behalf of the City of Kearney, Nebraska, with the General Services Administration for rental space in the Terminal located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Approve the purchase of an evidence collection vehicle to be used by the Kearney Police Department in the amount of \$108,712.47 from Sirchie Vehicles.

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 in a 115'x55' fenced area known as Loperville located south of Ron and Carol Cope Stadium on UNK Campus, 2708 12th Avenue, on Thursday, September 8, 2016 from 4:00 p.m. until 11:00 p.m. for Loper tailgate.

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 and wine inside Scorr Marketing, 2201 Central Avenue, on Thursday, September 15, 2016 from 4:00 p.m. until 9:00 p.m. for 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 and wine inside Bank of the West, 4407 2nd Avenue, on Thursday, September 22, 2016 from 4:00 p.m. until 9:00 p.m. for reception.

20. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in a 115'x55' fenced area known as Loperville located south of Ron and Carol Cope Stadium on UNK Campus, 2708 12th Avenue, on Saturday, September 24, 2016 from 11:00 a.m. until 6:00 p.m. for Loper tailgate.

21. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in a 115'x55' fenced area known as Loperville located south of Ron and Carol Cope Stadium on UNK Campus, 2708 12th Avenue, on Saturday, October 1, 2016 from 11:00 a.m. until 6:00 p.m. for Loper tailgate.

22. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in a 115'x55' fenced area known as Loperville located south of Ron and Carol Cope Stadium on UNK Campus, 2708 12th Avenue, on Saturday, October 15, 2016 from 11:00 a.m. until 6:00 p.m. for Loper tailgate.

23. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in a 115'x55' fenced area known as Loperville located south of Ron and Carol Cope Stadium on UNK

Campus, 2708 12th Avenue, on Saturday, October 29, 2016 from 11:00 a.m. until 6:00 p.m. for Loper tailgate.

24. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in a 115'x55' fenced area known as Loperville located south of Ron and Carol Cope Stadium on UNK Campus, 2708 12th Avenue, on Saturday, November 12, 2016 from 11:00 a.m. until 6:00 p.m. for Loper tailgate.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$120,730.66 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council member Lammers congratulated the Park Department on a successful summer season. He received several comments on how beautiful the parks have been.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 5:32 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**