

Kearney, Nebraska
October 25, 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 October 25, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, 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: Max Kathol, Robin Phipps, 4 UNK students, Jessica Kokesh from Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

ORAL COMMUNICATIONS

Mayor Clouse stated that October has been designated Domestic Violence Awareness Month. He read the Proclamation and presented it to Robin Phipps from the S.A.F.E. Center.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE PORTION OF WISE ESTATES AND REZONING OF PROPERTY LOCATED AT 3809 COTTONMILL AVENUE

Mayor Clouse stated the City was notified by the developer to postpone until November 8, 2016 the public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and consider Ordinance No. 8108; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3809 Cottonmill Avenue)

Moved by Lammers seconded by Nikkila to postpone until November 8, 2016 the public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and consider Ordinance No. 8108; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

FINAL PLAT FOR SPRINGER ESTATES LOCATED AT 3720 COTTONMILL AVENUE

Mayor Clouse stated the City was notified by the developer to postpone until November 8, 2016 the public hearing on the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3720 Cottonmill Avenue).

Moved by Lammers seconded by Nikkila seconded to postpone until November 8, 2016 the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held October 11, 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 \$395.68 smcs; 3595 American \$1,054.98 smcs; 3597 Enterprise \$624.00 smcs; 3gstore.com \$808.99 co; 4Imprint \$927.65 smcs; 54th Street \$36.07 smcs; AAA Tarps \$514.00 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$35.16 smcs; Agri Coop \$2,741.13 smcs; Alert All \$1,087.50 smcs; All Makes Auto \$1,940.67 smcs; All Stars Prevention \$113.45 smcs; Allegiant \$460.74 smcs; Allied Electronics \$60.00 smcs; Amazon \$7,622.31 smcs,co; Amer First Aid \$602.91 smcs; Amer Legion \$73.69 smcs; Amer Library Assn \$358.00 smcs; APWA \$930.00 smcs; Another Look \$272.74 smcs; Apple Market \$18.54 smcs; Appliance Service \$130.95 smcs; Arbor Day Foundation \$35.00 smcs; ARC Services \$108.00 smcs; Arctic Refrigeration \$343.94 smcs; Arrow Striping \$6,615.00 smcs; Artisans \$475.00 smcs; Ask Supply \$519.12 smcs; Aurora Coop \$144.72 smcs; Auto Value \$37.44 smcs; Backyard Burgers \$22.02 smcs; Baker & Taylor \$5,079.06 smcs; Bamford \$900.00 smcs; Barnes,J \$400.88 smcs; Barney Ins \$18,320.00 smcs; Beacon Athletics \$240.80 smcs; Becker,J \$46.75 smcs; Bells Construction \$660.00 co; Berens-Tate Consulting \$2,500.00 smcs; Bibliotheca \$1,950.90 smcs; Blackstone Audio Books \$427.47 smcs; BlueCross BlueShield \$336,833.86 smcs; Boardtronics \$635.16 smcs; Bolte,C \$837.85 smcs; Bosselman \$22,029.57 smcs; Broadcast Music \$302.40 smcs; Broadfoot's \$157.50 smcs; BSN Sport Supply \$618.01 smcs; Buffalo Co Treasurer \$120.55 smcs,co; Buffalo Outdoor \$867.86 smcs; Buggy Bath \$10.00 smcs; Builders \$6,150.57 smcs,co; Buzzard Gulch \$24.56 smcs; Cabela's \$59.99 smcs; Campbell Pet Co \$53.78 smcs; Capital Business Systems \$314.92 smcs; Carquest \$14,105.08 smcs; Casey's \$79.04 smcs; Cash Wa \$1,378.42 smcs; CDW Govt \$628.00 smcs; Cenex \$73.00 smcs; Cengage/Gale \$149.99 smcs; Central District Health \$4,835.00 smcs; Central Hydraulic \$150.41 smcs; Central NE Bobcat \$324.98 smcs; Charter \$432.01 smcs; Chase,B \$347.80 smcs; Chemsearch \$305.00 smcs; Chesterman \$2,757.49 smcs; Chicken Coop \$50.00 smcs; Cintas \$282.90 smcs; City of Ky \$36,897.89 smcs,co; City Plbg \$130.00 smcs; Civic Plus \$4,015.51 smcs; Clark Enersen \$19,725.59 co; Clipper Publishing \$70.00 smcs; CMH Interiors \$380.00 smcs; Coldspring \$1,647.20 smcs; Comm Act Partners Mid-NE \$5,362.16 smcs; Consec Life \$19.00 ps; Constantcontact.com \$504.00 smcs; Construction Rental \$779.77 smcs; Control Yours \$370.00 smcs; Conversion Technology \$278.00 smcs; Cook,J \$165.50 smcs; Cooperative Producers \$225.60 smcs; Copycat \$1,649.02 smcs; Cosugi \$100.00 smcs; Country Inn & Suites \$698.88 smcs; Courtyard by Marriott \$240.68 smcs; CPR Savers \$1,520.00 smcs; Crop Production \$1,518.14 smcs; Crowdcontrolstore.com \$998.54 smcs; Crystal Clean \$265.00 smcs; Cullen,M \$123.05 smcs; Culligan \$99.95 smcs; Cummins \$2,043.04 smcs; Cutter & Buck \$188.66 smcs; D&K Products \$1,852.20 smcs; Danielson,S \$71.03 smcs; Danko Emergency \$495.55 smcs; Delight Donuts \$85.00 smcs; Dell \$8,617.50 co; Dennis,N \$385.25 smcs; Depository Trust \$28,845.69 ds; Deterdings \$53.98 smcs; Dmilaco \$1,546.52 smcs, ps; Dollar General \$52.71 smcs; Dowhy Towing \$240.00 smcs; DPC Industries \$6,789.15 smcs; Dreamstime.com \$39.00 smcs; Dutton-Lainson \$1,044.09 co; Eakes \$1,794.57 smcs; Earl May \$199.00 smcs; Easy Picker Golf \$123.91 smcs; Eder,M \$75.00 smcs; EMC Ins \$609,560.00 ps; Engineered Controls \$162.00 smcs; Hertz \$229.50 smcs; Eustis Body Shop \$200.00 smcs; Evers,B

\$477.00 smcs; Expression Wear \$1,489.50 smcs; Exxon Mobile \$50.31 smcs; Facebook \$80.94 smcs; Fairbanks \$270.00 co; Family Fresh \$66.74 smcs; Fastenal \$782.01 smcs; Fearnley,M \$118.76 smcs; Fedex \$70.98 smcs; Felsburg Holt & Ullevig \$4,605.80 smcs; Fire Safety \$800.00 smcs; Fireguard \$175.43 smcs; Fisher Roofing \$4,260.00 co; Flow Pump Machine \$204.29 smcs; Forte Supply \$94.48 smcs; Foster,D \$26.53 smcs; Frontier \$9,094.24 smcs; Fuel Tech \$1,145.05 smcs; Fun Express \$66.49 smcs; Gangwish Turf \$139.13 smcs; Garrett Tires \$2,427.79 smcs; Gillming,R \$67.11 smcs; Gordon Biersch \$19.04 smcs; Graham Tire \$765.00 smcs; Grainger \$2,267.87 smcs; GI Physical \$150.00 smcs; Gray,C \$90.00 smcs; Great Plains Safety \$378.00 smcs; Hach \$903.78 smcs; Hampton Inn \$498.12 smcs; Hawthorne Jewelry \$1,406.00 ps; HD Supply \$5,223.32 smcs; Hellreigel,E \$153.00 smcs; Hilti \$701.99 smcs; Hobby-Lobby \$1,820.14 smcs,co; Hollinger Metal Edge \$78.53 smcs; Holmes Plbg \$1,033.36 smcs; Hometown Leasing \$265.92 smcs; Hooker Bros \$437.58 smcs; Hottopic.com \$66.33 smcs; IAEI \$550.00 smcs; ICMA \$4,772.90 ps; Infidel Body Armor \$323.82 smcs; International Assn for ID \$80.00 smcs; Int'l Code Council \$199.00 smcs; Invertersrus \$280.00 smcs; Iowa Western College \$40.00 smcs; IRS \$152,536.31 ps; iTunes \$152.37 smcs; Jack Lederman \$262.08 smcs; Jimmy John's \$123.96 smcs; JJ Keller \$765.00 smcs; Johnsen Corrosion \$2,308.00 smcs; Johnson Controls \$3,844.00 smcs; Johnson Lawn \$2,425.00 co; Johnstone Supply \$452.92 smcs; Jons,R \$80.00 smcs; Kart-Man \$998.61 smcs; Ky Concrete \$1,948.67 smcs; Ky Ace Hardware \$124.23 smcs; Ky Centre Vac \$599.95 smcs; Ky Chamber Comm \$175.00 smcs; Ky Clinic \$170.00 ps; Ky Concrete \$2,878.30 co; Ky Crete & Block \$1,058.45 smcs,co; Ky Hub \$582.15 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Noon Rotary \$195.00 smcs; Ky Power Sport \$871.51 smcs; Ky Public Schools \$2,340.00 smcs; Ky Towing \$200.00 smcs; Ky Visitors Bureau \$250.00 smcs; Ky Warehouse \$1,781.91 smcs; Ky Winlectric \$134.84 smcs; Ky Winnelson \$658.21 smcs,co; Kelly Supply \$1,108.92 smcs; Konica Minolta \$2,065.47 smcs; KSNB \$460.00 smcs; L Construction \$719.40 co; Landmark Implement \$126.93 smcs; Language Line \$146.75 smcs; Leach,C \$36.87 smcs; League of NE Municipalities \$1,021.00 smcs; Light and Siren \$578.00 co; Lincoln Winwater \$127.50 smcs; Linkedin.com \$199.00 smcs; Lockmobile \$240.00 smcs; Logmeininc.cm \$149.00 smcs; Mac Tools \$152.99 smcs; Marlatt Machine \$795.18 smcs,co; Marriott Hotel \$580.52 smcs; Matheson \$1,937.24 smcs; Menards \$4,382.83 smcs; Metlife \$16.14 ps; Midlands Contracting \$41,197.00 smcs; Midwest Connect \$253.38 smcs; Midwest Turf \$28.74 smcs; Milco Environmental \$3,336.30 smcs; Miller Signs \$5,330.00 smcs,co; Mirror Image \$217.40 smcs; Moonlight Embroidery \$1,144.00 smcs; Moorehead,J \$560.50 co; Municipal Supply \$4,513.49 smcs,co; Murphy Tractor \$1,075.86 smcs; Nat'l Fire Protection \$85.55 smcs; NCH Software \$39.95 smcs; NCL of Wisconsin \$557.71 smcs; NE Chapter IAEI \$150.00 smcs; NE Child Support \$2,188.20 ps; NE Dept Environmental \$17,705.53 smcs; NE Dept Labor \$700.00 smcs; NE Dept of Rev \$30,330.00 smcs; NE Office Chief Information \$20.00 smcs; NE Safety \$125.00 smcs; NE Truck Center \$1,732.42 smcs; Nebtech Calibration \$50.05 smcs; Nelson's Furniture \$1,880.00 smcs; Netbrands Media \$64.90 smcs; Network Fleet \$94.75 smcs; Newman Traffic Signs \$2,614.10 smcs; NGPC Reservations \$69.62 smcs; NI LCC \$47.87 smcs; Northwestern Energy \$1,993.79 smcs; NRG Media \$67.50 smcs; Oak Creek Engineering \$10,167.25 co; OCLC \$654.79 smcs; Official Gear \$126.85 smcs; Office Max \$1,133.49 smcs,co; O'Hara Lindsay \$2,000.00 smcs; Ollie the Trolley \$200.00 smcs; One Call Concepts \$177.75 smcs; O'Reilly Auto \$2,194.82 smcs; Oriental Trading \$230.12 smcs; Orscheln \$276.40 smcs; Otto Environmental \$9,822.85 smcs; Out of Print Clothing \$224.00 smcs; Overhead Door \$92.28 smcs; Paramount

\$377.20 smcs; Paypal*AllyBDesign \$35.00 smcs; Paypal*CRS2154 \$374.37 smcs; Paypal*Internation \$1,000.00 smcs; Paypal*Kgradzki \$825.00 co; Paypal*Tridentelec \$58.54 smcs; PCAN \$50.00 smcs; Pcrush \$68.60 smcs; Peerless Machine \$23,997.60 co; Penguin Random House \$277.50 smcs; Penworthy \$1,039.63 smcs; Pep Co \$86.34 smcs; Petska,B \$55.00 smcs; Philby,J \$27.27 smcs; Phillips,D \$100.00 smcs; Pickens,C \$50.00 smcs; Pioneer Mfg \$881.25 smcs; Platte Valley Auto Mart \$371.16 smcs; Postage Refill \$975.00 smcs; Pot O' Gold \$155.00 smcs; Potter,B \$100.00 smcs; Prestige Group \$419.00 smcs; Presto-X \$663.84 smcs; Public Broadcasting \$134.75 smcs; Qualified Hardware \$411.80 smcs; Rainbow Online Sale \$95.41 smcs; RDO Truck Center \$4,430.89 smcs; Ready Mixed Concrete \$25,100.86 co; Reams \$13,204.78 smcs; Recorded Books \$2,647.80 smcs; Redbox \$3.21 smcs; Redman's Shoes \$435.97 smcs; Reinkes Heating \$99.50 smcs; Remington Sod \$100.00 co; Republic Nat'l Dist \$864.70 smcs; Resource Management \$2,568.96 smcs; Rogue Fitness \$519.23 ps; Runza \$6.47 smcs; Sahling Kenworth \$2,069.43 smcs; Sapp Bros \$586.33 smcs; Saylor Screenprinting \$139.00 smcs; Schools In \$43.98 smcs; Schroeder,J \$15.00 smcs; Schulz,D \$26.57 smcs; Sears \$789.96 smcs,co; See Clear Cleaning \$350.00 smcs; Sensus Metering \$1,305.39 smcs; Sherwin Williams \$436.98 smcs; Silver Spoon Café \$15.13 smcs; Silverstone Group \$4,580.00 smcs; Sirsi Corp \$29,761.06 smcs; Siteone Landscapes \$6,151.14 smcs,co; Smartsign \$203.38 smcs; Snap-On Tools \$1,455.39 smcs; Southern Glazier \$622.00 smcs; Staab,J \$336.00 smcs; Steinbrink Landscaping \$2,724.86 smcs,co; Street Crimes \$399.00 smcs; Sunbelt Rentals \$201.20 smcs; Super Shine \$80.75 smcs; Superior Signals \$3,983.85 smcs; Supplyhouse.com \$40.71 smcs; Supplyworks \$505.10 smcs; Sutton,S \$225.00 smcs; Tactical Store \$165.00 smcs; Tacticalgear.com \$1,336.40 smcs; Target \$2,025.26 smcs; Tenorio,D \$547.80 smcs; Tessco Technologies \$822.92 smcs; Texoma Golf \$173.46 smcs; Thrift Books Global \$61.76 smcs; Ticket Omaha \$855.00 smcs; Tielke's Sandwiches \$55.89 smcs; Titan Machinery \$2,838.54 smcs; Titleist \$68.23 smcs; Toys R Us \$42.75 smcs; Tractor-Supply \$206.72 smcs; Trausch,A \$857.85 smcs; Treadway,M \$547.80 smcs; Tri State Oil \$234.75 smcs; Triad Tactical \$319.39 smcs; Turner Body Shop \$100.00 smcs; Tye Law Firm \$1,222.00 co; U.S. Tactical Supply \$91.29 smcs; UL \$483.55 smcs; Ullman,M \$247.80 smcs; Underground Construction \$1,610.00 smcs; Union Bank & Trust \$72,395.64 ps; Unique Management \$259.55 smcs; United Seeds \$1,550.00 smcs; UNK \$81.76 ps; UNL Event \$70.00 smcs; UPS Store \$363.61 smcs; USA Blue Book \$581.46 smcs; USA Communications \$155.95 smcs; USPS \$225.43 smcs; Van Wall Equipment \$423.07 smcs; Verizon \$20.04 smcs; Vulcan Signs \$22,647.19 smcs; Walgreens \$58.12 smcs; Wal-Mart \$2,686.22 smcs,co; Walters Electric \$2,032.52 co; Warren-T \$101.30 smcs; Wasteworks \$650.00 co; Water Environment Federation \$79.00 smcs; Waterlink \$668.73 smcs; Wayne State College \$100.00 smcs; Wells Fargo Equipment \$110,576.31 ds; Whelen Engineering \$504.00 smcs; Wicks Sterling Trucks \$326.40 smcs; Wilke's True Value \$424.86 smcs; Williams,M \$38.88 smcs; Winchester Trim \$245.00 smcs; WPCI \$239.00 ps; Wunderkinder.com \$49.99 smcs; Yant Equipment \$145.00 smcs; Yellow Van Cleaning \$160.00 smcs; Zimmerman Printers \$159.40 smcs; Zoro Tools \$979.99 smcs; Payroll Ending 10/15/2016 -- \$409,623.63. 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 November 8, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.
- 4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications for the following:
 - a. CHI Good Samaritan to use three parking stalls in front of 2223 Central Avenue on October 27 for the annual Trick or Treat on the Bricks.
 - b. World Theatre to use four parking stalls in front of 2318 Central Avenue on November 14, 2016, January 16, February 13, and March 13, 2017 for the Rotary Travelogue.
- 5. Adopt Resolution No. 2016-182 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Craig Ehrmann and Cameron Mueller.

RESOLUTION NO. 2016-182

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded a name of an individual desiring to serve as a volunteer 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 the person 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 a member 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 25TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 6. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 12, 2016 from 6:00 p.m. until

1:00 a.m. for a dance (alternate date is November 19, 2016).

7. Accept the bids received for the purchase of an 80 HP Tractor with Integral Backhoe and Loader to be used by the Kearney Cemetery and award the bid to Titan Machinery in the amount of \$83,400.00.
8. Accept the bids received for the purchase of a front load refuse compactor truck used in the Utilities Department and award the bid to Nebraska Peterbilt in the amount of \$229,309.00.
9. Adopt Resolution No. 2016-183 approving Change Order No. 3 for an increase in the amount of \$2,423.34 and Application and Certificate for Payment No. 6 in the amount of \$278,219.53 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. 2016-183

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 5 Improvements consisting of Paving Improvement District No. 2015-981 for Central Avenue from 12th Street to 18th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$2,423.34 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. 6 in the amount of \$278,219.53 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$3,018,299.85
Change Order No. 1 (3-22-2016)	+ 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	2,176,097.96
Retainage (5%)	108,804.90
Amount Due to Date	2,067,293.06
Less Previous Certificates for Payment	<u>1,789,073.53</u>
Current Payment Due	\$ 278,219.53

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. 3, as shown on Exhibit "A" and Application and Certificate for Payment No. 6, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt Resolution No. 2016-184 approving the revised City of Kearney Personnel Manual.

RESOLUTION NO. 2016-184

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City’s rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, and amended on October 28, 2014 by Resolution No. 2014-224; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007 and 2014, and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007 and 2014, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised Personnel Manual, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. 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 Thursday, December 1, 2016 from 3:00 p.m. until 1:00 a.m. for a fund raiser.

12. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Heartland Bank located at 212 East 56th Street, on Tuesday, December 6, 2016 from 4:00 p.m. until 9:00 p.m. for a bank event.

13. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, December 10, 2016 from 3:00 p.m. until 1:00 a.m. for a company event.

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

15. 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 and wine inside Five Nine located at 5609 1st Avenue, Suite A-1 on Thursday, November 10, 2016 from 5:00 p.m. until 8:00 p.m. for Business After Hours.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

PENINSULA AIRWAYS TO PROVIDE ESSENTIAL AIR SERVICE

Mayor Clouse opened for discussion the Use and Operations Agreement (T-920) between the City of Kearney and Peninsula Airways, Inc. providing scheduled air service and to consider Resolution No. 2016-185.

City Attorney Mike Tye presented this matter to the Council. He stated this is a new lease with PenAir for the terminal at the Kearney Regional Airport. It is a 2-year lease and involves rent of \$1,447 per month. There are also some fees, a ramp fee of \$1,800 and a landing fee based on the weight of the plane. They will have the counter area, office and storage area that is similar to what was used by Great Lakes before. This just transitions the lease agreement to the City's new carrier.

It does involve a three percent increase annually as many of the other leases do and includes all of the similar provisions the City has with other tenants at the airport.

Council Member Lammers asked if this lease was similar to what the City had with Great Lakes. City Attorney confirmed stating the City increased the rental amount slightly but it is the same space. The numbers increased based on what was appropriate.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2016-185 approving the Use and Operations Agreement (T-920) between the City of Kearney and Peninsula Airways, Inc. providing scheduled air service. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2016-185

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 Use and Operations Agreement (T-920) on behalf of the City of Kearney, Nebraska, with Peninsula Airways, Inc. for Hangar T-920 located at the Kearney Regional Airport providing scheduled air service. A copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$109,452.05 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council member Lammers stated his enthusiasm with PenAir opening November 1 and it should be an exciting inaugural flight. It will be great having the new air carrier in place and hopefully all of the citizens of Kearney will continue to use the air carrier.

City Manager Michael Morgan provided an update on projects to the Council:

- Work continues at Patriot Park. The weather is helping the sod which is real important for next spring to determine play.
- Veterans Home has a lot of construction going up.
- The Bike Trail on 11th Street is completed and the contractor did an excellent job of getting it done.
- PenAir has a lot of activity going on. Planes will be in the air this weekend; they will be doing some trial runs with the staff and working through that process. They have been great to work with and we are looking forward to it.
- Cherry Avenue project is making great progress and still looking at December 1 for opening.
- The north round about is nearing completion, and the others are as well. With regard to the north section, all of the painting has been completed and the signage is installed. Speed limit will increase once it is fully completed. Speed limit is currently 50 but will go to 60 in the 2-lane portion and 65 to the south. They are right on schedule and even a little ahead with the weather.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:40 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**