

*Kearney, Nebraska  
November 22, 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 November 22, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: Randy Buschkoetter. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Lauren Brandt, Deputy City Clerk; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Shawna Erbsen, Administrative Services Director; and Dan Lillis, Engineering Assistant were also present. Some of the citizens present in the audience included: Mirch Humphrey, Chris Miller, Mike Konz 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**

There was no Oral Communications.

## **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 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) were withdrawn by the developer. According to the City Code, any matter tabled by a motion of the Council must be acted upon prior to the adjournment of the third regular meeting following the meeting at which the matter was tabled. They were not able to submit the necessary documents. This matter may be considered at a later date. Therefore, no action was taken.

#### **FINAL PLAT FOR SPRINGER ESTATES LOCATED AT 3720 COTTONMILL AVENUE**

Mayor Clouse stated 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) were withdrawn by the developer. According to the City Code, any matter tabled by a motion of the Council must be acted upon prior to the adjournment of the third regular meeting following the meeting at which the matter was tabled. They were not able to submit the necessary documents. This matter may be considered at a later date. Therefore, no action was taken.

#### **REZONE LOT 1, FOUNTAIN HILLS SEVENTH; SOUTH OF 56TH STREET AND EAST OF 11TH AVENUE**

Mayor Clouse stated the City was notified by the developer to postpone until December 13, 2016 the public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila seconded to postpone until December 13, 2016 the Application submitted by Miller & Associates for Grand West, LLC to rezone from District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

**REVISED DEVELOPMENT PLANS FOR SOUTH OF 56TH STREET AND EAST OF 11TH AVENUE**

Mayor Clouse stated the City was notified by the developer to postpone until December 12, 2016 the public hearing on the Application submitted by Miller & Associates for Grand West, LLC and TSK 14, LLC for Revised Planned District Development Plan Approval for the construction of an apartment complex on property to be zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until December 13, 2016 the Application submitted by Miller & Associates for Grand West, LLC and TSK 14, LLC for Revised Planned District Development Plan Approval for the construction of an apartment complex on property to be zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

**VACATE PORTION OF ORIGINAL TOWN OF KEARNEY JUNCTION AND FINAL PLAT FOR BRIGHAM AND PIERCE ADDITION**

Moved by Nikkila seconded by Lear to remove Public Hearing 5 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for Brigham Lofts, LLC and JWB, LLC to (1) vacate Lots 535 through 539, inclusive and the south 20 feet of Lot 540, Original Town of Kearney Junction and consider Ordinance No. 8111; and (2) the Final Plat for Brigham and Pierce Addition, an addition to the City of Kearney for a tract of land being Lots 535 through 539, inclusive and the south 20 feet of Lot 540, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2001 and 2013 Avenue A) and consider Resolution No. 2016-186. Planning Commission recommended approval.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. He stated the both buildings have storied pasts and been occupied in many capacities throughout their history. This project is primarily a housekeeping project. The old rail line ran between the two buildings (Brigham and Pierce). Due to the ways that the rail line was conveyed to Union Pacific and later deeded to the Children's Museum, there was a 1-foot strip that the north (Brigham) building sits on top of. The 1-foot strip however, was vested in the title to the property owners of the south (Pierce) building. In efforts to clear a few issues up, both parties agreed to transfer 1-foot strips and make things right; vacating this property and the final plat that is based on the preliminary plat. Both were approved by Planning Commission, creating two new lots. In the end, the parties will transfer the deeds and change the descriptive identity of the lots to be known as Lots 1 and 2 of Brigham and Pierce Addition. The parties who own the south (Pierce) building would like to add windows on the north side of the building and to accommodate that,

there needs to be some spatial/separation requirements adhered to and followed. Upon the filing of the plat, an easement also will be filed that allows 'a no build zone' so that they can accommodate building code and add windows.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Buffalo Surveying for Brigham Lofts, LLC and JWB, LLC and introduced Ordinance No. 8111 vacating Lots 535 through 539, inclusive and the south 20 feet of Lot 540, Original Town of Kearney Junction and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8111. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter absent. 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. 8111 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8111 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8111 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.

Moved by Lammers seconded by Nikkila to adopt Resolution No. 2016-186 approving the Final Plat for Brigham and Pierce Addition. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

### **RESOLUTION NO. 2016-186**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Brigham and Pierce Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lots 535 through 539, inclusive, and the south 20 feet of Lot 540 (all now vacated), Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, with said tract of land located in the East Half of the Northwest Quarter of Fractional Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Northwest Quarter of Fractional Section 1 and assuming the West line of the Northwest Quarter of Fractional Section 1 as bearing N 00°00'13" W and all bearings contained herein are relative

thereto; thence N 00°00'13" W and on the West line of the Northwest Quarter of said Fractional Section 1 a distance of 1188.48 feet; thence leaving the West line of the Northwest Quarter of said Fractional Section 1, N 89°59'47" E a distance of 1373.94 feet to the ACTUAL PLACE OF BEGINNING, said point of beginning being the Southwest Corner of Lot 535, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, and said point being on the North line of North Railroad Street, a street in the City of Kearney, Buffalo County, Nebraska; thence N 72°40'20" E and on the South line of said Lot 535, Original Town of Kearney Junction and on the North line of said North Railroad Street a distance of 137.17 feet to the Southeast Corner of said Lot 535, Original Town of Kearney Junction; thence leaving the North line of said North Railroad Street, N 00°15'57" W and on the East line of Lot 535 thru 539, inclusive, Original Town of Kearney Junction and on the East line of Lot 540, Original Town of Kearney Junction, a distance of 125.63 feet to the Northeast Corner of the South 20 feet of said Lot 540, Original Town of Kearney Junction; thence leaving the East line of said Lot 540, Original Town of Kearney Junction, S 89°41'02" W and on the North line of the South 20 feet of said Lot 540, Original Town of Kearney Junction a distance of 130.67 feet to the Northwest Corner of the South 20 feet of said Lot 540, Original Town of Kearney Junction, said point also being on the East line of Avenue "A", a street in the City of Kearney, Buffalo County, Nebraska; thence S 00°06'14" E on the West line of said Lot 540, Original Town of Kearney Junction and on the West line of said Lot 535 thru 539, inclusive, Original Town of Kearney Junction and on the East line of said Avenue "A" a distance of 165.79 feet to the place of beginning, containing 0.44 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

#### **IV. CONSENT AGENDA**

Moved by Nikkila seconded by Lear that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

1. Approve Minutes of Regular Meeting held November 8, 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 \$228.08 smcs; 4imprint \$1,422.23 smcs; AAA rents \$118.94 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$13.16 smcs; Alertshirt \$2,234.08 smcs; All Makes Auto \$4,101.89 smcs; Allied Electronics \$183.02 smcs; Ally B Designs \$60.00 co; Amazon \$2,062.36 smcs,co; American \$554.98 smcs; Amer First Aid \$138.09 smcs; American Legion Emblem \$658.64 smcs; Anderson Bros \$337.22 smcs; Apple Market \$26.66 smcs; Arrow Stage Lines \$150.00 smcs; Arrow Striping \$1,175.00 smcs; Ask Supply \$270.39 smcs; Auto Value \$40.28 smcs; Badaxx Tactical \$314.99 smcs; Baird Supporting Systems \$358.42 smcs; Baker & Taylor \$6,869.62 smcs; Barnes,J \$200.00 smcs; Beacon Ins \$1,940.00 co; Blackstone Audio \$213.74 smcs; Blessing \$27,207.86 co; Blue Globes \$5,789.00 smcs; Bluecross Blueshield \$320,349.57 smcs; Boogaarts \$38.64 smcs; Bosselman \$323.71 smcs; Boxwood Technology \$199.00 smcs; BP#6593693 \$49.90 smcs; Brilliance Publishing \$53.98 smcs; Broadfoots \$20.00 smcs; Brown Shoe Fit \$400.00 smcs; Buckner,N \$75.00 smcs; Buffalo Co Reg Deeds \$28.00 smcs; Buffalo Outdoor Power \$643.60 smcs; Buggy Bath \$13.00 smcs; Builders \$1,768.00 smcs; Cabela's \$14,476.28 smcs; Camera Doctor \$144.55 smcs; Canva for Work \$119.40 smcs; Capital Business Systems \$169.93 smcs; Capitol Hotel \$1,849.86 smcs; Carquest \$944.05 smcs; Casey's \$56.02 smcs; Cash Wa \$1,291.45 smcs; CBA Lighting \$980.54 smcs; Cenex \$10.50 smcs; Cengage Learning \$279.51 smcs; Central Hydraulic \$835.63 smcs; Central NE Bobcat \$361.24 smcs; Central Platte NRD \$50.00 co; CH Diagnostic \$930.00 smcs; Charter \$83.03 smcs; Chen,T \$16.00 smcs; Hesterman \$165.40 smcs; Chicken Coop \$50.00 smcs; Child's World \$2,399.65 smcs; CHS Agri Service Center \$848.68 smcs; Cintax \$272.64 smcs; City Glass \$75.84 smcs; City of Ky \$19,602.83 smcs,ps,co; City Plbg \$451.78 smcs; Civic Plus \$7,000.05 co; Clark Enersen \$18,361.71 co; CNA Ins \$40.00 smcs; Cole,G \$1,235.25 co; Comm Action Partners \$468.00 smcs; Conseco Life \$19.00 ps; Construction Rental \$1,697.12 smcs,co; Control Yours \$370.00 smcs; Copycat \$637.53 smcs; Cornhusker Cleaning \$153.60 smcs; Cornhusker Garage \$25.00 smcs; Country Inn \$1,893.36 smcs; cps \$2,698.30 smcs; Credit Management \$78.95 smcs; Culligan \$329.67 smcs; Cummins \$228.68 smcs; Davis Equipment \$2,087.15 smcs; Dawson PPD \$2,679.22 smcs; Dell \$5,944.12 smcs,co; Depository Trust \$21,843.75 ds; Design Matters \$39,790.67 co; Deterdings \$9,716.50 smcs,co; Diamond Tour \$25,833.00 smcs; Diner 36 \$626.83 smcs; Dog Poop Bags \$504.53 smcs; Don's Hobby Guns \$109.00 smcs; Dowhy Towing \$290.00 smcs; Dreamstime.com \$39.00 smcs; Eakes \$1,129.18 smcs; Echtenkamp,C \$565.75 smcs; Economic Development \$145,000.00 smcs; E-Cononlight \$104.99 smcs; Eileen's Cookies \$36.00 smcs; Eirich,T \$192.00 smcs; Expression Wear \$72.00 smcs; Facebook \$93.98 smcs; Fastenal \$918.57 smcs; Fiddelke \$100.00 smcs; Fire Mountain Gems \$21.52 smcs; Fitfighter Training \$627.00 ps; Flaherty,T \$413.00 smcs; Flashbay.com \$975.00 smcs; Flippin Sweet \$91.77 smcs; Frontier \$9,427.46 smcs; Garrett Tires \$6,832.51 smcs; Gelpro \$650.73 smcs; GI Physical Therapy \$112.50 smcs; Goodner,D \$100.00 smcs; Goodwin,T \$543.52 smcs; Grainger \$1,408.42 smcs; Granite City Tool \$62.02 smcs; Grimes,A \$100.00 smcs; H6 Tactical \$90.00 smcs; Hach \$1,642.17 smcs; Hali-Brite \$550.58 smcs; Hart,A \$120.00 smcs; HD Supply \$3,095.52 smcs; Hilltop Mall \$2,341.70 co; Hobby-Lobby \$183.61 smcs,co; Holmes

Plbg \$696.14 smcs; Hometown Leasing \$265.92 smcs; ICMA RC \$4,751.88 ps; IIMC \$200.00 smcs; Invertersrus \$280.00 smcs; IRS \$148,866.69 ps; Jack Lederman \$73.73 smcs; Jacobi's \$1,554.53 co; Johnstone Supply \$190.33 smcs; Jonak,K \$100.00 smcs; Jonson Lawn \$960.00 smcs; Jorgensen,D \$90.00 smcs; Karsten,S \$90.00 smcs; Ky Ace \$80.41 smcs; Ky Chamber Comm \$1,029.31 ps; Ky Clinic \$88.00 smcs,co; Ky Concrete \$8,789.15 smcs,co; Ky Crete & Block \$1,628.24 smcs; Ky Hub \$3,176.90 smcs; Ky Humane Soc \$7,381.25 smcs; Ky Power Sports \$31.85 smcs; Ky Quality \$42.95 smcs; Ky Towing \$1,384.00 smcs; Ky Warehouse \$126.08 smcs; Ky Winlectric \$138.92 smcs; Ky Winnelson \$68.98 smcs; Kelly Supply \$189.17 smcs; Kiplinger Tax Letter \$76.00 smcs; Lamplighter Publishing \$36.00 smcs; Landmark Implement \$436.20 smcs; Larue Distributing \$67.72 smcs; Lawson Products \$154.02 smcs; Leadership Center \$173.60 smcs; Lego \$79.81 smcs; Light and Siren \$343.00 smcs; LinkedIn \$199.00 smcs; Lips Printing \$164.48 smcs; Little,K \$22.00 smcs; Logan Contractors \$457.05 smcs; Lous Sports \$453.75 smcs; Mac Tools \$244.99 smcs; Machine Shed Urbandale \$767.60 smcs,co; Marlatt Machine \$193.67 smcs; Matheson \$132.48 smcs; Menards \$2,702.47 smcs,co; Metlife \$13.20 ps; Microsoft \$106.99 smcs; Mid-State Engineering \$3,994.00 co; Midway \$5.74 smcs; Midwest Connect \$270.31 smcs; Midwest Labs \$21.00 smcs; Midwest Pump \$3,162.00 smcs; Midwest Turf \$154.13 smcs; Miller Signs \$180.00 smcs; Miracle Recreation \$139.40 smcs; Moonlight Embroidery \$72.00 smcs; Municipal Supply \$17,676.17 smcs; Murphy Tractor \$7,019.67 smcs; Musco Sports Lighting \$270.30 smcs; NFPA \$1,345.50 smcs; Navigator Motorcoaches \$1,425.00 smcs; NCH Software \$29.98 smcs; NE Assn Airport Officials \$250.00 smcs; NE Child Support \$2,188.20 ps; NE Dept of Health \$100.00 smcs; NE Office of OCIO \$21.00 smcs; NE Peterbilt \$296.82 smcs; NE Safety & Fire \$492.50 smcs; NE Statewide Arboretum \$130.00 smcs; NE Truck Center \$1,013.45 smcs; Network Fleet \$94.75 smcs; Newell,B \$774.26 smcs; Nolda,J \$132.00 smcs; Northern Safety \$394.25 smcs,co; Northwestern \$1,947.74 smcs; Nova Health Equipment \$4,563.98 smcs,ps; NRG Media \$54.00 smcs,co; OCLC \$654.79 smcs; Office Depot \$541.41 smcs; Officemax \$1,449.64 smcs,co; Officenet \$970.63 smcs; O'Hara Lindsay \$2,000.00 smcs; One Call Concepts \$476.43 smcs; O'Reilly Automotive \$569.02 smcs; Orscheln \$293.05 smcs; OTC Brands \$371.68 smcs; Otto Environmental \$1,000.00 smcs; Outdoor Recreation \$1,921.00 smcs; Paramount \$119.36 smcs; Party America \$66.85 smcs; Paypal\*Atlanticcom \$226.54 co; Paypal\*Daopcstore \$225.00 co; Paypal\*Ebayinc \$123.06 co; Paypal\*Freelandco \$94.99 smcs; Paypal\*Janenyen \$23.98 co; Paypal\*Kgradzki \$64.98 smcs; Paypal\*Lacquocinc \$16.95 smcs; Paypal\*Lessurplus \$308.95 smcs; Paypal\*Midwestmowe \$299.90 co; Paypal\*Officedepot \$63.24 smcs; Paypal\*Redorchidpr \$725.00 smcs; Paypal\*Vertexpc \$265.00 smcs; Peerless Machine \$670.60 smcs; Pen Air \$500.00 smcs; Penguin Random House \$33.75 smcs; Pep Co \$86.34 smcs; Pet Pick Ups \$900.90 smcs; Peterson,P \$446.00 smcs; Pickleball Central \$160.00 co; Platinum Awards \$1,099.45 smcs; Platt Electric \$237.31 smcs; Platte Valley Auto Mart \$803.64 smcs,co; Platte Valley Comm \$1,040.00 smcs; Presto-X \$712.03 smcs; Proactive Sports \$434.64 smcs; QT 202 \$75.15 smcs; Qualified Hardware \$3,598.00 smcs; Quality Inn \$100.75 smcs; Quill \$185.89 smcs; Ramada \$421.86 smcs; RDO Truck Center \$63.96 smcs; Ready Mixed Concrete \$13,748.15 co; Reams \$197.01 smcs; Recorded Books \$581.65 smcs; Redman's Shoes \$585.00 smcs; Rheome Tree \$440.00 smcs; Roeder,C \$125.00 smcs; Roesler,A \$218.38 smcs; Rourke Publishing Group \$1,724.50 smcs; S.A. Foster Lumber \$6.61 smcs; Sahling Kenworth \$36.32 smcs; Sampson Construction \$1,087,247.00 co; Sapp Bros \$14,980.62 smcs; Sargent Drilling \$900.00 smcs;

Schindler Elevator \$1,041.12 smcs; School District #7 \$11,088.95 smcs; Schriener,S \$89.43 smcs; Scorr Marketing \$500.00 smcs; Sears \$380.46 co; See Clear Cleaning \$350.00 smcs; Select Sprayers \$53.58 smcs; Shade Systems \$11,115.00 co,smcs; Sherwin Williams \$41.23 smcs; Silverstone Group \$4,580.00 smcs; Siteone Landscape \$1,165.59 smcs; Snap-On Tools \$49.75 smcs; Southeast Community \$283.50 smcs; St Electrical Div \$66.00 smcs; Steinbrink's \$1,039.93 smcs; Steve Spangler Science \$109.35 smcs; Story,V \$111.00 smcs; Sunbelt Rentals \$56.96 smcs; Sungard Public Sector \$195.00 smcs; Supplyworks \$1,558.32 smcs; Target \$171.61 smcs; Techtrade \$50.00 smcs; Tielke's \$122.21 smcs; Titleist \$95.35 smcs; Tokay Software \$790.00 smcs; Tractor Supply \$544.72 smcs; Travel Insured Intl \$1,888.00 smcs; Turner Body Shop \$200.00 smcs; Underground Construction \$600.00 smcs; Union Bank & Trust \$73,390.96 ps; Unique Management \$286.40 smcs; UPS \$182.19 smcs; USA Blue Book \$331.52 smcs; USA Communications \$155.95 smcs; USPS \$265.54 smcs,co; Verizon Wireless \$1,620.50 smcs; Wal-Mart \$1,681.02 smcs; Walters Electric \$1,107.25 smcs; Ward Labs \$77.00 smcs; Wayfair \$49.99 smcs; Whelen Engineering \$504.00 smcs; Wick's Sterling Trucks \$259.29 smc,co; Wilke's True Value \$641.48 smcs; Windy City Noveltie \$92.12 smcs; Winter Equipment \$959.74 ps; WPCI \$132.00 smcs; Yanda's Music \$1,120.14 smcs; Zimmerman Printing \$62.50 smcs; Zones \$695.71 smcs; Zoro Tools \$219.37 smcs; Payroll Ending 11/12/2016 -- \$411,573.82. 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 December 13, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2016-195 approving the Single Service Utility Agreement with Tim Norwood and T.J. Norwood, dba Fox Creek Development, L.L.C. to construct single water and sanitary sewer services to serve their multi-plex developments for property described as Lots 3 through 7, Block 1; Lots 1 through 7, Block 2; Lots 1 through 14, Block 3; Lots 1 through 7, Block 4; and Lots 1, 3, and 4, Block 5, all within Fox Creek Addition to the City of Kearney, Buffalo County, Nebraska.

### **RESOLUTION NO. 2016-195**

WHEREAS, Tim Norwood and T.J. Norwood, dba Fox Creek Development, L.L.C. are the owners of Lots 3 through 7, Block 1; Lots 1 through 7, Block 2; Lots 1 through 14, Block 3; Lots 1 through 7, Block 4; and Lots 1, 3, and 4, Block 5, all within Fox Creek Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said owners desire to connect to City water and sanitary sewer mains; and

WHEREAS, the City will allow owners to connect each unit of this multi-plex dwelling directly to the City water and sanitary sewer mains or provide the needed piping outside and from underneath the structure to connect each unit of the multi-plex dwelling directly to the City water and sanitary sewer at the present time or in the future.

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 sign the Agreement on behalf of the City of Kearney allowing owners to construct single water and sanitary sewer services to serve the multi-plex developments on the property

described above as set forth in the Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file said Agreement with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Adopt Resolution No. 2016-196 approving the Single Service Utility Agreement with Paul Davis and Brian Downing, dba Davis & Downing Real Estate, L.L.C. to construct single water and sanitary sewer services to serve their four-plex developments for property described as Lots 1 and 2, Block 2, Taylor Addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2016-196**

WHEREAS, Paul Davis and Brian Downing, dba Davis & Downing Real Estate, L.L.C. are the owners of Lots 1 and 2, Block 2, Taylor Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said owners desire to connect to City water and sanitary sewer mains; and

WHEREAS, the City will allow owners to connect each unit of this four-plex dwelling directly to the City water and sanitary sewer mains or provide the needed piping outside and from underneath the structure to connect each unit of the four-plex dwelling directly to the City water and sanitary sewer at the present time or in the future.

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 sign the Agreement on behalf of the City of Kearney allowing owners to construct single water and sanitary sewer services to serve the four-plex developments on the property described above as set forth in the Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file said Agreement with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Adopt Resolution No. 2016-197 approving the Single Service Utility Agreement with Brandon Devall and Erick Axtell, dba Buffalo Properties, L.L.C. to construct single water and sanitary sewer services to serve their duplex developments for property described as Lot 44, Keens Park Subdivision to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2016-197**

WHEREAS, Brandon Devall and Erick Axtell, dba Buffalo Properties, L.L.C. are the owners of Lot 44, Keens Park Subdivision to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said owners desire to connect to City water and sanitary sewer mains; and

WHEREAS, the City will allow owners to connect each unit of this duplex dwelling directly to the City water and sanitary sewer mains or provide the needed piping outside and from underneath the structure to connect each unit of the duplex dwelling directly to the City water and sanitary sewer at the present time or in the future.

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 sign the Agreement on behalf of the City of Kearney allowing owners to construct single water and sanitary sewer services to serve the duplex development on the property described above as set forth in the Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file said Agreement with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Wei Jin Cai submitted by Fu Hing L.L.C., dba Gourmet House Japanese Cuisine located at 1325 2nd Avenue, Suite D in connection with their Class I-098563 liquor license.

8. Adopt Resolution No. 2016-198 approving Change Order No. 1 for a decrease in the amount of \$14,827.00, Application and Certificate for Payment No. 4-Final in the amount of \$65,517.60, and accept the Certificate of Substantial Completion 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. 2016-198**

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 Change Order No. 1 showing a decrease to the contract sum in the amount of \$14,827.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Miller & Associate's, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$65,517.60 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as

follows:

Original Contract Sum	\$779,898.00
Change Order 1 (11/22/2016)	<u>- 14,827.00</u>
Contract Sum To Date	765,071.00
Gross Amount Due	765,071.00
Amount Due to Date	765,071.00
Less Previous Certificates for Payment	<u>699,553.40</u>
Current Payment Due	\$ 65,517.60

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 8, 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. 4-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 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. Adopt Resolution No. 2016-199 approving Change Order No. 2 for a decrease in the amount of \$5,151.55, Application and Certificate for Payment No. 4-Final in the amount of \$95,259.49, and accept the Certificate of Substantial Completion 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. 2016-199**

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 Change Order No. 2 showing a decrease to the contract sum in the amount of \$5,151.55 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Miller & Associate's, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$95,259.49 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$669,200.00
Change Order 1 (7-26-2016)	+ 12,656.00
Change Order 2 (11-22-2016)	- <u>5,151.55</u>
Contract Sum To Date	676,704.45
Gross Amount Due	676,704.45
Amount Due to Date	676,704.45
Less Previous Certificates for Payment	<u>581,444.96</u>
Current Payment Due	\$ 95,259.49

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 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. 4-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 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10.** Adopt Resolution No. 2016-200 approving Application and Certificate for Payment No. 7 in the amount of \$592,080.51 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. 2016-200**

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. 7 in the amount of \$592,080.51 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)	+ 12,341.33
Change Order No. 3 (10-25-2016)	+ <u>2,423.34</u>
Contract Sum To Date	3,053,806.20
Gross Amount Due	2,799,340.60
Retainage (5%)	139,967.03
Amount Due to Date	2,659,373.57
Less Previous Certificates for Payment	<u>2,067,293.06</u>
Current Payment Due	\$ 592,080.51

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. 7, as shown on Exhibit "A", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

11. Approve the Plans and Specifications for the Eastbrooke Park Irrigation Well and set the bid opening date for December 19, 2016 at 2:00 p.m.

12. Approve the application for a Special Designated License submitted by Kearney Investment Corporation, dba Holiday Inn in connection with their Class CK-017964 liquor license to dispense alcoholic liquors in The Archway, 3060 East 1st Street on Tuesday, December 13, 2016 from 5:00 p.m. until 10:00 p.m. for a reception.

13. Adopt Resolution No. 2016-201 approving the Hangar T-385 Lease Agreement between the City of Kearney and Shane Forney for aircraft storage at the Kearney Regional Airport.

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8119 AMENDING SECTIONS 7-512, 7-513, 7-514 OF CITY CODE**

Council Member Lear introduced Ordinance No. 8119 amending Chapter 7 "Parks and Recreation" as follows: Section 7-512 "Trees; Notice to Property Owners"; Section 7-513 "Trees; Removal of Trees or Portions of Trees; Authorization"; and Section 7-514 "Trees; Removal of Trees or Portions Thereof by City Maintenance After Initial Tree Work" to allow the owner to appeal the decisions to abate or remove the nuisance within five business days after receiving notice in conjunction with the passage of LB 703, 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. 8119. 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. Nay: None. Buschkoetter absent. 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. 8119 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. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8119 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance,

Ordinance No. 8119 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **OPEN ACCOUNT CLAIMS**

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$5.78 payable to Goodwill be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$93,216.87 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers. Nay: None. Clouse abstained and Buschkoetter absent. Motion carried.

## **VII. REPORTS**

City Manager Michael Morgan reported that PenAir enplanements were on target and going well. He also reported on the opening of Kearney East Expressway.

## **VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 5:42 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**MICHAELLE E. TREMBLY  
CITY CLERK**