

**Kearney, Nebraska**  
**February 25, 2014**  
**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 February 25, 2014, 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; Suzanne Brodine, Assistant City Manager/ Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Jason Whalen, Brad Anderson, Jim Shiers, Todd Shirmer, Mike Koski, Marvin Stone, Lucille Stone, Steve Altmaier from KGFW Radio, Mike Konz from Kearney Hub, NTV.

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 representative from the Kearney Ministerial Association, 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

#### LIQUOR LICENSE FOR COPPERFIELDS, 13 EAST 21ST STREET

Mayor Clouse opened the public hearing on the application for a Class C-106337 liquor license submitted by C Fields Inc., dba Copperfields located at 13 East 21st Street, to consider the manager application for James Shiers, and to consider Resolution No. 2014-36.

James Shiers presented this matter to the Council. The bar has been established for quite some time and he has been involved for the last 1½ years helping the current establishment. He would like to continue on as a bar since it was established as a bar and is one of the oldest bars.

Mayor Clouse asked about the management of staff for underage minors and what the process is. Mr. Shiers stated the process is to take the TIPS training for all employees that are employed at Copperfields whether that be door help or bartenders so that they all have the proper training on serving alcohol, looking at ID's, making sure there is no minors. One benefit he believes that Copperfields has is that it is a bar and there is no need for minors to be in the bar. So it is a lot easier for them to monitor anybody in the bar as long as the staff is properly trained and they keep the people of age in the establishment.

Council Member Lammers asked how many employees they anticipate having on hand at any one time. Mr. Shiers stated on a busy night they would possibly have three to four bartending and two to three watching the door. Minimal staff normally is to have one to two bartenders and one door person.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-36** recommending approval to the Nebraska Liquor Control Commission the application for a Class C-106337 liquor license submitted by C Fields Inc., dba Copperfields located at 13 East 21st Street and approve the manager application for James Shiers. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

#### **RESOLUTION NO. 2014-36**

WHEREAS, C Fields Inc., dba Copperfields has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Class C-106337 Liquor License to do business at 13 East 21st Street, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on February 25, 2014 and the cost of the published notice was \$11.29; and

WHEREAS, the applicant has submitted the Liquor License Training Compliance form indicating all employees have or will complete a state approved alcohol server/seller training program.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of Class C-106337 Liquor License to C Fields Inc., dba Copperfields located at 13 East 21st Street, Kearney, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT ON WEST SIDE OF REMINGTON HEIGHTS  
SECOND ADDITION**

Mayor Clouse opened the public hearing on the proposed acquisition for a Sanitary Sewer Easement on a tract of land abutting the north line of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and abutting the westerly line of Remington Heights Second Addition and to consider Resolution No. 2014-37.

Director of Utilities Kirk Stocker presented this matter to the Council. At the January 21, 2014 City Council meeting the Council approved the plans and specifications for the 2014 Part 1 Improvements. The 2014 Part 1 Improvements is the project to extend the Northeast Trunk Sewer, Sanitary Sewer District 2014-510, to serve Remington Heights Second Addition and the incremental growth of the City.

In order to construct the project the City needs to acquire a permanent and temporary sanitary sewer easement in the unplatted portion of the project. TWL LLC, the developer of Remington Heights Second, has granted a permanent and temporary easement for the construction of the sanitary sewer main.

Before the City can accept the easement the City Council must conduct a public hearing on the matter. Nebraska Revised Statute 18-1775 requires that a City of the first class acquiring an interest in real property shall do so only after the governing body has authorized the acquisition by action taken in a public meeting after notice and a public hearing.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-37** approving the proposed acquisition for a Sanitary Sewer Easement on a tract of land abutting the north line of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and abutting the westerly line of Remington Heights Second Addition. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2014-37**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, TWL, L.L.C., a Nebraska Limited Liability Company by and through its Manager, David D. Terveen have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement as follows:

**PERMANENT SANITARY SEWER EASEMENT**

A permanent Sanitary Sewer Easement abutting the North line of the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M. and abutting the Westerly line of Remington Heights Second Addition as platted in the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Northwest corner of the Northeast Quarter of said Section 24 and assuming the North line of said Northeast Quarter as bearing S89°51'35"E and all bearings contained herein are relative thereto; thence S89°51'35"E on said North line a distance of 765.00 feet to the Northwest corner of Lot 13, Block Two of said Remington Heights Second Addition; thence S00°08'47"W on the West line of said Remington Heights Second Addition, a distance of 216.00 feet to the Southwest corner of Remington Drive as platted in said Remington Heights Second Addition; thence S89°51'35"E on the South line of said Remington Drive a distance of 20.16 feet to the Northwest corner of Lot 14, Block Three of said Remington Heights Second Addition; thence S00°08'47"W on the West line of said Lot 14, Block Three, a distance of 94.65 to the Southwest corner of said Lot 14, Block Three; thence N89°51'35"W parallel with the North line of said Northeast Quarter, a distance of 40.16 feet; thence N00°08'47"E parallel with the West line of said Remington Heights Second Addition, a distance of 300.65 feet to a point 10.00 feet South of the North line of said Northeast Quarter; thence N89°51'35"W parallel with and 10.00 feet South of said North line a distance of 744.97 feet to a point on the West line of said Northeast Quarter; thence N00°00'00"E on said West line a distance of 10.00 feet the Point of Beginning, containing 15,550.62 square feet or 0.36 acres, more or less, Buffalo County, Nebraska.

**TEMPORARY SANITARY SEWER EASEMENT**

A temporary 50.00 foot wide Sanitary Sewer Easement located in the Northeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to the Northwest corner of the Northeast Quarter of said Section 24 and assuming the North line of said Northeast Quarter as bearing S89°51'35"E and all bearings contained herein are relative thereto; thence S00°00'00"E on the West line of said Section 24 a distance of 10.00 feet the ACTUAL POINT OF BEGINNING; thence S89°51'35"E parallel with and 10.00 feet South of the North line of said Northeast Quarter a distance of 744.97 feet; thence S00°08'47"W parallel with the West line of Remington Heights Second Addition as platted in the City of Kearney, Buffalo County, Nebraska, a distance of 300.65 feet; thence S89°51'35"E parallel with the North line of said Northeast Quarter, a distance of

40.16 feet to the Southwest corner of Lot 14, Block Three of said Remington Heights Second Addition; thence S00°08'47"W on the Southerly extension of the West line of said Remington Heights Second Addition a distance of 50.00 feet; thence N89°51'35"W parallel with the North line of said Northeast Quarter, a distance of 90.16 feet; thence N00°08'47"E parallel with the West line of said Remington Heights Second Addition, a distance of 300.65 feet to a point 60.00 feet South of the North line of said Northeast Quarter; thence N89°51'35"W parallel with and 60.00 feet South of said North line a distance of 694.85 feet to the West line of said Northeast Quarter; thence N00°00'00"E on the West line of said Northeast Quarter a distance of 50.00 feet the Point of Beginning, containing 54,285.95 square feet or 1.25 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement granted by TWL, L.L.C., a Nebraska Limited Liability Company by and through its Manager, David D. Terveen to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **ONE HALF CENT SALES TAX CAPITAL IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the ½ cent Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager Michael Morgan presented this matter to the Council. The City conducts an annual public hearing with regard to the ½ cent sales tax. Throughout the year the City does add potential projects with regard to the ½ cent Sales Tax Capital Improvement Plan. A lot of the projects are included in the One & Six Year Street Plan. The main thing to point out is how the City has discussed street improvements are very critical. The Council was previously given a document showing all the projects which is what is being discussed.

From 2014-2020 there are two splash parks included other than street projects and Project Honor. So the focus is very heavy on street projects. Some of the other conditions that were passed is that the City maintain a listing, which is on the City's website, of all the projects that have been funded to the dollar amount. Also there was a target of 35 percent or less in borrowed debt service for these related projects and the City continues to meet those targets as initially proposed. The City received one Capital Improvement suggestion and it actually has to deal with something that would be required of a private property owner and is not the City's responsibility.

Mayor Clouse stated there is decent fund balance. City Manager stated it does and they are seeing some changes with some large projects all the way out into 2019. \$2.8 million in cash for a large street project and the idea there is to stay in line with those fund balances. The City's estimates are very conservative and the revenues associated with the ½ cent sales tax but the targeted fund balance is also in line as to what amount

the City Council requested when this fund was established. The City is meeting all the criteria. The City does maintain an identified but unfunded list of those projects that have never made it onto the list; a new swimming pool, softball/baseball fields, some of those larger items that have been discussed over time. It is also interesting if you go back and look at the almost 1,700 suggestions that were made during the hearings a lot of them have been completed except some of large street projects.

Council Member Nikkila asked on Project Honor what portion of the City's bid for the Vets Home that \$1.6 million represents. City Manager stated the total contribution was about \$10 million. Not all of that was in cash; some of that is borrowed from other funds that is the largest amount from the Sales Tax. There is also reduction in water and sewer that contributes to that \$10.1 million, Buffalo County contributions, the private fund raising for the Veterans Memorial as well is included in those dollars.

Council Member Lammers asked if the City anticipated providing funds for a large baseball complex or a large baseball/soccer complex in the future. City Manager stated the City is booked up with road projects for a long time out. The City certainly knocked off large building projects as promised and large street projects. There are some very large street projects still remaining on the list. It will be very difficult to do any project for the softball/baseball/soccer complexes. They are a minimal \$2 million plus so out of the ½ Cent Sales Tax it would be very difficult unless you raised your lending amount somehow or cut some of the large street projects.

The City is at that point where it gets difficult in about 2017-2018 you see \$1.46 million for street projects and a few years later on \$2.8 million. Unless the City just did not do those cash projects and try to use debt services. The City is working today on a potential grant to try and figure out if the City could access the State grant. The City could receive up to \$750,000 and the City would have to match it but under the current fund balancing would be very difficult but the City is looking at that to see if that is even a possibility for ball fields.

He clarified that 50 percent is required for the grant but of the 50 percent, 25 percent can be in-kind services. So the City is looking at that option but even at \$1.5, if the City can come up with the 25 percent in cash, is still not sufficient funding. The problem is where does the City start because they all touch and so the most immediate need probably is youth softball. Then you could renovate the current adult softball for youth softball and then build adult softball. It is very difficult and the City does not have the land. The City has discussed with the school district and they are very open to sharing and looking at that possibility down the road but the City is not there. That is why the restaurant tax was really put on the ballot; for some of those types of projects.

Mayor Clouse stated he thinks the Council was very clear because they talked about the focus was streets. City Manager stated the unfortunate thing as the City is getting into streets as they saw on 5th Avenue that it was far worse than they thought. As will be discussed later, Central Avenue is far worse than they thought. There are major drainage issues. The City has not spent money on storm drainage within the street systems for a very long time and Central Avenue is one of the City's worse areas for that. So the cost of that project will go up with respect to the storm drainage. The City is also doing very big street projects; Avenue N, Central Avenue, Cherry Avenue.

Council Member Buschkoetter stated he would say that the City is right exactly where it thought it would be when this was first proposed – street projects.

City Manager stated it sounds disappointing to talk about these projects but look at what the City has accomplished. Council Member Lear stated he would discourage the City from entertaining accepting an extreme emergency situation increasing the City's debt service policy out of that particular fund. That gives the City the ability, if the City has an emergency situation, to potentially reconfigure that limit. But to set out and say the City is going to do a ball field or a street project that needs to be done to increase that debt service limit would put future Councils in more of a bind if something strange happens. The City always has the ability if it believes a project is that important to accumulate dollars for that project over time as the City has done with other projects in the past. He hopes the City does not entertain changing that limit anytime soon.

City Manager stated he thinks all the criteria were set initially have proven to be very effective. Mayor Clouse stated this is a plan, we all know plans can change. Council Member Buschkoetter stated in part, the City discussed they would rather buy the product instead of pay the interest on it. The City has the ability if you are little bit more patient you still get the same thing but you get more bang for the buck when you are not paying interest.

Mike Koski stated with regard to youth sports, it is very over crowded on the youth fields with sharing with softball for girls and boys for baseball, overlapping on soccer fields and the data show that the numbers are definitely growing over the last ten years that there is a need out there. He just wanted to speak on the half of youth sports, he represents Kearney Little League and the traveling baseball and he knows firsthand that it is definitely overcrowded. He requested to keep that on the list and he would like to extend help from Kearney Little League on anything that needs help with whether it is funds or whatever the case might be.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **ONE & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the One & Six Year Street Improvement Plan and to consider Resolution No. 2014-38.

City Engineer Bruce Grupe was present to answer any questions from the Council. He did not receive any comment. Council members also stated they did not receive comments.

Council Member Lammers asked about Avenue A between 25th Street and 27th Street being added to the Six Year Plan at some point. City Engineer confirmed stating this project to get the proper drainage with Central Avenue will be to extend the pipe along

26th Street from Central Avenue to Avenue C so it makes sense to pave 26th Street while they are going to be there to take care of some of those problems.

Council Member Nikkila asked if that mean the City would repave Avenue A as well or just 26th Street. City Manager stated just at the intersection. The only reason the City is doing that street is because the connectivity of the storm drainage which is a serious concern all along Central Avenue. City Engineer stated there is actually very minor storm sewer that currently exists in Central Avenue so the City is trying to get something bigger but in order to get something bigger the City has to find somewhere to drain it and Avenue C is the most logical place so they are analyzing that.

Marvin Stone, 5120 17th Avenue, stated he wants to appeal to move the widening of 17th Avenue up to 56th Street higher on Plan because the traffic is increasing significantly all the time. The reason he is bringing this up is how rapidly the area is growing to the northwest and where they live on 17th Avenue they are the first place south of Northridge. They have seen increased traffic over the years. The widening of the south part was completed a few years ago.

The City has always been aware that 2nd Avenue is hit hard with traffic and the other accesses are primarily 17th Avenue, Highway 30, and the Interstate. The use of 17th Avenue is the logical place for everybody coming into town from the northwest. However, Northridge is there and has a relatively small impact because it is older people but north of it is the construction of a 102-unit apartment complex which will have added traffic. Next to them, he has been told by a Veterans representative who owns the land between them and Northridge, that they will put a skilled nursing facility there, again a huge traffic impact. Across from them there is a huge 60-acre tract being developed which will be housing development starting after July 1st that will impact 2nd Avenue.

There is now Mead Lumber and the area south of it will begin to develop. Traffic has steadily grown year after year. There will be a lot of people in that area, many of them accessing 17th Avenue. If the City wants to do something cheaper more effectively at a time where traffic is not overwhelming, should be now. He knows Cherry Avenue needs to be done certainly up to Highway 30 the traffic impact will be great but north of there which is on the City's plan is not as critical even though it is a good idea. He is saying it is a better idea to widen 17th Avenue up to 56th Street.

City Manager stated the Council has the list and sees the challenges. The County did just resurface that road and certainly it does get a lot of traffic and it is going to increase. Another challenge is when the City gets to 56th Street; it does not do any good to be a 4-lane road if the City is not 4-lane at 56th Street. City Manager wanted to clarify that the City is not paying anything for the third part of Cherry Avenue. So the City is not using any funds for that.

City Manager stated 56th Street, which is a major arterial, has lots of new things on it and is 2-lane but at some point will have to go to 4-lanes as well. The next question is 30th Avenue from 39th Street to 56th Street the City has the same request going on but not as busy at this point. 17th Avenue is a very busy street and it is going to get busier and will have to see where the City is next year.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-38** approving the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2014-38**

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on February 25, 2014 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2015 and the Six Year City Street Plan ending September 30, 2020, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **IV. CONSENT AGENDA**

Mayor Clouse stated the amount in Item 10 needed to be amended to reflect the correct amount of \$728,339.25.

Moved by Clouse seconded by Lammers that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held February 11, 2014.

2. Approve the following Claims:

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

3M \$27,512.00 smcs; AT&T \$38.40 smcs; Ace Hardware \$259.93 smcs; Advance Auto Parts \$86.62 smcs; Affiliated Computer \$1,065.00 smcs; Agent Fee \$40.00 smcs; Alamar Uniforms \$4,590.81 smcs; Alfred Benesch \$10,598.93 co; All Amer Sewer \$475.00 smcs; All Makes Auto \$956.41 smcs; Allied Electronics \$604.83 smcs; Altec Astoria \$2,778.00 co; Amazon \$1,071.79 smcs,co; American \$187.99 smcs,co; Amer Backflow \$70.00 smcs; Amer Fence Co \$430.00 smcs; Amer First Aid \$466.46 smcs; Amer Legion Emblem \$473.06 smcs; Amer Red Cross \$38.00 smcs; Amsan \$1,217.02

smcs; Apple Market \$11.59 smcs; Apple Online \$99.00 smcs; Ask Supply \$530.42 smcs; Aurora Coop \$4,114.12 smcs; Aviva \$1,220.00 ps; Axzo Press \$57.75 smcs; Backdrop Outlet \$39.95 smcs; Baker & Taylor \$1,067.98 smcs; Bamford \$1,540.00 smcs; Bike Shed \$5,000.00 smcs; Blackburn Mfg \$440.38 smcs; Blackstone Audiobooks \$374.10 smcs; Blessing \$20,185.20 co; Bluecross Blueshield \$112,925.85 smcs; Boogaarts \$13.65 smcs; Bosselman \$29,788.41 smcs; Broadfoot's \$200.00 co; Brodart Co \$41.54 smcs; Bruha,S \$210.00 smcs; Brungardt Engineering \$7,400.00 co; BSN Sport Supply \$498.93 smcs; Bubble Factory N' Things \$68.45 smcs; Buffalo Outdoor Power \$722.90 smcs; Buggy Bath \$29.00 smcs; Builders \$3,698.97 smcs,co; Cabela's \$164.99 smcs; Cadex Electronics \$300.00 smcs; Carquest Auto \$3,913.95 smcs; Casey's General Store \$49.08 smcs; Cash-Wa \$806.21 smcs; CBA Lighting \$983.80 smcs; CDW Govt \$136.22 co; Center Point Large Print \$72.06 smcs; Central Hydraulic Systems \$109.66 smcs; Central NE Bobcat \$235.04 smcs; Centurion Technologies \$262.50 co; Charter \$72.36 smcs; Cherokee Productions \$295.00 smcs; Chicken Coop \$40.00 smcs; Chief Supply \$169.89 smcs; City Glass \$90.00 smcs; City of Ky \$11,050.09 smcs,ps; City Supply \$21.60 smcs; CNA Surety \$40.00 smcs; Colorado Chapter \$300.00 smcs; Compasscom \$50.00 smcs; Conseco Life Ins \$19.00 ps; Consolidated Management \$278.00 smcs; Construction Rental \$294.39 smcs; Control Yours \$300.00 smcs; Copycat Printing \$49.89 smcs; CPO Commerce \$62.98 smcs; Crossroads Ford \$1,246.01 smcs; Culligan \$165.25 smcs; Cunningham,S \$330.00 smcs; Curby's \$44.00 smcs; Danko Emergency \$243.49 smcs; Dawson PPD \$18,391.08 smcs; Daylight Donuts \$54.00 smcs; Dell \$4,198.32 co; Demco \$40.61 smcs; Dish \$164.73 smcs; Dogpoopbagscom \$359.82 smcs; Dowhy Towing \$500.00 smcs; DPC Industries \$6,295.14 smcs; Dultmeier Sales \$216.37 smcs; Eakes \$2,003.68 smcs,co; Elliott Equipment \$2,433.50 smcs; Embassy Suites \$1,206.54 smcs; EMC Ins \$18,840.56 smcs; Entenmann-Rovin \$387.50 smcs; Express Parcs \$16.00 smcs; Expression Wear \$280.00 ps; Fairbanks \$1,089.05 smcs; Fantasy Southport \$81.65 smcs; Fastenal \$234.02 smcs; Fiddelke \$115.94 smcs; Frontier \$299.13 smcs; Fun Express \$339.19 smcs; Galls \$100.37 smcs; Garcia,R \$72.36 smcs; Garret Tire \$3,877.17 smcs; Graham Tires \$365.71 smcs; Grainger \$1,691.55 smcs; Grand West \$6,721.15 co; Great Lakes \$547.00 smcs; Hach Company \$633.03 smcs; HD Supply \$1,457.38 smcs; Heiman Fire Equipment \$245.10 smcs; Helmsbriscoe \$35.00 smcs; Hobby-Lobby \$280.69 smcs; Holmes Plbg \$97.61 smcs,co; ICMA RC \$4,125.35 ps; ID Security Online \$50.00 co; IRS \$131,051.83 ps; Int'l Assn \$259.00 smcs; Int'l Society Arboriculture \$190.00 smcs; Jack Lederman \$1,730.88 smcs; JCB Enterprises \$40.25 smcs; Johnstone Supply \$638.82 smcs,co; K&F Associates \$485.00 smcs; K&K Parts \$1,743.73 smcs; Ky Chamber Comm. \$90.00 smcs; Ky Concrete \$1,267.14 smcs,co; Ky Hub \$4,401.29 smcs; Ky Power Sports \$496.65 smcs; Ky Warehouse \$615.19 smcs; Ky Winlectric \$13.89 co; Ky Winnelson \$60.72 smcs; KGFV \$52.00 smcs; Killion Motors \$348.45 smcs; Konica Minolta \$924.54 smcs; Kowalek,G \$66.92 smcs; Land,K \$55.00 smcs; Landmark Implement \$519.11 smcs; Lapel Pins R Us \$1,208.00 smcs; Lifeguard Store \$983.49 smcs; Lind Electronics \$553.70 smcs; Lockmobile \$52.65 smcs; Luke,D \$33.40 smcs; Mac Tools \$6.11 smcs; Machines & Media \$139.00 co; Magic Cleaning \$740.00 smcs; Mail Express \$167.08 smcs; Marketing Displays \$1,814.78 smcs; Marriott Cornhusker \$103.67 smcs; Mascoelectric \$118.02 smcs; Matheson Tri-Gas \$278.59 smcs; Menards \$4,211.68 smcs,co; Merryman Performing Arts \$184.00 smcs; Middleton Electric \$258.00 smcs; Mid-NE Garage Doors \$415.00 smcs; Mid-NE Lubricants \$146.00 smcs; Midwest Turf \$1,293.58 smcs; Miller Signs \$300.00 smcs; Mindmixercom \$250.00 smcs; Miracle

Recreation \$1,374.43 co; Mirror Image Car Wash \$50.00 smcs; Mission SOF \$350.00 co; Mitchell Repair \$811.51 smcs; Monoprice \$97.26 co; Moonlight Embroidery \$1,875.25 smcs; Most Dependable Fountains \$4,250.00 smcs; Mostek Electric \$752.28 smcs; MPH Industries \$339.38 co; Municipal Supply \$1,352.97 smcs; Mycreativeshopcom \$19.95 smcs; Myseniorcentercom \$890.00 smcs; Natl Business Furniture \$1,706.00 co; Natl Seminars Training \$179.00 smcs; Navigator Motorcoaches \$175.00 smcs; NE Child Support \$2,284.66 ps; NE Dept of Revenue \$33,783.80 smcs; NE Equipment \$94.70 smcs; NE Law Enforcement \$440.00 smcs; NE Licensed Beverage \$200.00 smcs; NE Machinery \$1,827.41 smcs; NE Peterbilt \$46.36 smcs; NE Safety & Fire \$350.00 smcs; NE Truck Center \$218.19 smcs; NE-IAI Secretary \$60.00 smcs; New World Systems \$2,100.00 co; Newman Signs \$692.49 smcs; NFPA Nat'l Fire Protection \$174.45 smcs; NNLA \$190.00 smcs; Northern Safety \$82.89 smcs; Northern Tool \$150.64 smcs; Northwestern Energy \$20,247.57 smcs; Nova Fitness Equipment \$464.50 ps; OCLC \$546.12 smcs; O'Hara Lindsay & Assoc. \$2,000.00 smcs; O'Reilly Automotive \$631.50 smcs; Oriental Trading \$41.61 smcs; Orscheln \$416.18 smcs; Outdoor Recreation \$281.00 co; Paramount \$47.81 smcs; Park,M \$396.75 smcs; Pat's Plbg \$825.00 smcs; Patterson,B \$98.82 smcs; Paypal \$1,513.75 smcs,co; Pheasants Forever \$10.00 smcs; Pillar Design Studios \$2,775.00 co; Pioneer Revere \$481.00 smcs; Platte Valley Comm \$23.10 smcs; Platte Valley Labs \$567.50 smcs; Presto-X \$350.00 smcs; Provantage \$539.15 co; Quill \$317.16 smcs; R&R Products \$694.80 smcs; Radioshack \$3.49 smcs; Random House \$63.75 smcs; Recognition Unlimited \$43.05 smcs; Recorded Books \$862.73 smcs; Referee Enterprises \$26.90 smcs; Resource Management \$769.92 smcs; Riverside Mfg \$441.88 ps; RND- Eagle Division \$82.80 smcs; RND- Falcon Division \$338.88 smcs; Rosse,S \$65.00 smcs; Sahling Kenworth \$1,232.93 smcs; Sanitation Products \$716.25 smcs; Schmitt,J \$462.18 ps; Sears \$70.00 smcs; See Clear Cleaning \$1,700.00 smcs; Sherwin Williams \$532.47 smcs; Signs Direct \$158.34 smcs,co; Signwarehousecom \$42.18 smcs; Snap-On Tools \$500.00 smcs; SOS Portable Toilets \$117.00 smcs; Spokane Hardware \$67.78 smcs; Stampscom \$4.99 smcs; Sterling Distributing \$420.94 smcs; Strategic Materials \$390.36 smcs; Streakwave Wireless \$197.42 co; Sunmart \$17.26 smcs; Sunnybunyeastereggscom \$223.85 smcs; Super Shine Auto Care \$59.00 smcs; Target \$235.52 smcs; Techsoup \$440.00 co; Teledyne ISCO \$901.96 smcs; Tool Doctor \$43.00 smcs; Tractor-Supply \$473.84 smcs; Tri City Sign Co \$231.75 smcs; Turf Werks Omaha \$247.14 smcs; Turner Body \$215.00 smcs; Tye & Rademacher \$13,791.64 smcs; Union Bank & Trust \$63,481.42 ps; Unique Management \$349.05 smcs; United \$396.00 smcs; UNL \$50.00 smcs; UNL Agronomy & \$540.00 smcs; UNL Lied Center \$798.13 smcs; UPS Store \$448.90 smcs; USA Blue Book \$772.88 smcs; USA Custom Pad Corp \$55.00 smcs; USPS \$250.23 smcs; Van Diest \$3,969.59 smcs; Wal-Mart Superstore \$923.50 smcs; Walters Electric \$2,004.91 co; Warrington,D \$7.16 smcs; Watchguard Video \$1,777.00 co; Weis Fire & Safety \$260.00 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$251.79 smcs,co; Wilkins Hinrichs Stober \$1,411.32 co; WPCI \$185.50 ps; Payroll Ending 2-8-2014 \$362,886.49. 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 March 11, 2014 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2014-39** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and TWL, LLC and Exchange Bank for Remington Heights Second Addition.

**RESOLUTION NO. 2014-39**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Remington Heights Second Addition" between the City of Kearney and TWL LLC, a Nebraska Limited Liability Company by and through its Manager David Terveen and Exchange Bank, Beneficiary under Deed of Trust, by and through Executive Vice President Brad Henning, to construct water, sanitary sewer, and concrete pavement and storm sewer improvements to serve Remington Heights Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on March 7, 2014 from 3:00 p.m. until 12:00 a.m., March 8, 2014 from 11:00 a.m. until 12:00 p.m., and March 9, 2014 from 12:00 p.m. until 6:00 p.m. for a bike show.

6. Adopt **Resolution No. 2014-40** approving the Consultant Agreement for Aircraft Rescue & Fire Fighting Vehicle Acquisition (AIP 3-31-0045-29) at the Kearney Regional Airport between the City of Kearney and Alfred Benesch and Company.

**RESOLUTION NO. 2014-40**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Consultant Agreement with Alfred Benesch & Company for Aircraft Rescue & Fire Fighting Vehicle Acquisition for the Kearney Regional Airport being funded under the FAA Airport Improvement Program. The Consultant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**7. Adopt Resolution No. 2014-41** accepting the public infrastructure constructed for Fountain Hills Sixth Addition.

**RESOLUTION NO. 2014-41**

WHEREAS, on the 28th day of May, 2013 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2013-84 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Grand West LLC, a Nebraska Limited Liability Company by and through Steven D. Craig, Member, Anna L. Stehlik, Trustee and Morrison Enterprises, LLC, a Nebraska Limited Liability Company, and Kenneth Morrison, its Business Manager, to construct the water, sanitary sewer, and concrete pavement and storm sewer in 15th Avenue for Fountain Hills Sixth Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 “Acceptance of Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney for the construction of water, sanitary sewer, and concrete pavement and storm sewer in 15th Avenue for Fountain Hills Sixth Addition to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**8. Adopt Resolution No. 2014-42** approving Application and Certificate for Payment No. 4 in the amount of \$252,217.20 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for 2013 Part 1 Improvements – Bid A for Water District No. 2013-570, Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26,

Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition.

**RESOLUTION NO. 2014-42**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2013 Part 1 Improvements – Bid A consisting of Water District No. 2013-570 and Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$252,217.20, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,141,528.00</u>
Contract Sum To Date	1,141,582.00
Gross Amount Due	635,381.10
Retainage (10%)	63,538.11
Amount Due to Date	571,842.99
Less Previous Certificates for Payment	<u>319,625.79</u>
Current Payment Due	\$ 252,217.20

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 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**9.** Accept the bids received for the 2014 Part 1 Improvements; Northeast Trunk Sanitary Sewer consisting of Sanitary Sewer District No. 2014-510 for beginning at the southeast corner of Remington Heights Second Addition, northwesterly in an easement along the south side of Block Three, Remington Heights Second to the west line of Remington Heights Second, then northerly along the west line of Remington Heights Second to the north line of Remington Heights Second, then westerly and following the north line of the Southeast Quarter of Section 24, Township 9 North, Range 16 West to the northwest corner of the Southeast Quarter of Section 24 and adopt **Resolution No. 2014-43** awarding the bid to Midlands Contracting Inc. in the amount of \$926,111.00.

**RESOLUTION NO. 2014-43**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on February 18, 2014 at 2:00 p.m. for the 2014 Part 1 Improvements; Northeast Trunk Sanitary Sewer consisting of Sanitary Sewer District No. 2014-510 for beginning at the southeast corner of Remington Heights Second Addition, northwesterly in an easement along the south side of Block Three, Remington Heights Second to the west line of Remington Heights Second, then northerly along the west line of Remington Heights Second to the north line of Remington Heights Second, then westerly and following the north line of the Southeast Quarter of Section 24, Township 9 North, Range 16 West to the northwest corner of the Southeast Quarter of Section 24; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$1,002,310.00; and

WHEREAS, the City has recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$926,111.00 be accepted as the lowest responsible bid for the 2014 Part 1 Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the 2014 Part 1 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$926,111.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for in the amount of \$1,002,310.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10.** Accept the bids received for the 2014 Part 3 Improvements for construction of paving, water and sanitary sewer for 16th Street from Central Avenue to 1st Avenue and 5th Avenue from 13th Street to 16th Street and adopt **Resolution No. 2014-44** awarding the bid to Dan Roeder Concrete in the amount of \$720,339.25. (Item 10 amended to reflect the correct amount of \$728,339.25.)

**RESOLUTION NO. 2014-44**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on February 19, 2014 at 2:00 p.m. for the 2014 Part 3 Improvements for construction of paving, water and sanitary sewer for 16th Street from Central Avenue to 1st Avenue and 5th Avenue from 13th Street to 16th Street; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$738,660.00; and

WHEREAS, the City has recommended the bid offered by Dan Roeder Concrete of

Kearney, Nebraska in the amount of \$728,339.25 be accepted as the lowest responsible bid for the 2014 Part 3 Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2014 Part 3 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$728,339.25 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for in the amount of \$738,660.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**11. Adopt Resolution No. 2014-45** approving Change Order No. 3 showing an increase in the amount of \$357.00 submitted by Sampson Construction Co. and approved by Alfred Benesch & Company for the construction of an Aircraft Rescue and Fire Fighting (ARFF) Facility located at the Kearney Regional Airport.

**RESOLUTION NO. 2014-45**

WHEREAS, Sampson Construction of Lincoln, Nebraska has performed services in connection with the Aircraft Rescue and Fire Fighting (ARFF) Facility located at the Kearney Regional Airport, and the City's engineer, Alfred Benesch & Company, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$357.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$1,677,000.29
Change Order No. 1 (10-22-2013)	+ 5,185.00
Change Order No. 2 (1-14-2014)	+ 7,986.00
Change Order No. 3 (2-25-2014)	+ <u>357.00</u>
Contract Sum to Date	\$1,690,528.29

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 Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**12.** Accept the bids received for the purchase of two diesel fairway mowers for the Meadowlark Hills Golf Course and award the bid to Midwest Turf & Irrigation in the amount of \$82,208.00.

**13.** Accept the bids received for the construction of a proposed maintenance building located at the Meadowlark Hills Golf Course and adopt **Resolution No. 2014-46** awarding the bid to T L Sund Constructors Inc. in the amount of \$283,062.00.

**RESOLUTION NO. 2014-46**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on February 18, 2014 at 2:00 p.m. for the Meadowlark Hills Golf Course Proposed Maintenance Building; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$435,500.00 for the said project; and

WHEREAS, the City has recommended the bid offered by T L Sund Constructors Inc. of Lexington, Nebraska in the amount of \$283,062.00 be accepted as the lowest responsible bid for the Meadowlark Hills Golf Course Proposed Maintenance Building.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that T L Sund Constructors Inc. be and is the lowest responsible bidder for the Meadowlark Hills Golf Course Proposed Maintenance Building to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of T L Sund Constructors Inc. in the amount of \$283,062.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for the Meadowlark Hills Golf Course Proposed Maintenance Building in the amount of \$435,500.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**14.** Accept the bids received for the Meadowlark Hills Maintenance Building Repair and adopt **Resolution No. 2014-47** awarding the bid to RMV Construction in the amount of \$61,464.00.

**RESOLUTION NO. 2014-47**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on February 18, 2014 at 2:00 p.m. for the Meadowlark Hills Maintenance Building Repair; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$48,266.40 for the said project; and

WHEREAS, the City has recommended the bid offered by RMV Construction of Kearney, Nebraska in the amount of \$61,464.00 be accepted as the lowest responsible bid for the Meadowlark Hills Maintenance Building Repair.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer’s recommendation is hereby accepted and approved, that RMV Construction be and is the lowest responsible bidder for the Meadowlark Hills Maintenance Building Repair to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of RMV Construction in the amount of \$61,464.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer’s Opinion of Probable Construction Cost for the Meadowlark Hills Maintenance Building Repair in the amount of \$48,266.40 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**15. Adopt Resolution No. 2014-48** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Sorensen Acres L.L.C., a Nebraska Limited Liability Company by and through Arlene M. Wiederspan, Co-Manager and Rodney K. Wiederspan, Co-Manager for Lots 3 and 4, Oak Park Center, an Addition to the City of Kearney.

**RESOLUTION NO. 2014-48**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Lots 3 and 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska” between the City of Kearney and Sorensen Acres L.L.C., a Nebraska Limited Liability Company, to construct storm sewer improvements to serve Lots 3 and 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Arlene M. Wiederspan, Co-Manager and Rodney K. Wiederspan, Co-Manager, to construct said storm sewer improvements as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**16.** Accept the bids received for the purchase of a Smeal Custom TopMount Pumper installed on a Spartan Gladiator Custom Chassis to be used by the Kearney Volunteer Fire Department and award the bid to Danko Emergency Equipment in the amount of \$503,387.00.

**17.** Approve the application for a Special Designated License submitted by Thunderhead Brewing Co. in connection with their Class LK-47920 catering liquor license to dispense beer and wine in the Exposition Building at the Buffalo County Fairgrounds, 3807 Avenue N, on May 9, 2014 from 5:00 p.m. until 11:00 p.m. and May 10, 2014 from 3:00 p.m. until 11:00 p.m. for a fund raiser.

**18.** Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (Exposition Building alternate location) located at the Buffalo County Fairgrounds, 3807 Avenue N, on March 14, 2014 from 6:00 p.m. until 1:00 a.m. for a dance.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 7805A CORRECTING LEGAL DESCRIPTION IN ORDINANCE NO. 7805**

At the May 14, 2013 City Council meeting the Council approved Ordinance No. 7805 which created Sanitary Sewer Connection District No. 2013-2. Recently an error has been discovered in the description of the district and on the exhibit for the district. Both the description and the exhibit refer to Lot 1, Block One, Fountain Hills Second Addition, when the correct language should have been Lot 2, Block One, Fountain Hills Second Addition.

The error has not caused any significant problems because it was noticed and brought to the City's attention. The description and the exhibit in the Ordinance should be corrected to eliminate any future confusion on the lots included in the district description.

Council Member Lammers introduced Ordinance No. 7805A amending Section 1 of Ordinance No. 7805 and the first paragraph on the Notice of Creation of Sanitary Sewer Connection District No. 2013-2 correcting the legal description for Tract A being a part of Lot 2, Block One, Fountain Hills Second Addition, 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 Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7805A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse,

Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7805A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7805A is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 7872 CREATING PAVING DISTRICT NO. 2014-965**

Section 16-619 of the Nebraska Revised Statutes sets out the rules by which paving districts may be created by public entities. The Council has the authority to create districts and make improvements and assess the costs to the property that is benefited by the improvements. Attached is the Ordinance creating Paving Improvement District 2014-965. This paving improvement district is for the reconstruction of Avenue N from 25th Street to 28th Street. The new roadway would include the addition of protected left turn lanes for north and south bound traffic at 27th Street. The improvements would maintain both south bound lanes at 25th Street and would add an additional right turn only lane for north bound traffic at 25th Street. Additionally, the improvements include a larger curve for south bound traffic directly north of 25th Street. This paving improvement district is an integral and requisite part of the essential paving development plan of the City, does not permit general access, and is of general benefit of the public at large, and that no special assessments should be levied against owners of abutting property.

Council Member Lammers introduced Ordinance No. 7872 creating Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden's Addition to the City of Kearney, 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 Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7872 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7872 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7872 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 7873 SELLING PART OF OUTLOT 1 AND LOT 10 OF BLOCK 1, FOUNTAIN HILLS FIRST ADDITION**

The City acquired Outlot A in the Fountain Hills Subdivision from the developer for the purposes of developing Fountain Hills Park. This property was transferred to the City at no cost after the developer made certain improvements to the property so that it could become a City park. Since that time, the City has also made a number of improvements to the park property.

City staff has met with the neighbors to discuss the park and Mr. and Mrs. Ward inquired as to whether or not they could acquire a very small triangular piece of property from the City which is adjacent to the lot that they own. The City does not have a problem with transferring this small parcel of property to the Wards so that they can extend their property line into the area acquired for the park.

Council Member Lammers introduced Ordinance No. 7873 selling a tract of land being part of Outlot A and Lot 10 of Block 1, Fountain Hills First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, 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 Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7873 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7873 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7873 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**

### **FANATICS ADDITION TO LIQUOR LICENSE**

Mayor Clouse opened for discussion the Application for Addition to Liquor License submitted by Sports Fans, LLC, dba Fanatics in connection with their Class C-78257 liquor license located at 2021 Central Avenue.

Todd Schirmer has been operating Fanatics since November of 2007 and has not been charged with any liquor violations. On February 19, 2014 the City received the attached Application for Addition to Liquor License submitted by Fanatics in connection with their Class C-72857 liquor license located at 2021 Central Avenue. Fanatics would like to expand the current facility by adding an outdoor area to the northeast end of their facility.

According to the definitions of the Liquor Commission: "outdoor area" shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors and which is contained by a permanent fence, wall or other barrier approved by the Commission and shall be in compliance with all building and fire, or other applicable local ordinances.

The application was submitted to Development Services, Police Department and the Fire Department for consideration and recommendation. Development Services indicated this area has been enclosed with an 8-foot privacy fence with an emergency gate in accordance with the requirements of the Liquor Commission. A final inspection was conducted by the Building Official and the permit has been closed. The Fire Department did not have any issues except that a fire extinguisher must be placed within 75 feet of all corners of the proposed outdoor area. The Police Department also did not have any issues.

Todd Schirmer presented this matter to the Council. He stated Fanatics just recently acquired the building to the north, formerly Pallas Music, and would like to expand. Part of that project would include building a small beer garden, 25 feet by 35 feet. Construction has already been completed on it. It is already paved, fenced in with 8-foot high cedar fence completely enclosed no access from the outside other than through the building. That is the first stage of their construction but he would like to get that addition included on their liquor license because he does not know when the construction will be completed and wants to take advantage when the weather gets nice.

Moved by Lear seconded by Buschkoetter to approve the Application for Addition to Liquor License submitted by Sports Fans, LLC, dba Fanatics in connection with their Class C-78257 liquor license located at 2021 Central Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$6,533.02 payable to Nebraska Public Power District be allowed. Roll call

resulted as follows: Aye: Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 6:04 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**