

*Kearney, Nebraska
July 26, 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 July 26, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Shawna Erbsen, Administrative Services Director; Jason Whalen, Fire Administrator; and Coelette Gruber, City Planner were also present. Some of the citizens present in the audience included: Al Beers, Steve Cole, Duane Ruh, Tana Miller, Kevin Heese, Sandy Stotler, Jessica Kokesh from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

The Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

Police Chief Dan Lynch reported on Cruise Nite. Cruise Nite 2016 was an exceptional weekend and exceptional evening. They did end up having to make some arrests, totals were 26 and 18 in 2015 not a significant increase. Almost all of those were misdemeanors, some warrant arrests. In total they had 18 traffic violations, of the 26 arrests, 7 of those were juveniles, 19 of those were adults.

They made arrests for MIP (3), Minor Attempt to Purchase (3), Open Container (8), and Trespassing/Vandalism. Those are very comparable to what they had last year. The

overall citations for traffics are down this year. Generally, behaviors were wonderful. He commended the officers on duty. The good times that were had on that weekend was a direct result of the community. The community expects and demands this from the people that attend by holding people to that standard.

Mayor Clouse stated he was very proud of how things turned out but it has been a work in progress. Chief Lynch stated it takes the attention and commended the landlords and property owners to a great extent for managing their properties on that particular night and this particular year a lot of the walking traffic was actually east of Central Avenue as opposed to west of Central Avenue until late in the evening. Which is unusual, they normally have more traffic on the west side along 25th Street. Overall, everyone did a tremendous job and you have to remind yourself that without this community putting the requirements on, he does not think they would be as successful as they are.

Council Member Lammers asked how does this compare to Homecoming weekend at UNK and other events that are in town. Chief Lynch stated this particular weekend brings so many people from outside of the community; the numbers are not really comparable. Even a homecoming game at UNK will draw a good size community from outside of Kearney does not even come close to this.

Council member Nikkila stated he wanted to introduce a few people from the community. The reason they asked them to be here is, Chief Lynch referenced the community work and he participated in a couple meetings and helped out with some things but the work has been getting done by the Police Department, Tana and her organization, landlords, etc. to bring that community spirit.

One of the things they also did this year was reach out to some retailers and encouraged them to not sell bottles because of the dangerous things that can happen with bottles with people drinking too much. It was a big commitment for their sales especially on a night like that and they wanted to thank them for making that kind of commitment to helping create a safer environment for Kearney citizens.

Tana Miller from Buffalo County Community Partners stated Cruise Nite has been an agenda piece for a while and in 2013 is when they started to see some changes. They got a lot of the right partners at the table at the right time focusing on the landlord piece first. This year they expanded their efforts on some of those things; they created the Be Safe, Be Smart taskforce in 2013 and really trying to find out how they can help to detour some of the negative effects that happen on 25th Street.

What came out of there the most was landlords being present and understanding that you have to be on your property to make sure you do not have any unwanted activities. Promoting that again also understanding that law enforcement does not always know just because you see something going on does not mean they are not seeing the same thing so making sure you are calling law enforcement. They discovered that was one of the major issues so just having the open dialogue to discover some of the things that were happening.

Ms. Miller further stated for this year's focus Council member Nikkila talked again about asking retailers to reduce or omit the sale of glass bottles which is a large recommendation to ask someone to take a piece of their business completely out of the

mixture on such a large weekend when so many people come from out of town. They had a few that adhered to the recommendation. Walgreens has done it for at least two years. It was exciting to see when he recommended that the City might be able to help support that letter that goes out. Even though some did not reduce or omit the sale of glass bottles, she has seen a lot of signs up in store fronts with the Be Safe, Be Smart message and a lot of people saying that they want to be involved.

Sandy Stotler from Kwik Stop #15 stated this is her first year here and she did chose to pull the glass bottles down on Saturday morning and they did not sell any. She was told by previous employees who have been here for a while how bad it will be. It was nothing. She had one incident with a broken bottle and that was late. She did not have any problems with customers, everyone was cordial. She had one incident when they blocked her parking lot but that was it. No trash, no anything.

Mayor Clouse asked if she saw a decline in sales. Ms. Stotler stated she began employment in March so could not say. Council Member Lammers asked if customers mentioned anything about not being able to buy anything in glass. Ms. Stotler stated no since Bill's Liquor is right next to her store. She does not sell that much beer anyways.

Kevin Heese from Walgreens stated they stopped selling glass bottles on Thursday. He did not see any difference in sale. He would like to thank all the law enforcement agencies that collaborated to make this a very fun and safe night. It was probably one of the best that he has seen in eight years.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

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

Mayor Clouse stated the City received notification from the applicant wanting to withdraw the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Parks to Mixed Use 1 property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Therefore, no action was taken.

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

Mayor Clouse stated the City received notification from the applicant wanting to withdraw the Application submitted by Miller & Associates for Grand West, LLC to rezone from District A, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being a part of the East Half of the Northwest Quarter of

Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Therefore, no action was taken.

FINAL PLAT FOR FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notification from the applicant wanting to withdraw the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Therefore, no action was taken.

ANNEXATION OF FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notification from the applicant wanting to withdraw the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Therefore, no action was taken.

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

Mayor Clouse stated the City received notification from the applicant wanting to withdraw the Application submitted by Miller & Associates for Grand West, LLC for Planned District Development Plan Approval for the construction of apartments, multi-family, duplexes and patio homes on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Therefore, no action was taken.

Mayor Clouse stated that Regular Agenda Item 1 will be discussed at this time.

KEARNEY AVIATION CENTER FBO LEASES

Mayor Clouse opened for discussion the Agreements for Hangar T-926, Hangar T-927, Hangar T-913, and T-Hangar B-09 between the City of Kearney and Kearney Aviation Center for Fixed Base Operations and storage at the Kearney Regional Airport and adopt Resolution No. 2016-130.

City Attorney Michael Tye stated this agenda item deals with several agreements at the Airport and as indicated in the memo, the prior owner of Kearney Aviation Center Phil Jossi has chosen to sell that business. City staff took the opportunity to meet with the new FBO owner and look at all of the agreements that were in place and rework those

agreements. They deal with buildings Hangar T-926, Hangar T-927, Hangar T-913, and T-Hangar B-09. There is a T-Hangar lease as well as a fuel farm which involves two underground storage tanks and two above ground tanks. The amounts of the adjusted rental numbers are also in the memo as well as the fuel flow fee of .08¢ which is the same as it has been in the past. They have adjusted some of those numbers upward and they have included a provision in the new leases that indicate that the rental will increase by three percent annually.

The new leases are for five years with an option for an additional two years. This is what the new owner requested given the level of investment that he was making in purchasing the new business. The form of the agreements are the same as what they have been in the past so just the rental terms and the terms was modified.

Al Beers, President of Big Air, addressed the Council. He stated they came to agreement with Mr. Jossi to purchase Kearney Aviation Center. Himself, his family and business are extremely excited about having this opportunity to come to Kearney and be part of what is going on in Kearney. He knows Steve Cole, the manager, and Brooke both spent a lot of time putting together the service. They will continue that same experience out there and they hope to bring some more in to help them make it even that better of a place.

He has been in aviation since he was 14; so he has been flying for 36 years. He retired from flying fulltime in 2007. He has nine businesses currently that they operate which are two FBO's and several investment companies, resorts, trucking companies and truck repair companies. He has a vast knowledge of business.

When he talked to Mr. Jossi and saw that he and Mr. Jossi had the same passion for aviation industry and to make something great and to continue something going. When he bought the current FBO he has in Arkansas they had an FBO operator in there that was charging \$7.99 a gallon for aviation gas and \$6.99 for jet fuel. They were doing about 80,000 gallons a year in sales and most of that was contract with the big hitters that were on the field, there was not much outside.

Since they purchased it, they brought fuel down to \$3.49 and \$3.99. They have increased volume and have already broken his record of 90,000 gallons as of the first of July. They have brought on based operators, managed airplanes, bringing in jets that would have never fueled there. Bringing back the aviation community to the airport.

He has seen that Mr. Jossi has done the same thing in Kearney and he jumped at the opportunity to be a part of this and with Steve and Brooke's help they continue to do so. He will be just as involved in this if not more than he can be in most of his other businesses because this is his passion.

Council Member Nikkila asked if he had the chance to meet with PenAir representatives yet. Mr. Beers stated not yet, he has been speaking with Murphy but they have not got to meet yet. Steve the manager has met with them and is very excited about it. One of the things he is trying to do in his hometown in Arkansas, they had an airline there and because of poor management and poor county decisions, they lost the small airline that they had. He is trying to bring that back as well.

Council Member Nikkila asked what sort of population base he has at his other FBO. Mr. Beers stated 30,000, they are smaller but this is what he is looking for. He has the board and the county involved there. They tried to get together a big airshow for October but with legal issues and insurance they were not able to do but they now have approval to have it in April.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2016-130** approving the Agreements for Hangar T-926, Hangar T-927, Hangar T-913, and T-Hangar B-09 between the City of Kearney and Kearney Aviation Center for Fixed Base Operations and storage at the Kearney Regional Airport. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2016-130

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Fixed Base Operator Use and Operations Agreements for Hangars T-926 and T-927 for the said operation at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Kearney Aviation Center, the Agreements, marked Exhibits "1" and "2" are attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement for Hangar T-913 for the commercial storage of aircraft in connection with the fixed base operation of Annex C of Hangar T-926 at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Kearney Aviation Center, the Agreement, marked Exhibit "3", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute T-Hangar B-09 at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Kearney Aviation Center, the Agreement, marked Exhibit "4", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

2016 COMPREHENSIVE PLAN

Mayor Clouse opened the public hearing on the proposed adoption of the Comprehensive Development Plan for the City of Kearney and considered Resolution No. 2016-116.

Assistant City Manager Paul Briseno stated the development of this plan has taken quite a bit of time but that time has allowed for citizen input, development of the data, as well as assurances that they meet the State statutes requirements from the State of Nebraska. The process was steered by the steering committee and then assisted by the consultant JEO Consulting as well. The process is mainly driven by State statute which requires that they follow various avenues more specifically the State statute does

not state that they have to update it every 5, 10 15, or 20 years it just needs to be a current plan. For Kearney, the last time they updated was 2004; therefore, it is every 10, 12, 15 years based on how aggressive and fast they are growing.

For now the State requires them to look at public facilities such as parks and infrastructure, the land use, amenities, transportation and energy. The plan encompasses these five areas but also they added parks as a necessary element to review within the comprehensive plan. Specifically, because they do not have strategic park plans so there is quite a bit analysis that went into place for that.

Mayor Clouse asked how many public meetings did they have on this. Assistant City Manager stated he did not know but he does know the Planning Commission had three hearings before it came to City Council. The community meetings there were various meetings over the past two years. It included stakeholder meetings, steering meetings, public meetings, there was ample opportunities for the citizens to review it not only on the City's website but participate in the public meetings.

City Planner Coelette Gruber presented this to the City Council. The difference between this plan and the 2003 plan is in the 2003 plan they did not have energy and they were also asked to do more in depth housing study. That is why the housing study in this draft of the plan seems a little less than the 2003 plan.

When they are looking at public facilities they did inventory and analysis to see if they are serving the current population and if these facilities will also serve in the future. An example of this would be the parks service areas looks limited but they do not have the regional parks on here and the regional parks are Yanney, Harmon and another one so the service areas covered a little better.

Moving onto transportation, another thing that they asked specifically to be put into the comprehensive plan. They had them do a travel demand model and HDR helped with that. They saw an increase in trip growth, vehicle-miles traveled and vehicle hours traveled between 2010 and 2040 and because of this analysis they came up with different areas that might have problems and recommendations that the City might move forward on alleviating these problems.

When you take all this inventory and analysis that they did in profiling and you start putting it into recommendations. One of the biggest areas that they do in the comp plan is future land use. Future Land Use Map comes from almost every inventory and analysis that is done throughout the comp plan. This resembles very closely the City's current land uses but it is also a vision for where they think the future will go. Because Kearney is growing so fast there is quite a few mixed use areas so it gives the City the ability to go in and have some changes as the community develops.

Because they can see something that might be commercial but how deep will the commercial go, will the residential come closer to the arterial roads or will the commercial bleed farther in. An example would be 39th Street between 2nd Avenue and 7th Avenue, if you note most of that is all commercial but if you go south of the street a lot of it is residential. It gives them the ability to do choice without doing a lot of land use amendments.

Council Member Buschkoetter asked about the questions and concerns that the Planning Commission had, they were somewhat split. City Planner stated not everybody was on board. Planning Commission was disappointed in the depth of the housing study but again she has to refer back to the housing study, they did not ask for an in-depth housing study. They asked for an in-depth transportation analysis and an in-depth parks master plan. She does believe there were some concerns there. They also had someone on Planning Commission that believed there should be more conservation pointed out in the Comprehensive Plan and they addressed some of those issues, they spoke with staff on those issues, they put in some of the things that they thought they could go forward with.

The Comprehensive Plan allows us to do as much conservation and preservation as they would like. It gives them the ability to educate the community but it does not put rigid lines in what they are demanding of the community such as water structure on use.

City Manager Michael Morgan stated the Comprehensive Plan is a legal requirement first and foremost of a snapshot in time. It is not intended to be forever. It is to give them data and guidance in a variety of areas and to be able to adapt and move forward and to work with existing conditions now and in the next ten years. They do not want to get too rigid and they also want a document that is used. When he arrived in Kearney and looked at the Comprehensive Plan and asked certain individuals about the Comprehensive Plan and process, they were many individuals that did not know it existed and did not know what it said.

They are hoping to get a document that can be adjusted, worked on, expand or grow but it is really work in progress and when you meet the minimal legal requirements and then you move forward and of course they are doing a separate housing study. The numbers are changing so quickly it is very difficult. As City Planner mentioned every ten years or when this is accomplished there are focuses in certain areas. The concern about certain items being in the plan, they really do not belong in the plan. There is some misunderstanding what the purpose and intent of the Comprehensive Plan.

All the information was taken down and as they move forward they will evaluate some of the concerns and some of those they might pull out as they look towards the future.

The other thing they learned about the Comprehensive Plan process is Planning Commission was not very educated about many City programs and many areas including conservation, recycling, household hazardous waste and a variety of things they are already doing. They saw that they do have a need to help them and City staff have started that process to have the department heads come in and meet with the Planning Commission to give them some background. They care about a lot of those items and they are trying to make decisions based on some of those factors so he thinks they need to do a better job and they will do a better job in helping them with the background information moving forward.

You cannot take a policy with regards to water usage and billing, it should not be in a Comprehensive Plan. There is a lot of factors and study that would have to go into that. He thinks there are only so many firms that provide these services. There is no question that the end product could have been better but at the same point it has been two years and they needed to get it completed, analyze it, move on and adjust as they could.

Taking some of those items individually out over the coming months and years back to the Planning Commission in some cases and taking a look at them. Currently, the staff is looking at parking, parking has changed dramatically. They should not be waiting for another ten years to talk about the Comprehensive Plan again; it needs to be an ongoing project.

City Planner stated she hopes as they continue forward, the memos provided to Planning Commission and City Council will have some of their recommendations which are based in the Comprehensive Plan so you can see that they are actually following it as a living document. When they run into struggles they will amend that or do additions to it.

City Manager stated some of the data that they received that was asked to be included was not very accurate. When you look at census data you have to be very careful with that data, especially when you start drawing conclusions. The staff saw some need to do more with the Planning Commission on a variety of these projects which has already started and will continue.

Council Member Buschkoetter stated Comprehensive Plan is right in the name, it is comprehensive it covers everything. It is not a detailed drawing; it is a general, conceptual plan of what direction and what areas they need to look at. He is okay with website addresses and things like that being in there so if someone gets there hand on the Comprehensive Plan they can help them find the next thing. Even though it does not necessarily belong there but it does get them in the right direction.

The concerns that they had, he is completely comfortable with the plan that they already have in place when it comes to conservation. They do need to come up with a better plan because he does think that housing is a continuing problem within the community.

City Manager stated it was challenging, he was hoping for some more ah-ha moments in some of the data because there was so much data. There are some trends and things that they have seen and need to pay attention. He does want to thank the Planning Commission; they worked hard on this as well as City staff. It has been two years of a lot of work and it will be a lot of work to continue but thinks the next plan will be much better just because of the process that is in place.

Just as they are doing now when they are looking at code, these codes need to be looked at more than once every ten years and some of them are really outdated and they are getting those changed. He appreciates staff efforts on that.

Mayor Clouse stated some of the statistics are from 2013 which they could have been updated but keep in mind they pay for this. We need a document that's ninety percent accurate.

City Manager stated they reached a point where they met all the legal and beyond those requirements, gathered a lot of good data and the additional cost to employ the consultant to go that much further was not worth it. Certainly there are some things that they may have been able to solve but realistically the staff and Planning Commission can work through those in the future.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2016-116** adopting the 2016 Comprehensive Development Plan for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2016-116

WHEREAS, the City of Kearney, Nebraska, in order to comply with Section 19-901 through Section 19-915 of the Nebraska Revised Statutes, as amended, did order preparation of a Comprehensive Development Plan for the City of Kearney and did accept and adopt an initial plan in 1961; and

WHEREAS, the plan for Kearney becomes outdated as the community grows and updating or preparation of a new plan was ordered in October, 1968, and a new Comprehensive Plan was adopted in 1969, 1976, 1984, 1997; and

WHEREAS, the City Council, on March 9, 1999, passed and approved Resolution No. 99-39 amending the Comprehensive Plan dated March 1997 to include "The Interstate Corridor Specific Area Plan" which addressed development and future growth in the area of The Great Platte River Road Archway Monument; and

WHEREAS, on November 23, 1999, the City Council passed and approved Resolution No. 99-226 amending the Comprehensive Plan dated March 1997 to include "The West Platte River Corridor Specific Area Plan" which addressed development and future growth in the area of E.K. and Mary Yanney Heritage Park and the 30th Avenue Railroad Overpass; and

WHEREAS, the City Council passed and approved Resolution No. 2001-220 on October 23, 2001, amending the Comprehensive Plan dated March 1997 to include "The Kearney Bypass Corridor Land Use Plan" which addressed development and future growth of an approximately 8.5 mile east and north bypass route, including property starting north of the Interstate 80 interchange along Cherry Avenue, east approximately one-half mile and west approximately one-half mile; the properties owned by Kearney Municipal Airport; and connecting to 78th Street, extending approximately one mile south and one-half mile north of 78th Street west to 2nd Avenue (Nebraska Highway 10) at Glenwood Corners; and

WHEREAS, on August 27, 2002 the City Council passed and approved Resolution No. 2002-188 adopting a conceptual development plan known as "The Kearney Gateway Plan" to address development, redevelopment and enhancements for an area which includes the Central Avenue business corridors from the 2nd Avenue interchange with Interstate 80 north to 25th Street, and south of 11th Street including 3rd Avenue; and

WHEREAS, on August 26, 2003 the City Council approved Resolution No. 2003-135 adopting the document entitled "The Kearney Plan, the Comprehensive Development Plan for Kearney, Nebraska, August, 2003" including text, charts, tables, photographs, illustrations, and maps contained therein; and

WHEREAS, on September 14, 2004 the City Council approved Resolution No. 2004-159 adopting the "City of Kearney Transportation Plan Update" which is a companion document to the City of Kearney Comprehensive Plan Update.

WHEREAS, the City of Kearney is a fast growing community in the State of Nebraska and in order to address concerns and provide for orderly and efficient

patterns of growth, the City is undertaking an update of the City of Kearney Comprehensive Development Plan; and

WHEREAS, the City of Kearney has been working with JEO Consulting Group to assist the City of Kearney in the continuous update of this important plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the document entitled "Kearney Comprehensive Plan" including text, charts, tables, photographs, illustrations, and maps contained therein, be and is hereby adopted as the new Plan for the City of Kearney, and that a copy of the Plan, marked Exhibit "A" be attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that all previous resolutions or parts of resolutions and ordinances in conflict herewith are hereby repealed. The repealer shall not affect the following: (1) the legal existence and status of any lawfully established zoning classification of any property within the City or its two-mile jurisdiction, which is not specifically changed by the terms or provisions of the Unified Land Development Ordinance, or the lawful existence or status of the City's Official Zoning Map as of April 14, 2002; and (2) any right of use of any property in any zoning category lawfully existing in accordance with the legal zoning classifications or categories of property as of April 14, 2002, except that those zoning categories or uses which are changed by the Unified Land Development Ordinance shall remain as lawful non-conforming uses, subject to the terms and provisions of the Unified Land Development Ordinance and the Nebraska Statutes. The repealer provided hereof shall not be construed to revive any ordinance or resolution or part thereof that has been repealed by a subsequent ordinance or resolution repealed by this resolution.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 26 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Special Meeting held July 7, 2016 and Minutes of Regular Meeting held July 12, 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 \$78.13 smcs; 2co.com \$135.00 smcs; 3gstore.com \$543.99 co; 3M \$2,000.00 smcs; 4imprint \$196.00 smcs; AAA Rents \$11.45 smcs; ABC Seamless \$1,268.00 smcs; Ace Hardware \$126.61 smcs; Ace Irrigation \$72.50 smcs; Advance

Auto Parts \$3.59 smcs; Alfred Benesch \$4,311.81 co; All Makes Auto \$3,151.40 smcs; Ally B Design \$20.00 smcs; AM Leonard \$452.75 smcs; Amazon \$2,455.87 smcs,co; American \$291.95 smcs,co; Amer First Aid \$53.97 smcs; Amer Library Assn \$259.00 smcs; Ameristar \$673.74 smcs; Anderson Bros \$890.50 smcs; Apple Market \$46.45 smcs; ARC \$1,051.00 smcs; Arctic Refrigeration \$85.00 smcs; Arnold,A \$21.43 smcs; Arrowhead Scientific \$559.24 smcs; Ask Supply \$2,540.49 smcs; Asphalt & Concrete \$4,078.44 smcs; Assure Software \$462.00 smcs; Aurora Coop \$25.04 smcs; Baker & Taylor \$3,931.60 smcs; Baltic Networks \$494.63 co; Barney Building & Land \$6,792.50 smcs; Bauer Underground \$871.00 smcs; Best Buy \$42.79 smcs; Big Rack Shack \$999.99 co; Blackstone Audio \$180.00 smcs; Blevins,D \$480.00 smcs; Blick Art \$99.04 smcs; BlueCross/BlueShield \$194,501.70 smcs; Boardtronics \$642.42 smcs; Borer,K \$12.90 smcs; Bosley,C \$17.55 smcs; Bosselman \$4,447.85 smcs; Breene,H \$24.61 smcs; Brilliance Publishing \$47.98 smcs; Broadfoots \$517.50 smcs; Brooks,G \$100.00 smcs; Bruha,S \$240.00 smcs; Buffalo Co Reg Deeds \$28.00 smcs; Buffalo Co Sheriff \$146,837.35 smcs; Buffalo Co Board Comm \$15,353.70 co; Buffalo Co Treasurer \$32.81 smcs; Buffalo Outdoor Power \$2,008.98 smcs,co; Builders \$1,457.18 smcs,co; Cabela's \$86.98 smcs; Carid.com \$317.85 smcs; Carquest \$992.51 smcs; Casey's \$77.08 smcs; Cash Wa \$12,905.48 smcs; CDW Govt \$6,500.00 smcs; Cenex \$83.55 smcs; Central District Health \$3,611.50 smcs; Central Fire & Safety \$29.25 smcs; Central Hydraulic \$1,689.46 smcs; Central NE Bobcat \$124.53 smcs; Central NE Rehabilitation \$176.25 smcs,ps; Central NE Sod Supply \$1,617.00 smcs; Central State Safety \$80.99 smcs; Central States Wire \$104.75 smcs; CGI Velo \$64.95 smcs; Charter \$52.55 smcs; Chesterman \$519.45 smcs; Chicago Faucet \$68.91 smcs; Chicken Coop \$50.00 smcs; Cintas \$280.74 smcs; City of Ky \$16,047.77 smcs; City Plbg \$233.24 smcs; Clausen,L \$32.36 smcs; Coffee Direct \$25.17 smcs; Coldspring \$957.60 smcs; Comm Action Partnership \$816.00 smcs; Construction Rental \$1,040.48 smcs,co; Copycat \$487.22 smcs; Corky Creations \$300.00 smcs; CPS 5507 \$763.40 smcs; Crawford,S \$16.73 smcs; Creative Teacher \$28.41 smcs; Crucial.com \$33.16 co; Crystal Clean \$440.00 smcs; Culligan \$149.00 smcs; Cummins \$735.21 smcs; D&K Turf \$477.54 smcs; Davis Equipment \$3,584.64 smcs; Dawson PPD \$3,342.15 smcs; Daylight Donuts \$136.42 smcs; Dell \$145.52 co; Demco \$185.70 smcs; Deterdings \$1,222.56 smcs; Displays2go \$100.57 smcs; Dobberstein,S \$69.20 smcs; Dollar General \$48.00 smcs; Dollar Tree \$33.40 smcs; Dostal,M \$35.00 smcs; Dowhy Towing \$100.00 smcs; DPC Industries \$12,789.67 smcs; Dreamstime.com \$78.00 smcs; Dutton-Lainson \$1,864.84 smcs,co; Eagle Distributing \$1,041.50 smcs; Eakes \$2,161.84 smcs; Earl May \$46.96 smcs; Earthgrains \$16.70 smcs; Eastman,R \$80.00 smcs; Elliott Equipment \$251,848.63 smcs,co; Engine House Café \$241.11 smcs; Enterprise \$15.82 smcs; Facebook \$89.81 smcs; Fairbanks \$500.00 co; Family Fresh \$39.01 smcs; Fastenal \$1,775.89 smcs,co; Fedex \$44.73 smcs; Fiddelke \$14,655.00 smcs; First Natl Bank \$40.00 co; Fisher,S \$100.00 smcs; Frontier \$9,684.86 smcs; Gale \$5,792.62 smcs; Galeton Gloves \$1,179.00 smcs; Gamma Sports \$169.79 smcs; Garrett Tires \$9,706.93 smcs; GoDaddy \$300.63 smcs; Golf Buddy \$636.93 smcs; Google \$2.99 smcs; Graham Tire \$388.20 smcs; Grainger \$1,190.22 smcs; Hach \$915.85 smcs; Harley-Davidson \$10,169.21 co; Hawke,S \$850.00 smcs; HD Supply \$112,355.99 smcs,co; Hilti \$836.80 co; Ho,T \$47.78 smcs; Hobby-Lobby \$192.68 smcs; Hoehner Turf \$418.45 smcs; Holiday Inn \$223.30 smcs; Holmes Plbg \$731.60 smcs; Hometown Leasing \$265.92 smcs; Hooker Bros \$216.81 smcs; Huo,J \$53.84 smcs; Hy Vee \$75.72 smcs; Idsecurityonline.com \$788.00 smcs; Industrial Safety \$167.65 smcs; Inland Potable \$5,630.00 smcs; Inland Truck Parts \$928.75 smcs; Integrated Construction \$133,537.00 co; J&B Powder Coating \$1,200.00 smcs; Jack Lederman

\$1,125.46 smcs; Jacobs,J \$566.65 smcs; Jahn,E \$108.00 smcs; James,D \$2,883.50 smcs; Jansky,J \$10.35 smcs; Johnson Service \$10,080.00 smcs; Johnstone Supply \$596.33 smcs; Kadyrova,S \$37.50 smcs; Kansas City Royals \$522.00 smcs; KCI \$11,125.00 co; Ky Chamber Comm \$80.00 smcs; Ky Clinic \$1,006.00 ps; Ky Concrete \$27,759.87 smcs,co; Ky Crete & Block \$6,536.06 co; Ky Glass \$455.12 smcs; Ky Human Society \$7,166.25 smcs; Ky Noon Rotary \$125.00 smcs; Ky Powersports \$312.06 smcs; Ky Towing \$360.00 smcs; Ky Volunteer Fire \$500.00 ps; Ky Warehouse \$532.13 smcs; Ky Winlectric \$32.47 smcs; Ky Winnelson \$676.84 smcs; Kelly Supply \$26.58 smcs; Kmart \$504.46 smcs; KOLN \$280.00 smcs; Konica Minolta \$562.01 smcs; KSNB \$835.00 smcs; Landmark Implement \$891.88 smcs; Larsen,R \$4.97 smcs; Lawson Products \$361.47 smcs; Lincoln Winwater \$1,391.00 smcs; Logan Contractors \$28.11 smcs; Mac Tools \$47.99 smcs; Mallek,D \$71.58 smcs; Marathon Equipment \$2,983.43 smcs; Marlatt Machine \$247.13 smcs; Marshall Engines \$42,000.00 smcs; Marshall,I \$31.00 smcs; Matheson \$227.92 smcs; Matousek,A \$87.50 smcs; Maxx Sunglasses \$324.00 smcs; McCandless,M \$7.63 smcs; Mead Lumber \$377.18 co; Menards \$5,368.75 smcs,co; Metlife \$13.95 ps; Microsoft \$106.99 co; Mid-States Engineering \$4,760.00 co; Midwest Connect \$3,903.85 smcs; Midwest Labs \$4,272.50 smcs; Midwest Turf \$26.12 smcs; Miller & Associates \$10,923.80 smcs,co; Mirror Image \$611.60 smcs; Moonlight Embroidery \$1,214.00 smcs; Morgan,M \$207.90 co; Morris Press \$435.00 smcs; Motion Picture License \$230.74 smcs; Municipal Supply \$5,985.30 smcs; Murray,D \$180.00 smcs; Nat'l Tool Warehouse \$69.52 smcs; Navigator Motorcoaches \$575.00 smcs; NCH Software \$24.49 co; NE Dept Environmental \$19,514.75 smcs; NE Dept of Revenue \$31,969.00 smcs; NE Library Assn \$519.10 smcs; NE Machinery \$1,014.67 smcs; NE Safety \$125.00 smcs; NE Salt & Grain \$3,268.52 smcs; NE Truck \$652.74 smcs; NEland Distributors \$1,767.75 smcs; Newegg \$98.97 smcs; Newell,B \$26.43 smcs; Nguyen,D \$40.00 smcs; NLETC \$50.00 smcs; Northern Safety \$100.44 smcs; Northgate Vet Clinic \$527.00 smcs; Northwestern Energy \$2,519.45 smcs; Northwestern University \$12,160.50 smcs; Nott,R \$17.30 smcs; NRG Media \$279.00 smcs; Oak Creek Engineering \$14,234.15 co; OCLC \$630.59 smcs; Office Depot \$91.77 smcs; Office Max \$892.66 smcs; Officenet \$848.99 smcs; O'Keefe Elevator \$413.89 smcs; Olsson Associates \$1,814.46 co; Oncourt Offcourt \$102.15 smcs; One Call \$728.43 smcs; O'Reilly Auto \$686.84 smcs; Oriental Trading \$219.25 smcs; Orscheln \$718.16 smcs; Otto Environmental \$1,000.00 smcs; Outdoor Rec Products \$958.00 smcs; Paramount \$217.71 smcs; Party America \$13.96 smcs; Paypal*Alertintern \$790.00 smcs; Paypal*Hongtaoming \$407.00 co; Paypal*Irvinelectr \$14.89 smcs; Paypal*Redstonepc \$749.85 co; Paypal*Williamson \$414.00 smcs; Paypal*Zouweicaizouwe \$106.85 smcs;Pedalboat.com \$494.48 smcs; Peerless Machine \$19,445.94 smcs; Penguin Random House \$108.00 smcs; Pep Co \$86.34 smcs; Pet Pick Ups \$531.68 smcs; PGA Member Info \$968.00 smcs; Platinum Awards \$65.85 smcs; Platt Electric \$107.72 co; Platte Valley Automart \$242.39 smcs; Platte Valley Comm \$1,424.82 smcs; POS Supply \$131.69 smcs; Pospaper.com \$191.80 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$394.88 smcs; Qualitaut.com \$27.19 smcs; Quill \$698.51 smcs; Ramos Construction \$5,800.00 co; RDG Planning \$14,000.00 co; RDO Truck Center \$5,105.10 smcs; Ready Mixed Concrete \$14,781.47 smcs; Reams \$4,568.36 smcs,co; Recorded Books \$865.74 smcs; Recreonics \$422.79 smcs; Redbox \$1.61 smcs; Roper Radiator \$699.00 smcs; S&S Worldwide \$265.20 smcs; Sahling Kenworth \$56.66 smcs; Sampson Construction \$769,314.00 co; SAP Store \$1,136.34 co; Sapp Bros \$16,536.92 smcs; Schroll,P \$8.75 smcs; Schwan's \$3,364.29 smcs; Sedcatch \$1,896.20 smcs; See Clear Cleaning \$2,050.00 smcs; Sequel Book \$32.94 smcs; Shell Oil \$19.40 smcs; Sherwin Williams \$1,149.09 smcs;

Sign Center \$190.00 smcs; Silverstone Group \$4,580.00 smcs; Site One Landscapes \$4,207.60 smcs,co; Slim Chickens \$18.03 smcs; Stagedepot.com \$205.00 smcs; Staples \$60.96 smcs; Starostka Group \$75,466.89 co; Steinbrinks \$4,873.65 smcs; Strategic Materials \$431.78 smcs; Streakwave Wireless \$155.81 co; Sungard \$1,454.54 co; Supershine Auto \$8.75 smcs; Supplyhouse.com \$84.90 smcs; Supplyworks \$1,000.02 smcs; Sutphen \$177.47 smcs; SWANA \$212.00 smcs; Taillon,R \$2,013.56 smcs; Target \$131.12 smcs; Taser Intern'l \$579.96 smcs; Texoma Golf \$122.46 smcs; Theis,J \$80.00 smcs; Ticket Omaha \$2,715.00 smcs; Tielke's \$230.47 smcs; Tighton Tool \$20,783.50 co; Titan Machinery \$1,695.25 smcs; Titleist \$38.38 smcs; TM Sporting Goods \$31.02 smcs; Tractor Supply \$522.07 smcs; Trade Well Pallets \$980.00 smcs; Traffic Controls \$1,550.00 smcs; Trans Iowa Equipment \$246.96 smcs; Turner Body Shop \$200.00 smcs; Uline \$463.36 smcs; UMX \$475.04 smcs; UPRR \$2,459.75 er; Unique Mgmt \$286.40 smcs; UPS Store \$332.12 smcs; Urbanek,G \$6.69 smcs; USPS \$152.57 smcs; Van Diest \$2,847.25 smcs; Verizon \$197.71 smcs; Walgreens \$13.57 smcs; Wal-Mart \$2,978.27 smcs; Walter's Electric \$105.00 smcs; Warren Technology \$11.29 smcs; Warrington,D \$572.37 smcs; Wasteworks \$650.00 co; Waterlink \$668.73 smcs; Wef Wythe \$141.00 smcs; Wesco Distribution \$25,765.00 co; Wick's Sterling Trucks \$305.15 smcs; Wilke's True Value \$293.14 smcs,co; WPCI \$267.50 ps; Zelazny,S \$4.46 smcs; Zoro Tools \$928.55 smcs; Payroll Ending 7-9-2016 -- \$466,487.64 and Payroll Ending 7-23-2015 -- \$470,772.20. 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 August 9, 2016 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2016-117 approving Change Order No. 3 for an increase in the amount of \$4,898.00 and Change Order No. 4 for an increase in the amount of \$20,839.00 submitted by Sampson Construction and approved by Clark Enersen Partners for the construction of a new sports complex at Patriot Park.

RESOLUTION NO. 2016-117

WHEREAS, Sampson Construction Co. from Lincoln, Nebraska has performed services in connection with the construction of a new sports complex at Patriot Park, and the City's engineer, The Clark Enersen Partners, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$4,898.00 as shown on Exhibit "A" and Change Order No. 4 showing an increase to the contract sum in the amount of \$20,839.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$8,078,000.00
Change Order No. 1 (1-26-2016)	- 138,425.00
Change Order No. 2 (5-24-2016)	+ 35,563.00
Change Order No. 3 (7-26-2016)	+ 4,898.00
Change Order No. 4 (7-26-2016)	<u>+ 20,839.00</u>
Contract Sum To Date	<u>\$8,000,875.00</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown

on Exhibit "A", and Change Order No. 4, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt Resolution No. 2016-118 appointing citizens to serve on the Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Board of Adjustment, Community Redevelopment Authority, Downtown Improvement Board, Kearney Housing Agency, Library Advisory Board, and Planning Commission.

RESOLUTION NO. 2016-118

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS

Kim Smith reappointed to July 31, 2021

Lee Greenwald appointed to fulfill term of Tim Higgins to July 31, 2017

AIRPORT ADVISORY BOARD

Chuck Ogle reappointed to July 31, 2021

BOARD OF ADJUSTMENT

Jonathan Brandt reappointed to July 31, 2019

Steve Lind reappointed to July 31, 2019

Duane Ruh reappointed to July 31, 2019

COMMUNITY REDEVELOPMENT AUTHORITY

Jon Abegglen reappointed to July 31, 2021

DOWNTOWN IMPROVEMENT BOARD

Ron Lieske reappointed to July 31, 2021

KEARNEY HOUSING AGENCY

David Wright appointed to succeed Nikki Mousel to July 31, 2021

Linda Murphy appointed to fulfill term of Dawn Rios to July 31, 2020

LIBRARY ADVISORY BOARD

Evan Lewandowski appointed to succeed Shawna Bowman to July 31, 2020

Stefanie Green appointed to succeed Carol Lomicky to July 31, 2020

Heather Brummels appointed to succeed Kathleen Emken to July 31, 2020

PLANNING COMMISSION

Paul Fredrickson reappointed to July 31, 2019

John Lowe reappointed to July 31, 2019

Justin Wolf reappointed to July 31, 2019

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the Fall Police Auction for the temporary closing of Avenue B from Railroad Street to 21st Street on August 27.

7. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, August 20, 2016 from 5:00 p.m. until 1:00 a.m. for a cage fighting event.

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

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

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

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

12. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Extension

Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 17, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

13. Adopt Resolution No. 2016-119 approving the Developer Constructed Infrastructure Agreement for paving, storm sewer, water and sanitary sewer improvements to serve Lot 2, Sun West Fourth Addition between the City of Kearney and Sun Development Co.

RESOLUTION NO. 2016-119

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 2, Sun West Fourth Addition" between the City of Kearney and Sun Development Co. to construct the public improvements consisting of water, sanitary sewer, paving and storm sewer improvements to serve Lot 2, Sun West Fourth 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 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt Resolution No. 2016-120 approving the Agricultural Lease between the City of Kearney and Kirk Potter and Jason Potter to lease 40.8 acres of irrigated cropland located on a tract of land located in part of the West Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (adjacent to Tech Park).

RESOLUTION NO. 2016-120

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agriculture Lease Agreement between the City of Kearney and Kirk Potter and Jason Potter to lease 40.8 acres of irrigated cropland located on a tract of land located in part of the West Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (adjacent to Tech Park) for an annual cash rent being \$9,588.00. The Agreement, marked Exhibit "1" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt Resolution No. 2016-121 approving Change Order No. 1 for an increase in the amount of \$12,656.00, Application and Certificate for Payment No. 3 in the amount

of \$77,048.78 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. 2016-121

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. 1 showing an increase to the contract sum in the amount of \$12,656.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$77,048.78 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$669,200.00</u>
Contract Sum To Date	669,200.00
Gross Amount Due	646,049.95
Retainage (10%)	64,604.99
Amount Due to Date	581,444.96
Less Previous Certificates for Payment	<u>504,396.18</u>
Current Payment Due	\$ 77,048.78

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A" and Application and Certificate for Payment No. 3, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt Resolution No. 2016-122 approving Application and Certificate for Payment No. 3 in the amount of \$275,709.09 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. 2016-122

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. 3 in the amount of \$275,709.09 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$3,018,299.85
Change Order No. 1 (3-22-2016)	+ 20,741.68
Change Order No. 2 (5-24-2016)	+ <u>12,341.33</u>
Contract Sum To Date	3,051,382.86
Gross Amount Due	1,065,528.86
Retainage (10%)	106,552.89
Amount Due to Date	958,975.97
Less Previous Certificates for Payment	<u>683,266.88</u>
Current Payment Due	\$ 275,709.09

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

17. Adopt Resolution No. 2016-123 approving Change Order No. 1 for an increase in the amount of \$1,168.00, Application and Certificate for Payment No. 2-Final in the amount of \$93,276.04, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive – Bid A (water and sanitary sewer).

RESOLUTION NO. 2016-123

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive – Bid A (water and sanitary sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a increase to the contract sum in the amount of \$1,168.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$93,276.04 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$204,956.00
Change Order No. 1 (7-26-2016)	+ <u>1,168.00</u>
Contract Sum To Date	206,124.00
Gross Amount Due	206,124.00
Retainage (0%)	.00
Amount Due to Date	206,124.00
Less Previous Certificates for Payment	<u>112,847.96</u>
Current Payment Due	\$ 93,276.04

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 17, 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. 2-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

18. Adopt Resolution No. 2016-124 approving Application and Certificate for Payment No. 4 in the amount of \$246,008.03 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 2 consisting of Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition.

RESOLUTION NO. 2016-124

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 2 Improvements consisting of Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$246,008.03 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$583,423.50
Change Order No. 1 (1-12-2016)	<u>- 21,825.00</u>
Contract Sum To Date	561,598.50
Gross Amount Due	508,504.25
Retainage (10%)	50,850.43
Amount Due to Date	457,653.83
Less Previous Certificates for Payment	<u>211,645.80</u>
Current Payment Due	\$246,008.03

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 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

19. Adopt Resolution No. 2016-125 approving Application and Certificate for Payment No. 1 in the amount of \$181,004.31 submitted by Blessing Construction and approved by Olsson Associates for the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue.

RESOLUTION NO. 2016-125

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 4 Improvements consisting of Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th Avenue, and the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$181,004.31 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$554,294.65</u>
Contract Sum To Date	554,294.65
Gross Amount Due	201,115.90
Retainage (10%)	20,111.59
Amount Due to Date	67,952.84
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$181,004.31

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

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

20. Adopt Resolution No. 2016-126 approving Application and Certificate for Payment No. 1 in the amount of \$67,952.84 submitted by Blessing LLC and approved by Miller & Associates for the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive – Bid B (paving).

RESOLUTION NO. 2016-126

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive – Bid B (paving), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$67,952.84 as

shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$372,734.15</u>
Contract Sum To Date	372,734.15
Gross Amount Due	75,503.15
Retainage (10%)	7,550.32
Amount Due to Date	67,952.84
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	<u>\$ 67,952.84</u>

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

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

21. Accept the proposals received for the design of a playground, splash pad and shelter in northeast Kearney in the Eastbrooke Subdivision and select Outdoor Recreation Products as the Contractor for the splash pad in the amount of \$80,000.00; select Fry & Associates as the Contractor for the shelter in the amount of \$32,954.00; and select ** as the Contractor for the playground equipment in the amount of **.

22. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer and distilled spirits in the parking lot located west of Cunningham Journal, 15 West 23rd Street on Friday, August 26, 2016 from 3:00 p.m. until 1:00 a.m. and Saturday, August 27, 2016 from 11:00 a.m. until 1:00 a.m. for Kearney BBQ on the Bricks event.

23. Accept the bids received for a used Mobile Hydraulic Hammer to be used in the Public Works Department and award the bid to Logan Contractor Supply in the amount of \$95,000.00.

24. Adopt Resolution No. 2016-127 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and DT Development for paving, storm sewer, water and sanitary sewer improvements to serve Spruce Hollow Estates Sixth Addition.

RESOLUTION NO. 2016-127

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Developer Constructed Infrastructure Agreement for Spruce Hollow Estates Sixth Addition" between the City of Kearney and DT Development to construct the public improvements for paving, storm sewer, water and sanitary sewer improvements to serve Spruce Hollow Estates Sixth 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 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

25. Adopt Resolution No. 2016-128 approving Application and Certificate for Payment No. 2 in the amount of \$199,459.35 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. 2016-128

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2015 Part 15 Improvements consisting of Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$199,459.35 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$779,898.00</u>
Contract Sum To Date	779,898.00
Gross Amount Due	371,806.00
Retainage (10%)	37,180.60
Amount Due to Date	334,625.40
Less Previous Certificates for Payment	<u>135,166.05</u>
Current Payment Due	\$199,459.35

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

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

26. Adopt Resolution No. 2016-129 approving the recommendation submitted by the Fire Chief to include Clint Smith as a member of the Kearney Volunteer Fire Department.

RESOLUTION NO. 2016-129

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

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

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

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

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

PASSED AND APPROVED THIS 26TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8091 SELL PORTION OF AVENUE L

The City of Kearney recently learned that a portion of vacated Avenue L which was to be deeded to a property owner back in the 1970's has not been transferred. Apparently, the property owner had received a Deed from the City but did not file it with the Register of Deeds. This ordinance will transfer the old Avenue L to the current property owners and clear title.

Council Member Buschkoetter introduced Ordinance No. 8091 selling Avenue L as the same abuts Lots 1, 2, 3 and 4, Henthorn's Subdivision to the City of Kearney to Ironside Self Storage, 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. 8091. 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, Buschkoetter, Lear, Nikkila, Lammers. 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. 8091 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8091 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8091 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 CLAIM

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$117,433.12 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Buschkoetter wanted to thank the police officers, law enforcement, the community and everybody involved with Cruise Nite and the organizers. Brad Kernick and his team did such a wonderful job and there was a tremendous amount of outpouring support for police officers and it was very nice to see. It was a neat event. It is going on very strong and hopefully will continue to grow and do what it does for our community.

Council Member Nikkila stated he rode along with a police officer again this year on Cruise Nite so it was great to see how they handle themselves in difficult situations and professionally even when the person they are speaking to is not responding very professionally back.

City Manager passed on to the City Council some of the comments during the past few days. They have had individuals from outside the community come in and look at the airport resources. We sometimes forget since it has been a few years, the Council has been very supportive of several millions of dollars in investments at the airport. PenAir is a very exciting group to deal with and they are looking forward to them, they are within the 100 days of them coming.

They had comments about the terminal, hangar, FBO facilities and the fire station. They have told them about some of these things and how we do business here but they

are very excited and looking forward to it. Kearney is the only city of the five cities that have the ability to hangar overnight their aircraft so that is a big deal for passengers to get on a warm aircraft and get it started.

They worked really hard and with the new FBO there are some opportunities there too and some new things the FBO will be able to perform for the airline which will be able to help them out. They are very pleased and appreciate Amy Yancy and all of her marketing efforts. PenAir came to town and a lot was already done. He found them to be very professional and appropriate. When they talked about things they could or could not do, PenAir would tell them what they could and could not do. They will have to work different things but the community will start to see those marketing efforts. Tickets are on sell and encouraged people to fly out on that first date.

Mayor Clouse stated in the next few weeks, they have the ribbon cutting for the new high school and will start seeing what is happening out there, UNK students coming back and Senior Olympics. A lot of activities still to take place this summer.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:18 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**