

Kearney, Nebraska
August 14, 2018
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on August 14, 2018 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Jonathan Nikkila. Absent: Bob Lammers. Michael Morgan, City Manager; Michael Tye, City Attorney; Peggy Eynetich, Deputy City Clerk, Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Assistant Director of Public Works; Dan Lynch, Chief of Police and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Ryan Boyd from KGFW.

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

Pastor Randy Madison provided the Invocation.

PLEDGE OF ALLEGIANCE

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

VACATE PART OF LOT 1, BLOCK ONE, ELEMENTARY SCHOOL ADDITION AND FINAL PLAT AND SUBDIVISION AGREEMENT FOR ELEMENTARY SCHOOL SECOND ADDITION

Mayor Clouse opened the public hearing on the applications submitted by Buffalo Surveying Corporation for Buffalo County School District 10-0007-000 (Kearney Public Schools) to (1) vacate part of Lot 1, Block One, Elementary School Addition and consider Ordinance No. 8262; and (2) the Final Plat and Subdivision Agreement for Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of Lot 1 (to be vacated), Block One, Elementary School Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Northeast Quarter of the Northeast Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1010 East 53rd Street) and consider Resolution 2018-119.

Mitch Humphrey from Buffalo Surveying Corporation presented this matter to the Council. Kearney Public Schools wishes to sell a piece of property that is located along Avenue N and South of 56th Street. The property is currently zoned R-1 and will remain the same zoning. The portion of Lot 1 being vacated will contain approximately 3.58 acres with the remaining 9.86 acres retained by Kearney Public Schools. The Subdivision Agreement prohibits ingress/egress from 56th Street for the parcels other than what is currently in place for the school at this time, requires ingress/egress off of Avenue N to line up with 55th Street and that future development conform to City standards for infrastructure. The Kearney Public School Board approved the plat with the Subdivision Agreement at their regular meeting held on August 13, 2018.

Mayor Clouse restated zoning would not change. Mr. Humphrey stated that would be left to the future developer if it would be needed.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the applications submitted by Buffalo Surveying Corporation for Buffalo County School District 10-0007-000 (Kearney Public Schools) to vacate part of Lot 1, Block One, Elementary School Addition and introduced Ordinance No. 8262 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8262 President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent.. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8262 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion

carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8262 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8262 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Buschkoetter seconded by Clouse to adopt Resolution No. 2018-119 approving the Final Plat and Subdivision Agreement for Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of Lot 1 (to be vacated), Block One, Elementary School Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Northeast Quarter of the Northeast Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1010 East 53rd Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2018-119

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as part Lot 1, (now vacated), Block One, Elementary School Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Northeast Quarter of the Northeast Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of Section 25 and assuming the North line of Section 25 as bearing S 89°38'05" W and all bearings contained herein are relative thereto; thence on the East line of said Section 25, S 00°10'07" W a distance of 40.0 feet; thence leaving the East line of said Section 25, S 89°38'05" W and parallel with the North line of said Section 25 a distance of 40.0 feet to the Northeast Corner of said Lot 1, Block One, Elementary School Addition, said point being the Northeast Corner of a part of said Lot 1 deeded to the City of Kearney, Nebraska as described on Warranty Deed filed at Instrument 96-1740, recorded on March 27, 1996 in the office of the Buffalo County Register of Deeds; thence on the North line of said part of Lot 1 deeded to the City of Kearney, Nebraska, S 89°38'05" W a distance of 20.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northwest Corner of said part of Lot 1 deeded to the City of Kearney, Nebraska; thence continuing on the North line of said Lot 1, Block One, S 89°38'05" W a distance of 1079.23 feet to the Northwest Corner of said Lot 1, Block One, thence on the West line of said Lot 1, Block One, S 00°05'57" W a distance of 431.11 feet to the Southwest Corner of said Lot 1, Block One; thence on the South line of said Lot 1, Block One N 89°46'39" E a distance of 280.71 feet to a point of curvature; thence continuing on the South line of said Lot 1, Block One and on a 180.00 foot radius curve to the right forming a central angle of 90°00' an arc distance of 284.74 feet to a point of tangency; thence tangent continuing on the South line of said Lot 1,

Block One S 00°30'49" E a distance of 10.03 feet to a point being the Northwest Corner of Lot 93, Northeast Heights Addition to the City of Kearney, Buffalo County, Nebraska; thence continuing on the South line of said Lot 1, Block One and on the North line of said Northeast Heights Addition, N 89°40'06" E a distance of 636.77 feet to the Southeast Corner of said Lot 1, Block One, said point also being the Northeast Corner of Lot 87 in said Northeast Heights Addition; thence on the East line of said Lot 1, Block One N 00°10'07" E a distance of 602.46 feet to the Southeast Corner of said part of Lot 1, deeded to the City of Kearney, Nebraska; thence leaving the East line of said Lot 1, Block One and on the southerly line of said part of Lot 1, deeded to the City of Kearney, Nebraska, N 45°09'26" W a distance of 28.18 feet to the place of beginning, containing 13.83 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE 5 FOOT AND 10 FOOT UTILILTY EASEMENTS, PART OF CENTURY ROAD AND LOTS 1 THROUGH 11, INCLUSIVE, AND LOTS 13 THROUGH 23, INCLUSIVE, BLOCK ONE; LOTS 1 THROUGH 4, INCLUSIVE, BLOCK THREE, AND LOTS 1 THROUGH 12, INCLUSIVE, BLOCK FOUR, ALL IN HONEY HILL ESTATES ADDITION

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for Twin Hills, L.L.C. to (1) vacate 5 foot and 10 foot wide utility easements being the South 5.00 feet, except the East 10.00 feet thereof, of Lot 2, Block One; the North 5.00 feet, except the East 10.00 feet thereof, of Lot 3, Block One; the South 5.00 feet, except the East 10.00 feet thereof, of Lot 8, Block One; the North 5.00 feet, except the East 10.00 feet thereof, of Lot 9, Block One; the West 5.00 feet, except the South 10.00 feet thereof, of Lot 15, Block One; the East 5.00 feet, except the South 10.00 feet thereof, of Lot 16, Block One; the North 5.00 feet, except the West 20.00 feet thereof, of Lot 20, Block One; the South 5.00 feet, except the West 20.00 feet thereof, of Lot 21, Block One; the South 5.00 feet, except the West 10.00 feet thereof, of Lot 2, Block Three; the North 5.00 feet, except the West 10.00 feet thereof, of Lot 3, Block Three;

the West 10.00 feet of Lots 1 through 6, inclusive, Block Four; the East 10.00 feet of Lots 7 through 12, inclusive, Block Four; the South 5.00 feet, except the West 10.00 feet thereof, of Lot 3, Block Four; the North 5.00 feet, except the West 10.00 feet thereof, of Lot 4, Block Four; the South 5.00 feet, except the East 10.00 feet thereof, of Lot 10, Block Four; the North 5.00 feet, except the East 10.00 feet thereof, of Lot 9, Block Four; all in Honey Hill Estates Addition and consider Ordinance No. 8263; (2) vacate all of Century Road from the West line of Honey Hill Estates Addition, to the West line of 9th Avenue, abutting Lot 4, Block Two, Lot 4 and Lot 5, Block Three, on the North and abutting Lot 23, Block One, Lot 1 and Lot 12, Block Four, on the South; Part of 10th Avenue from the South line of Century Road to the North line of 40th Street, abutting part of Lot 18, Lots 19 through 23, inclusive, Block One, on the West and abutting Lots 7 through 12, inclusive, Block Four, on the East; all of 9th Avenue from the North line of Honey Hill Estates Addition to the North line of 40th Street, abutting Lots 1 through 4, inclusive, Block Three and Lots 1 through 6, inclusive, Block Four, on the West and abutting Lots 1 through 10, inclusive, and part of Lot 11, Block One, on the East; all of 40th Street abutting Lot 6 and Lot 7, Block Four, on the North and abutting part of Lot 11, Lots 12 through 17, inclusive, and part of Lot 18, Block One, on the South; in Honey Hill Estates Addition and consider Ordinance No. 8264; (3) vacate Lots 1 through 11, inclusive, and Lots 13 through 23, inclusive, Block One; Lots 1 through 4, inclusive, Block Three, and Lots 1 through 12, inclusive, Block Four, all in Honey Hill Estates Addition and consider Ordinance No. 8265; and (4) the Final Plat for Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue) and consider Resolution No. 2018-120.

Craig Bennett from Miller & Associates presented this matter to the Council. The property is located north of 39th Street, a half a block off east of 11th Street and west of Kearney E-Free Church. The area consists of 15.6 acres and does not include all of Honey Hills Estates. The original plat consisted of 38 lots; the developer is proposing 9 lots in the new subdivision. The zoning will stay the same, sanitary sewer and water exists and will be extended into the subdivision. There are existing easements, lots and a portion of an existing street on the current plat which need vacated. Drainage is northwesterly and westerly; the storm water easement along the west side of the property was previously platted with Honey Hills Estates and will remain; a detention cell will be built that will tie into the existing storm water system. The new plat will be called Hillside Estates.

Council Member Nikkila requested discussion regarding the easement for a trail along the west side of Hillside Estates. Mr. Bennett stated currently there is a Hike/Bike trail along 45th Street that will extend along 10th Street and continue further along the west side of Hillside Estates; a sidewalk will also be installed along 39th Street. Council Member Nikkila expressed his appreciation of the extended trail as it will allow more access to Kearney Parks and other public areas that are in the middle of the City.

Council Member Buschkoetter questioned if the sidewalk along 39th Street would be traditional size. Mr. Bennett stated the sidewalk will be four foot wide; however, the hike/bike trail sidewalk will be eight foot wide. Council Member Buschkoetter noted the

flow of traffic in and out of the subdivision looks adequate. Mr. Bennett stated the proposed plat is five times less dense than the previous plat.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the applications submitted by Miller & Associates for Twin Hills, L.L.C. to (1) vacate 5 foot and 10 foot wide utility easements being the South 5.00 feet, except the East 10.00 feet thereof, of Lot 2, Block One; the North 5.00 feet, except the East 10.00 feet thereof, of Lot 3, Block One; the South 5.00 feet, except the East 10.00 feet thereof, of Lot 8, Block One; the North 5.00 feet, except the East 10.00 feet thereof, of Lot 9, Block One; the West 5.00 feet, except the South 10.00 feet thereof, of Lot 15, Block One; the East 5.00 feet, except the South 10.00 feet thereof, of Lot 16, Block One; the North 5.00 feet, except the West 20.00 feet thereof, of Lot 20, Block One; the South 5.00 feet, except the West 20.00 feet thereof, of Lot 21, Block One; the South 5.00 feet, except the West 10.00 feet thereof, of Lot 2, Block Three; the North 5.00 feet, except the West 10.00 feet thereof, of Lot 3, Block Three; the West 10.00 feet of Lots 1 through 6, inclusive, Block Four; the East 10.00 feet of Lots 7 through 12, inclusive, Block Four; the South 5.00 feet, except the West 10.00 feet thereof, of Lot 3, Block Four; the North 5.00 feet, except the West 10.00 feet thereof, of Lot 4, Block Four; the South 5.00 feet, except the East 10.00 feet thereof, of Lot 10, Block Four; the North 5.00 feet, except the East 10.00 feet thereof, of Lot 9, Block Four; all in Honey Hill Estates Addition; (2) vacate all of Century Road from the West line of Honey Hill Estates Addition, to the West line of 9th Avenue, abutting Lot 4, Block Two, Lot 4 and Lot 5, Block Three, on the North and abutting Lot 23, Block One, Lot 1 and Lot 12, Block Four, on the South; Part of 10th Avenue from the South line of Century Road to the North line of 40th Street, abutting part of Lot 18, Lots 19 through 23, inclusive, Block One, on the West and abutting Lots 7 through 12, inclusive, Block Four, on the East; all of 9th Avenue from the North line of Honey Hill Estates Addition to the North line of 40th Street, abutting Lots 1 through 4, inclusive, Block Three and Lots 1 through 6, inclusive, Block Four, on the West and abutting Lots 1 through 10, inclusive, and part of Lot 11, Block One, on the East; all of 40th Street abutting Lot 6 and Lot 7, Block Four, on the North and abutting part of Lot 11, Lots 12 through 17, inclusive, and part of Lot 18, Block One, on the South; in Honey Hill Estates Addition; (3) vacate Lots 1 through 11, inclusive, and Lots 13 through 23, inclusive, Block One; Lots 1 through 4, inclusive, Block Three, and Lots 1 through 12, inclusive, Block Four, all in Honey Hill Estates Addition and introduced Ordinance Nos. 8263, 8264 and 8265 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 ordinances on its first reading and then upon its final passage. Council member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8263, 8264 and 8265. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8263, 8264 and 8265 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. Nay: None. Lammers absent.

Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance Nos. 8263, 8264 and 8265 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8263, 8264 and 8265 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2018-120 approving the Final Plat for Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 39th Street and East of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2018-120

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska for property described as A tract of land being part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the Southeast corner of the Southwest Quarter of Section 26 and assuming the South line of said Southwest Quarter as bearing N 89°47'15" W and all bearings contained herein are relative thereto; thence N 00°23'02" E on the East line of said Southwest Quarter a distance of 50.00 feet to a 5/8" rebar on the North line of 39th Street; thence N 89°47'15" W on said North line of 39th Street a distance of 167.28 feet to a 5/8" rebar at the Southwest corner of Lot 12, Block One, Honey Hill Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING; thence continuing S 89°47'15" E on said North line of 39th Street a distance of 493.14 feet to a 5/8" rebar w/cap on the West line of the East Half of Southeast Quarter of said Southwest Quarter also being the East line of Brandt Second Subdivision, to the City of Kearney, Buffalo County, Nebraska; thence N 00°23'33" E on said West line of said East Half of the Southeast Quarter of the Southwest Quarter and on said East line of said Brandt Second Subdivision a distance of 879.19 feet to a 5/8" rebar on the North line of Century Road and the Southwest corner of Lot 4, Block Two of said Honey Hill Estates; thence S 89°38'26" E on the South line of said Lot 4, Block Two and on the South line of Lot 5, Block Three, of said Honey Hill Estates a distance of 331.31 feet to a 5/8" rebar w/cap at the Southeast corner of said Lot 5, Block Three; thence N 00°19'47" E on the East line of Lots 5 through 8 of said Block Three a distance of 392.20 feet to the North line of said East Half of the Southeast Quarter of the Southwest Quarter also being the South line of Fountain Hills First Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°50'05" E on said North line of the East Half of the Southeast Quarter of the Southwest Quarter and on said South line of Fountain Hills First Addition

a distance of 329.35 feet to a 3" casing at the Northeast corner of said East Half of the Southeast Quarter of the Southwest Quarter; thence S 00°23'02" W on said East line of the Southwest Quarter and on the West line of Windsor Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and on the West line of Windsor Estates Third, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 1091.96 feet to a 5/8" rebar at the Northeast corner of said Lot 12, Block One; thence N 89°46'25" W on the North line of said Lot 12, Block One, a distance of 167.36 feet to a 5/8" rebar at the Northwest corner of said Lot 12, Block One; thence S 00°21'36" W on the West line of said Lot 12, Block One a distance of 178.89 feet to the Point of Beginning, containing 15.60 Acres, more or less, all in Buffalo County, Nebraska., duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 20 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

1. Approve Minutes of Regular Meeting held July 24, 2018, Minutes of Special Meeting held July 25, 2018 and Minutes of Special Meeting held July 26, 2018.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

Amazon \$153.82 smcs; American Fence \$689.00 smcs; Archway \$42.00 smcs; Ask Supply \$1,402.02 smcs; Aurora Coop \$53.60 smcs; Baker & Taylor \$6,791.41 smcs; Bamford \$225.00 smcs; Barco Municipal \$4,428.00 smcs; Blackstone Publishing 592.49 smcs; Blackstrap \$33,959.95 smcs; Blessing \$194,547.79 co; BlueCross/BlueShield \$344,317.75 smcs,co; Bontz,S \$22.90 smcs; Bosselman \$51,497.44 smcs; Bridgett Lavene Consult. \$1,666.67 smcs; Broadfoot's \$3,644.75 smcs; Brooks,M \$38.42 smcs;

Brown,C \$53.74 smcs; Brown,S \$51.62 smcs; BS & K Signs \$393.00 smcs; Buffalo Outdoor Power \$333.61 smcs; Builders \$1,189.20 smcs,co; Butler,B \$145.11 smcs; Carquest \$291.90 smcs; Cash-Wa \$7,185.90 smcs; Central Fire & Safety \$1,985.00 smcs; Central NE Bobcat \$32,632.00 co; CH Diagnostic \$780.00 smcs; Chesterman \$1,539.90 smcs; Chief \$15,064.00 smcs; Cigna \$8,920.53 smcs; City of Ky \$402,567.92 smcs,co; Community Action Partnership \$46,678.48 smcs,co; Community Health Charities \$18.00 ps; Compasscom \$157.50 smcs; Consolidated Management \$55.02 smcs; Core & Main \$68,382.64 co; Cornhusker Cleaning \$89.71 smcs; Cottam,J \$17.28 smcs; Crane River Theater \$3,963.75 smcs; Credit Management \$105.82 ps; Crouch Recreations \$987.00 co; Cummins \$73.51 smcs; Cutter & Buck \$54.76 smcs; Diamond Engineering \$188,559.59 co; Doremus,S \$75.04 smcs; DPC Industries \$12,660.28 smcs; Eagle Distributing \$2,637.11 smcs; Eakes \$2,590.30 smcs; EMC Insurance \$1,635.34 smcs; Evers,B \$315.00 smcs; Excel Manufacturing \$131,847.50 co; Eynetich,J \$168.00 smcs; EZ Turf \$6,454.50 co; Fiddelke \$120.00 smcs; Flynn,B \$43.94 smcs; Frontier \$71.98 smcs; Gale \$838.19 smcs; Gangwish Turf \$381.75 smcs; GD Concrete \$57,058.92 co; Government Finance Officers \$50.00 smcs; Great Plains Beef \$144.00 smcs; Greater NE Cities \$1,000.00 smcs; Harrison,R \$7.48 smcs; HM Life Insurance \$48,353.00 smcs; Hoehner Turf \$535.60 smcs; Hometown Leasing \$159.08 smcs; Husker Grading \$59,376.00 co; ICMA Retirement \$6,820.49 ps; IRS \$170,846.17 ps; Jack Lederman \$561.58 smcs; Jones,B \$6.22 smcs; Jones,M \$2.81 smcs; Ky Animal Shelter \$2,148.75 smcs; Ky Builders Assn \$420.00 smcs; Ky Children's Museum \$2,000.00 smcs; Ky Crete & Block \$1,218.35 smcs; Ky Noon Rotary \$125.00 smcs; Ky United Way \$656.88 ps; Ky Visitors Bureau \$66,831.32 smcs; Ky Winlectric \$5,940.75 smcs; Kelly Supply \$2,993.80 smcs; Koepp,R \$4.22 smcs; Konen,T \$75.01 smcs; Konica Minolta \$481.64 smcs; Landmark Implement \$6,853.79 smcs; LaRue Distributing \$72.00 smcs; Lindner,S \$266.28 smcs; Logan Contractors \$1,455.80 smcs,co; Loper Athletics \$306.25 smcs; Lombard,J \$53.52 smcs; Magic Cleaning \$6,940.00 smcs; Matheson \$274.56 smcs; McDussee,T \$27.69 smcs; McMullen,T \$14.46 smcs; Menards \$167.37 co; Mercy House \$500.00 smcs; Mid American Signal \$14,736.00 smcs,co; Mid-America Pump \$1,270.50 smcs; Mid-NE Garage Doors \$860.00 co; Midwest Connect \$9,041.68 smcs; Milco Environmental \$4,308.20 smcs; Miller & Associates \$410.00 co; Miller,J \$25.10 smcs; Montagne,B \$18.52 smcs; Moonlight Embroidery \$44.00 smcs; Motorola \$33,814.70 co; Murphy Tractor \$1,292.48 co; Navigator Motorcoaches \$444.00 smcs; NE Child Support \$1,991.97 ps; NE Community Energy Alliance \$500.00 smcs; NE Crane \$411.68 smcs; NE Dept of Revenue \$52,053.41 ps; NE Library Commission \$3,302.10 smcs; NE Public Health \$1,076.90 smcs; Nebraskaland Distributing \$1,398.30 smcs; Newman Signs \$703.51 smcs; NewsBank \$1,296.88 smcs; NLETC \$576.00 smcs; Norm's Plumbing \$639.90 smcs; Northgate Veterinary \$80.00 smcs; Northwestern Energy \$3,783.65 smcs; Nutrien Ag Solutions \$889.40 smcs; O'Keefe Elevator \$430.44 smcs; Oliver,B \$108.25 smcs; Olsson Associates \$19,521.25 smcs,co; One Call Concepts \$523.38 smcs; Outdoor Recreation \$575.34 co; Paramount \$130.89 smcs; Paulsen \$2,721,059.26 co; Payflex Systems \$535.50 ps; Peerless Machine \$3,466.11 smcs; Penguin Random House \$64.75 smcs; Penworthy \$515.79 smcs; Pep Co. \$87.34 smcs; Peterson,T \$22.90 smcs; Ping \$58.17 smcs; Platte Valley Comm. \$307.00 smcs; Platte Valley Laboratories \$617.50 smcs; Presto-X \$287.23 smcs; Prosocki,C \$38.34 smcs; Radarsign \$14,360.00 co; RCL Products \$27.74 smcs; Recorded Books \$337.81 smcs; Red Willow Co. \$2,905.00 smcs; Red Willow Western Rural \$1,230.00 smcs; Reinke's \$324.89 smcs; Robb,S \$356.26 smcs; Roeder,D \$32.93 smcs; Rowe,L

\$306.25 smcs; RYDE Transit \$124.00 smcs; S & J Construction \$5,971.75 smcs; Safelite \$227.98 smcs; Sam's Club \$250.50 smcs; Sargent Irrigation \$15,881.71 smcs; School District #7 \$511.00 smcs; Schroeder, J \$607.50 smcs; Sheldon, C \$85.00 smcs; Sheldon, S \$54.55 smcs; Silverstone Group \$4,860.00 smcs; Sisson, J \$58.00 smcs; Solid Waste Equipment \$74,684.00 co; SOS Portable Toilets \$295.00 smcs; Steinbrook, S \$306.25 smcs; Taillon, R \$1,643.54 smcs; Thompson Co. \$261.05 smcs; Tielke's Sandwiches \$98.43 smcs; Tradewell Pallet, Inc \$1,960.00 smcs; Tri-Cities Group \$253.55 smcs; Triplett, T \$28.91 smcs; Troyer, A \$49.01 smcs; Turner Body Shop \$300.00 smcs; Tye & Rowling \$13,931.04 smcs; Underground Construction \$660.00 smcs; Union Bank & Trust \$77,104.33 ps; Union Pacific \$2,609.55 er; Valley Forklift \$24.07 smcs; Van Diest \$2,472.01 smcs; Verizon \$6,171.83 smcs; Vilene, C \$315.98 smcs; Village Uniform \$671.04 smcs; Walter's Electric \$172.98 smcs; Ward Laboratories \$19.25 scs; Weis Co \$8,326.99 smcs; Wesco Distributing \$198.50 smcs; Whalen, S \$120.00 smcs; Young, M \$22.51 smcs; Zabel, A \$32.10 smcs; Payroll Ending 07/21/18: \$534,224.20; Payroll Ending 8/04/18: \$500,973.86 . 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Tamara Jackson submitted by Kearney Lodging LLC dba Ramada Kearney located at 301 2nd Avenue in connection with their Class CK-096499 liquor license.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-121989 liquor license application and manager application for Guang Chun Li submitted by Bushido Inc dba Kyoto located at 404 3rd Avenue.
5. Adopt Resolution No. 2018-121 approving the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to provide building inspection services to the City of Minden.

RESOLUTION NO. 2018-121

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

WHEREAS, the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement was amended in 2013, 2014, 2016 and again in 2017; and

WHEREAS, it has been determined to be in the interest of both communities that the City of Kearney staff will provide plan review and building inspection services for up to three (3) years; and

WHEREAS, the City of Kearney and the City of Minden have agreed that Kearney continue to provide Minden with plan review and building inspection services for up to three (3) years.

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

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

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
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 Applications as follows:

a) Kearney Hub to close the three parking stalls located along the west side of Avenue A and on the east of the Kearney Hub located at 13 East 22nd Street on Tuesday, August 21, 2018.

b) Downtown Kearney to temporarily close the parking lot located north of MONA on Saturday, September 8, 2018 to conduct Yoga on the Bricks.

c) Tim Danube on behalf of UNK-LPAC Homecoming for the temporary closing of 3rd Avenue from Railroad Street to 21st Street; 8th Avenue from 20th Street to 21st Street; 21st Street from 3rd Avenue to 8th Avenue; 23rd Street from Central Avenue to Avenue E; 24th Street from Central Avenue to Avenue E; Central Avenue from 25th Street to Railroad Street; Railroad Street from Central Avenue to 3rd Avenue; Avenue A from 22nd Street to 25th Street; Avenue B from 22nd Street to 24th Street; Avenue C from Railroad Street to 22nd Street; Avenue C from 22nd Street to 25th Street; Avenue D from Railroad Street to 22nd Street; Avenue D from 22nd Street to 25th Street and the parking lot located north of MONA on Saturday, September 15, 2018 for the UNK-LPAC Homecoming.

d) North Pole Express for the temporary closing of the parking lot located north of MONA and six parking spaces in front of the Kaufmann Center located at 2202 Central Avenue on November 27, 28, 29, December 3, 4, 5, 6, 10, 11, 12, 13, 2018.

7. Consider the Use and Operations Agreement (T-920 and Large Bay at 5139 Airport Road) between the City of Kearney and SkyWest Airlines providing scheduled air service and adopt Resolution No. 2018-122.

RESOLUTION NO. 2018-122

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement (T-920 and Large Bay at 5139 Airport Road) on behalf of the City of Kearney, Nebraska, with SkyWest Airlines for Hangar T-920 and Large Bay at 5139 Airport Road located at the Kearney Regional Airport providing scheduled air service. A copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their YK-077615 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 27, 2018 from 8:00 a.m. until 4:00 p.m. for a craft fair/wine tasting event.

9. Approve the removal of the school crossing located at 17th Avenue and 41st Street and adopt Resolution No. 2018-123.

RESOLUTION NO. 2018-123

WHEREAS the President and City Council of the City of Kearney, Nebraska in the interest of public safety and efficient traffic flow within the area, the following yellow flashing school crossing is hereby ordered to be removed:

A yellow flashing school crossing regulating southbound and northbound traffic at 17th Avenue and 41st Street shall be removed.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that in the interest of public safety and efficient traffic flow within the area the yellow flashing school crossing at 17th Avenue and 41st Street is hereby ordered removed.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2018-124 approving T-Hangar B-5 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Brad Campbell.

RESOLUTION NO. 2018-124

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar B-5 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Brad Campbell, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Authorize the Mayor to execute the Agreement between the State of Nebraska, Department of Transportation and the City of Kearney for State Project No. 30-4(159) for the utilities relocation as part of the Highway 30 replacement project from 12th Avenue to 7th Avenue and adopt Resolution No. 2018-125.

RESOLUTION NO. 2018-125

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, on behalf of the City of Kearney, an agreement between the City of Kearney and State of Nebraska Department of Roads, as set forth in the Agreement for State Project No. 30-4(159) for the utilities relocation as part of the Highway 30 replacement project from 12th Avenue to 7th Avenue and marked as Exhibit "1", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2018-126 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Ingalls Crossing Tenth Addition, an addition to the City of Kearney between the City of Kearney and Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm for the installation of paving, water and storm sewer improvements to serve Ingalls Crossing Tenth Addition.

RESOLUTION NO. 2018-126

WHEREAS, on the 22nd day of March, 2016 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2016-51 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm to construct paving, water and storm sewer improvements to serve Ingalls Crossing Tenth Addition, an 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 for paving, water and storm sewer to serve the property described as Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:

STANLEY A. CLOUSE

LAUREN BRANDT
CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

13. Adopt Resolution No. 2018-127 approving the Joint Agreement on Aerial Photography and GIS between Buffalo County, Nebraska and the City of Kearney to contract with Pictometry International Corporation to provide aerial photography and other services related to the City and County GIS Systems.

RESOLUTION NO. 2018-127

WHEREAS, the City of Kearney, Nebraska, and the County of Buffalo of the State of Nebraska, desire to enter into an Joint Agreement for aerial photography and GIS.

WHEREAS, both the City of Kearney, Nebraska and the County of Buffalo of the State of Nebraska desire to provide services related to aerial photography needed for a GIS system and both parties have contracted for and received aerial photography from Pictometry International Corporation through joint agreements in 2013 and 2016 and desire to contract again with Pictometry International Corporation to provide aerial photography and other services related to GIS systems.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to execute the Joint Agreement on Aerial Photography and GIS between the City of Kearney, Nebraska, and the County of Buffalo of the State of Nebraska. A copy of the said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Adopt Resolution No. 2018-128 authorizing the appointment of Eric Hellriegel to replace Paul Briseno as the City of Kearney board representative on the Nebraska Community Energy Alliance.

RESOLUTION NO. 2018-128

WHEREAS, on November 24, 2015, City Council approved Resolution No. 2015-236 on the Interlocal Cooperation Agreement between the Nebraska Community Energy Alliance (NCEA) and the City of Kearney which authorized a City staff member to serve on the NCEA Board of Directors;

WHEREAS, former Assistant City Manager, Paul Briseno, served as the City of Kearney representative on the NCEA Board of Directors until his resignation on May 25, 2018;

WHEREAS, per the requirements of the Interlocal Cooperation Agreement, a vacancy on the Board of Directors shall be filled by appointment of a new representative by resolution of the applicable governing body represented by the vacant Board member;

WHEREAS, the City Manager recommends current Assistant City Manager, Eric Hellriegel, replace and fulfill the vacant City of Kearney position on the NCEA Board of Directors, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Assistant City Manager, Eric Hellriegel, as proposed by the City Manager of the City of Kearney, Nebraska, is hereby appointed to replace and fulfill the vacant City of Kearney position on the NCEA Board of Directors, effective immediately.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2018-129 approving Change Order No. 3 showing an increase in the amount of \$93,076.92 submitted by Paulsen, Inc. and approved by Alfred Benesch & Company for AIP Project No. 3-31-0045-030/031 for Runway 18/36 Reconstruction at the Kearney Regional Airport.

RESOLUTION NO. 2018-129

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with the Runway 18/36 Reconstruction (AIP 3-31-0045-030/031) 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 \$93,076.92, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$11,894,678.80
Change Order No. 1 (1-24-2018)	Modify Calendar Day allowance & CSPP/Phasing Plans & Specs
Change Order No. 2 (2-27-2018)	+ 188,878.65
Change Order No. 3 (8-14-2018)	+ <u>93,076.92</u>
Overall Net Change of All Change Orders to Date	\$ 281,955.57
Contract Sum to Date	\$12,176,634.37

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 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Accept the bids received for the Solids Handling Building at the Wastewater Treatment Facility and adopt Resolution No. 2018-130 (2018-113) awarding the bid to Walters Morgen Construction, Inc. in the amount of \$3,976,000.00 and approving Change Order No. 1 showing a decrease in the amount of \$772,700.00 approved by Miller & Associates.

RESOLUTION NO. 2018-130

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on July 17, 2018 at 2:00 p.m. for the construction of the Solids Handling Building at the Wastewater Treatment Facility; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$2,581,000.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Walters-Morgan Construction, Inc. of Manhattan, Kansas in the amount of \$3,976,000.00 be accepted as the lowest responsible bid for the construction of the Solids Handling Building at the Wastewater Treatment Facility; and

WHEREAS, the City's engineer, Miller & Associates, has filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$772,700.00 as shown on Exhibit "A" attached hereto and made a part hereby of reference.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Walters-Morgan Construction, Inc. be and is the lowest responsible bidder for the Solids Handling Building at the Wastewater Treatment Facility to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Walters-Morgan Construction, Inc. in the amount of \$3,976,000.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$2,581,000.00 be and is hereby accepted.

BE IT FURTHER 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" be and are hereby accepted and approved.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and are 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 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Adopt Resolution No. 2018-131 to approve the request from Kearney Public Schools to remove parking on the east and west side of 5th Avenue from 15th Street to 16th Street from 8:00 a.m. to 4:00 p.m. during Monday through Friday of the school year.

RESOLUTION NO. 2018-131

WHEREAS, Kearney Public Schools, specifically the Kearney Education Center and Bright Futures Pre-Schools, located at 1511 5th Avenue, have submitted a written request to the City of Kearney to eliminate parking on 5th Avenue, from 15th Street to 16th Street from the hours of 7:00 a.m. to 4:00 p.m., on School Days Only, in order to

provide a safer school zone for students, parents and staff due to increased traffic volume during these hours on 5th Avenue;

WHEREAS, Kearney Public Schools has contacted the adjacent neighbors on 5th Avenue from 15th Street to 16th Street and have received their verbal and written consent, as shown in the attached Exhibit "A"; and

WHEREAS, the Public Works Department and the Police Department have reviewed the request and based on analysis of previously approved school parking designations, recommend that 5th Avenue, from 15th Street to 16th Street from the hours of 8:00 a.m. to 4:00 p.m., on School Days Only be designated "No Parking 8:00 a.m. to 4:00 p.m., School Days Only".

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that 5th Avenue, from 15th Street to 16th Street from the hours of 8:00 a.m. to 4:00 p.m., on School Days Only be designated "No Parking 8:00 a.m. to 4:00 p.m., School Days Only".

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating these areas as directed by this Resolution.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney that this resolution be effective only during the school months of each year.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

19. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:

a) In an 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Thursday, August 30, 2018 from 4:00 p.m. until 12:00 a.m. for a football tailgating event;

b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 8, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

c) In a 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, September 15, 2018 from 11:00 a.m. until 6:00 p.m. for a football tailgating event;

d) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 15, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

e) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 15, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

f) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 22, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

g) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 22, 2018 from 3:00 p.m. until 1:00 a.m. for a cage fighting event;

h) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807

Avenue N, on Sunday, September 30, 2018 from 4:00 p.m. until 12:00 a.m. for a car show;

i) In an 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, October 6, 2018 from 9:00 a.m. until 5:00 p.m. for a football tailgating event;

j) In an 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, October 20, 2018 from 9:00 a.m. until 5:00 p.m. for a football tailgating event; and

k) In an 100' x 40' outdoor fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, November 3, 2018 from 9:00 a.m. until 5:00 p.m. for a football tailgating event.

20. Adopt Resolution No. 2018-132 approving the Purchase Agreement and Developer Infrastructure and Annexation Agreement between the City of Kearney and Diamond Rentals, LLC and Mead Rentals, LLC for a tract of land being Lot 1, Patriot Second Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2018-132

WHEREAS, the City of Kearney is the owner of a tract of land being Lot 1, Patriot Second Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, there has been an offer to purchase this lot for \$250,000; and

WHEREAS, it has been proposed that the City agree to the sale of this parcel of land, as shown on the Purchase Agreement, Developer Infrastructure and Annexation Agreement and Right of First Refusal to Purchase Property between the City of Kearney and Diamond Rentals, LLC and Mead Rentals, LLC;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Purchase Agreement on behalf of the City of Kearney, as shown on Exhibit "A", attached hereto and made a part hereof by reference and that the Mayor be and is hereby authorized and directed to execute the Developer Infrastructure and Annexation Agreement and Right of First Refusal to Purchase Property on behalf of the City of Kearney, as shown on Exhibit "B", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8266 CODE AMENDMENT

Council Member Clouse introduced Ordinance No. 8266 amending Section 8-807 "School Crossing With Yellow Flashing Lights" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the City Code to remove the designation of a school crossing with yellow flashing lights located at 17th Avenue at 41st Street 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 for Ordinance No. 8266. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8266 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8266 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8266 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. 8267 CREATING PAVING DISTRICT 2018-991

Council Member Clouse introduced Ordinance No. 8267 creating Paving Improvement District No. 2018-991 for 54th Street westerly 49 feet from the west corner of 17th Avenue Place, thence northerly 310 feet dissecting Lot 2, Block One, Northridge Retirement Subdivision, thence westerly 345.1 feet to the west lot line of said Lot 2, Block One, Northridge Retirement Subdivision, thence westerly 55.71 feet thence southerly 310 feet, thence southerly along the west lot lines of Lots 17, 16 and 15, Northridge Estates of Kearney, a distance of 250 feet, thence easterly dissecting Lots 15, 12 and 7, Northridge Estates of Kearney, a distance of 401 feet, thence northerly 250 feet dissecting Lots 7, 8, and 9, Northridge Estates 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 for Ordinance No. 8267. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which

resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8267 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8267 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8267 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. 8268 CREATING WATER DISTRICT 2018-589

Council Member Clouse introduced Ordinance No. 8268 creating Water District No. 2018-589 for 54th Street from the northwest corner of Lot 17, Northridge Estates of Kearney, thence southerly 95 feet to the south lot line of Lot 17, Northridge Estates of Kearney, thence easterly 320 feet to the east lot line of Lot 10, Northridge Estates of Kearney, thence northerly 95 feet to the northeast corner of Lot 10, thence easterly 81 feet along the north lot line of Lot 9, Northridge Estates of Kearney, thence northerly 310 feet dissecting Lot 2, Block One, Northridge Retirement Subdivision, thence westerly 345.1 feet to the west lot line of Lot 2, Block One, Northridge Retirement Subdivision, thence westerly 55.71 feet thence southerly 310 feet to the northwest corner of Lot 17, Northridge Estates 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 for Ordinance No. 8268. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8268 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8268 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8268 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. 8269 CREATING SANITARY SEWER DISTRICT 2018-525

Council Member Clouse introduced Ordinance No. 8269 creating Sanitary Sewer District No. 2018-525 for 54th Street from the northwest corner of Lot 17, Northridge Estates of Kearney, thence southerly 95 feet, thence easterly 320 feet to the east lot line of Lot 10, Northridge Estates of Kearney, thence northerly 95 feet to the northeast corner of Lot 10, thence easterly 81 feet along the north lot line of Lot 9, Northridge Estates of Kearney, thence northerly 310 feet dissecting Lot 2, Block One, Northridge Retirement Subdivision, thence westerly 345.1 feet to the west lot line of Lot 2, Block One, Northridge Retirement Subdivision, thence westerly 55.71 feet thence southerly 310 feet to the northwest corner of Lot 17, Northridge Estates 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 for Ordinance No. 8269. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8269 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8269 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8269 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. 8270 CREATING PAVING IMPROVEMENT DISTRICT 2018-992

Council Member Clouse introduced Ordinance No. 8270 creating Paving Improvement District No. 2018-992 for 17th Avenue Place from the northeast corner of Lot 9, thence westerly 130 feet to the west lot line of Lot 9, thence southerly 401.43 feet to the south lot line of Lot 6, thence easterly 319.99 feet to the east lot line of Lot 5, thence northerly 401.78 feet to the north lot line of Lot 2, thence westerly 190 feet to the northeast corner of Lot 9, all in Northridge Estates 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 for Ordinance No. 8270.

President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8270 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8270 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8270 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. 8271 CREATING WATER DISTRICT 2018-590

Council Member Clouse introduced Ordinance No. 8271 creating Water District No. 2018-590 for 17th Avenue Place from the northeast corner of Lot 9, thence westerly 130 feet to the west lot line of Lot 9, thence southerly 401.43 feet to the south lot line of Lot 6, thence easterly 319.99 feet to the east lot line of Lot 5, thence northerly 401.78 feet to the north lot line of Lot 2, thence westerly 190 feet to the northeast corner of Lot 9, all in Northridge Estates 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 for Ordinance No. 8271. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8271 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8271 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8271 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. 8272 CREATING SANITARY SEWER DISTRICT 2018-526

Council Member Clouse introduced Ordinance No. 8272 creating Sanitary Sewer District No. 2018-526 for 17th Avenue Place from the northeast corner of Lot 9, thence westerly 130 feet to the west lot line of Lot 9, thence southerly 401.43 feet to the south lot line of Lot 6, thence easterly 319.99 feet to the east lot line of Lot 5, thence northerly 401.78 feet to the north lot line of Lot 2, thence westerly 190 feet to the northeast corner of Lot 9, all in Northridge Estates 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 for Ordinance No. 8272. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8272 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8272 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8272 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. 8273 CREATING PAVING DISTRICT 2018-993

Council Member Cloues introduced Ordinance No. 8273 creating Paving Improvement District No. 2018-993 for 18th Avenue Place from the northeast corner of Lot 17, thence westerly 130 feet to the west lot line of Lot 17, thence southerly 400.7 feet to the south lot line of Lot 14, thence easterly 320 feet to the east lot line of Lot 13, thence northerly 401.43 feet to the north lot line of Lot 10, thence easterly 190 feet to the northeast corner of Lot 17, all in Northridge Estates 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 for Ordinance No. 8273. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8273 by

number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8273 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8273 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. 8274 CREATING WATER DISTRICT 2018-591

Council Member Clouse introduced Ordinance No. 8274 creating Water District No. 2018-591 for 18th Avenue Place from the northwest corner of Lot 16, thence southerly 305.70 feet to the southwest lot line of Lot 14, thence easterly 320 feet to the southeast lot line of Lot 13, thence northerly 306.43 feet to the northeast lot line of Lot 11, thence easterly 130 feet to the northwest corner of Lot 11, thence northerly 95 feet to the northwest corner of Lot 10, thence westerly 60 feet to the northeast corner of Lot 17, thence southerly 95 feet to the southeast corner of Lot 17, thence westerly 130 feet to the northwest corner of Lot 16, all in Northridge Estates 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 for Ordinance No. 8274. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8274 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8274 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8274 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. 8275 CREATING SANITARY SEWER DISTRICT 2018-527

Council Member Clouse introduced Ordinance No. 8275 creating Sanitary Sewer

District No. 2018-527 for 18th Avenue Place from the northwest corner of Lot 16, thence southerly 305.70 feet to the southwest lot line of Lot 14, thence easterly 320 feet to the southeast lot line of Lot 13, thence northerly 306.43 feet to the northeast lot line of Lot 11, thence easterly 130 feet to the northwest corner of Lot 11, thence northerly 95 feet to the northwest corner of Lot 10, thence westerly 60 feet to the northeast corner of Lot 17, thence southerly 95 feet to the southeast corner of Lot 17, thence westerly 130 feet to the northwest corner of Lot 16, all in Northridge Estates 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 for Ordinance No. 8275. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8275 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8275 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8275 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. 8276 SELLING PROPERTY

Council Member Clouse introduced Ordinance No. 8276 selling proposed Lot 1, Patriot Second Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. to Diamond Rentals, LLC and Mead Rentals, LLC 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 for Ordinance No. 8276. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8276 by number. Roll call of those in favor of the passage of said ordinance on the

first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8276 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8276 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

REDEVELOPMENT PROJECT FOR GOODFELLOW'S PAINTING AND BODY, INC LOCATED AT 107 AND 115 SOUTH EAST RAILROAD STREET

Mayor Clouse opened for discussion the redevelopment project submitted by Goodfellow's Paint and Body, Inc. for Redevelopment Area #3 for an area described as Lot 1 and Lot 2, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (107 and 115 South East Railroad Street) and consider Resolution No. 2018-133.

Wendell Wessels, Finance Director, presented this matter to the Council. Goodfellow's Paint and Body, Inc. is considering constructing a 7,500 square foot building located between Avenue A and Avenue B on South Railroad Street and includes approximately 20,000 square feet. The new estimated value of the land is \$550,000; the current valuation is approximately \$59,000; therefore, the increment in the valuation will be about \$490,000 which will create about \$8,842 in additional real estate taxes. The developer is requesting project costs totaling \$89,733 construction costs outlined in their application. On July 30, 2018 the CRA recommended granting 60% of the annual increment in real estate taxes not to exceed the lesser of \$58,425 or the certified eligible project cost over a period not to exceed 11 years beginning in tax year 2019. Administration recommends approval with the same stipulations.

Moved by Lear seconded by Buschkoetter to approve Resolution No. 2018-133 approving the redevelopment project submitted by Goodfellow's Paint and Body, Inc. for Redevelopment Area #3 for an area described as Lot 1 and Lot 2, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (107 and 115 South East Railroad Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2018-133

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21,

Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #3 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lot 1 and Lot 2, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel IDs 600615000 and 600616000); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 1 and Lot 2, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel IDs 600615000 and 600616000) is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real

property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1 and Lot 2, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel IDs 600615000 and 600616000) shall be divided, for a period not to exceed 11 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

**REDEVELOPMENT PROJECT FOR KEARNEY INVESTMENT CORPORATION
LOCATED NORTH OF TALMADGE STREET AND WEST OF 6TH AVENUE**

Mayor Clouse opened for discussion the redevelopment project submitted by Kearney Investment Corporation for Redevelopment Areas #2 & #8 for an area described as Lot 1 and Outlot A, Younes Center Sixth Addition, an addition to the City of Kearney,

Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and consider Resolution No. 2018-134.

Craig Bennett from Miller & Associates presented this matter to the Council. This project has gone through Planning Commission, CRA and City Council. The property is located in Younes Center Sixth Addition which has now been recorded and contains approximately 17.75 acres. He desired to present a few new development updates regarding landscaping, infrastructure, facade for the area and explained the proposed improvements.

Moved by Buschkoetter seconded by Clouse to approve Resolution No. 2018-134 approving the redevelopment project submitted by Kearney Investment Corporation for Redevelopment Areas #2 & #8 for an area described as Lot 1 and Outlot A, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2018-134

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #2 and #8 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lot 1 and Outlot A, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID _____); and

WHEREAS, the City Council has determined that the proposed Redevelopment

Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 1 and Outlot A, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID _____) is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1 and Outlot A, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID _____) shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file

with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

GENERAL BUSINESS OCCUPATION TAX PROJECT APPLICATION AND AGREEMENT FOR KEARNEY INVESTMENT CORPORATION

Mayor Clouse opened for discussion the General Business Occupation Tax (GBOT) project application and agreement submitted Kearney Investment Corporation for Redevelopment Areas #2 and #8 for an area described as all of Younes Center Addition, all of Younes Center Third Addition, all of Younes Center Fourth Addition, all of Younes Center Fifth Addition, all of Younes Center Sixth Addition, all of Gealy's Addition, a subdivision being part of Government Lot 6 and accretions, all of Lot E Interstate Subdivision, all of Lot 1, Block Two, Interstate Third Subdivision, and part of Government Lots 6, 7, and 9, and accretions thereto, all in Section 11, and part of the Northeast Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Interstate 80, West of 2nd Avenue and 4th Avenue, South of the North Channel Platte River and East of Talmadge Street and a portion of Third Street) and consider Resolution No. 2018-135.

Wendell Wessels, Finance Director, presented this matter to the Council. This is a project that began a few months ago. Per state statute under the Community Redevelopment Law, allows for a General Business Occupation Tax (GBOT) in an Enhanced Employment Area (EEA) to be used for qualified, eligible costs. On July 10, 2018, the City Council approved the amended Redevelopment Plans for Area #2 and #8 to include an EEA. This application is requesting \$3,384,978.00 and includes the items that would be paid for using the GBOT tax. The tax is proposed at one percent on all the same taxable items that are subject to state sales tax. The GBOT agreement would then come back to the CRA on August 15, 2018 (should City Council approve tonight), along with another item requesting approval of a bond issue that would be issued to provide the proceeds for these costs. The GBOT would then be used to pay back the buyer of the bonds. Overall, the GBOT levies a one percent tax in the EEA to generate the revenues to pay off the bonds.

Moved by Clouse seconded by Nikkila to approve Resolution No. 2018-135 approving the General Business Occupation Tax (GBOT) project application and agreement submitted Kearney Investment Corporation for Redevelopment Areas #2 and #8 for an area described as all of Younes Center Addition, all of Younes Center Third Addition, all of Younes Center Fourth Addition, all of Younes Center Fifth Addition, all of Younes Center Sixth Addition, all of Gealy's Addition, a subdivision being part of Government Lot 6 and accretions, all of Lot E Interstate Subdivision, all of Lot 1, Block Two, Interstate Third Subdivision, and part of Government Lots 6, 7, and 9, and accretions thereto, all in Section 11, and part of the Northeast Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Interstate 80, West of 2nd Avenue and 4th Avenue, South of the North Channel Platte River and East of Talmadge Street and a portion of Third Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2018-135

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, APPROVING A GENERAL BUSINESS OCCUPATION TAX AGREEMENT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY KEARNEY INVESTMENT CORPORATION D/B/A HOLIDAY INN HOTEL & CONVENTION CENTER, AS SET FORTH IN THE "AMENDMENT TO THE AREA 2 AND AREA 8 REDEVELOPMENT PLANS OF THE CITY OF KEARNEY, NEBRASKA (YOUNES REDEVELOPMENT PROJECT)".

WHEREAS, the Mayor and Council of the City of Kearney, Nebraska (the "City"), previously approved a redevelopment plan amendment entitled "Amendment to the Area 2 and Area 8 Redevelopment Plans of the City of Kearney, Nebraska (Younes Redevelopment Project)" as hereafter may be supplemented and amended (the "Plan"); and

WHEREAS, the Plan set forth the designation of an "enhanced employment area" as defined in section 18-2103(11), Nebraska Revised Statutes sections 18-2101 et. seq., as amended (the "Act"); and

WHEREAS, on August 14, 2018, pursuant to section 18-2142.02 of the Act, the Mayor and Council of the City passed Ordinance No. 8277 authorizing the levy of a general business occupation tax upon all non-exempt businesses and users of space within the enhanced employment area to reimburse Kearney Investment Corporation d/b/a Holiday Inn Hotel & Convention Center ("Redeveloper") for certain eligible costs of the redevelopment project set forth in the Plan pursuant to the Act; and

WHEREAS, the Mayor and City Council for the City has for its consideration, attached hereto and incorporated herein as Exhibit "A", a proposed form of the General Business Occupation Tax Agreement by and between Redeveloper, the Community Redevelopment Authority for the City (the "CRA") and the City, with respect to a redevelopment project specified in the Plan and application of the proceeds generated from the general business occupation tax levied within the enhanced employment area.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Kearney, Nebraska, that the General Business Occupation Tax Agreement by and between Redeveloper, the CRA and the City, in the form presented, is hereby

acknowledged and approved. The Mayor and City Clerk are hereby authorized to execute said General Business Occupation Tax Agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The execution and delivery by the Mayor of the General Business Occupation Tax Agreement, or any such documents, instruments, agreements or certifications relating to such matters contained in the General Business Occupation Tax Agreement, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

PASSED AND ADOPTED THIS 14TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ORDINANCE NO. 8276 AUTHORIZING ISSUANCE OF A ONE PERCENT GENERAL BUSINESS OCCUPATION TAX (GBOT)

Council Member Nikkila introduced Ordinance No. 8276 authorizing the issuance of a one percent General Business Occupation Tax (GBOT) to be used to pay for infrastructure and related costs associated with the construction of a hotel and convention center for an area described as all of Younes Center Addition, all of Younes Center Third Addition, all of Younes Center Fourth Addition, all of Younes Center Fifth Addition, all of Younes Center Sixth Addition, all of Gealy's Addition, a subdivision being part of Government Lot 6 and accretions, all of Lot E Interstate Subdivision, all of Lot 1, Block Two, Interstate Third Subdivision, and part of Government Lots 6, 7, and 9, and accretions thereto, all in Section 11, and part of the Northeast Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Interstate 80, West of 2nd Avenue and 4th Avenue, South of the North Channel Platte River and East of Talmadge Street and a portion of Third Street) 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 Lear seconded the motion to suspend the rules for Ordinance No. 8276. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8276 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8276 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8276 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.

SETTLEMENT AGREEMENT ENTERED INTO BY EMC ON BEHALF OF THE CITY

Mayor Clouse opened for discussion on the settlement agreement entered into by EMC on behalf of the City with Crystal Wright in the amount of \$1,000,000 which has been paid by EMC per the City's law enforcement liability coverage.

Mike Tye, City Attorney, presented this matter to the Council. Pursuant to Nebraska Revised Statute §84-713(3), any settlement agreement with an amount of financial consideration of \$50,000.00 or more shall be included as an agenda item at the next meeting of a public agency for informational purposes. The City's insurance carrier has recently entered into a Release and Settlement Agreement with Crystal Wright with a payment of \$1,000,000.00 for a claim for injuries sustained by Ms. Wright as a result of an accident on October 27, 2017, which involved a pursuit by the Kearney Police Department. The City's insurance carrier has negotiated this Settlement and the settlement proceeds come entirely from insurance coverage except for the City's \$10,000.00 deductible. On October 27, 2017, a Kearney Police Officer attempted to pull over a vehicle and the driver refused to comply which resulted in a police pursuit. Ms. Wright was a passenger in this vehicle. The vehicle being pursued ended up leaving the roadway and hitting an embankment. Ms. Wright was ejected from the vehicle and suffered significant injuries including the loss of an eye as well as a head injury resulting in permanent cognitive loss as well as other significant injuries. The officer that engaged in the pursuit complied with the department's pursuit policy and was not negligent in his actions during this incident. However, pursuant to Nebraska Revised Statute §13-911(1), in cases involving injury of any innocent third party proximately caused by the action of a law enforcement officer during vehicular pursuit, damages are to be paid to such innocent third party by the political subdivision. The Nebraska courts have determined that this statutory section has created strict liability on the part of the City when injuries have occurred to an innocent third party during a vehicular pursuit. Pursuant to Nebraska law, the City's liability is capped at \$1,000,000.00. This is for informational purposes only and does not need to be voted on.

Council Member Buschkoetter requested a review of the definition of strict liability. Mr. Tye stated once the police officer engages in a pursuit and an innocent third party is injured, the law enforcement agency is strictly liable; this applies to State Patrol and Sheriff's Departments as well.

Council Member Lear questioned if Mr. Tye was aware of any other states that have a similar law regarding settlements for third party injuries. Mr. Tye stated he was not aware of any.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$14,808.99 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained.

Lammers absent. Motion carried.

VII. REPORTS

Michael Morgan, City Manager, provided a brief update on various City projects.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:12 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**