

Kearney, Nebraska
September 13, 2016
5:30 p.m.

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 5:30 p.m. on September 13, 2016 in the Council Chambers at City Hall. This meeting adjourned at 5:36 p.m. A meeting of the City Council of Kearney, Nebraska, was then convened in open and public session at 5:37 p.m. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator; Andy Harter, Assistant Public Works Director; Dan Lillis, Engineering Assistant were also present. Some of the citizens present in the audience included: Jacque Haupt, Joene Crocker, Mike Kalb, Craig Bennett, 9 UNK students, Jessica Kokesh from Kearney Hub.

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

I. ROUTINE BUSINESS

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

FINAL PLAT FOR DANCO KN ADDITION LOCATED AT 108 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Danco II 2767 LLC, a Nebraska Limited Liability Company, for the Final Plat for Danco KN Addition, an addition to the City of Kearney for a tract of land being

part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (108 2nd Avenue) and consider Resolution No. 2016-145.

Craig Bennett from Miller & Associates presented this matter to the Council. They want to do some improvements to the property. It was never platted so it is a parcel that is completely within city limits. The property is bound on the north by Talmadge Street on the west at a point on 3rd Avenue and it is on the east by 2nd Avenue. The property contains an existing gas station, convenience store, parking lot with some ingress/egress across it and has access onto Talmadge Street.

The property is currently zoned C-2; they are not asking to rezone at this time. They are presenting the final plat of the same legal description. The preliminary plat that went before Planning Commission was approved. There is an easement that exists, an ingress/egress from Talmadge to the parcel which is the Holiday Inn property. It does exist so it will be remaining here but there is a note that they have added to the final plat that basically disconnects this point of access. Because it is an easement in place that goes with the property for a couple different deeds it will still remain there.

They also added an additional 5-foot utility easement for NPPD along the north side for their transmission main.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2016-145** approving the Application submitted by Miller & Associates for Danco II 2767 LLC, a Nebraska Limited Liability Company, for the Final Plat for Danco KN Addition, an addition to the City of Kearney for a tract of land being part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (108 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2016-145

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of DANCO KN Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 5 located in Section 11, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska, more particularly described as follows: Beginning at a point 810.0 feet North and 131.8 feet Westerly of the Southeast Corner of said Section 11, said point also being the point of intersection of the South line of Talmadge Street, a street in the City of Kearney, Buffalo County, Nebraska and the West line of Nebraska State Highway No. 44/2nd Avenue; thence in a Westerly direction on the South line of said Talmadge Street a distance of 290.0 feet; thence leaving the South line of said Talmadge Street in a Southerly direction and with a deflection angle to the left of 90°00' a distance of 200.0 feet; thence in an Easterly direction with a deflection angle to the left of 90°53' a distance of 258.5 feet to a point on the West line of said Nebraska State Highway No. 44/2nd Avenue; thence in a Northerly direction with a deflection angle to the left of 79°56' and on the West line of said Nebraska State Highway No. 44/2nd Avenue a distance of 198.7 feet to the place of beginning, containing 1.248 acres, more

or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT OF HILLTOP MALL SECOND LOCATED AT 4915 2ND AVENUE

Mayor Clouse stated the City was notified today to postpone until October 11, 2016 the public hearing on the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for (1) the vacation of Lot 1, Hilltop Mall Subdivision; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

Moved by Lammers seconded by Lear to postpone until October 11, 2016 the public hearing on the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for (1) the vacation of Lot 1, Hilltop Mall Subdivision; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

DEVELOPMENT PLANS FOR PROPERTY LOCATED NORTHEAST OF 2ND AVENUE AND 48TH STREET, WEST OF HERBERGERS

Mayor Clouse stated the City was notified today to postpone until October 11, 2016 the public hearing on the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers, LLC for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers).

Moved by Lammers seconded by Lear seconded to postpone until October 11, 2016 the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers,

LLC for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

AMEND ORDINANCE NO. 7631 REZONING PROPERTY SOUTH OF 56TH STREET, WEST OF NPPD'S SUBSTATION AND EAST OF ANTELOPE AVENUE

Mayor Clouse opened the public hearing on the Application submitted by City of Kearney to amend the rezoning of property described as a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street, west of NPPD's substation and east of Antelope Avenue) to remove the conditions/design standards placed on District BP/PD, Business Park/Planned Development Overlay District on said parcel of land and consider Ordinance No. 7631A.

Assistant City Manager Paul Briseno presented this matter to the Council. This is a piece of land that is located at the northwest section of Antelope Avenue and 56th Street. The area was rezoned in 2011 to Business Park/Planned Development and at that point in time they were recruiting a data center and they asked to place additional requirements and design standards on here which are quite restrictive. That opportunity fell through and in order to bring in other businesses and not make it so restrictive they are requesting to remove those conditions.

They are asking to eliminate these requirements which would allow a developer to develop more of the site. Since it is a PD, in the future anytime they should bring the changes forward it will be brought forward to Planning Commission as well as the City Council. The City does own the property.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by City of Kearney to amend the rezoning of property described as a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street, west of NPPD's substation and east of Antelope Avenue) to remove the conditions/design standards placed on District BP/PD, Business Park/Planned Development Overlay District on said parcel of land and introduced Ordinance No. 7631A 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 7631A. 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, Lammers, Buschkoetter. Nay: None. Nikkila 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. 7631A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7631A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7631A 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.

AMENDMENTS TO CITY CODE

Mayor Clouse opened the public hearing on the amendments to the following chapters/sections of the City Code as follows: Chapter 14 "Zoning District Regulations" to add clarification for Industrial Use Types and Miscellaneous Use Types in Table 14-1 "Use Matrix"; Chapter 31 "District M-1, Limited Industrial District" to add a new section setting forth performance standards in M-1 Industrial District; Chapter 32 "District M-2, General Industrial District" to add a new section setting forth performance standards in M-2 Industrial District; Chapter 46 "Supplemental Use Regulations" to amend Section 46-107 "Supplemental Use Regulations: Industrial Uses" to replace the reference of City Planner with Public Works; to set forth conditions for construction batch plants; and to delete Section 46-108 "Performance Standards in Industrial Districts; Chapter 48 "Landscaping and Screening Standards" to amend Section 48-109 "General Provisions" to provide clarification for the maintenance of required landscaping; Chapter 49, "Off-Street Parking" to amend Table 49-1: Minimum Off-Street Parking Requirements of Section 49-103 "Schedule of Off-Street Parking Requirements" to amend the requirements for financial services and medical offices; Chapter 49, "Off-Street Parking" to amend Table 49-5: Off-Street Stacking Requirements of Section 49-109 "Stacking Requirements for Drive-Through Services" to provide requirements for coffee shops; and to provide all drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue except for such drive-up facilities that have no public indoor seating; Chapter 49, "Off-Street Parking" to amend Section 49-109 "Stacking Requirements for Drive-Through Services" to provide all drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue except for such drive-up facilities that have no public indoor seating and to consider Ordinance No. 8096.

City Planner Coelette Gruber presented this matter to the Council. She stated they are reverting responsibility from one department to the other in the case of erosion control. They are doing some movement of text that will stay the same from one part of code to another part of code where it is more readily found, such as construction batch plant information and performance standards for M-1 and M-2 districts. They are also doing a little bit of deeper description of what maintaining landscape is in the landscape code.

The other issues pertain to parking. They are amending code for financial institutions and medical services. In the case of financial institutions, since the evolution of banking has changed and there is not as many people going inside, they are lessening their need for parking so they are going from one parking space for 250 square feet to one parking space per 350 square feet. This will enable them to develop their lots more efficiently.

In the case of medical and dental offices they are taking away the requirement that determines parking spaces by the number of doctors and dentists.

They are looking to add coffee shops to the off-street parking requirements table and then they are doing away with drive-thru pass by lanes in drive-up facilities that do not have indoor public seating.

Council Member Lammers asked if there has been a lot of comments about truck parking that occur. City Planner stated they have one change of code that is not hearing relevant that is taking place in Chapter 8 that does not allow for commercial truck parking in an M-1 zone next to a residential use. Where they suggested it to Planning Commission was in Chapter 46 and what they were asking for in that case was a better determination for what a commercial truck was.

In the code section of Chapter 8 it tells specifically what the type of truck is that cannot be parked and what determines that time that parking is. That is why they are bringing forward to you straight in Chapter 8 because it answers their questions there.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the proposed amendments and introduced Ordinance No. 8096 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 Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8096. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 8096 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8096 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8096 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.

ADOPT CITY OF KEARNEY 2016-2017 FISCAL YEAR BUDGET

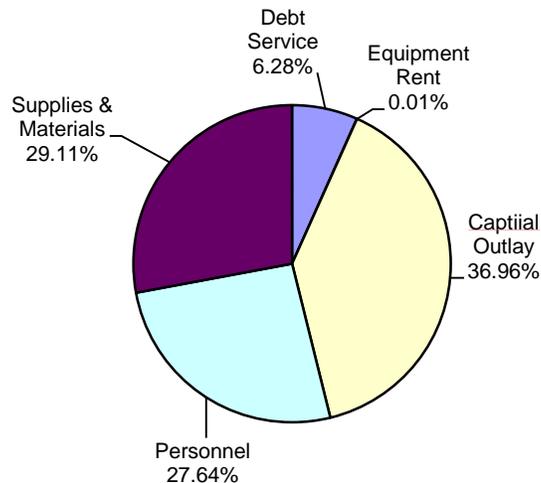
Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2016-2017 Fiscal Year and consider Ordinance No. 8097.

Director of Finance Wendell Wessels presented this matter to the Council.

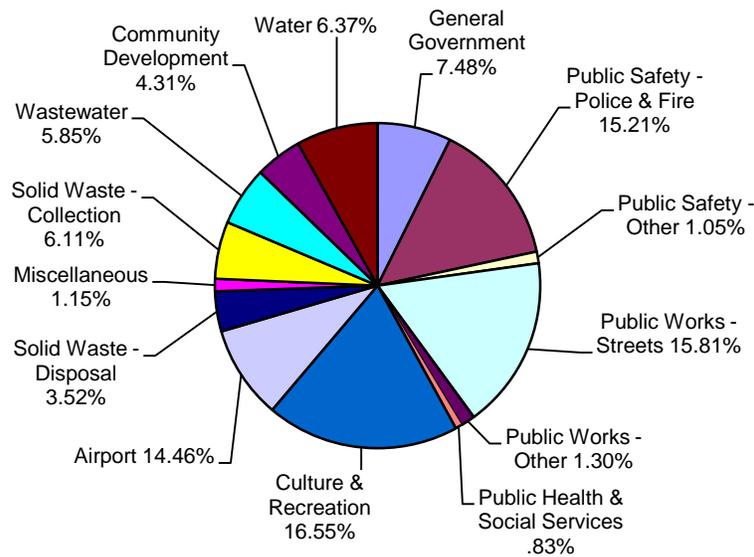
City of Kearney Proposed Expenditures

Expenditures:	<u>FY16</u>	<u>FY17</u>
▪ General Fund	\$22,575,144	\$23,519,923
▪ Special Revenue Funds	\$8,099,455	\$8,562,721
▪ Capital Project Funds	\$20,274,457	\$16,288,465
▪ Debt Service Funds	\$3,314,057	\$1,803,339
▪ Enterprise Funds	\$28,323,224	\$30,417,118
▪ Internal Service Funds	\$7,039,664	\$8,094,980
▪ Fiduciary Funds	\$616,237	\$616,237
Total	\$90,242,238	\$89,302,783

City of Kearney All Funds by Object



City of Kearney Budget by Function



City of Kearney Personnel

- 3% Pay Plan Adjustment – Governmental Funds \$325,000
- 3% Pay Plan Adjustment – Proprietary Funds \$143,000
- Total 3% Pay Plan Adjustment \$468,000
- Position additions/removals:
 - Add full-time Fire Engineer – Fire
 - Add full-time Senior Facilities Maintenance Worker – Park
 - Add full-time Facilities Maintenance Worker – Park
 - Add full-time Equipment Operator – Sanitation Collection

City of Kearney Capital Outlay

▪ General Fund	\$1,261,792
▪ Special Revenue Funds	\$1,286,000
▪ Capital Project Funds	\$14,159,644
▪ Enterprise Funds	\$15,704,492
▪ Internal Service Funds	<u>\$116,000</u>
Total	\$32,527,928

City of Kearney Capital Outlay – Top Ten Projects (in value)

1. Primary Runway 18/36 reconstruction (FAA)	\$10,000,000
2. Patriot Park (bond)	\$4,330,000
3. 56th Street, 6th Avenue to 19th Avenue (paving) (bond)	\$2,940,000
4. Veterans Home (sanitary sewer, water mains)	\$1,313,416
5. 17th Avenue, 50th Street to 56th Street (paving) (bond)	\$945,000
6. Talmadge Street, 2nd Avenue to 4th Avenue (paving)	\$843,177
7. CDBG – Phase II Downtown Revitalization	\$670,000
8. 31st Street, Avenue A to Avenue D (paving)	\$550,000
9. Storage building (70' x160') – Public Works	\$500,000
10. Fixed base meter reading upgrade (SRF)	\$375,000

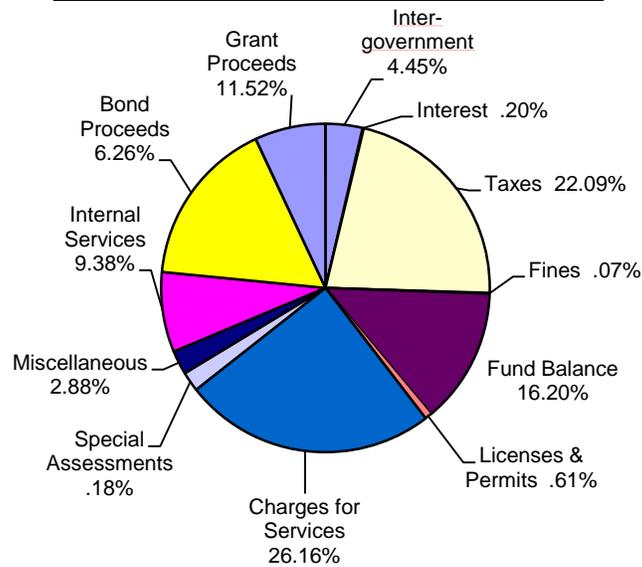
City of Kearney Debt Service (principal only)

	<u>Public Safety</u>	<u>Various Purpose</u>	<u>Revenue</u>	<u>Total</u>
Beginning	\$2,615,000	\$31,650,000	\$21,512,116	\$55,777,116
Paid off	(\$310,000)	(\$2,480,000)	(\$1,571,049)	(\$4,361,049)
New debt	\$300,000	\$3,885,000	\$1,405,790	\$5,590,790
Ending	\$2,605,000	\$33,055,000	\$21,346,857	\$57,006,857
Net change	(\$10,000)	\$1,405,000	(\$165,259)	\$1,229,741

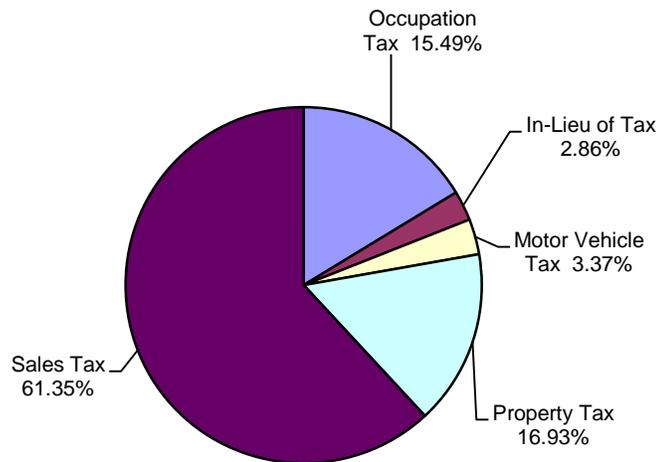
City of Kearney Proposed Revenues

Revenues:	<u>FY16</u>	<u>FY17</u>
▪ Taxes	\$19,552,028	\$19,724,492
▪ Licenses & permits	\$595,450	\$547,400
▪ Charges for services	\$22,330,883	\$23,363,572
▪ Fines	\$66,500	\$61,000
▪ Special assessments	\$1,741,456	\$159,100
▪ Interest	\$115,344	\$179,878
▪ Bond proceeds	\$14,834,281	\$5,590,790
▪ Grants	\$6,259,113	\$10,286,986
▪ Internal services	\$7,083,200	\$8,374,303
▪ Miscellaneous	\$2,558,882	\$2,574,374
▪ Intergovernmental – State	\$3,264,061	\$3,976,642
Total	\$78,401,198	\$74,838,537

City of Kearney All Funds by Source



City of Kearney Tax Revenues by Source



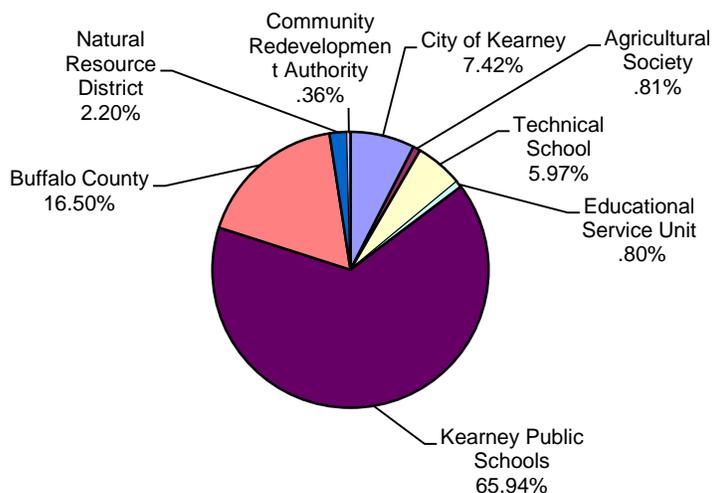
City of Kearney Proposed Property Tax Request

City of Kearney valuation (7.5% act. growth)	\$2,419,795,459
General Fund property tax requirement	\$2,954,327
Public Safety TAB Fund property tax requirement	<u>\$369,504</u>
Total property tax requirement	\$3,323,831
Total property tax levy (per \$100)	\$0.13736

Change over FY16:

Total property tax requirement (7.5% increase)	\$231,969
(\$52,402 (22.6%) will come from new construction/annexation and \$179,567 (77.4%) of will come from existing properties)	
Total property tax levy (per \$100) (7.74% decrease)	\$0.0000
Taxes on a \$176,982 home	\$243.17

City of Kearney Property Tax Distribution – 2015



City of Kearney Sales Tax Revenues

	Actual FY 15	Est. Actual FY 16	Proposed FY 17
One cent sales tax			
General Fund	\$6,417,991	\$6,453,334	\$6,453,334
Street Improvement Fund	\$1,188,692	\$1,613,333	\$1,215,802
Various Purpose Bond Fund	\$415,806	\$00	\$397,531
Subtotal	\$8,022,489	\$8,066,667	\$8,066,667
One-half cent sales tax	\$4,011,244	\$4,033,333	\$4,033,333
Total sales tax	\$12,033,733	\$12,100,000	\$12,100,000

City of Kearney Comprehensive Fee Schedule

- Cemetery – Grave openings, columbarium spaces, etc. increased
- Park – Various rental fees adjusted
- Development Services – Licenses and permit fees increased 5%
- Golf – Elite family passes added
- Solid Waste-Collection – Utility rates increased 4%
- Wastewater – Utility rates increased 3%

- Water – Utility rates increased 3%
- Airport – Agriculture land cash rents adjusted

City of Kearney Fund Balance

The following Funds do not meet the current Fund Balance Policy:

- Golf Fund deficit - \$163,051 (target is 25% of operating expenses)
- Health Insurance Fund deficit - \$??

City of Kearney Other Notable Items

- Project Honor funding source/use for FY16:
 - Economic Development Fund - \$2,700,000
 - (Environmental Factors - \$200,000)
 - (Community Services - \$600,000)
 - (Workforce Factors - \$650,000)
 - (Community Support - \$50,000)
 - (Program Enhancements - \$1,200,000)
 - Special Sales Tax Fund - \$2,100,000
 - (Physical Factors- \$2,100,000)

Council Member Lammers asked what does Cultural & Recreation usually run percentage wise. Finance Director stated it is usually down around the 10-12 percent. Mayor Clouse stated it would depend on what projects are going on.

Council Member Buschkoetter asked about the proposed expenditures and the \$2 million increase in the enterprise funds, is that because of the runway project. Finance Director confirmed it was.

Council Member Lammers asked what items would be included in the Miscellaneous Funds. Finance Director stated there are a lot of things put in there that he pulls out and includes in the internal service bond transfers. The payment from the utilities to the City general fund for administrative fees is in there. Some grants that are not federal or state would go through there. Large donations come out of there also.

Mayor Clouse asked about the Food and Beverage tax. Finance Director stated it is approximately \$950,000.

Council Member Buschkoetter asked about the Golf Fund deficit that targets 25 percent. Finance Director stated they should have \$257,000 which would be 25 percent of the operating budget of expenditures they have \$94,000; he is going to guess that is about 10 percent. He is not concerned about it at all.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2016-2017 Fiscal Year and introduced Ordinance No. 8097 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8097. 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, Lammers, Buschkoetter. Nay: None. Nikkila 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. 8097 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8097 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8097 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.

ADOPT 2016-2017 BUDGET FOR OFFSTREET PARKING DISTRICT NO. 1

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2016-2017 Fiscal Year and consider Resolution No. 2016-148.

Director of Finance Wendell Wessels presented this matter to the Council. They are estimating to start off the year with \$51,000. Total expenditures is \$111,500, total revenue is \$89,432. Finance Director discussed the expenses.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2016-2017 Fiscal Year and adopted **Resolution No. 2016-148**. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2016-148

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the City of Kearney Offstreet Parking District No. 1 presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2016 through September 30, 2017) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are

hereby appropriated for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

2016 PROPERTY TAX LEVY

Mayor Clouse opened the public hearing setting the 2016 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and consider Resolution No. 2016-149.

Director of Finance Wendell Wessels presented this matter to the Council. State statute requires a hearing if the property tax levy will be different than what the current year property tax is. The total requirement of property taxes for the upcoming fiscal year is \$3,323,831.18 which is more than the current year property tax requirements so they have to have a public hearing and set that property tax requirement.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing setting the 2016 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and adopted **Resolution No. 2016-149**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2016-149

WHEREAS, Section 77-1601.02 of the Nebraska Revised Statutes authorizes the City Council to set the 2016 property tax request for the City of Kearney; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that a 2016 property tax request be set for the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes an All-Purpose Tax Request of \$2,954,326.77 is set for the fiscal year beginning the 1st day of October, 2016 and ending on the 30th day of September, 2017 for the purpose of equipping, maintaining and paying the departments of the City of Kearney.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes, a Special Tax Request of \$369,504.41 is set for the fiscal year beginning the 1st day of October, 2016 and ending the 30th day of September, 2017 for the purpose of paying off bonds authorized by Section 18-1202 of the Nebraska Revised Statutes.

BE IT FURTHER RESOLVED that the City Clerk is hereby ordered to certify said request to the Buffalo County Clerk in order that the same may be placed on the property tax rolls and be collected in the manner provided by law.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2016.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

Mayor Clouse stated that Council member Nikkila had expressed his support the budget and thanked the City staff for all their hard work.

CDBG APPLICATION FOR COMMUNITY PRE-DEVELOPMENT PHASE I ACTIVITIES

Mayor Clouse opened the public hearing concerning an application to the Department of Economic Development requesting \$30,000 for Community Pre-Development Phase I activities and consider Resolution No. 2016-150.

Jacque Haupt from Miller & Associates presented this matter to the Council. She stated they are asking City Council's consideration on an application to the Department of Economic Development for a \$30,000 grant application. Over the last 15 years they have done grant applications for what was previously referred to as Community Revitalization Grants and those came in the form of a 3-year grant where the first year was a planning grant, the next year was development and the year after was development. They are in that same type of cycle.

They have renamed the grant program from a Community Revitalization to a Comprehensive Development Program and they are increasing the number of communities they can assist with. It is the same type of program where the first phase they are asking to be funded on is for pre-development. It is still to meet the eligibility requirements of the CDBG program which is to primarily benefit the low to moderate income residents so it will deal specifically in some census tracts that have already been identified as meeting that criteria.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing concerning an application to the Department of Economic Development requesting \$30,000 for Community Pre-Development Phase I activities and adopted **Resolution No. 2016-150**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2016-150

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$30,000 for Community Pre-Development Planning Phase I.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, by adding Subsection 21 approving the Sponsorship and Equipment Agreement with LandMark Implement.

Mayor Clouse also stated with regard to Item 20 the recommendation will be to authorize the City Manager to award the project after bids have been reviewed and the easements have been executed with the landowners.

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 21 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 23, 2016.

2. Approve the following Claims:

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

Air Cleaning Technologies \$92.50 smcs; Alamar \$6,615.96 smcs,ps; Alfred Benesch \$83,101.84 co; All Makes Auto \$2,950.31 smcs; Amazon \$2,504.64 smcs; Amer Fence \$95.00 smcs; Amer First Aid \$22.45 smcs; Anderson Bros \$393.75 smcs; Anderson,S \$231.80 smcs; Applied Industrial Tech \$524.94 smcs; Arctic Refrigeration \$562.95

smcs; Ask Supply \$1,941.85 smcs; Aurora Coop \$145.44 smcs; Auto Value \$1,049.11 smcs; Baird Holm \$2,265.00 smcs; Baker & Taylor \$10,569.55 smcs; Barco Municipal \$2,368.00 smcs; Barney Abstract \$525.00 smcs; BBW Environmental \$210.00 smcs; Blackstone Audio \$180.00 smcs; Blessing \$320,996.24 smcs,co; BlueCross BlueShield \$714,801.58 smcs; Bochart,C \$15.00 smcs; Bosselman \$10,404.88 smcs; Brilliance Publishing \$47.98 smcs; Broadfoots \$175.00 smcs; Brownells \$15.95 smcs; Buffalo Co Reg Deeds \$28.00 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Builders \$649.40 smcs,co; Burroughs,B \$31.00 smcs; Capital Business Systems \$424.93 smcs; Casey's \$71.00 smcs; Cash Wa \$10,486.09 smcs; Cengage Learning \$392.13 smcs; Center Point Publishing \$74.01 smcs; Charter \$29.99 smcs; Chavez,P \$55.00 smcs; Chesterman \$1,876.25 smcs; City of Ky \$431,159.10 ps,smcs,co; Coker,T \$85.00 smcs; Comm Health Charities \$4.00 ps; Copycat \$1,139.00 smcs; Crane River Theater \$318.75 smcs; Danko Emergency \$40.29 smcs; DAS State Accounting \$5,647.79 smcs; Dawson PPD \$2,905.86 smcs; Defender Supply \$995.01 smcs; Demco \$94.37 smcs; Deterding's Alternatives \$2,095.12 smcs; Dmilaco \$466.96 smcs; Don's Hobby Guns \$5,032.50 smcs; DPC Industries \$20,624.14 smcs; Dutton-Lainson \$1,044.30 smcs,co; Eagle Distributing \$1,475.75 smcs; Eakes \$4,102.29 smcs; Elite Tours \$44,175.00 smcs; Elliott Equipment \$1,545.77 smcs; EMC Ins \$2,605.79 smcs; Farmers Union \$56.00 smcs; FARO Technology \$5,238.00 smcs; Felsburg Holt & Ullevig \$7,352.47 smcs; Fiddelke \$180.00 smcs; Fire Rescue TV \$3,029.00 smcs; Fireguard \$17,281.36 smcs; Fisher Roofing \$12,286.75 co; Fort Ky Shooting \$6,750.00 smcs; Fort Theatre Dentistry \$500.00 smcs; Friesen Chevrolet \$2,571.28 smcs; Frontier \$94.17 smcs; FYR-Tek \$386.85 smcs; Gangwish Turf \$13.13 co; Garrett Tires \$179.45 smcs; GD Construction \$5,430.00 co; Grey House Publishing \$459.90 smcs; Hans,A \$41.57 smcs; Harley Davidson \$269.57 smcs; Harrison,R \$168.00 smcs; HD Supply \$106,321.11 co; HOA Solutions \$16,000.00 co; Holmes Plbg \$30.37 smcs; Hometown Leasing \$157.20 smcs; ICMA RC \$4,786.67 ps; IES Commercial \$25,928.99 co; IRS \$151,102.72 ps; Jack Lederman \$312.31 smcs; Jack's Uniforms \$213.89 smcs; Janssen,B \$31.00 smcs; JEO Consulting \$1,713.39 smcs; Johnson Controls \$114.05 smcs; Johnson Service \$875.00 smcs; Ky Chamber of Comm \$25.00 smcs; Ky Concrete \$167.56 smcs; Ky Hub \$2,104.05 smcs; Ky Humane Society \$633.60 smcs; Ky Literacy Council \$1,926.00 smcs; Ky Powersports \$377.11 smcs; Ky Regional Medical \$120.00 ps; Ky Towing \$1,100.00 smcs; Ky United Way \$574.50 ps; Kelly Supply \$1,092.70 smcs; Kennedy,R \$125.00 smcs; Kupec,C \$52.84 smcs; Leininger,L \$51.84 smcs; Link,M \$150.00 smcs; Lips Printing \$58.40 smcs; Logan Contracting \$95,000.00 co; Long,S \$8.21 smcs; Lundeen-Isaacson \$2,730.00 ps; Lush,S \$51.25 smcs; Lynch,D \$297.80 smcs; Mac Tool \$129.98 smcs; Magic Cleaning \$4,740.00 smcs; Maintenance Engineering \$257.52 smcs; Matheson \$193.91 smcs; Menards \$205.45 smcs,co; MetLife \$7,512.58 ps; Mid Amer Signal \$10,814.00 co; Mid State Engineering \$378.00 co; Midwest Connect \$4,008.96 smcs; Midwest Paint \$8,877.06 smcs; Mieth,T \$27.23 smcs; Miller & Associates \$176,466.60 smcs,co; Miller Signs \$150.00 smcs; Minitex \$1,845.00 smcs; Mirror Image \$309.40 smcs; Mitchell 1 \$1,728.00 smcs; Municipal Emergency \$2,160.00 smcs; Municipal Supply \$5,364.88 smcs,co; NE Assn of Senior Center \$90.00 smcs; NE Child Support \$2,328.97 ps; NE Dept Economic Development \$100.00 smcs; NE Dept Environmental \$7,500.00 smcs; NE Dept of Rev \$116,365.26 smcs,ps; NE Golf Assn \$396.00 smcs; NE Library Comm \$6,884.00 smcs; NE Machinery \$3,025.33 smcs; NE Public Health \$1,576.00 smcs; NE Salt & Grain \$28,062.15 smcs; NE Sec of State \$30.00 smcs; NE State Treasurer \$1,580.23 smcs; NEland Distributors \$2,139.75 smcs; NERPA \$150.00 smcs; NET-NE

\$100.00 smcs; Northwestern \$2,452.94 smcs; Oak Creek Engineering \$12,200.70 co; Office Depot \$18.91 smcs; O'Hara Lindsay \$2,000.00 smcs; Olsson Associates \$16,479.80 co; One Call Concepts \$568.92 smcs; O'Reilly Automotive \$82.34 smcs; Outdoor Recreation \$1,106.00 smcs,co; Paramount \$305.08 smcs; Payflex \$573.75 smcs,ps; Peerless Machine \$4,787.00 smcs; Penguin Random House \$281.25 smcs; Penworthy \$219.31 smcs; Pep Co \$86.34 smcs; Pitney Bowes \$60.00 smcs; Platte Valley Auto \$170,304.00 co; Platte Valley Comm \$2,730.00 smcs; Pohlman,K \$37.50 smcs; Presto-X \$113.64 smcs; Pulliam,R \$40.00 smcs; Recorded Books \$310.69 smcs; Rheome Tree \$2,035.00 smcs; Rich,T \$50.00 smcs; RTI \$247.23 smcs; Sampson Construction \$754,679.00 co; Sapp Bros \$32,779.33 smcs; School District #7 \$1,386.90 smcs; See Clear Cleaning \$2,050.00 smcs; Sensus \$515.19 smcs; Sorensen Group \$1,516.00 smcs; SOS Portable Toilets \$235.00 smcs; SPS VAR \$13,845.00 co; St of Florida \$620.00 smcs; Steinbrinks \$5,177.26 smcs; Suburban Fire \$25,463.00 smcs; Sun Life Financial \$70,001.54 smcs; Sungard \$20,874.21 co; Superior Signals \$2,283.00 smcs; Sutton,S \$300.00 smcs; Tacha,J \$50.00 smcs; Taillon,R \$297.60 smcs; Thome,B \$42.60 smcs; Thompson \$322.86 smcs; Tielke's Sandwiches \$78.05 smcs; Titan Machinery \$5.00 smcs; Titleist \$6,206.77 smcs; Traffix Devices \$1,179.16 smcs; Tri State Oil Reclaimers \$183.50 smcs; Trugreen Chemlawn \$202.00 smcs; Turner Body Shop \$575.00 smcs; Tye Law Firm \$12,631.57 smcs; Union Bank & Trust \$70,761.00 smcs,ps; US Cellular \$100.00 smcs; Van Diest \$1,608.60 smcs; Verizon \$1,700.51 smcs; Ver-Mac \$23,998.00 co; Village Cleaners \$447.79 smcs; Walters Electric \$1,513.71 co; Walton,T \$40.00 smcs; Weis Fire \$520.00 smcs; Weller,B \$14.15 smcs; Wiseman,V \$400.00 smcs; World Book \$1,903.00 smcs; Worley Monument \$400.00 smcs; Payroll Ending 9-3-2016 -- \$404,441.75. 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. Adopt Resolution No. 2016-151 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$133,786.32 which will be carried over to the 2016-2017 Budget as "Unused Budget Authority".

RESOLUTION NO. 2016-151

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2016.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.

5. Adopt Resolution No. 2016-152 repealing Resolution No. 2015-189 and adopt the 2016-2017 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2016-2017 year.

RESOLUTION NO. 2016-152

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2015-2016 fiscal year was adopted by Resolution No. 2015-189 on September 8, 2015 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2016-2017 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2016.

BE IT FURTHER RESOLVED that Resolution No. 2015-189 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

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

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

8. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 15, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
9. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 22, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
10. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on Saturday, October 8, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.
11. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 22, 2016 from 6:00 p.m. until 1:00 a.m. for a dance (alternate date is October 29, 2016).
12. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the following events:
 - (a) Firefighters Memorial Walk for the temporary closing of the north lane of East 1st Street from the Nebraska Firefighters Museum to The Archway on September 18.
 - (b) Veterans Day Parade for the temporary closing of Railroad Street from 5th Avenue to Avenue D, 3rd Avenue and 4th Avenue from Railroad Street to 21st Street, Central Avenue from Railroad Street to the parking lot located north of MONA on November 5.
13. Approve setting September 27, 2016 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District No. 2015-975.
14. Adopt Resolution No. 2016-153 approving the First Amendment to Trust Agreement between the City of Kearney and Union Bank and Trust Company providing trustee services with regard to the Kearney Area Solid Waste landfill.

RESOLUTION NO. 2016-153

WHEREAS, the Nebraska Department of Environmental Quality required an owner or operator of a solid waste management facility to provide assurance that funds will be available when needed for closure and/or post-closure care and/or remedial action of the facility; and

WHEREAS, on March 31, 1994 the City of Kearney, Nebraska entered into a Trust Agreement with Wells Fargo Bank, NA (formerly National Bank of Commerce Trust and

Savings Association of Lincoln) establishing a trust to provide all or part of such financial assurance for the Kearney Area Solid Waste Landfill; and

WHEREAS, it is necessary to amend the Trust Agreement to name a successor Trustee pursuant to Section 13 of the said Trust Agreement.

NOW, THEREFORE, BE IT RESOLVED by the by the President and Council of the City of Kearney, Nebraska that the Mayor be and is hereby authorized and directed to execute the First Amendment to Trust Agreement with Union Bank and Trust Company providing trustee fees in the amount of \$2,000.00.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt Resolution No. 2016-154 approving Application and Certificate for Payment No. 3 in the amount of \$364,928.00 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 15 Improvements consisting of Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition.

RESOLUTION NO. 2016-154

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2015 Part 15 Improvements consisting of Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$364,928.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$779,898.00</u>
Contract Sum To Date	779,898.00
Gross Amount Due	713,830.00
Retainage (2%)	14,276.60
Amount Due to Date	699,553.40
Less Previous Certificates for Payment	<u>334,625.40</u>
Current Payment Due	\$364,928.00

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt Resolution No. 2016-155 approving Application and Certificate for Payment No. 1 in the amount of \$202,101.24 submitted by Dan Roeder Concrete and

approved by Miller & Associates for the 2015 Part 10 Improvements consisting of Paving Improvement District No. 2015-980, Water District No. 2015-582, and Sanitary Sewer District No. 2015-519 for 46th Street Place from Avenue R to its terminus in a cul-de-sac.

RESOLUTION NO. 2016-155

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2015 Part 10 Improvements consisting of Paving Improvement District No. 2015-980, Water District No. 2015-582, and Sanitary Sewer District No. 2015-519 for 46th Street Place from Avenue R to its terminus in a cul-de-sac, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$202,101.24 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$229,643.00</u>
Contract Sum To Date	229,643.00
Gross Amount Due	206,225.75
Retainage (2%)	4,124.51
Amount Due to Date	202,101.24
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	<u>\$202,101.24</u>

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Approve the application for a Special Designated License submitted by Ryan Puls, dba The Speakeasy in connection with their Class IB-102074 liquor license to dispense beer, wine and distilled spirits at The Archway located at 3060 East 1st Street on Thursday, September 29, 2016 from 6:00 p.m. until 8:00 p.m. for a fashion show.

18. Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 1, 2016 from 3:00 p.m. until 11:59 p.m. for a sampling/tasting event.

19. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer and wine inside U Med Spa located at 5609 1st Avenue, Suite B on Thursday, October 6, 2016 from 3:00 p.m. until 10:00 p.m. for Business After Hours.

20. Adopt Resolution No. 2016-156 accepting the proposal for the construction of a concrete hike/bike trail along 11th Street west of Yanney Avenue. Resolution No. 2016-156 was withdrawn and Council authorized the City Manager to award the project after bids have been reviewed and the easements have been executed with the landowners.

21. ADDENDUM ITEM. Adopt Resolution No. 2016-157 approving the Sponsorship and Equipment Agreement between the City of Kearney and LandMark Implement for ball field maintenance equipment for Patriot Park.

RESOLUTION NO. 2016-157

WHEREAS, LandMark Implement of Kearney, Nebraska has provided a proposal to the City of Kearney to supply eleven pieces of ball field maintenance equipment to be used at Patriot Park; and

WHEREAS, in trade for the equipment, LandMark Implement would be recognized as a Title Sponsor on the softball championship filed scoreboard as set forth in the Sponsorship and Equipment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the proposal submitted by LandMark Implement to supply eleven pieces of ball field maintenance equipment to be used at Patriot Park be and is hereby approved.

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8098 VACATING ALLEY FROM 1ST AVENUE TO 2ND AVENUE BETWEEN 29TH STREET AND 30TH STREET

The applicant is requesting approval to vacate the 20-foot wide east/west alley in order to develop several adjacent lots as one site. The alley is approximately 323 feet in length and is located north of 29th Street, south of 30th Street, between 1st Avenue and 2nd Avenue. The lots adjacent to the alley are owned by Trius Federal Credit Union. The alley can be vacated since the utilities servicing the area have all consented to the alley vacation. However, the utility easement is to remain across the proposed vacated alley. Planning Commission recommended approval.

The vacation of the alley allows for easier commercial development of the lots adjacent to the alley in the UC, Urban Corridor zoning district.

Council Member Clouse introduced Ordinance No. 8098 vacating the 20-foot alley that runs east and west from 1st Avenue to 2nd Avenue between 29th Street and 30th 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 Lammers seconded the motion to suspend the rules for Ordinance No. 8098. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila 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. 8098 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, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8098 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8098 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. 8099 ADOPTING ANNUAL SALARY ORDINANCE

This ordinance will repeal Ordinance No. 8066 (2015-2016 Annual Personnel Ordinance); classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for the payments of vehicle allowances; and provide for the payment of cell phone allowances.

Ordinance No. 8099 includes all the job classifications, pay grades and ranges of compensation that are included in the City of Kearney 2016-2017 Pay Policy. Additionally, various employee benefits as discussed above have been included in the ordinance. Passage of the Personnel Ordinance is done on an annual basis in conjunction with the budget process.

Council Member Clouse introduced Ordinance No. Ordinance No. 8099 repealing Ordinance No. 8066 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, 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 Lammers seconded the motion to suspend the rules for Ordinance No. 8099. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter,

Lear, Lammers. Nay: None. Nikkila 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. 8099 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, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8099 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8099 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. 8100 CREATING PAVING DISTRICT NO. 2016-983

City staff withdrew from consideration Ordinance No. 8100 creating Paving Improvement District No. 2016-983 for 8th Street from the west lot line of Lot 16 of Block Two, Marianne Hunt 2nd Addition to Avenue H. Therefore no action was taken.

ORDINANCE NO. 8101 CREATING PAVING DISTRICT NO. 2016-984

City staff withdrew from consideration Ordinance No. 8101 creating Paving Improvement District No. 2016-984 for Avenue H from the south lot line of Lot 1 of Block Five, Marianne Hunt 2nd Addition to 11th Street. Therefore no action was taken.

ORDINANCE NO. 8102 CREATING WATER DISTRICT NO. 2016-583

City staff withdrew from consideration Ordinance No. 8102 creating Water District No. 2016-583 for 8th Street from the west lot line of Lot 16 of Block Two, Marianne Hunt 2nd Addition to Avenue H. Therefore no action was taken

ORDINANCE NO. 8103 CREATING WATER DISTRICT NO. 2016-584

City staff withdrew from consideration Ordinance No. 8103 creating Water District No. 2016-584 for Avenue H from the south lot line of Lot 1 of Block Five, Marianne Hunt 2nd Addition to 11th Street. Therefore no action was taken.

ORDINANCE NO. 8104 CREATING SANITARY SEWER DISTRICT NO. 2016-520

City staff withdrew Ordinance No. 8104 creating Sanitary Sewer District No. 2016-520 for 8th Street from the west lot line of Lot 16 of Block Two, Marianne Hunt 2nd Addition to Avenue H. Therefore no action was taken.

ORDINANCE NO. 8105 CREATING SANITARY SEWER DISTRICT NO. 2016-521

City staff withdrew from consideration Ordinance No. 8105 creating Sanitary Sewer District No. 2016-521 for Avenue H from the south lot line of Lot 1 of Block Five to the

north lot line of Lot 1 of Block One, Marianne Hunt 2nd Addition. Therefore no action was taken.

ORDINANCE NO. 8106 AMEND SECTION 8-924 OF THE CITY CODE

The following is the section of City Code regarding the parking of trucks, trailers, semitrailers on any street adjacent to property in a residential district. The amendment would add the statement on any street adjacent to a residential use. The amendment would protect residential uses in other districts from the negative impacts of truck parking such as the odor from cattle trucks.

Council Member Clouse introduced Ordinance No. 8106 amending Section 8-924 "Trucks in Residential Districts" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code to clarify the language that it shall be unlawful to park a truck, trailer or semitrailer, with exceptions, on any street adjacent to property classified by the ordinances of the city for residence purposes or on any street adjacent to a residential use, 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 Lammers seconded the motion to suspend the rules for Ordinance No. 8106. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila 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. 8106 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, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8106 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8106 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS

Moved by Lear seconded by Clouse that the Open Account Claim in the amount of \$1,000.00 payable to Goodwill Industries be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Lammers. Nay: None. Buschkoetter abstained and Nikkila absent. Motion carried.

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$17,000.79 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Clouse abstained and Nikkila absent. Motion carried.

VII. REPORTS

Mayor and Council members thanked the City Manager and all the City staff for their hard efforts in producing another successful budget.

CLOSED SESSION

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 6:24 p.m. for the protection of the public interest to discuss possible litigation. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible litigation. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 6:52 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:52 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**