

**Kearney, Nebraska**  
**September 3, 2014**  
**8:30 a.m.**

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 8:30 a.m. on September 3, 2014, in the 2nd Floor Conference Room at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Eric Hellriegel, Barry Sherman, Ashley White 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.

### **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.

### **GRANT APPLICATION FOR TRAIL NEAR ARCHWAY**

Mayor Clouse opened for discussion the submission of a grant application to the Nebraska Game and Parks Commission for the Recreational Trails Program and consider Resolution No. 2014-178.

The Recreational Trails Program (RTP) grant fund is funded by the Federal Highway Administration from a portion of revenues derived from the Federal motor fuel excise tax for off-road recreational vehicles. It is administered by the Nebraska Game and Parks Commission for the land acquisition, construction, support facilities and maintenance of non-motorized and motorized trails.

The grant fund requires an 80/20 split of costs between the State and local funds. The program has a maximum award amount of \$250,000. However, staff has been encouraged by Game and Parks to request funding for the entire project, in the amount of \$1.29 million. The total local match required is \$258,331. Should the award be reduced to \$250,000, the project is designed to be developed in phases.

The City proposes construction of an 8-foot wide concrete trail from The Archway, where the City's paved trail system currently ends, approximately two miles to join the State trail system on the north side of I-80. The State trail includes a new bridge across the Platte River and continues to Fort Kearny; construction is anticipated in 2015.

A reduced award of \$250,000 would result in a Phase I project constructing a trail from The Archway to the north side of pedestrian bridge, after crossing under new Cherry Avenue. The required local match for Phase I is \$62,500.

The City of Kearney is requesting \$1,033,326, which will require a match of \$258,331. The City of Kearney will provide matching funds in the amount of \$258,331 from the ½ Cent Special Sales Tax Fund.

Eric Hellriegel from Miller & Associates presented this matter to the Council. He stated the total project distance is 2.7 miles. In the application the City is asking if the additional funds would not be available, would the City be allowed to develop this in phases. The trail would go underneath the Cherry Avenue bypass and go across the current bridge that would be used for pedestrians.

Assistant City Manager Suzanne Brodine stated the proposed Phase I is within the City limits. The City is applying for the grant on behalf of Buffalo County. Council member Nikkila asked if the County was contributing a portion of the funds. City Manager stated not yet. Easements will still need to be obtained for proposed Phases 2 and 3. The bridge that had burned down a few years ago is currently being bid by the State so there will be a new bridge.

Barry Sherman asked if there was going to be any composite shoulder on the trail. His group has futilely tried to get composite on one shoulder for running. Assistant City Manager stated the City is only applying for an 8-foot wide concrete trail, which is what most of the City's trails are. That portion of the State's trail (Fort Kearny trail) will have crushed limestone on their shoulder but is not included in this grant application.

Discussion was held on the trail and how it gets across Cherry Avenue. Mr. Hellriegel stated when Cherry Avenue was built, it was designed to cross underneath on the south side of the channel which is very similar to the crossing underneath 2nd Avenue. They will build that up so there would not be any flooding issue.

Moved by Nikkila seconded by Lammers to adopt **Resolution No. 2014-178** approving the submission of a grant application to the Nebraska Game and Parks Commission for the Recreational Trails Program. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2014-178**

WHEREAS, the City of Kearney, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of constructing an 8-foot wide concrete trail from The Archway, where the City's paved trail system currently ends, approximately two miles to join the State Trail system on the north side of I-80 with the State trail including a new bridge across the Platte River continuing to Fort Kearny; and

WHEREAS, the Mayor of the City of Kearney, Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other

documents that are required by the State of Nebraska or the Federal Highway Administration; and

WHEREAS, the City of Kearney, Nebraska currently has the written commitment for the twenty percent local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project; and

WHEREAS, the City of Kearney, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years

WHEREAS, the City of Kearney, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 2964, and any of the regulations promulgated pursuant to such Act; and

WHEREAS, the City of Kearney, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project; and

WHEREAS, the City of Kearney, Nebraska will comply with the Federal accessibility and use standards where they can be reasonably applied.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized to execute the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **MASTER TRAIL PLAN UPDATE**

Mayor Clouse opened for discussion the update to the Master Trail Plan and to consider Resolution No. 2014-179.

Assistant City Manager/Development Services Director Suzanne Brodine presented this matter to the Council. The City of Kearney updates the Master Trail Plan every ten years in conjunction with the comprehensive plan update. Due to the grant from the Nebraska Department of Roads for the upcoming comprehensive plan process, the cycle has been delayed by approximately one year.

The application being considered by Council for Recreational Trail Program funding requires that the proposed trail be included on the Master Trail Plan. Although it is the intent of staff to include this section of trail in the upcoming comprehensive plan process, the timeline for updating the Trail Plan must be advanced in order to meet the Trail grant guidelines.

This proposed trail section will still be considered, along with other areas of park and trail needs, during the comprehensive planning process.

Moved by Lammers seconded by Buschkoetter to adopt **Resolution No. 2014-179** approving the update to the Master Trail Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2014-179**

WHEREAS, the City of Kearney updates the Master Trail Plan every ten years in conjunction with the City of Kearney Comprehensive Plan update; and

WHEREAS, the City of Kearney is submitting a grant application to the Nebraska Game and Parks Commission for the Recreational Trails Program to construct of an 8-foot wide concrete trail from The Archway, where the City’s paved trail system currently ends, approximately two miles to join the State Trail system on the north side of I-80.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska that the Master Trail Plan be updated to include an extension from The Archway to approximately two miles east, joining the State trail to Fort Kearny.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**ADJOURNMENT**

Moved by Buschkoetter seconded by Lear that Council adjourn at 8:43 a.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

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MICHAELLE E. TREMBLY  
CITY CLERK