

**Kearney, Nebraska**  
**October 3, 2014**  
**8:00 a.m.**

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 8:00 a.m. on October 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; and Suzanne Brodine, Assistant City Manager/Development Services Director were also present. Some of the citizens present in the audience included: Mitch Humphrey, Brian Symington, Russ Hilliard, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, and KHAS TV.

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.

### **DISMAS CHARITIES**

Mayor Clouse opened for discussion Resolution No. 2014-203 to submit the resolution to Dismas Charities and Federal Bureau of Prisons.

Assistant City Manager/Development Services Director presented this matter to the Council. She stated Dismas Charities intends to build a transitional housing facility for federal parolees within the City of Kearney. Council members and City staff have received a number of inquiries from concerned citizens expressing their opposition to this project as well as the lack of information and unanswered questions on the type of facility to be constructed and operated by Dismas Charities. The City on several occasions has encouraged Dismas to meet with members of the community to provide more information on the proposed project and to answer questions from neighbors or citizens regarding this facility. This resolution is a response to the lack of communications from Dismas Charities. There has been such overwhelming citizen concerns and thought it was necessary to go a step beyond the letter that was previously sent to the Federal Bureau of Prisons to let them know Kearney's concerns of the lack of communication and of the process itself.

Council member Lear stated this appears to be a charitable organization and assume it has potential to do good work. They certainly have not cooperated with the community to the level it expects. As an example, all the time and effort put in by Crossroads to

help educate and brace support across the community to create a facility that was certainly needed and obviously well utilized. The community has not seen this type of commitment from Dismas Charities.

City Attorney Michael Tye stated the non-binding resolution is simply to communicate the Council's desire that Dismas Charities educate the public better than what they have and to come to the community to answer questions and to provide information.

Council member Nikkila asked if Dismas Charities has made any indication that they will have community meetings. Assistant City Manager stated that staff had a couple of conversations with the staff at Dismas and have been repeatedly promised that that will happen but it never seems to come to fruition.

Council member Lammers asked if Dismas Charities has directly communicated with Mick Wise and is he the only person in Kearney they talked to. Assistant City Manager stated it has been indicated that they have talked to Mick Wise and she was not aware of any other citizen.

Moved by Lammers seconded by Buschkoetter to adopt **Resolution No. 2014-203** submitting said resolution to Dismas Charities and the Federal Bureau of Prisons. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2014-203**

WHEREAS, Dismas Charities, Inc. has indicated it intends to build a transitional housing facility in the City of Kearney for federal parolees; and

WHEREAS, when representatives of Dismas Charities initially met with representatives of the City of Kearney, the City indicated that Dismas Charities should meet with members of the community to provide more information on the proposed project and to answer questions from neighbors or citizens regarding this facility; and

WHEREAS, on the 15th day of August, 2014, Mayor Clouse, on behalf of the City of Kearney, sent a letter to the Federal Bureau of Prisons expressing concerns about the lack of communication by Dismas Charities with the citizens of Kearney and to re-emphasize the need for Dismas Charities to discuss this project with citizens and to provide additional information regarding this project. A copy of this correspondence was also provided to Dismas Charities; and

WHEREAS, subsequent to Mayor Clouse's letter, City staff has talked with representatives of Dismas Charities by telephone on two separate occasions, again, to request that they schedule a public meeting in the City of Kearney to provide additional information on this project and answer questions from citizens. It was further suggested that Dismas Charities meet with individual neighbors as well as the neighborhood association; and

WHEREAS, Dismas Charities has not scheduled or held any public meetings in the City of Kearney to allow citizens to gain additional information or ask questions regarding this project; and

WHEREAS, the City Council and City staff have received a number of inquiries from concerned citizens expressing their opposition to this project as well as the lack of

information and unanswered questions on the type of facility to be constructed and operated by Dismas Charities.

NOW, THEREFORE BE IT RESOLVED that without additional efforts by Dismas Charities as requested by City staff and the Mayor, there may not be community support for placing such a facility in the City of Kearney from the community.

BE IT FURTHER RESOLVED that a copy of this non-binding resolution be provided to Dismas Charities, Inc., as well as the Federal Bureau of Prisons.

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

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **UPDATE OF CAPITAL IMPROVEMENTS PROJECTS**

City Manager Michael Morgan updated the Council on the following 2014 Capital Improvement projects:

#### **Completed Projects**

- Fire Station #3
- Skateboard Park
- Yanney Park – sidewalk extension
- Hammer Park Splash Pad
- Golf Course Maintenance Building/Restrooms
- Downtown LED lighting/signals
- Fountain Hills Park
- 16th Street – Central Avenue to 1st Avenue
- Avenue M – South of 11th Street
- Fountain Hills 5th Addition
- 5th Avenue – 13th to 16th Streets
- ADA Ramps and Sidewalks
- Lake Villa Estates
- University Drive Bridge Repairs
- Box Butte Avenue – 39th Street – 670 feet south
- Talmadge Street – 6th Avenue – 534 feet west
- 26th Street – A to C Avenue

#### **Complete by Year's End**

- 17th Avenue East Bike Trail
- Central Avenue – 25th to 28th Streets
- 26th Street – Avenue A to Central Avenue

#### **Projects – Carried Over**

- Yanney Park Fishing Pier
- Central Avenue – 28th to 31st Streets
- Cherry Avenue – Phase 2 to 56th Street (City Cost)
- North Railroad Street Parking Lot

- Talmadge Street – 2nd to 4th Avenues
- Avenue N – 25th to 28th Streets
- Aspen Meadows – Country Club – 37th to 39th Streets

Mayor Clouse asked if Aspen Meadows would be completed next year. City Manager stated the developer last year requested an agreement for assessment districts and then asked for an extension due to costs and they will be notified that they need to get that project completed. The Council agreed that this project needs to be completed next year. City Manager stated there is some oversizing in that area and they will work with the developer.

The other major item is preparing for the new high school. There will be some traffic signals off of 11th Street and 30th Avenue. He will present the 2015 projects at another meeting.

Assistant City Manager stated the City received notification from the State that the City was approved for the 2014 Supplemental CR grant that will pave the last gravel road in southeast Kearney.

**ADJOURN**

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 8:10 a.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**MICHAELLE E. TREMBLY  
CITY CLERK**