

Kearney, Nebraska
August 9, 2016
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on August 9, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Interim Director of Utilities; Dan Lynch, Chief of Police; Shawna Erbsen, Administrative Services Director; and Jason Whalen, Fire Administrator were also present. Some of the citizens present in the audience included: Craig Bennett, Trenton Snow, Mike Kalb, Max Kathol, Duane Ruh, Francis Roberts, Steve Altmaier from KGFV Radio, Jessica Kokesh from Kearney Hub, Andrea Braswell from NTV.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT OF JACKSON RIVERSIDE ADDITION LOCATED ON THE WEST SIDE OF CENTRAL AVENUE AT LANDON STREET

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Paul and Tamara Jackson for the Final Plat for Jackson Riverside Addition, an addition to the City of Kearney for a tract of land being part of Government Lot 1 located in the Northwest Quarter of the Southwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west side of Central Avenue at Landon Street) and consider Resolution No. 2016-131.

Trenton Snow presented this matter to the Council. He stated the subdivision is on south Central Avenue across from Landon Street. It is surrounded by a number of different subdivisions. This piece of ground was unplatted. It had a metes and bounds legal description and had never been a subdivision in the City of Kearney.

They are platting that piece of ground into three separate lots to be known as Jackson Riverside Addition. There will be a 25-foot building setback on it; they have created utility easements along the south side of Lot 3 and on the back side of all of the lots. It cleans up the area and gets another piece of ground subdivided that was a rural lot/City lot combined.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2016-131** approving the Application submitted by Trenton Snow for Paul and Tamara Jackson for the Final Plat for Jackson Riverside Addition, an addition to the City of Kearney for a tract of land being part of Government Lot 1 located in the Northwest Quarter of the Southwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (west side of Central Avenue at Landon Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2016-131

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 1 located in the Northwest Quarter of the Southwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said section and assuming the North line of said Southwest Quarter as bearing EAST and all bearings contained herein are relative thereto; thence EAST on the aforesaid North line a distance of 872.73 feet to a point, said point being on the West line of Central Avenue; thence S 00°43' W and on the aforesaid West line a distance of 344.15 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°43' W and on the aforesaid West line of Central Avenue a distance of 272.85 feet to

a point on the existing North Bank of the North Channel of the Platte River; thence S 68°44'21" W a distance of 65.4 feet; thence S 70°34'01" W a distance of 71.7 feet; thence N 86°49'16" W a distance of 34.8 feet; thence N 01°12' E a distance of 318.4 feet; thence EAST a distance of 159.7 feet to the place of beginning, 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 9TH DAY OF AUGUST, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

DEVELOPMENT OF HORIZON ADDITION LOCATED SOUTH OF 39TH STREET TO 35TH STREET BETWEEN 6TH AVENUE AND 11TH AVENUE

Mayor Clouse opened the public hearing on the Applications submitted by Trenton Snow for School District No. 7 to the City of Kearney for (1) the vacation of Lots 1 through 110 inclusive of W.W. Patterson’s Subdivision, together with High School Addition, AND part of Lot 11, all of Lots 12 through 19, inclusive, Perkins and Harford’s Second Addition and consider Ordinance No. 8092; and (2) the Final Plat for Horizon Addition, an addition to the City of Kearney (south of 39th Street to 35th Street between 6th Avenue and 11th Avenue) and consider Resolution No. 2016-132.

Trenton Snow presented this matter to the Council. He stated the property is the old high school and Horizon Middle School, It is the ground between 6th Avenue and 11th Avenue, 35th Street and 39th Street. They are splitting it into two separate lots. It is zoned R-1 and will remain as such since Horizon Middle School cannot exist under that zoning classification.

The reason for this is there have been several underlying lots underneath the ground where these are situated. They had Patterson Subdivision, Perkins and Harford’s Second Addition and then where the middle school sat was known as High School Addition. They are going to be vacating each one of the subdivisions so that they can make it into a subdivision with just two lots, one being Horizon Middle School and one being the old high school.

The Preliminary Plat shows how they created the line between the two buildings. The Final Plat will create Lot 1 and Lot 2 of Horizon Addition. They have also dedicated additional street right-of-way.

Craig Bennett stated there is currently an 8-inch waterline that does bisect the property. It also has sanitation sewer that can serve the entire property both on the east (6th Avenue) and 39th Street and 11th Avenue. The drainage happens from the northwest and southeast across the property. There are also inlets on Lot 2 and inlets at 11th Avenue and 39th Street.

As a part of this process, Horizon wanted to maintain the ability to have the storm water detention requirements but allow that to be protected in the future lots. Lot 1 and Lot 2 highlights two courses on the subdivision that separates a common line between those two by which that will be the point that will be allowed for Lot 2 which Horizon will retain and continue to discharge storm water.

The storm water detention cell requirements which happen to be by default, the natural draw indicated will remain as a requirement of Lot 1. Should Lot 1 determine that they need to increase their impervious area, the increase in storm water detention cell requirements must still account for Lot 2's existing runoff plus whatever they would have for addition.

There was discussion about the tree line on the north side of the property on 39th Street. It was determined that it was owned by the City.

Mayor Clouse asked if this was presented to the School Board for review. Mr. Bennett stated as far as this arrangement and this configuration there were questions at the Planning Commission, how did they come up with this arrangement. The arrangement is that they wanted to maintain a 25-foot buffer outside of the parking stalls. They want to retain that should they need that for their own self-imposed buffer yard on whoever who comes in next to them.

Mayor Clouse asked if the School Board reviewed the plat and this is what they want and is that how they marketed that other piece. Mr. Bennett confirmed that. Mayor Clouse asked if there is an issue with this, it should be directed to the School Board rather than the City.

City Manager stated at DRT they did review this based on their requests because it is unusual but that is the request that they made on their future use. Mayor Clouse stated they have no reason to deny that based on any City issues. If people have problems with that they should discuss it with the School Board. Mr. Bennett stated that is correct, this is their choice.

Council Member Buschkoetter stated with that being said it makes sense on what their needs are in terms of having good access to additional parking and a potential buffer down the road.

Francis Roberts, 3510 13th Avenue asked if the road on the west side of the old high school was going to be a public road or private road. City Manager stated it is not a public road today and it will not be a public road in the future.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Trenton Snow for School District No. 7 to the City of Kearney for the vacation of Lots 1 through 110 inclusive of W.W. Patterson's Subdivision, together with High School Addition, AND part of Lot 11, all of Lots 12 through 19, inclusive, Perkins and Harford's Second Addition and introduced Ordinance No. 8092 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. 8092. 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, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8092 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8092 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8092 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. 2016-132** approving the Final Plat for Horizon Addition. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2016-132

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Northeast Quarter and part of the Northeast Quarter of the Northwest Quarter of Section 35, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of the Northeast Quarter of said Section 35 and assuming the North line of said Northeast Quarter as bearing N 89°35'03" E and all bearings contained herein are relative thereto; thence N 89°35'03" E on the aforesaid North line a distance of 1071.2 feet; thence S 00°31'30" W a distance of 328.58 feet; thence N 89°25'30" W a distance of 10.0 feet; thence S 00°31'30" W a distance of 1002.3 feet; thence N 89°22'12" W a distance of 1039.02 feet to a point on the West line of said Northeast Quarter, said point being 12.15 feet northerly of the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said section; thence N 00°26'17" W on the aforesaid West line a

distance of 53.85 feet; thence S 89°29'07" W, parallel with and 66.0 feet northerly of the South line of the Northeast Quarter of the Northwest Quarter of said section, a distance of 775.17 feet; thence N 00°24'30" W a distance of 380.0 feet; thence S 89°35'30" W a distance of 20.0 feet; thence N 00°24'30" W a distance of 812.0 feet to a point 66.0 feet southerly of, as measured at right angles to, the North line of the Northeast Quarter of the Northwest Quarter of said section; thence N 89°30'24" E, parallel with and 66.0 feet southerly of the aforesaid North line, a distance of 794.57 feet to a point on the East line of said Northeast Quarter of the Northwest Quarter; thence N 00°26'17" W on the aforesaid East line a distance of 66.0 feet to the place of beginning, containing 48.15 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 9TH DAY OF AUGUST, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

COMMUNITY DEVELOPMENT BLOCK GRANT FOR DOWNTOWN IMPROVEMENTS

Mayor Clouse opened the public hearing on the submission of an application to the Department of Economic Development for a Community Development Block Grant for downtown improvements and consider Resolution No. 2016-133.

Assistant Park & Recreation Director Eric Hellriegel presented this matter to the Council. The grant application is for a continuation of downtown improvements within the City's downtown district. There was a streetscape study that was an update that was done to the downtown district over the summer months. It was presented to the Downtown Improvement Board and it has been approved by Council. They took the results of that and put that into the Phase 2 Grant Application which will be for the construction and funding of those improvements. That application will go to the State to receive \$350,000 worth of funding through the Community Development Block.

They will maintain and continue with some of the esthetic and infrastructure improvements from 22nd Street to North Railroad Street to complete irrigation, sidewalk and lighting improvements so they have a cohesive unit on both sides of 22nd Street.

Council Member Nikkila asked about getting the funding. Assistant Park & Recreation Director stated he is always cautiously optimistic; the City of Kearney has been a good

steward of grant funds over the last ten plus years with this program. They are very optimistic that they will put together a grant package that is very attractive to the Department of Economic Development.

There are some new opportunities that are going on downtown that they are excited about showcasing and communicating to DED. There are a lot of events coming up in the downtown area. He thinks they are in a good position because there continues to be good things happening in downtown Kearney.

Council Member Lammers asked about the in-ground planting beds. Assistant Park & Recreation Director stated that will vary based on the areas that they will look at. There will be some areas where they will expand, some areas where there are some current trees where it makes some sense. That will depend on the tree size and some of the infrastructure that will go through there so it will be uniformed on both sides of the street. They will customize those in the design process to make sure that they fit and to make sure they are not encroaching with any businesses along the downtown streetscape.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2016-133** approving the submission of an application to the Department of Economic Development for a Community Development Block Grant for downtown improvements. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2016-133

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 350,000 for downtown improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 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 9TH DAY OF AUGUST, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held July 26, 2016 and Minutes of Special Meeting held July 28, 2016.

2. Approve the following Claims:

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

Ace Irrig \$164.90 smcs; Agri Coop \$5,988.07 smcs; Amazon \$484.06 smcs; Amer Electric \$1,725.00 smcs; Amer First Aid \$465.94 smcs; Anderson,T \$505.75 smcs; Ask Supply \$1,129.51 smcs; Aurora Coop \$25.04 smcs; Baker & Taylor \$3,666.29 smcs; Bamford \$1,990.00 smcs; Barney Abstract \$75.00 co; Bautista,B \$55.00 smcs; Beacon Athletics \$1,225.50 smcs; Beehive Industries \$1,800.00 smcs; Blackstone Audio \$314.98 smcs; Blessing \$770,674.27 smcs,co; BlueCross BlueShield \$340,576.07 smcs; Bosselman \$3,657.57 smcs; Brandt,J \$100.00 smcs; Brilliance Publishing \$31.78 smcs; Browne,C \$29.39 smcs; BSN Sports \$2,975.00 smcs; Builders \$285.60 smcs, co; Capital Business Systems \$422.50 smcs; Carson,C \$67.75 smcs; Cash-Wa \$3,825.47 smcs; Cawley,K \$100.00 smcs; Cellebrite \$2,736.32 smcs; Central Plains Library \$15.00 smcs; Center Point Publishing \$74.01 smcs; Central Fire & Safety \$163.50 smcs; Central NE Sod \$1,929.00 co; Charter \$304.41 smcs; City of Ky \$582,337.17 smcs,ps; Clark Enersen \$5,866.93 smcs; Clint Smith Graphics \$755.77 smcs; Colling,G \$150.00 smcs; Comm Action Partnership \$2,171.54 smcs; Comm Health Charities \$6.00 ps; Crane River Theater \$3,678.72 smcs; Cummins \$484.35 smcs; Dan Roeder Concrete \$276,508.13 co; Danko \$303.30 smcs; DAS State Accounting \$5,883.47 smcs; Dawson PPD \$46,504.54 smcs; Deadwood Gulch \$1,200.00 smcs; Demco \$87.00 smcs; Dish \$208.06 smcs; Dowhy Towing \$1,400.00 smcs; DPC Industries \$6,625.59 smcs; Duering,R \$28.73 smcs; Dutton Lainson \$127.24 smcs; Eagle Distributing \$2,386.55 smcs; Eakes \$904.20 smcs; Ed Roehr Safety \$1,058.70 smcs; Elliott Equipment \$544.72 smcs; EMC Ins \$13,305.69 smcs; Expression Wear \$288.00 ps; Family Practice \$227.00 ps; Felsburg Holt & Ullevig \$5,962.50 smcs; Fiddelke \$76.50 smcs; Frontier \$88.02 smcs; Fyr-Tek \$46.20 smcs; Gale \$301.58 smcs; Gangwish Turf \$190.35 smcs; Garret Tires \$356.06 smcs; Gear for Sports \$2,924.47 smcs; Gillming,C \$31.00 smcs; Glock \$232.00 smcs; Goodenberger,T \$30.00 smcs; Govt Finance \$225.00 smcs; Grey House Publishing \$229.95 smcs; Hardin,K \$100.00 smcs; Harshbarger,K \$17.74 smcs; HD Supply \$1,847.90 smcs; Hometown Leasing \$157.20 smcs; Hydraulic Equipment \$1,131.90 smcs; ICMA \$4,766.09 ps; Inland Truck Parts \$2,278.75 smcs; IRS \$161,913.96 ps; Jack Lederman \$141.44 smcs; Jauken,D \$35.00 smcs; JEO Consulting \$2,077.33 smcs; Kart-Man \$998.10 smcs; Ky Builders Assn \$402.00 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Tire & Auto \$51.98 smcs; Ky United Way \$861.75 ps; Ky Visitors Bureau \$44,991.42 smcs; Keeney,C \$100.00 smcs;

Konica Minolta \$1,181.78 smcs; Krull Ins \$2,195.00 smcs; League of NE Municipalities \$3,741.00 smcs; Lincoln Winwater Works \$1,391.00 smcs; Lindner,S \$363.90 smcs; Logan Contractors \$2,581.88 smcs,co; Loper Athletic Club \$505.75 smcs; Luke,D \$626.20 smcs; Mac Tools \$170.00 smcs; Magic Cleaning \$4,740.00 smcs; Marlatt Machine \$45.02 smcs; McDole Jerry \$49.65 smcs; Mead Lumber \$101.94 co; Menards \$1,099.00 smcs; Metlife \$11,017.81 ps; Midlands Contracting \$93,276.04 co; Mid-State Engineering \$899.00 smcs; Midwest Connect \$423.70 smcs; Milco Environmental \$2,500.00 smcs; Miller & Associates \$183,792.72 co; Miller Signs \$1,980.00 smcs; Minitex \$2,272.00 smcs; Moonlight Embroidery \$2,890.00 smcs; Moore,A \$45.00 smcs; MPH Industries \$162.60 co; Municipal Supply \$4,716.91 smcs; NE Child Support \$2,328.97 ps; NE Dept of Rev \$67,844.75 ps; NE Dept of Roads \$4,618.41 smcs; NE Environmental Products \$390.86 smcs; NE Library Commission \$4,199.45 smcs; NE Machinery \$145.00 co; NE Public Health \$36.00 smcs; NE Safety & Fire \$4,519.50 smcs; NE Sec of State \$30.00 smcs; NEland Distributors \$2,818.90 smcs; Norm's Plbg \$4,401.45 smcs,co; Northwestern \$1,502.69 smcs; Novus \$40.00 smcs; NRG Media \$54.00 smcs; Office Depot \$35.11 smcs; O'Keefe Elevator \$413.89 smcs; Olsson Associates \$19,256.57 smcs; Overdrive \$8,250.00 smcs; Paramount \$171.84 smcs; Payflex Systems \$578.00 smcs,ps; Peerless Machine \$11,305.56 co; Penguin Random House \$160.00 smcs; Penworthy \$824.24 smcs; Platte Valley Auto \$24,683.18 smcs; Platte Valley Comm \$310.50 smcs; Prime Comm \$1,866.43 co; Pro-Tint \$200.00 smcs; Pulliam,R \$40.00 smcs; Rasmussen,R \$17.14 smcs; RDG Planning \$2,000.00 co; Recorded Books \$311.80 smcs; Red Willow \$1,505.00 smcs; Reinertson,C \$30.00 smcs; Reynolds,B \$585.00 smcs; Rheome Tree \$990.00 smcs; Rich,T \$50.00 smcs; Richardson,M \$15.00 smcs; Rivershore Reading Store \$144.00 smcs; RSG Home Improvements \$27.74 smcs; Sapp Bros \$15,107.73 smcs; School District #7 \$656.25 smcs; See Clear Cleaning \$2,050.00 smcs; Sign Center \$950.00 smcs; Silverstone \$4,580.00 smcs; Skillsetonline \$4,995.00 smcs; Small,J \$24.78 smcs; SOS Portable Toilets \$235.00 smcs; Steinbrink's \$3,207.06 smcs; Steinbrook, Scott \$505.75 smcs; Sun Life Financial \$69,464.56 smcs; Sutton,S \$457.50 smcs; Tacha, \$50.00 smcs; J \$80.00 smcs; THEY Improv \$750.00 smcs; Thompson Co \$191.08 smcs; Thompson,D \$100.00 smcs; Tielke's \$84.44 smcs; Titleist \$104.54 smcs; Trade Well Pallet \$3,960.00 smcs; Tri State Oil \$166.50 smcs; Turfwerks \$90.00 smcs; Tye Law Firm \$12,680.43 smcs; Union Bank & Trust \$72,732.97 smcs,ps; Van Diest \$4,091.18 smcs; Verizon \$1,640.41 smcs; Village Cleaners \$384.05 smcs; Walters Electric \$12,330.00 co; Walton,T \$40.00 smcs; Ward Laboratories \$6.50 smcs; Warrington,D \$40.93 co; Wasteworks \$948.40 smcs; Watchguard Video \$502.00 co; Weis Equipment \$260.00 smcs; York,H \$22.47 smcs; Young,J \$626.20 smcs; Young,M \$280.00 smcs; Payroll Ending 8-6-2016 -- \$454,278.32. 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 Tobey Wetmore submitted by Kearney Steak Company, dba Whiskey Creek located at 407 South 2nd Avenue in connection with their Class IK-035628 liquor license

4. Accept the proposals received for the design of playground equipment for northeast Kearney in the Eastbrooke Subdivision and select Crouch Recreation as the

Contractor in the amount of \$73,676.00.

- 5. Adopt Resolution No. 2016-134 approving the recommendation from the Advisory Board of Park & Recreation Commissioners on naming the northeast park located at Eastbrooke Drive and T Avenue to East Brooke Park.

RESOLUTION NO. 2016-134

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, the Park and Recreation Advisory Board met on July 28, 2016 and has forwarded the recommendation to the City Council for the naming of the northeast park located at Eastbrooke Drive and T Avenue to East Brooke Park; and

WHEREAS, the City Council discussed the naming of this land at its meeting held on August 9, 2016 and determined it would be appropriate to name the northeast park as "East Brooke Park".

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the recommendation from the Park and Recreation Advisory Board.

BE IT FURTHER RESOLVED that the designation submitted for the northeast park located at Eastbrooke Drive and T Avenue be named East Brooke Park.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 6. Accept the proposals received for the purchase and installation of eight scoreboards for the youth baseball and softball complexes at Patriot Park and select Fair-Play by Trans Lux as the Contractor in the amount of \$104,570.00.

- 7. Repeal Resolution No. 2012-72 pertaining to the developing standards to be applied toward the development of the Tech ONE Crossing Business Park.

- 8. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the North Pole Express for the temporary closing of the parking lot located north of the Museum of Nebraska Art and six parking spaces in front of Tru Café, 2100 Central Avenue on November 29, 30, December 1, 6, 7, 8, 12, 13, 14, 15.

- 9. Adopt Resolution No. 2016-135 approving T-Hangar B-5 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Exec Direct, LLC (John Goodbrake).

RESOLUTION NO. 2016-135

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 Exec Direct, LLC (John Goodbrake), the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt Resolution No. 2016-136 approving the Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with AIP No. 3-31-0045-03-2016 for the rehabilitation of Runway 18/36.

RESOLUTION NO. 2016-136

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 3-31-0045-030-2016 TO REHABILITATE RUNWAY 18/36 (7,094 FEET BY 35 FEET); REHABILITATE TAXIWAY A (RECONSTRUCT/RECONFIGURE TAXIWAYS TO RWY ENDS (1,775 FEET BY 35 FEET); (PHASE 1 – ENGINEERING SERVICES)

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Project No. 3-31-0045-030-2016 to rehabilitate Runway 18/36 (7,094 feet by 35 feet); rehabilitate Taxiway A (reconstruct/reconfigure taxiways to RWY ends (1,775 feet by 35 feet); (Phase 1 – Engineering Services) for the Kearney Regional Airport; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

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

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Project No. 3-31-0045-030-2016 for the purpose of rehabilitating Runway 18/36 (7,094 feet by 35 feet); rehabilitate Taxiway A (reconstruct/reconfigure taxiways to RWY ends (1,775 feet by 35 feet); (Phase 1 – Engineering Services) for the Kearney Regional Airport. The Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. 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 at Look Whats Cookin' located at

5012 3rd Avenue, Suite 175 on Wednesday, August 31, 2016 from 3:00 p.m. until 9:00 p.m. for a reception.

12. 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, wine and distilled spirits inside the Museum of Nebraska Art located at 2401 Central Avenue, Thursday, September 22, 2016 from 6:00 p.m. until 9:00 p.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8093 VACATING AN ALLEY NORTH OF 18TH STREET, SOUTH OF RAILROAD STREET, EAST OF AVENUE K AND WEST OF VACATED AVENUE L

The applicants are requesting approval to vacate the 20-foot wide north/south alley in order to develop several adjacent lots as one site. The 332.75 foot alley is located north of 18th Street, south of South Railroad Street, east of Avenue K, and west of vacated Avenue L. All of the property owners adjacent to the alley are in agreement with the vacation request. The alley can be vacated since the utilities servicing the area have all consented to the alley vacation. However, a public utility easement is to remain across the portion of the proposed vacated alley abutting Lots 5, 6, 7, and 8, Henthorn's Subdivision.

The north 232.75 feet of the block is zoned M-1, Limited Industrial and the south 100 feet of the block is zoned R-2, Urban Residential Mixed-Density. The vacation of the alley allows for easier industrial development of the lots adjacent to the alley in the M-1 zoning district.

Council Member Nikkila introduced Ordinance No. 8093 vacating the 20-foot wide alley abutting Lots 1 through 6, inclusive on the west and Lots 7 through 13, inclusive on the east all located in Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska (north of 18th Street, south of Railroad Street, east of Avenue K and west of vacated Avenue L), 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. 8093. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8093 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8093 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8093 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. 8094 ISSUING COMBINED UTILITIES REVENUE BONDS, SERIES 2016

On October 27, 2015, the City Council conducted a public hearing for the purpose of meeting the requirements necessary to obtain a State Revolving Fund Loan to finance the Fixed Base Radio Read Water Meter System. This project is eligible for financing by the "Nebraska Drinking Water Facilities Loan Fund" through the State of Nebraska Department of Environmental Quality. The following loan terms will apply to the loan:

- The amount of the loan will be for \$1,500,000.
- The term of the loan will be for 20 years.
- The interest rate on the loan will be 2.0% with an additional 0.75% administrative fee.
- The semi-annual payment on the loan will be \$45,683 plus 1% of the outstanding balance for the administration fee.

Council Member Nikkila introduced Ordinance No. 8094 authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up to \$1,500,000 for the purpose of paying the costs of improvements to and equipment for the City's water system; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environmental Quality; approving the execution and delivery of a loan agreement with the Nebraska Department of Environmental Quality; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the City with the holder of said bond; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation, 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. 8094. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which

resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8094 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8094 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8094 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

None.

VII. REPORTS

City Manager stated he presented the City Council with the new handout that will be distributed in the new teacher packets. He is not sure if they have ever participated in that before from his office, some other departments have. It was put together by Amy Yancy, Community Affairs Coordinator; it is a simplified version of City services and contact information.

The traffic signal at 39th Street and 30th Avenue will be completed by the end of next week but prior to school starting.

Council Member Buschkoetter stated he had the privilege of doing a ride along and he is always amazed at the quality of professionalism that the Police Department has. It was a good night and he was very happy with the level of respect that the community has for the City's police officers.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:52 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

**MICHAELLE E. TREMBLY
CITY CLERK**

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