

Kearney, Nebraska
October 11, 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 October 11, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle 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, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Duane Ruh, Mike Kalb, Chris Miller, 2 UNK students, Steve Altmaier from KGFW Radio, 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

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 HILLTOP MALL SECOND LOCATED AT 4915 2ND AVENUE

Mayor Clouse stated the City was notified today that the owner was withdrawing 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 (4915 2nd Avenue). The owner needs additional time in order to get the ownership and entities with an interest changed. Therefore, no action was taken.

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

Mayor Clouse stated the City was notified today that the owner was withdrawing 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). The owner needs additional time in order to get the ownership and entities with an interest changed. Therefore, no action was taken.

VACATE PORTION OF WISE ESTATES AND REZONING OF PROPERTY LOCATED AT 3809 COTTONMILL AVENUE

Mayor Clouse stated the City was notified by the developer to postpone until October 25, 2016 the public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and consider Ordinance No. 8108; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3809 Cottonmill Avenue)

Moved by Lammers seconded by Nikkila to postpone until October 25, 2016 the public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and consider Ordinance No. 8108; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

FINAL PLAT FOR SPRINGER ESTATES LOCATED AT 3720 COTTONMILL AVENUE

Mayor Clouse stated the City was notified by the developer to postpone until October 25, 2016 the public hearing on the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3720 Cottonmill Avenue).

Moved by Lammers seconded by Nikkila seconded to postpone until October 25, 2016 the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

BLIGHT AND SUBSTANDARD DETERMINATION STUDY FOR AREA #11

Public Hearings 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing to consider an area to be blighted and substandard and in need of redevelopment and described as beginning at the intersection of the south line of West 39th Street and the west line of 6th Avenue, thence south along said west line of 6th Avenue to its intersection with the north line of West 35th Street, thence west along said north line of West 35th Street to its intersection with an extended west line of W.W. Patterson's Subdivision, thence north along said west line to its intersection with the south line of West 39th Street, thence east along said south line of West 39th Street to its intersection with the west line of 6th Avenue, also known as the point of beginning and consider Resolution No. 2016-175. Planning Commission recommended approval and CRA recommended denial.

Assistant City Manager Paul Briseno presented this matter to the Council. The process is dictated by State statute. It was presented to the Planning Commission, then the Community Redevelopment Authority and now to City Council. The CRA did recommend denial of the blight and substandard designation and the development plan primarily based on the bids received for the property did not require TIF which is a primary tool identified in the development plan.

Council Member Buschkoetter stated it is highly unusual. Usually, the CRA is aggressive in terms of asking for that sort of assistance to make sure the development does occur.

City Manager Michael Morgan stated the development in this case is a tax exempt organization so there are no property tax benefits to them. The blight and substandard study designated area as such based on the blighted building and their removal of that building with the development as proposed, a good portion of the building will be saved and they have the funds to remove the rest of it. Once that it is done it will no longer meet the study requirements. If the City had known that it would not have proceeded

with the blighted study.

Council Member Lammers asked if the potential additional costs that the church could face or removal of asbestos come into play at all in the decision. City Manager stated they are not eligible because they do not pay property taxes. There is no tool or TIF available for them on their end because developers pay the cost upfront.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing considering an area to be blighted and substandard and in need of redevelopment and described as beginning at the intersection of the south line of West 39th Street and the west line of 6th Avenue, thence south along said west line of 6th Avenue to its intersection with the north line of West 35th Street, thence west along said north line of West 35th Street to its intersection with an extended west line of W.W. Patterson's Subdivision, thence north along said west line to its intersection with the south line of West 39th Street, thence east along said south line of West 39th Street to its intersection with the west line of 6th Avenue, also known as the point of beginning and deny Resolution No. 2016-175. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #11

Public Hearings 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing to consider a Redevelopment Plan for Redevelopment Area #11 and described as beginning at the intersection of the south line of West 39th Street and the west line of 6th Avenue, thence south along said west line of 6th Avenue to its intersection with the north line of West 35th Street, thence west along said north line of West 35th Street to its intersection with an extended west line of W.W. Patterson's Subdivision, thence north along said west line to its intersection with the south line of West 39th Street, thence east along said south line of West 39th Street to its intersection with the west line of 6th Avenue, also known as the point of beginning and consider Resolution No. 2016-176. Planning Commission recommended approval and CRA recommended denial.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing considering a Redevelopment Plan for Redevelopment Area #11 and described as beginning at the intersection of the south line of West 39th Street and the west line of 6th Avenue, thence south along said west line of 6th Avenue to its intersection with the north line of West 35th Street, thence west along said north line of West 35th Street to its intersection with an extended west line of W.W. Patterson's Subdivision, thence north along said west line to its intersection with the south line of West 39th Street, thence east along said south line of West 39th Street to its intersection with the west line of 6th Avenue, also known as the point of beginning and deny Resolution No. 2016-176. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

SRF LOAN FOR CONSTRUCTION OF SLUDGE HANDLING SYSTEM AT THE WASTEWATER TREATMENT PLANT

Mayor Clouse opened the public hearing to discuss the proposed Engineering Report for the construction of sludge handling system and associated improvements, the impact to rates, any needed mitigation measures and to meet clean water SRF criteria and consider Resolution No. 2016-177.

Chris Miller from Miller & Associates presented this matter to the Council. The public hearing is a part of the process the City goes through in order to get funding for some upgrades needed at the City's wastewater treatment facility. Cherry Avenue borders the wastewater treatment plant on the east, I-80 to the north and the north channel of the Platte River that runs along which is where they discharge, and further west is wetlands and trails.

They are looking at everything - from the residences it goes through a collection system, then through 17 lift stations and then the waste comes to the facility. The City treats approximately 3.8-4.0 million gallons a day of wastewater through the facility. During peak times, high flows or rain fall events, the City can see up to 8-9 million gallons a day running through the facility. So it is very important and heavily regulated.

The City receives a permit from the Nebraska Department of Environmental Quality. A NPDS (National Pollutant Discharge Elimination System) permit regulates when they take any sort of water or waste off of the facility what it can and cannot contain. The City has a NPDS permit that will be modified in 2018 and were notified that they need to do some improvements.

Mr. Miller discussed the processes and treatments that it takes to get the wastewater processed.

The original facility was built in 1960 so they have done major upgrades. The headworks building was last updated in 1996, all of the water comes into this building and has a screening process. So they want to take out things such as cleaning rags and things like that that get flushed into the system that come to the facility. They do not want those to go through the pumps and process because they wreak havoc on the system.

Currently, they have a screening process that goes through the headworks building from there the water then flows to the influent pump station which was originally built in 1960, 1971 and in 1996 they did upgrades. One thing that is missing between here is a grit system, they see a lot especially during heavy rainfall events they have sand and gravel that come through here. They see that build up and go through the pumps and wreaks havoc.

From there, they have groundwater on the site and pump it from there into the clarifiers and these are basically settling basins, anything they can settle out and not treat even organic sands they try to settle out and keep the water moving. From there they pump to a trickling filter. It is a fixed media, a certain organism is grown on there that treats the

wastewater as it runs through this media and from there it flows by gravity to the solids contact basins. They were old clarifiers that they have reused and put it into a solids contact basins. They currently add air to that due to more stringent requirements, grow different bacteria and try to treat it even better.

From there they go to a final clarifier, they have these that were growing bacteria and as they get old, grow and they need to get rid of them so those become solid or sludge. The water moves onto the final clarifiers then to a disinfection facility and they discharge it.

The City was notified in 2015 that when the permit becomes due in 2018 it will be stricter. Currently, the City is meeting all of its discharge limits; occasionally there have been spikes in ammonia but nothing to be concerned about. As Kearney continues to grow and since the last upgrade was 1996, all of these facilities are at maximum capacity and just meeting the limits for ammonia.

When the limits are lowered in 2018, the City probably will not meet them. There will be some seasonal limits, so during spring time and recreational areas, they will have even lower standards that the City probably will not meet them. The City will have some time to do that but in order to prep for it; there are some other things that need to be done.

After reviewing a facility plan in November of 2015, a study was conducted that looked at all of the processes and ran through the treatment process and submitted that study to NDEQ for review and approval which they offered the City funding which is the reason for this hearing. As the City continues to grow, it has more waste coming in and having a hard time meeting ammonia limits.

With regard to the NPDS permit; the City has two streams that are being regulated: liquid stream and solid stream. The liquid stream is where the City will be regulated in 2018 for ammonia and phosphorus. The City is currently meeting that expectation.

The solid stream is where the improvements need to be done and is considered as Phase 1. The solid stream process is taking the sludge out of the basins and taking it to the 1960's building that was renovated in 1986. The equipment is hard to come by and with the current parts is hard to keep running.

The City also does not have any sludge storage. If the equipment goes down, the City does not have any way to dispose of sludge that day and it is done every other day. Until this is up and running we start holding it in the basins which reduces the treatment capacity. So in the future, sludge storage is necessary.

The recommended improvements for Phase 1 is the new sludge dewatering facility, new equipment and a new building that is built for this. As they are doing that, they will also do some demolition of existing buildings.

They will build a new vehicle and storage shop for the sludge trucks. The solids dewatering building will be adjacent to the sludge pump station. The City also owns the land to the west and looking at phasing and at the new process in 2018, the land is available.

Phase 2 is the liquid stream. They are looking at getting rid of the ammonia, phosphorus, nitrogen those types of things. They will add a second mechanical screen. They will add sludge storage and demo some of the old buildings so they have room for future improvements for what they need to do on that land. Grit removal will be added to Phase 2 and turn one of the solid contacts into a sludge storage so if they go down for any reason and needs sludge storage.

The new RAS/WAS building is where they take and run waste activated sludge over to the new activated sludge basins. Only three activated sludge basins are needed. With the current design for 20 years they can look at three or add additional basins, if needed. It can be automated very easily.

Looking at the future, the City has room on this whole plant to continue to upgrade for many years to come.

They are going to bid the equipment, get the equipment and do a pilot study to prove the equipment is good. Then they will construct the building around it so they have it in the right size, dimensions and layout for the equipment. Council will approve specifications for dewatering equipment and building. They will go on and demo the other building and build the municipal building when that is out of the way.

They want to spread this out over a couple years. They expect to see the next permit limits in 2018 coming out the dewatering facility will be under construction and hoping to start the design and move onto the next phase and see what the ammonia looks like and what needs to be done.

They will demo the filter press building in 2018 and finish all of Phase 1. The solid dewatering will be completed in July 2019. When we get the permit in 2018, the final improvements will be determined based on those permits but we are ready for it. The design and construction is 2020.

Mayor Clouse asked once all the phases are done what type of growth does that allow Kearney to move to in population in the community and how long will this last, 30 years. Mr. Miller confirmed. They did an evaluation of the entire wastewater treatment facility using the data from the last five years, ran that through the model to see what they can do and how they could expand it.

With the nitrogen and phosphorus removal the City could not do it with the existing facilities and that is why they need to add the activated sludge. They are looking at 50,000 people that they could be able to add and they could add to the basin. When they do that, they will need more clarifiers and things like that so that is why they have the planning. They are looking 20-30 years out easily.

Council Member Lammers asked about additional staffing with this new construction. Mr. Miller stated there really would not need additional personnel. They are going to take the filter press which takes a lot of maintenance because of the age and what they have. The new process is much simpler, less maintenance and power consumption which is good. The activated sludge is a much more robust system.

Currently, the City has a trickling filter and solids contact that takes more labor and is more intensive. The staff can focus more on the pumps and the things they might not be hitting currently because they are keeping the system running. He believes it will be very equivalent to what the City is doing now or even less.

Council Member Nikkila asked if the \$4 million covers just the sludge dewatering facility. Mr. Miller confirmed; the vehicle storage building, and the demolition of the old building. Council Member Nikkila asked about the \$2.39 per user per month is that for the life of the 20-year loan. Mr. Miller confirmed.

Council Member Lammers asked about the clarification that once the water goes through the clarifier and into the river, what temperature and condition the water is when it goes back into the river. Mr. Miller stated the temperature cools down through the trickling filters. In the winter, it drops considerably – maybe 45°-50°. During the summer it is probably leaving at 60°-65°.

City Manager stated there is nothing in the process that heats the water or are there any chemicals really used in this process. Mr. Miller stated they use chemicals in the sludge dewatering to try and thicken the sludge and dewater it but for the trickling filters they do not have any settling chemicals that they add or induce.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing on the proposed Engineering Report for the construction of sludge handling system and associated improvements, the impact to rates, any needed mitigation measures and to meet clean water SRF criteria and adopt Resolution No. 2016-177. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2016-177

WHEREAS, the City of Kearney, Nebraska recognizes that a properly functioning sewer system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that portions of the City sewer system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City sewer system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska designated as Project No. C317961, incorporated by reference into this Resolution as if fully set forth.

BE IT FURTHER RESOLVED that Stanley A. Clouse, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska for the purpose of repairing and improving the City sewer system.

BE IT FURTHER RESOLVED that Michaelle E. Trembly, City Clerk, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

PASSED AND APPROVED THIS 11TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 7 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 Special Meeting held September 27, 2016 and Minutes of Regular Meeting held September 27, 2016.

2. Approve the following Claims:

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

88 Tactical \$1,440.00 smcs; Accessdata Group \$1,119.00 smcs; Adventure Enterprises \$1,125.00 smcs; Alamar Uniforms \$99.99 ps; Alfred Benesch \$27,244.22 co; Amazon \$4,398.19 smcs; Amer First Aid \$211.70 smcs; Arctic Refrigeration \$416.37 smcs; Ask Supply \$671.85 smcs; Auto Value Parts \$1,832.86 smcs; Baker & Taylor \$3,872.07 smcs; Bauer Underground \$5,637.10 smcs; Blessing \$965,252.76 co; BlueCross BlueShield \$154,396.10 smcs; Bosselman \$1,645.75 smcs; Brandt,M \$1,993.00 smcs; Brester Construction \$15.06 smcs; Brilliance Publishing \$131.94 smcs; Buffalo Co Sheriff \$159,280.75 smcs; Buffalo Co Treasurer \$20.00 co; Builders \$572.25 co; Capital Business Systems \$761.10 smcs; Cash-Wa \$266.12 smcs; Charter \$6.87 smcs; City of Ky \$409,086.70 smcs,ps,co; Comm Health Charities \$4.00 ps; Craig,C \$31.27 smcs; Crescent Electric \$2,798.18 smcs; Crouch Recreational \$13,202.00 co; D&M Security \$70.50 smcs; Danko Emergency \$664.00 smcs; DAS State Accounting \$5,651.34 smcs; Depository Trust \$36,368.75 ds; Diamond Tours \$3,600.00 smcs; Dutton Lainson \$13.32 smcs; Eagle Distribution \$263.80 smcs; Eakes \$424.89 smcs; Engineered Controls \$308.16 smcs; Fireguard \$56.63 smcs; Frontier \$70.34 co,smcs; Gordon,B \$40.32 smcs; Granicus \$1,236.00 smcs; Griffin,B \$11.69 smcs; Hagan,H \$31.00 smcs; Hilltop Theater \$338.22 smcs; Hoffman,J \$12.40 smcs; Hometown Leasing \$157.20 smcs; Hsi,P \$19.94 smcs; ICMA RC \$4,807.39 ps; IES Commercial \$41,866.38 co; Infinisource \$2,691.36 smcs; Integrated Construction \$220,403.70 co; IRS \$147,820.56 ps; Jack Lederman \$62.56 smcs; Jones Automotive \$2,367.53 smcs; Ky Cinema \$3,797.70 smcs; Ky Crete & Block \$516.00 co; Ky Hub \$2,097.20 smcs; Ky United Way \$574.50 ps; Ky Visitors Bureau \$56,163.71 smcs; Keesee,R \$51.16 smcs; Kidwell \$1,421.66 smcs; Konica Minolta \$1,048.92 smcs; League of NE Municipalities

\$41,851.00 smcs; Logan Contractors \$107.35 smcs; Luke,D \$1,423.25 smcs; Magic Cleaning \$4,740.00 smcs; Marlatt Machine \$119.68 smcs; Matheson-Linweld \$25.30 smcs; Mathews,S \$14.35 smcs; McAdams,K \$23.97 smcs; McConnell,M \$100.00 smcs; McEntee,L \$1,294.90 co; Metlife \$7,568.14 ps; Microfilm Imaging \$1,040.00 smcs; Mid-NE Garage Doors \$1,175.00 smcs; Mid-State Engineering \$910.00 co; Midwest Connect \$6,398.92 smcs; Miller & Associates \$5,679.75 smcs,co; Mohanna,T \$100.00 smcs; MONA \$100.00 smcs; Moonlight Embroidery \$88.00 smcs; Mosaic \$45.48 smcs; Munson,J \$1.97 smcs; NELETC \$100.00 smcs; Navigator Motorcoaches \$735.00 smcs; NE Child Support \$2,188.20 ps; NE Dept of Rev \$42,526.24 ps; NE Dept of Roads \$6,233.38 co; NE Municipal Clerks Assn \$35.00 smcs; NE Peterbilt \$229,309.00 co; NE Safety & Fire \$195.00 smcs; NEland Distributing \$448.85 smcs; Newman Traffic \$1,896.00 co; Northwestern Energy \$649.61 smcs; Nova Fitness \$340.00 ps; O'Keefe Elevator \$413.89 smcs; Office Depot \$402.02 smcs; Olive Software \$4,500.00 smcs; Olsson Associates \$35,188.45 co;Outdoor Recreation \$835.00 co, smcs; Paramount \$118.01 smcs; Payflex Systems \$573.75 smcs,ps; Penguin Random House \$52.50 smcs; Peterson,D \$994.00 smcs; Peterson,K \$10.85 smcs; Petzold,S \$100.00 smcs; PiranhaDisc Sales \$36.00 smcs; Power DMS \$4,692.68 smcs; Pulliam,R \$40.00 smcs; Recorded Books \$2,165.44 smcs; Rheome Tree \$1,100.00 smcs; Rich,T \$50.00 smcs; Romar \$100.00 smcs; Sampson Construction \$1,325,839.00 co; Sandy's Jewelry \$80.00 ps; Sapp Bros \$14,348.57 smcs; School District #7 \$2,239.50 smcs; Secretary of State \$30.00 smcs; See Clear Cleaning \$1,700.00 smcs; SiteOne Landscaping \$65.00 smcs; Sixel Consulting Group \$3,000.00 smcs; SOS Portable Toilets \$235.00 smcs; Springer,M \$102.00 smcs; Steinbrink's Landscaping \$11,624.69 co; Sun Life Financial \$70,191.27 smcs; Tacha,J \$50.00 smcs; Tapco \$25,122.17 smcs,co; Taylor,R \$994.00 smcs; Titleist \$778.45 smcs; Trevino,K \$10.59 smcs; TrueGreen ChemLawn \$170.00 smcs; Tye Law Firm \$12,576.20 smcs; Underground Construction \$910.00 smcs; Union Bank & Trust \$74,472.98 ps; Verizon \$1,601.24 smcs; Village Uniform \$381.17 smcs; Wagner's Irrigation \$45.00 smcs; Walton,T \$40.00 smcs; WT Cox \$22.46 smcs; Young,J \$1,423.25 smcs; Zimmerman Printers \$223.44 smcs; Payroll Ending 10-1-2016 -- \$423,071.97. 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. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-77615 catering liquor license to dispense wine inside the Landmark Implement Arena/Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 12, 2016 from 8:30 a.m. until 4:30 p.m. for a sampling/tasting.

4. Adopt Resolution No. 2016-178 approving the Agreement for Acquisition of Sidewalk Easement between the City of Kearney and Notz Farms, LLC for the acquisition of a sidewalk easement on their property as it runs along 11th Street from to 24th Avenue to 27th Avenue.

RESOLUTION NO. 2016-178

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the Mayor be and is hereby authorized and directed to execute the Agreement for Acquisition of Sidewalk Easement between the City of Kearney and Notz Farms, LLC

for the acquisition of a sidewalk easement on their property as it runs along 11th Street from 24th Avenue to 27th Avenue. The Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt Resolution No. 2016-179 approving the Agreement for Management Services between the City of Kearney and the Great Platte River Road Memorial Foundation allowing the City to continue providing management services at The Archway.

RESOLUTION NO. 2016-179

WHEREAS, The Great Platte River Road Archway is an educational and tourism museum located over Interstate 80 within the city limits of Kearney, Nebraska; and

WHEREAS, the Great Platte River Road Archway is the only venue of its kind; and

WHEREAS, the Great Platte River Road Archway has brought national attention to Kearney, Nebraska being featured in movies, the New York Times, Wall Street Journal, USA Today, and countless articles in tourism guides and magazines; and

WHEREAS, the Great Platte River Road Archway is no longer limited by the significant indebtedness that limited success and local support; and

WHEREAS, the Great Platte River Road Archway has benefitted from the new Interstate access allowing visitors immediate accessibility to the venue; and

WHEREAS, the Great Platte River Road Archway project benefited the City of Kearney with the construction of over \$5 million of infrastructure provided to the City of Kearney; and

WHEREAS, the City of Kearney, in partnership with the Great Platte River Road Archway, will create efficiencies and improvements resulting in decreased operating expenses, improved aesthetics and significant operational efficiencies.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney commits itself to providing financial and operational support for the Great Platte River Road Archway.

BE IT FURTHER RESOLVED that the City Manager be and is hereby designated as the authorized official.

BE IT FURTHER RESOLVED that this proposal is valid for a period of three (3) years from the date of approval.

PASSED AND APPROVED THIS 11TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt Resolution No. 2016-180 approving the Hangar T-385 Lease Agreement between the City of Kearney and Ryal Jons for aircraft storage at the Kearney Regional Airport.

RESOLUTION NO. 2016-180

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 Hangar T-385 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Ryal Jons. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt Resolution No. 2016-181 approving the Hangar T-385 Lease Agreement between the City of Kearney and Sean Trumble for aircraft storage at the Kearney Regional Airport.

RESOLUTION NO. 2016-181

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 Hangar T-385 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Sean Trumble. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF OCTOBER, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8110 REPEAL ORDINANCE NO. 8098 AND VACATE ALLEY BETWEEN 29TH STREET AND 30TH STREET FROM 1ST AVENUE TO 2ND AVENUE

This matter was brought before the City Council on September 13. The applicant requested vacating 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.

When the City submitted the ordinance to the Register of Deeds, there was an omission in the legal description. Therefore, this ordinance will repeal the original ordinance and vacate the alley that reflects the correct legal description.

Council Member Clouse introduced Ordinance No. 8110 repealing Ordinance No. 8098 and to vacate 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. 8110. 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. 8110 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 Lammers seconded by Nikkila that Ordinance No. 8110 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. 8110 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 provided the following updates:

- Cherry Avenue will have a December 1st full completion date rather than November 1st.
- There is currently a lot of work going on at Patriot Park. A lot of sod being laid. Some of the challenges are where the sod is coming from its rained quite a bit so it has slowed the project down in that regard.
- The trail on 11th Street should be completed next week.
- 56th Street and Avenue N project is moving along. The intersections have been lined up and the pedestrian path moved further back which helps the visibility.
- PenAir's Meet and Greet is scheduled for Wednesday at the airport. A lot of marketing efforts are going on and working with PenAir on the transition at the end of the month for a November 1st start.

Council Member Nikkila asked about the First Baptist Church donating land for a park or for the Parks Department and also the gym space. City Manager stated the City indicated that was possible to accept it as park land not a park. With regard to the gymnasium, staff will sit down, discuss and finalize that with the church. We believe it would be in the best interests for everyone involved. It would reduce their maintenance,

increase the City's maintenance but the City is in desperate need of gym space and so if they can work through it and work together that seemed like a good solution.

Council Member Lammers stated with regard to the PenAir Meet and Greet, this is a real opportunity for the community and get back to reliable air service. It is important for as many people as possible to go out there and show their interest, concern and care of having great air service in the community.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:00 p.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**