

Kearney, Nebraska
October 10, 2017
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 Tuesday, October 10, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Bob Lammers. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Scott Hayden, Director of Park and Recreation and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included:

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

Pastor Chad Anderson provided the Invocation.

PLEDGE OF ALLEGIANCE

One Boy Scout from Troop 158 led the Council members and 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

REZONE PROPERTY LOCATED VACATED AVENUE L ON SOUTH SIDE OF 16TH STREET

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for the City of Kearney to rezone from District R-2/PD, Urban Residential Mixed-Density Planned Development Overlay District to District R-1, Urban Residential Single-Family District (Low Density) property described as the West Half of vacated Avenue L from the South Right-of-Way line of 16th Street to the North Right-of-Way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated West Half of Avenue L on the North, EXCEPT the West Half of the South 180.75 feet of vacated Avenue L lying between 15th Street and 16th Street abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the East, all in Buffalo County, Nebraska (Vacated Avenue L on South side of 16th Street) and to consider Ordinance No. 8183. Planning Commission recommended approval.

Trenton Snow presented this matter to the Council. The property is one of the old sites for the City of Kearney's pump houses located off of 16th Street, in vacated Avenue L. The center line of Avenue L is the division line for the different zonings which is why only half of the property is being rezoned. One half of the property was already zoned R-1 and this application is requesting to make the whole lot consistent. The property is a one-lot subdivision and will be served by City services. There is a 10-foot electric easement that goes 18-foot into the front of the lot because of a guide anchor for a power pole across the street but since the building setback is 25-feet, the easement should not hinder any building on the lot.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Trenton Snow for the City of Kearney to rezone from District R-2/PD, Urban Residential Mixed-Density Planned Development Overlay District to District R-1, Urban Residential Single-Family District (Low Density) property described as the West Half of vacated Avenue L from the South Right-of-Way line of 16th Street to the North Right-of-Way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated West Half of Avenue L on the North, EXCEPT the West Half of the South 180.75 feet of vacated Avenue L lying between 15th Street and 16th Street abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the East, all in Buffalo County, Nebraska (Vacated Avenue L on South side of 16th Street) and introduced Ordinance No. 8183 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.

8183. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8183 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8183 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8183 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.

FINAL PLAT FOR RICE ADDITION

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for the City of Kearney for the Final Plat for Rice Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as all of vacated Avenue L from the South Right-of-Way line of 16th Street to the North Right-of-Way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated Avenue L on the North, EXCEPT the East Half of the South 180.75 feet of vacated Avenue L abutting part of Lot 3 and all of Lot 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska on the West, AND EXCEPT the West Half of the South 180.75 feet of vacated Avenue L lying between 15th Street and 16th Street abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the East, all in Buffalo County, Nebraska (Vacated Avenue L on South side of 16th Street) and consider Resolution No. 2017-171. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2017-171 approving the Application submitted by Trenton Snow for the City of Kearney for the Final Plat for Rice Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as all of vacated Avenue L from the South Right-of-Way line of 16th Street to the North Right-of-Way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated Avenue L on the North, EXCEPT the East Half of the South 180.75 feet of vacated Avenue L abutting part of Lot 3 and all of Lot 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska on the West, AND EXCEPT the West Half of the South 180.75 feet of vacated Avenue L lying between 15th Street and 16th Street abutting part

of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the East, all in Buffalo County, Nebraska (Vacated Avenue L on South side of 16th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2017-171

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Rice Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of vacated Avenue L from the South Right-of-Way line of 16th Street to the North Right-of-Way line of 15th Street, TOGETHER WITH the South 7 feet of 16th Street abutting said vacated Avenue L on the North, EXCEPT the East Half of the South 180.75 feet of vacated Avenue L abutting part of Lot 3 and all of Lot 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska on the West, AND EXCEPT the West Half of the South 180.75 feet of vacated Avenue L lying between 15th Street and 16th Street abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, a subdivision of Lot 1358, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska on the East, all in 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 10TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE LOT 2, SUN WEST FOURTH ADDITION AND FINAL PLAT FOR SUN WEST FIFTH ADDITION

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Sun Development Inc. to (1) vacate Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and to consider Ordinance No. 8184; and (2) the Final Plat for Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of vacated Lot 2 of Sun West Fourth Addition, an addition to the City of Kearney, in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Half Block North of 16th Street and West of 17th Avenue) and consider Resolution No. 2017-172. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. The project is located on a single-lot subdivision and is being split into two lots because of the size and the PD that is zoning for. On the south of Lot 2 is residential development and on the west, is storage and warehousing. The current zone is M-1/PD and currently existing on what is known as Lot 2, Sun West Fourth. The property has a 50-foot ingress/egress easement to allow access to Lot 3 and 17th Avenue. There is a public water main and fire protection already built and constructed.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller & Associates for Sun Development Inc. to vacate Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 8184 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8184. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8184 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8184 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8184 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 Lear seconded by Buschkoetter to adopt Resolution No. 2017-172 approving the Final Plat for Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of vacated Lot 2 of Sun West Fourth Addition, an addition to the City of Kearney, in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Half Block North of 16th Street and West of 17th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2017-172

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF

KEARNEY, NEBRASKA, that the plat of Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of vacated Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska more particularly described as follows: Referring to a 3/4" Iron Pipe at the Northwest corner of the Southwest Quarter of Section 2 and assuming the West line of said Southwest Quarter as bearing S 00°53'07" W and all bearings contained herein are relative thereto; thence S 00°53'07" W on said West line a distance of 137.62 feet to a 5/8" rebar at the Northwest corner of Lot 2 (now vacated) of Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING; thence N 83°35'01" E on the North line of Lot 2 (now vacated) of said Sun West Fourth Addition a distance of 365.34 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 2 (now vacated); thence S 06°21'14" E on the Easterly line of said Lot 2 (now vacated) a distance of 100.34 to a 5/8" bar at the Northwest corner of Lot 3 of said Sun West Fourth Addition, thence S 00°53'07" W on the West line of said Lot 3 of Sun West Fourth Addition a distance of 305.63 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 3 of Sun West Fourth Addition; thence Southwesterly on the North line of G&K Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and on a non-tangent curve to the Left having a central angle of 17°59'05", a radius of 548.00 feet, an arc length of 172.01 feet, and a chord bearing of S 71°22'29" W a distance of 171.31 feet to a 5/8" rebar; thence S 62°22'56" W continuing on the North line of said G&K Third Addition a distance of 68.90 feet to a 5/8" rebar on the East line Lot 1 of said Sun West Fourth Addition; thence N 00°53'07" E on the East line of said Lot 1 of Sun West Fourth Addition a distance of 214.09 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 1 of Sun West Fourth Addition; thence N 89°06'53" W on the North line of said Lot 1 of Sun West Fourth Addition a distance of 153.00 feet to a 5/8" rebar at the Northwest corner of said Lot 1 of Sun West Fourth Addition; thence N 00°53'07" E on the West line of said Southwest Quarter a distance of 234.75 feet to the Point of Beginning, containing 3.04 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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 10TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

AMENDMENTS TO CITY CODE

Mayor Clouse opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 9-205 "Certification of Licensed Architect or Engineer Required" of Article 2 "Building Code Generally" of Chapter 9 "Public Works" to change the square footage in sub-item 1 to comply with the

Engineers and Architects Regulations Act of 2013; (b) Section 9-302 “International Residential Code; Amendments” of Article 3 “Amendments” of Chapter 9 “Public Works” to add the language “accessory buildings may be placed on a floating slab when the structure is 600 square feet or less.”; (c) Section 47-104 “Setback Adjustments” of Chapter 47 “Supplemental Development Regulations” to delete entire sub-item E “Rear Yard Exceptions – Residential Uses”; (d) Section 48-104 “Landscaping Materials and Installation Standards” of Chapter 48 “Landscaping and Screening Standards” to add sub-item C and replace current sub-item B with language regarding required right-of-way landscaping; and (e) section 50-103 “General Sign and Street Graphics Regulations” of Chapter 50 “Sign Regulations” to add language under sub-item C regarding obsolete signs and off-premise signs on private property and to add language under sub-item I regarding maintenance of signs and to consider Ordinance No. 8185. Planning Commission recommended approval.

Assistant City Manager, Paul Briseno presented this matter to the Council. The amendment changes proposed regard two areas of landscaping, screening standards as well as the sign regulations. The landscaping screenings standards is basic housekeeping with the exception of section 48-104 clarifying current practice in landscaping in the right-of-way by adding the language to plantings placed in the right-of-way shall be consistent with the depth of landscaping required by the underlying zoning, which is current practice today.

The second section “Sign Regulations” adds language within two sections, 50-103.C and 50-103.I. The first section removes the sign preference or graphics within the signs within six months when the business is no longer valid. When the business leaves the site, the City would ask that within six months the graphics either be turned around so it would be blank, or another product be placed in the sign.

Section 50-103.I adds language that when a sign is 51% or more in disrepair, the City Manager can authorize removal of that sign. Currently, the City does have some authority within the nuisance code but this directly clarifies the language within City code.

Council Member Buschkoetter asked if a sign is already more than six months old, can the City then go back to the business or how does the process work. City Attorney, Mike Tye stated the City has been dealing with obsolete signs under the nuisance section. This language is to help the City have a little more specificity in code rather than a broad nuisance reference. The City does work with property owners and sends notices requesting that signs for businesses no longer open either be removed or a blank be placed in the sign, or changed over to the new business. Generally, the City has good compliance but this language provides the City with another tool.

Council Member Buschkoetter asked there is a period of transition from when a business closes, moves or is bought that the property owner may not want to make wholesale substitute changes quite yet. City Attorney stated property owners could provide the City with a timeline showing when the transition would happen which allows the City to work with property owners. This language helps for times when a business is vacant with no one moving in and the sign has been there for a significant period of time, not making any progress. Generally, the City would work with the business and if

the business has a reasonable deadline, the City would allow the business to maintain the sign until the new business is in place, as long as that is not for an extended unknown time.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the proposed amendments and introduced Ordinance No. 8185 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 Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8185. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8185 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8185 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8185 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.

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 9 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held September 26, 2017.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

Acushnet Co. \$310.99 smcs; Adamson,T \$8.00 smcs; All Makes Office Equip \$1,069.80 smcs; Ally B Designs \$265.00 smcs; Amazon \$2,092.23 smcs; Andersen,J \$106.38 smcs; Arehart,M \$400.00 smcs; Ask Supply Co. \$435.21 smcs; Aurora Coop \$55.36 smcs; Auto Value Parts Stores \$1,243.59 smcs; Awards Plus \$156.00 smcs; Baker & Taylor Books \$8,380.98 smcs; Baughman,J \$38.96 smcs; Becker,J \$34.50 smcs; Berg,B \$31.00 smcs; Blackstone Audio \$120.00 smcs; Blessing, Inc \$561,283.24 co; BlueCross/BlueShield \$97,970.56 smcs; Bolte,C \$101.60 smcs; Borer,H \$15.81 smcs; Bosselman \$23,232.92 smcs; Brilliance Publishing \$154.74 smcs; Briseno,P \$267.35 smcs; Bruha,S \$240.00 smcs; Buffalo Co. Register Deeds \$254.00 smcs; Buffalo Co. Sheriff \$162,694.00 smcs; Buffalo Outdoor Power \$6,000.00 smcs; Builders \$141.26 smcs,co; Butler,B \$1,071.11 smcs; Cash-Wa \$1,420.22 smcs; CH Diagnostic & Consult. \$1,055.00 smcs; Chesterman Co. \$998.50 smcs; Chief Supply Corp \$833.61 smcs; Cigna \$7,133.55 smcs; Citizenserve \$22,500.00 smcs; City of Ky \$363,332.51 co,ps,smcs; Civic Plus \$7,000.00 smcs; Comcate \$7,868.28 smcs; Comfy Bowl \$50.00 smcs; Community Health Char. \$6.00 ps; Compasscom \$124.95 smcs; Consolidated Mgmnt \$537.77 smcs; Core & Main \$19,725.23 co; Crane River Theatre \$1,000.00 smcs; Cudaback,G \$12.97 smcs; D&M Security \$70.50 smcs; Danko Emergency Equip. \$347.00 smcs; DAS State Accounting \$15.60 smcs; Depository Trust \$105,821.25 ds; Dish \$94.03 smcs; Eakes Office Plus \$2,328.76 smcs; Edson,C \$7.39 smcs; Energy Roofing \$238.35 smcs; Felsburg Holt & Ullevig \$5,265.00 smcs; Flynn,B \$15.30 smcs; Frontier \$71.98 smcs; Fry & Associates \$31,149.75 smcs; Gale/Cengage Learning \$281.16 smcs; Galls, Inc \$303.20 ps,smcs; Gibbs,J \$2.25 smcs; Golden Rule Creations \$1,662.46 smcs; Goodbridge,G \$19.44 smcs; Grand Island Independent \$213.60 smcs; Harms,G \$18.72 smcs; Hasty,D \$30.00 smcs; Hill,E \$190.34 smcs; HM Life Insurance \$40,603.13 smcs; Hometown Leasing \$157.20 smcs; Hort,K \$100.00 smcs; ICMA \$5,077.51 ps; Infinisource \$2,605.92 smcs; IRS \$157,123.82 ps; Ky Area United Way \$635.15 ps; Ky Concrete \$98.00 smcs; Ky Hub Publishing \$3,052.74 smcs; Ky Noon Rotary \$195.00 smcs; Ky Visitors Bureau \$187,419.06 smcs; Koettters,J \$15.30 smcs; Konica Minolta \$248.01 smcs; Larue Distributing \$17.80 smcs; Laser Link Golf \$756.00 smcs; Lawn Builders \$77.28 smcs; Leach,C \$50.00 smcs; League of NE Munic. \$43,886.00 smcs; Lim,H \$21.12 smcs; Mac Tools \$6.30 smcs; Magic Cleaning \$6,540.00 smcs; Marlatt Machine Shop \$488.55 smcs; Microfilm Imaging Sys. \$1,040.00 smcs; Mid-Iowa Solid Waste \$360.34 smcs; Mid-NE Garage Doors \$2,552.00 smcs; Midwest Connect \$3,394.80 smcs; Milco Environmental \$5,081.20 smcs; Miller & Associates \$21,396.80 smcs,co; MONA \$125.00 smcs; Murphy Tractor \$25.57 smcs; NCOA \$125.00 smcs; NE Child Support Pmt. \$1,814.13 ps; NE Dept HHS \$100.00 smcs; NE Dept. of Revenue \$116,449.06 ps,smcs; NE Machinery \$85.00 smcs; Newman Traffic Signs \$2,443.46 smcs; NMC Exchange \$16,909.51 smcs; Northwestern Energy \$611.38 smcs; Office Depot \$319.96 smcs; O'Keefe Elevator \$430.44 smcs; Olive Software \$4,500.00 smcs; Olsson Associates \$7,323.75 co; Paramount \$277.80 smcs; Payflex \$586.50 ps,smcs; Penguin Random House \$157.50 smcs; Pep Co. \$86.34 smcs; POAN \$250.00 smcs; Presto-X \$338.00 smcs; Pulliam,R \$527.70 smcs; Recorded Books \$1,397.42 smcs; Reece,T \$43.07 smcs; Rich,T \$50.00 smcs; Rouse,H \$100.00 smcs; School District #7 \$4,221.35 smcs; Schwarz,J \$16.53 smcs; Smiling Faces Academy \$12.90 smcs; SOS Portable Toilets \$355.00 smcs; Southern Glazier's Wine \$1,152.00 smcs; Star-Herald \$142.24 smcs; State of NE - DAS \$5,191.05 smcs,co; Steffensmeier,J \$1,250.00 smcs; Stitch 3 LLC \$20.00 smcs; Streeter,A \$3.14 smcs; Tacha,J \$50.00 smcs; Thomas Reuters - West \$245.00 smcs; Tielke's Sandwiches \$37.42 smcs; TM Sporting Goods \$31.01 smcs; Tri/Environmental

\$600.00 co; Tri-City Sign Co. \$292.50 smcs; TruGreen ChemLawn \$170.00 smcs; Tye Law Firm \$13,085.99 smcs; Union Bank & Trust Co. \$75,937.52 ps; US Bank \$118,615.01 smcs; US Cellular \$50.00 smcs; Van Egmond,W \$20.99 smcs; Verizon Wireless \$1,600.40 smcs; Weis Fire & Safety Equip \$260.00 smcs; Whalen,J \$137.70 smcs; Yant Equipment \$406.91 smcs; Yocool Yogurt \$100.30 smcs; Young,R \$37.50 smcs; Payroll Ending 09/30/17 -- \$452,910.89. 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 Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:

a) Zombies Attack: A Run for Your Life for the temporary closing of the north lane of East 1st Street from the private road west of the Nebraska Firefighters Museum to the private road east of The Archway on October 21, 2017.

b) CHI Good Samaritan to use three parking stalls in front of 2223 Central Avenue on October 26, 2017 for the annual Trick or Treat on the Bricks.

c) Kara Stevens on behalf of The Archway's Halloween Fest for the temporary closure of East 1st Street from the east entrance of The Archway to the Kearney East Expressway on October 28, 2017.

4. Appointment of Bob Lammers to serve on the Kearney Visitors Bureau.

5. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 4, 2017 from 6:00 p.m. until 1:00 a.m. for a dance.

6. Adopt Resolution No. 2017-173 approving Application and Certificate for Payment No. 2 in the amount of \$186,120.00 submitted by GD Concrete Construction, Inc. and approved by Oak Creek Engineering for the construction of a Vehicle Storage Building for Public Works.

RESOLUTION NO. 2017-173

WHEREAS, GD Concrete Construction, Inc. of Overton, Nebraska has performed services in connection with the construction of a Vehicle Storage Building for Public Works, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$186,120.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | <u>\$413,600.00</u> |
| Contract Sum To Date | 413,600.00 |
| Gross Amount Due | 248,160.00 |
| Retainage (10%) | 24,816.00 |
| Amount Due to Date | 223,344.00 |
| Less Previous Certificates for Payment | <u>37,224.00</u> |
| Current Payment Due | \$186,120.00 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:

a) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, November 3, 2017 from 3:00 p.m. until 1:00 a.m. for a rehearsal dinner;

b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 4, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

c) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 4, 2017 from 5:00 p.m. until 1:00 a.m. for a concert;

d) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 11, 2017 from 10:00 a.m. until 5:00 a.m. for a craft show;

e) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on November 14, 15, 16, 2017 from 4:00 p.m. until 12:00 a.m. for the Gateway Farm Expo;

f) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on November 14, 15, 16, 2017 from 4:00 p.m. until 12:00 a.m. for the Gateway Farm Expo;

g) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 18, 2017 from 3:00 p.m. until 1:00 a.m. for a reception; and

h) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, November 25, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

8. Approve the License Agreement between the City of Kearney and the United Parcel Service for Temporary Use of the City's Right-of-Way near the UPS Depot located at 1120 B Avenue.

9. Approve the application for a Special Designated License submitted by Earn & Return Investments Inc. dba The Cellar Bar & Grill in connection with their IK-064728 liquor license to cater and dispense alcoholic liquors inside The Archway located at 3060 East 1st Street on Wednesday, October 25, 2017 from 3:00 p.m. until 11:00 p.m. for a business social.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

KEARNEY WHITEWATER ASSOCIATION

Mayor Clouse opened for discussion the request of the Kearney Whitewater Association to develop a conceptual design for Phase II Enhancements of the Kearney Water Trail.

Carson Rowh, member of the Kearney Whitewater Association (KWA) presented this matter to the Council. Carson thanks the Kearney City Council for their support of the Kearney Whitewater Association. Carson believes the KWA has done many great things with the City's help and the KWA is looking to take the next step.

While there are many benefits of a whitewater park, this is a true differentiator for Nebraska and will make Kearney look different from every other place that Kearney is competing with for jobs, recruitment, etc. There is a proven economic impact that most whitewater parks have between a 75% and 500% annual economic impact based on the build cost and almost zero ongoing maintenance. There are approximately 138 parks nationwide in production or operation already. KWA has over the last few years, using manual labor from volunteers have pulled out approximately 16 tons of garbage out of the canal. KWA is happy and proud to do this service.

Community support is an important component as well. KWA has been successful during the annual Give Where You Live event, finishing either first, second or third every year for the event, including over 193 donors. KWA has 150 paid members in the association and has members involved in a variety of projects all over this country. KWA's proudest achievement up to this point, which could not have been done without City Council, is the opening of the water trail in 2016. KWA believes the trail has been a huge success for KWA and the City of Kearney. KWA has had thousands of boat trips down the canal already in a short stretch of time and drawing people from other towns to Kearney.

Phase 2 is the next step. KWA went out and with funds raised through public donations, selected the very top whitewater park designer in the world, Scott Shipley from S2O Designs, the same company that did the Whitewater Park for the London Olympics as well as the Oklahoma City Whitewater Park, which recently opened. Mr. Shipley is the expert in the industry. Mr. Shipley visited Kearney, looked at the possibilities, and explored the vision that KWA sees as the next step. KWA is very excited about working more with Mr. Shipley and S2O Designs to enhance the KWA entrance corridor to the City.

The Phase II design ties in the existing take out location of the water trail and adding in drop sections or whitewater features around the Kearney Cinema area. KWA would like to see more stream side boulders, trees, a park like setting that would attract more visitors of all demographics, ages and user groups. KWA looks to leave a true, lasting legacy for generations to come and KWA believes continuing with the Phase II design is

the next logical step.

Mayor Clouse asked if the KWA is seeking assistance with grant writing and other similar type needs. Mr. Rowh stated yes, the KWA is at the point where KWA does not own the land and does not have the technical expertise. KWA needs a partner to apply for grants, primarily matching fund grants that require a City or public agency be the co-presenter. The City's expertise in working with landowners would be great help as well.

KWA has consent from all besides one of the landowners. KWA has not been able to get a hold of the landowner from which they have not received consent from but so far, the response has been very positive.

Mayor Clouse asked for an update on NRD and the Corps. Mr. Rowh stated currently, KWA focusing all on the Central Avenue to 2nd Avenue corridor as this area is the most feasible. Mayor Clouse asked if NRD or Corps has given KWA any indications. Mr. Rowh stated no, not anything that the City is not aware of. KWA has not had recent ongoing discussions with NPPD. KWA feels that they understand the Corps position pretty well via association with Scott Shipley since he works with the Corps on almost a daily basis. If the Corps would stand in the way of a project like this it would be the first time in the history that Scott Shipley is aware of.

Council Member Buschkoetter stated Mr. Rowh to describe the new enhancements level of difficulty for users. Mr. Rowh stated he would put the difficulty level at a very low class 2 water level; in whitewater terms, a beginner section. Even people in recreational boats or people who are not interested in the advanced type of use should be able to float through the area. The enhancements will provide a little bit of splash and more excitement than just a flat cruise but nothing that is detrimental to beginners. However, the enhancements will provide advanced users the opportunity to train against the current. Beginners will go with the current, right down the middle and very simple.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2017-174 approving the request of the Kearney Whitewater Association to develop a conceptual design for Phase II Enhancements of the Kearney Water Trail. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2017-174

WHEREAS, representatives from the Kearney Whitewater Association (KWA) presented a conceptual plan to the Advisory Board of Park and Recreation Commissioners on August 17, 2017 on the Phase II Enhancements to the Kearney Water Trail;

WHEREAS, KWA has hired S2o Design and Engineering, from Longmont, Colorado, to develop a conceptual design focusing on the Kearney Water Trail located west of the 2nd Avenue bridge, adjacent to Cinema 8, to the Central Avenue bridge;

WHEREAS, the objectives of the design are to create recreation opportunities for multiple user groups, add more access in the two block area, improve aesthetics by creating a natural river appearance, improve the ambiance of the entire south 2nd Avenue area, and promote economic development;

WHEREAS, the Advisory Board of the Park and Recreation Commissioners approved the request to develop a conceptual design for Phase II Enhancements to the Kearney Water Trail and the request from KWA to proceed to City Council for final approval.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, approve of the Kearney Whitewater Association's request to develop a conceptual design for Phase II Enhancements to the Kearney Water Trail including more comprehensive cost estimates, detailed design work, and fundraising efforts.

PASSED AND APPROVED THIS 10TH DAY OF OCTOBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$150.35 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:57 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

LAUREN BRANDT
CITY CLERK