

*Kearney, Nebraska  
February 27, 2018  
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 February 27, 2018, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter and Bruce Lear. Absent: Bob Lammers and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Julie Smith, Deputy City Clerk, Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Andy Harter, Assistant Director of Public Works; Scott Hayden, Director of Park and Recreation; Eric Hellriegel, Project Coordinator; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator; and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Kyle LaBoria from KGFW Radio and Mike Konz 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**

Pastor Brian Klein provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

Two Boy Scouts 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 were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **DEVELOPMENT PLANS FOR 4107 7TH AVENUE**

Moved by Lear seconded by Buschkoetter to remove Public Hearing 1 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Lammers and Nikkila absent. Motion carried.

Mayor Clouse opened Public Hearing 1 on the application submitted by Diana Lind for Revised Planned District Development Plan Approval for the proposed construction of a surgical center addition on property zoned District C-O/PD, Office/Planned Development Overlay District and described as a Lot 1 and Lot 2, Windsor Estates Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (4107 7th Avenue) and consider Resolution No. 2018-19.

Steve Lind and Doug Bierman, general contractor, presented this matter to the Council. Mr. Lind explained that his plan was to build a surgery center, approximately 4,000 square feet onto his existing building. Mr. Lind stated that he had met with the City and had completed all requirements. Mr. Lind further thanked City staff for helping him resolve some issues he had encountered in the process. Mr. Lind stated that construction would begin in the spring, with plans to open in about eight months and to use the new expansion to attract another physician to the facility. Mayor Clouse noted the deviations that were part of the agreement, including the shared parking agreement. Mr. Lind stated that a shared parking agreement had been reached with the E-Free Church that would allow Lind Eye Care the extra ten parking spaces that would be required for the new expansion.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-19 approving the Revised Planned District Development Plan Approval for the proposed construction of a surgical center addition on property zoned District C-O/PD, Office/Planned Development Overlay District and described as a Lot 1 and Lot 2, Windsor Estates Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (4107 7th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: Lammers and Nikkila absent. None. Motion carried.

#### **RESOLUTION NO. 2018-19**

WHEREAS, Diana Lind has applied for Revised Planned District Development Plan Approval for the proposed construction of a surgical center addition on property zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 and Lot 2, Windsor Estates Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (4107 7th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Diana Lind for Revised Planned District Development Plan Approval for the proposed construction of a surgical center addition on property zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 and Lot 2, Windsor Estates Tenth Addition, an addition

to the City of Kearney, Buffalo County, Nebraska (4107 7th Avenue) be approved subject to the following deviations:

1. 4-foot deviation from the required rear yard 25-foot setback.
2. Seven of the required parking spaces will be met with future parking spaces as shown in the parking plan and will be installed within 60 days of the City Council deeming the parking spaces necessary.
3. A minimum 10 required parking spaces will be met with a shared parking agreement between Lind Eye Care and E-Free Church (4010 7th Avenue). This shared parking agreement will be recorded at the Register of Deeds.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

Council Member Nikkila arrived at 5:38 p.m.

**ONE & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the adoption of the One & Six Year Street Improvement Plan and to consider Resolution No. 2018-28.

Public Works Director, Rod Wiederspan, presented this matter to the Council. Public Works Director stated that since the presentation at the previous meeting on February 13, 2018, the Public Works Department has not received any other comments from the public regarding additional roadwork that is needed.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2018-28 approving the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

**RESOLUTION NO. 2018-28**

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on February 27, 2018 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2019 and the Six Year City Street Plan ending September 30, 2024, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

**SALES TAX CAPITAL IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager, Michael Morgan, presented this matter to the Council. City Manager stated that the City keeps an ongoing list of items for the Capital Improvement Plan, some of which are identified but unfunded, and that the City tends not to hear additional items other than what came from the original list. City Manager stated that he is pleased with how many funds were leveraged with these grants and donations, and that the CDBG could not happen annually without these funds. City Manager also stated the plan included some targeted items with respect to spending a percentage on debt service, which has been maintained throughout the years.

City Manager gave highlights of what would be happening in fiscal year 2019, including Project Honor commitments being met, miscellaneous street repairs, and debt resolution. City Manager also stated that in the coming year the City should be able to finish all of the perimeter ADA sidewalk improvements around City parks. City Manager stated that in the numbers shown for outlying years were good, and that in the next few years the City would get into funding some large projects with cash to keep a favorable debt ratio of less than 35%.

City Manager stated that he had reviewed suggestions for improvements, many of which had been met, and the one that stood out to him were suggestions about the pool. City Manager further stated that since much had been done with splash grounds in the City, not as much had been heard about the pool itself, but that the City still receives suggestions about indoor recreational facilities. Discussion was held about an indoor recreational facility, including what some other cities have done and how their projects have been funded. In closing, the City Manager stated that he would encourage the public to communicate their suggestions to the City.

At this time Denny Houska of 4203 19th Avenue in Kearney addressed the Council. Mr. Houska said that he had intended to speak during the discussion of the One & Six Year Street Improvement Plan but had missed his opportunity. Mr. Houska stated he would like to thank the City for all of their hard work on the City parks. Mr. Houska said that he is an avid walker in the City and he is disappointed in the state of the sidewalks in many areas of Kearney. Mr. Houska went on to describe several areas in the City where the sidewalks are either nonexistent or in poor repair. Mr. Houska also stated that he had some thoughts and concerns about public bathrooms in the City parks, and that he has approached numerous representatives from the City regarding this. Mr. Houska said that he has been in parks in the City of Kearney on beautiful days, with many other visitors to the park, and the bathrooms are locked. Mr. Houska stated that he has developed a 50-year sidewalk improvement plan and he invited the members of City Council to contact him for a walking meeting in which he could illustrate his concerns.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

#### **IV. CONSENT AGENDA**

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

1. Approve Minutes of Regular Meeting held February 13, 2018.

2. Approve the following Claims:

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

Accordia Life \$1,220.00 ps; 1000bulbs.com \$154.97 smcs; 3gstore.com \$288.37 co; Ace & Garden \$86.51 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$33.22 smcs; Adventure Enterprises \$1,700.00 smcs; Alertshirt \$506.46 smcs; All City Garage Door \$634.30 smcs; All Makes Auto \$2,164.67 smcs; Ally B Designs \$95.00 smcs; Amazon \$2,327.99 smcs,co; American \$834.34 smcs; American Air \$50.00 smcs; American Fence \$912.59 smcs; American First Aid \$321.45 smcs; Anderson Brothers \$656.87 smcs; Annie Creek \$8,000.00 smcs; Anova \$1,040.85 smcs; Apple \$598.00 co; Apple Market \$24.31 smcs; Appliance Pros \$220.00 smcs; Arp,K \$70.00 smcs; Ask Supply \$1,034.89 smcs; Aurora Coop \$2,958.36 smcs; Aussie Hydraulics \$50.39 smcs; Auto Value \$228.72 smcs; Baird Holm \$35.50 smcs; Baker & Taylor \$6,441.15 smcs; Ballast Shop \$144.35 smcs; Beacon Athletics \$440.00 smcs; Berens-Tate \$2,500.00 smcs; Blackstone Audio \$400.00 smcs; Blessing \$1,333.75 smcs; Bluecross Blueshield \$74,486.18 smcs; Bluedogink.com \$174.87 smcs; Bosselman \$1,499.76 smcs; Briseno,P \$278.50 smcs; Broadfoot's \$972.00 smcs; Buffalo Outdoor \$206.01 smcs; Build-charge.com \$137.33 smcs; Builders \$736.93 smcs; Canva \$2.00 smcs; Capital Business Systems \$375.56 smcs; Carquest \$2,474.48 smcs; Carrot Top Industries \$963.70 smcs; Casey's \$122.84 smcs; Cash-Wa \$619.09 smcs; CBA Lighting \$835.72 smcs; CC Distributors \$177.75 smcs; CDW \$1,500.00 co; Cellebrite \$3,465.00 smcs; Chemsearch \$788.50 smcs; Cenex \$49.42 smcs; Center Point Publishing \$75.96 smcs; Central Fire \$260.00 smcs; Central Hydraulic \$5,150.00 smcs; Central NE Bobcat \$113.85 smcs; CFA Software \$2,995.00 smcs; Charter \$776.48 smcs,co; Chesterman \$33.65 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$33.69 smcs; Cintas \$223.21 smcs; City of Ky \$13,501.87 smcs,ps; CNA Insurance \$40.00 smcs; Compasscom \$124.95 smcs; Construction Rental \$12.50 smcs; Control Yours \$200.00 smcs; Copycat \$512.22 smcs; Core & Main \$297.57 smcs; Cornhuskers Square \$11.25 smcs; Crystal Clean \$452.00 smcs; Culligan \$149.00 smcs; Danko Emergency \$28.96 smcs; Data Power \$258.00 smcs; Dawson Public Power \$21,671.18 smcs; Day Dreams Sewing \$21.00 smcs; Daylight Donuts \$49.28 smcs; Dell \$474.77 co; Demco \$453.07 smcs; Dillard,J \$37.71 smcs; Discountrubstamps.com \$30.70 smcs; Dish \$113.03 smcs;

Dmilaco \$250.00 smcs; Eakes \$4,751.61 smcs; Elliott Equipment \$1,933.87 smcs; Embassy Suites \$1,193.45 smcs; EMC Insurance \$115,762.70 smcs; Enforcement Video \$474.00 co; Ehrlich-Rentokil \$51.00 smcs; Ensley Electrical \$362,237.40 co; Essential Personnel \$136.00 smcs; Evers,B \$135.00 smcs; Evident \$205.58 smcs; Facebook \$38.26 smcs; Fairbanks Scales \$1,888.55 smcs; Farm House Café \$896.56 smcs; Farmers Union \$1,105.00 smcs; Fastenal \$1,066.10 smcs; Fedex \$28.78 smcs; Foster,C \$45.14 smcs; Frontier \$9,621.42 smcs; Gale \$181.93 smcs; Gall's \$140.10 smcs; Ganz Title \$300.00 smcs; Garrett Tires \$3,637.68 smcs; Gasper,B \$150.00 smcs; Gibreal,S \$34.00 smcs; Glow With Us \$162.00 smcs; Gopher Sport \$466.83 smcs; Graham Tire \$37.00 smcs; Grainger \$82.18 smcs; Hach \$341.29 smcs; Hammond,S \$19.49 smcs; Hireright \$51.96 smcs; Hobby-Lobby \$190.19 smcs; Holmes Plumbing \$1,386.49 smcs; Hometown Leasing \$159.08 smcs; Hurlburt,K \$24.11 smcs; Hydronic Energy \$243.59 smcs; ICMA \$4,383.78 ps; Idsecurityonline.com \$596.93 co; Industrial Air Power \$90.23 smcs; Iowa League of Cities \$130.00 smcs; IRS \$143,827.78 ps; Island Supply \$53.20 smcs; Jack Lederman \$188.09 smcs; Jack's Uniforms \$8,882.75 smcs; Johnstone Supply \$362.35 smcs; Jones Automotive \$365.31 smcs; Kart-Man \$998.51 smcs; Ky Chamber Comm \$120.00 smcs; Ky Clinic \$186.00 ps; Ky Concrete \$2,742.14 smcs; Ky Hub \$3,191.10 smcs; Ky Power Sports \$85.65 smcs; Ky Storytelling \$300.00 smcs; Ky Towing \$565.00 smcs; Ky Warehouse \$294.60 smcs; Ky Winlectric \$5,294.48 smcs; Kelly Supply \$238.69 smcs; Knox Company \$75.00 smcs; Konica Minolta \$451.63 smcs; KSO CPAs \$25,710.00 smcs; Landmark Implement \$743.04 smcs; Laptop Battery Express \$310.00 co; Lawn Builders \$1,028.78 smcs; Lawson Products \$851.13 smcs; Lifeguard Store \$2,931.97 smcs; Lifeline Training \$477.00 smcs; Light & Siren \$153.70 smcs; LocknLube \$29.95 smcs; Loughring,S \$47.12 smcs; Macqueen Equipment \$76.07 smcs; Marlatt Machine \$1,191.94 smcs; Marlow White Uniforms \$259.00 smcs; Marriott Cornhusker \$602.40 smcs; Masters True Value \$228.04 smcs; Matheson \$2,138.75 smcs; McEntee,S \$100.00 smcs; McMaster-Carr \$485.25 smcs; Medic Batteries \$216.29 smcs; Menards \$2,869.52 smcs; Mid-Iowa Solid Waste \$361.16 smcs; Midwest Connect \$690.33 smcs; Miller & Associates \$21,341.10 co; Miller Signs \$125.00 co; Mirror Image \$324.90 smcs; Moonlight Embroidery \$290.50 smcs; Municipal Emergency \$185.25 smcs; Murphy Tractor \$383.11 smcs; Myseniorcenter \$890.00 smcs; Nations Photo Lab \$41.65 ps; Navigator Motorcoaches \$175.00 smcs; NCL of Wisconsin \$291.83 smcs; NCOA \$125.00 smcs; NE Child Support Pyt Ctr \$2,336.05 ps; NE Code Officials \$190.00 smcs; NE Dept HHS \$240.00 smcs; NE Dept Revenue \$39,105.44 smcs; NE Dept. Environmental \$150.00 smcs; NE Game & Parks \$1,000.00 smcs; NE Machinery \$41.12 smcs; NE Municipal Utilities \$100.00 smcs; NE Park & Rec \$15.00 smcs; NE Public Health \$185.00 smcs; NE Safety & Fire \$195.00 smcs; NE Truck Center \$1,890.73 smcs; NE Well Drillers \$260.00 smcs; Netmotion \$422.81 smcs; Network Fleet \$94.75 smcs; NNLA \$195.00 smcs; Northern Safety \$470.18 smcs; Northern Tool \$163.35 smcs; Northwestern Energy \$16,260.20 smcs; Nova Fitness \$48.00 ps; OCLC \$690.32 smcs; Office Depot \$96.12 smcs; Office Max \$550.10 smcs,co; Officenet \$397.63 smcs; Olsson Associates \$15,714.00 co; Omaha World Herald \$97.20 smcs; O'Reilly Auto \$41.43 smcs; O'Rourke,M \$45.98 smcs; Orscheln \$986.45 smcs; Outdoor Custom Sports \$792.83 smcs; Overdrive \$5,100.00 smcs; Paradigm Talent Agency \$3,250.00 smcs; Paramount \$307.35 smcs; Passion Labels \$48.40 smcs; Paulsen \$148,327.20 co; Pearson,S \$31.00 smcs; Peavy \$48.80 smcs; Penguin Random House \$26.25 smcs; Penworthy \$176.15 smcs; Pep Co. \$86.34 smcs; Perkins \$318.86 smcs; Pettit,B \$17.00 smcs; Phillips 66 \$47.64 smcs; Physio Control \$148.00 smcs;

Pickleballcentral \$241.26 smcs; Ping \$118.38 smcs; Platinum Awards \$32.95 smcs; Platte Valley Auto \$19.68 smcs; Platte Valley Comm \$644.23 smcs; Platte Valley Laboratories \$62.50 smcs; Postage Refill \$975.00 smcs; Pot O' Gold \$155.00 smcs; Prestige Flag \$98.77 smcs; Presto-X \$488.00 smcs; Priceless Transportation \$114.00 smcs; Proactive Sports \$414.64 smcs; Provantage \$1,327.13 smcs; Qualified Hardware \$658.00 smcs; Quill \$358.87 smcs; Ready Mixed Concrete \$412.13 co; Recorded Books \$4,688.85 smcs; Reed,N \$17.28 smcs; Region 12 ABPA \$85.00 smcs; Reinke's Refrigeration \$660.00 smcs; Resource Management \$840.96 smcs; Rest & Relaxation Tours \$20,000.00 smcs; Rogue Fitness \$277.56 ps; S&S Worldwide \$51.92 smcs; Safariland \$895.00 smcs; Sahling Kenworth \$495.14 smcs; Sandry Fire \$8,978.36 smcs; Sapp Brothers \$19,408.08 smcs; Sayler Screenprinting \$216.00 ps; Select Sprayers \$42.20 smcs; Seton Identification \$320.64 smcs; Snap-On Tools \$1,311.00 smcs; Southeast Comm. College \$303.75 smcs; Spirit of Peoria \$1,000.00 smcs; Sporting Edge \$79.98 smcs; Suburban Fire \$172,306.00 co; Sunbelt Rentals \$674.79 smcs; Target \$76.95 smcs; Ticket Omaha \$150.50 smcs; Titan Machinery \$892.25 smcs; Toolup.com \$529.00 smcs; Tractor-Supply \$484.58 smcs; Travel Insured \$188.00 smcs; Tri-Cities Group \$226.45 smcs; Trophy Depot \$21.58 smcs; Turner Body Shop \$100.00 smcs; Uline \$326.40 smcs; Union Bank & Trust \$214,568.80 smcs,ps; Unique Management \$420.65 smcs; UNL Agronomy \$480.00 smcs; UPS Store \$17.84 smcs; USA Communications \$154.95 smcs; USPS \$95.42 smcs; Van Diest \$5,422.95 smcs; Varidesk \$495.00 smcs; Vault Self-Storage \$277.44 smcs; Verizon Wireless \$96.28 smcs; Video Kingdom \$1,279.88 smcs; W.T. Cox \$11,515.60 smcs; Waldinger Corp. \$621.70 smcs; Walgreens \$22.57 ps; Walmart \$748.02 smcs; Walters Electric \$350.09 smcs; Wellness Council \$97.20 ps; Wilco Life \$19.00 ps; Woods & Aitken \$2,856.00 smcs; WPCI \$159.50 ps; Zimmerman Printing \$175.00 smcs; Zoro Tools \$109.99 smcs; Payroll Ending 02/17/18 -- \$444,078.28. 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. Receive recommendations of Planning Commission and set March 13, 2018 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Misty McDaniel submitted by The Cigarette Store Corp dba Smoker Friendly 016 Liquor & Tobacco located at 1325 2nd Avenue, Suite I in connection with their Class C-094153 liquor license.
5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for Highway Creepers Rock N Rods Car Show to use Central Avenue from south of South Railroad Street to 17th Street and 19th Street from 1st Avenue to Central Avenue from 9:00 a.m. until 4:00 p.m. on Saturday, April 21, 2018.
6. Adopt Resolution No. 2018-29 approving Change Order No. 2 showing an increase in the amount of \$188,878.65 submitted by Paulsen, Inc. and approved by Alfred Benesch & Company for AIP Project No. 3-31-0045-030/031 for Runway 18/36 Reconstruction at the Kearney Regional Airport.

### **RESOLUTION NO. 2018-29**

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with the Runway 18/36 Reconstruction (AIP 3-31-0045-030/031) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch & Company, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$188,878.65, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$11,894,678.80
Change Order No. 1 (1-24-2018)	Modify Calendar Day allowance &
Change Order No. 2 (2-27-2018)	CSPP/Phasing Plans & Specs
	<u>+ 188,878.65</u>
Contract Sum to Date	\$12,083,557.45

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2018-30 approving Change Order No. 1 showing an increase in the amount of \$6,391.30, Application and Certificate for Payment No. 1-Final in the amount of \$115,267.30, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete Inc. for the emergency roadway repairs to Parklane Drive (46th Street and approximately 305 feet north).

**RESOLUTION NO. 2018-30**

WHEREAS, Dan Roeder Concrete Inc. of Kearney, Nebraska has performed services in connection with the emergency roadway repairs to Parklane Drive (46th Street and approximately 305 feet north), and the City of Kearney Public Works Department, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$6,391.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete Inc. and the City of Kearney Public Works Department have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$115,267.30 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 108,876.00
Change Order No. 1 (2-27-2018)	+ 6,391.30
Contract Sum To Date	115,267.30
Gross Amount Due	115,267.30
Retainage (0%)	.00
Amount Due to Date	115,267.30
Less Previous Certificates for Payment	<u>- 0.00</u>
Current Payment Due	\$ 115,267.30

WHEREAS, the City of Kearney Public Works Department and Contractor have now certified to the City Clerk that work is completed as of August 11, 2017, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Adopt Resolution No. 2018-31 approving Change Order No. 1 showing an increase in the amount of \$564.00, Application and Certificate for Payment No. 1-Final in the amount of \$100,782.50, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete Inc. for the Parking Lot Construction at North Railroad Street and Central Avenue.

**RESOLUTION NO. 2018-31**

WHEREAS, Dan Roeder Concrete Inc. of Kearney, Nebraska has performed services in connection with the Parking Lot Construction at North Railroad Street and Central Avenue, and the City of Kearney Public Works Department, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$15,998.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete Inc. and the City of Kearney Public Works Department have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$116,216.50 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 100,218.50
Change Order No. 1 (2-27-2018)	+ 15,998.00
Contract Sum To Date	116,216.50
Gross Amount Due	116,216.50
Retainage (0%)	.00
Amount Due to Date	116,216.50
Less Previous Certificates for Payment	- 0.00
Current Payment Due	\$ 116,216.50

WHEREAS, the City of Kearney Public Works Department and Contractor have now certified to the City Clerk that work is completed as of April 22, 2016, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown

on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2018-32 approving the Infrastructure Agreement between the City of Kearney and GRAND WEST, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of GRAND WEST, LLC, and Anna L. Stehlik, Trustee being the sole owners of Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for the creation of Water Connection District No. 2018-1 to serve part of Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, 11th Avenue from the Southwesterly line of said Lot 1 to the Northerly line of Fountain Hills Eighth Addition and part of said Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2018-32**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Infrastructure Agreement for Water Connection District No. 2018-1" between the City of Kearney and GRAND WEST, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of GRAND WEST, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee being the sole owners of Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for the creation of Water Connection District No. 2018-1 to serve part of Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, 11th Avenue from the Southwesterly line of said Lot 1 to the Northerly line of Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and part of said Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

10. Adopt Resolution No. 2018-33 approving the Professional Services Consultant Agreement for Community Development Phase II Sidewalk Replacement for Grant No. 16-CD-103 between the City of Kearney and Miller & Associates.

**RESOLUTION NO. 2018-33**

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds for Community Development Planning in the amount of \$350,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Professional Services Consultant Agreement for Community Development Block Grant Program for a Community Development Phase II Sidewalk Replacement between the City of Kearney and Miller & Associates as Administrator for Grant 16-CD-103, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Accept the bids received for the Downtown Improvements; Phase II for the construction of pedestrian level street lighting, electrical, sidewalk removal and replacement, irrigation, in-ground planters and site electrical amenities and adopt Resolution No. 2018-34 awarding the bid to Morten Construction LLC in the amount of \$430,815.00.

**RESOLUTION NO. 2018-34**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 20, 2018 at 2:00 p.m. for the Downtown Improvements; Phase II for the construction of pedestrian level street lighting, electrical, sidewalk removal and replacement, irrigation, in-ground planters and site electrical amenities; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$556,425.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Morten Construction, LLC of Kearney, Nebraska in the amount of \$430,221.00 be accepted as the lowest responsible bid for Downtown Improvements; Phase II for the construction of pedestrian level street lighting, electrical, sidewalk removal and replacement, irrigation, in-ground planters and site electrical amenities.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Morten Construction, LLC be and is the lowest responsible bidder for the Downtown Improvements; Phase II for the construction of pedestrian level street lighting, electrical, sidewalk removal and replacement, irrigation, in-ground planters and site electrical amenities to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Morten Construction, LLC in the amount of \$430,221.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$556,425.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** 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 Thursday, March 22, 2018 from 3:00 p.m. until 11:00 p.m. for a business event;

b) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, March 24, 2018 from 3:00 p.m. until 1:00 a.m. for a reception; and

c) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, March 24, 2018 from 3:00 p.m. until 1:00 a.m. for a reception.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8220 AUTHORIZING ISSUANCE OF REVENUE BOND**

Council Member Buschkoetter introduced Ordinance No. 8220 authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up to \$4,075,100 for the purpose of paying the costs of a new solids dewatering Facility and improvements at the City's wastewater treatment facility; 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8220. 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. Nay: None. Lammers 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. 8220 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8220 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8220 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. 8221 CREATING PAVING IMPROVEMENT DISTRICT NO. 2018-990**

Council Member Buschkoetter introduced Ordinance No. 8221 creating Paving Improvement District No. 2018-990 for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, to the northwesterly line of Lot 1, and part of Fountain Hills Eighth Addition 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 suspend the rules for Ordinance No. 8221. 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 absent. 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. 8221 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No.8221 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8221 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. 8222 CREATING WATER CONNECTION DISTRICT NO. 2018-1**

Council Member Buschkoetter introduced Ordinance No. 8222 creating Water Connection District No. 2018-1 for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, to the Northerly line of Fountain Hills Eighth Addition, and part of Fountain Hills Eighth Addition, 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 suspend the rules for Ordinance No. 8222. 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. Nay: None. Lammers 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. 8222 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8222 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8222 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. 8223 CREATING PAVING IMPROVEMENT DISTRICT NO. 2018-988**

Council Member Buschkoetter introduced Ordinance No. 8223 creating Paving Improvement District No. 2018-988 for 17th Street from the east lot lines of Lot 1 through Lot 7, Block 2, all of Marlatt Third Addition, thence westerly to the east lot line of Lot 5, Block Two, Marlatt Addition and the east lot line of Lot 7, Block One, Marlatt Second Addition and the east lot line of Lot 12, Block Three, Marlatt Addition 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 suspend the rules for Ordinance No. 8223. 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. Nay: None. Lammers 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. 8223 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. Nay: None.

Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8223 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8223 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. 8224 CREATING WATER DISTRICT NO. 2018-587**

Council Member Buschkoetter introduced Ordinance No. 8224 creating Water District No. 2018-587 for 17th Street from the east lot lines of Lot 1 through Lot 6, Block 2, all of Marlatt Third Addition, thence westerly to the east lot line of Lot 5, Block Two, Marlatt Addition and the east lot line of Lot 7, Block One, Marlatt Second Addition and to a point 41.41 feet northeast of the east lot line of Lot 12, Block Three, Marlatt Addition 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 suspend the rules for Ordinance No. 8224. 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. Nay: None. Lammers 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. 8224 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8224 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8224 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. 8225 CREATING SANITARY SEWER DISTRICT NO. 2018-523**

Council Member Buschkoetter introduced Ordinance No. 8225 creating Sanitary Sewer District No. 2018-523 for 17th Street from the east lot lines of Lot 1 through Lot 6, Block 2, all of Marlatt Third Addition, thence westerly to the east lot line of Lot 5, Block Two, Marlatt Addition and the east lot line of Lot 7, Block One, Marlatt Second Addition and to a point 41.41 feet northeast of the east lot line of Lot 12, Block Three, Marlatt Addition 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 suspend the rules for Ordinance No. 8225. 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. Nay: None. Lammers 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. 8225 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8225 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8225 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. 8226 CREATING PAVING IMPROVEMENT DISTRICT NO. 2018-989**

Council Member Buschkoetter introduced Ordinance No. 8226 creating Paving Improvement District No. 2018-989 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition 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 suspend the rules for Ordinance No. 8226. 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. Nay: None. Lammers 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. 8226 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8226 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8226 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. 8227 CREATING WATER DISTRICT NO. 2018-588**

Council Member Buschkoetter introduced Ordinance No. 8227 creating Water District No. 2018-588 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition 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 suspend the rules for Ordinance No. 8227. 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. Nay: None. Lammers 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. 8227 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8227 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8227 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. 8228 CREATING SANITARY SEWER DISTRICT NO. 2018-524**

Council Member Buschkoetter introduced Ordinance No. 8228 creating Sanitary Sewer District No. 2018-524 for all of 16th Street from the east lot line of Lot 7, Block 2, Marlatt Third Addition, thence westerly to a point 38.92 feet west of the east lot line of Lot 12, Block Three, Marlatt Addition, 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 suspend the rules for Ordinance No. 8228. 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. Nay: None. Lammers 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. 8228 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8228 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8228 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**

### **THE ARCHWAY ANNUAL REPORT**

Mayor Clouse opened for discussion the Archway's annual report.

Project Coordinator, Eric Hellriegel, presented this matter to the Council. Project Coordinator stated that there have been a lot of people who have been a part of the work that he would be talking about in his presentation, including the Archway Foundation, the Archway Society, the Kearney Visitor's Bureau, and the Archway staff, as well as Park and Recreation Director Scott Hayden and City Manager Michael Morgan, and that he is proud of how those efforts are now being rewarded.

Project Director stated that since 2013 the Archway has had a growth of almost 8,000 people through the turnstile in 2017. The growth in Archway attendance says a lot about the things that have been implemented in regard to strategic marketing plan, which is paying dividends. The Archway continues to evaluate all facets of operations in regard to revenue and expenses to ensure that the Archway is positioned for success and sustainability. One goal set two years ago was making sure that the operational decisions that were made would help the Archway get on to a sustainable path, and the statistics are representative of the work that has been put in to get to the present point.

Project Coordinator said that revenue tells a similar story, with 2017 ending just short of \$800,000 with a positive growth trend starting in 2013 and continuing to the present. The Archway has had a lot of opportunities including diversifying the revenue stream, attracting more events to the campus, diversifying retail operations, marketing differently to school groups and tour groups, and that these actions would provide a better foundational base for sustaining revenue growth.

Council Member Nikkila asked if there had been any one thing in particular that had contributed to the rise in revenue. Project Coordinator responded that significant changes had been made to the facility in regard to audio/visual infrastructure, and that one of the biggest complaints previously had been that the headset system produced a lot of static and was hard to follow through the exhibit. About 18 months ago, with the help of the Archway Society, the facility was able to purchase a new audio system which has changed the Archway staff's ability to tell the story in a very clear fashion. The audio has also given visitors the ability to choose their own adventure as they go

through the exhibit. Staff has rewritten the story presented in the exhibit to include new content, and now has the ability to grow and change the content as they see fit which has been part of the growth of revenue. Another part of the growth can be attributed to good news coming out of the Archway to the public and that the former stigma of the Archway has started to shift in the community. It has taken some time to get people behind the Archway, but he has been truly happy with the support the Archway has received.

The Archway had begun conducting an exit survey of visitors 18 months ago in an effort to better understand the people who were coming through the venue as well as what those visits meant both to the Archway and future success, as well as for the City of Kearney. According to the survey, 43% of visitors utilize the East Bypass. 28% of visitors stay overnight in Kearney, which is a positive effect that generates sales and tax revenue for the City. 46% of visiting groups included a child of 18 years or younger, which indicates that the Archway is seen as a family friendly destination. Guests rated their visit 4.5 out of 5 stars and that 97% of those guests would recommend their visit to a friend. The Archway staff use these results on a month by month basis and can glean a lot of operational information.

In the past year the Archway had presented a three-year CIP for capital projects. A lot of attention has been paid to mechanical systems within the venue, such as the HVAC components and electrical components which are in working order. In the last few years the Archway has reduced their electrical utility cost by 16%, which is equivalent to about \$18,000 a year and the gift shop revenue has increased by 13%. Future plans for the Archway include a new interactive mining sluice exhibit, a new digital presence including a new website and social media, as well as planning for the Archway's 20-year anniversary in two years. An event room will also be remodeled that will give the Archway some flexibility in renting and utilizing space for different events as the Archway has hosted a variety of meetings ranging from business meetings to weddings over the past year. These types of events are a growing part of the Archway business model.

Project Coordinator introduced Archway staff present at the meeting, including Kellie Risk, Volunteer Coordinator; Sharmond Loeffler, Business Manager; Mark Foradori, Marketing Coordinator; and Pete Sage, Maintenance Supervisor.

Council Member Buschkoetter asked about previously deferred maintenance and where the Archway was in terms of clearing up the deferred maintenance. Project Coordinator stated that he felt the Archway was about two years away from that point and that the deferred maintenance was part of the three-year capital budget that had been brought before the Foundation Board. The Archway closes down for a week in January to bring in contractors to conduct a lot of work to not impact visitors. An assessment has been made of every piece of mechanical equipment in the building with the help of contractors, so the origin and condition of every piece of equipment has been cataloged, and projects can be prioritized.

Mr. Morgan stated that the Archway has become a part of the Kearney community, and that a lot of new ideas and creativity have gone into its integration. Mr. Morgan thanked the staff for their efforts, as well as the Cope Foundation, the Rotary Foundation, and

other organizations for their contributions.

Moved by Nikkila seconded by Buschkoetter to approve The Archway's annual report. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

### **OPEN ACCOUNT CLAIM**

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$93,173.30 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Clouse abstained. Motion carried.

## **VII. REPORTS**

Mr. Morgan stated that he had recently met with several UNK officials, including President Bounds and Chancellor Kristensen to discuss a variety of topics regarding the recent budget cuts. Mr. Morgan reiterated that UNK is very important to the Kearney community and it is important that the public learn what is happening with UNK by asking questions and participating in discussions as the UNK budget cuts will affect the community. Mr. Morgan stated that he has asked UNK officials to provide more information to the community, and at some point the NU President will be coming to Kearney to speak with Council as a group.

Council Member Nikkila recently attended the League of Nebraska Municipalities Conference with Mayor Clouse and Paul Briseno. Jonathan congratulated Mr. Briseno for staying on top of state issues and how they impact the City of Kearney and its citizens, as well as for his great level of knowledge of the State Legislature and his leadership both within the organization and with the City of Kearney.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:12 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**LAUREN BRANDT**  
**CITY CLERK**