

**Kearney, Nebraska**  
**September 12, 2017**  
**5:30 p.m.**

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 5:30 p.m. on September 12, 2017 in the Council Chambers at City Hall. This meeting adjourned at 5:36 p.m. A meeting of the City Council of Kearney, Nebraska, was then convened in open and public session at 5:37 p.m. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Jonathan Nikkila, Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Andy Harter, Assistant Director of Public Works, Dennis Lewis, Police Lieutenant; Jason Whalen, Fire Administrator; Dan Lillis, Engineering Assistant 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**

### **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**

### **VACATION OF LOT 3 AND LOT 4, BLOCK FIVE, TRAIL RIDGE COUNTRY ESTATES AND REZONE NORTHEAST OF THE 56TH STREET AND 53RD AVENUE**

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corporation for Josiah Woodward and Marcile Woodward to (1) vacate Lot 3

and Lot 4, Block Five, Trail Ridge Country Estates, a subdivision in the West Half of the West Half of the Southeast Quarter and the East Half of the East Half of the Southwest Quarter, Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northeast of the 56th Street and 53rd Avenue) and consider Ordinance No. 8174; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) described as a tract of land being part of the East Half of the West Half of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 56th Street and 53rd Avenue) and consider Ordinance No. 8175.

Mitch Humphrey presented this matter to the Council. He stated he represents Josiah and Marcile Woodward and Steve and Karla Lindsay who are each part owners of the property. He stated this site is along 56th Street and the south side of the property was widened to accommodate paving which now exists on the street and as part of the widening project, there has been some additional right-of-way that has been granted. 53rd Avenue abuts the tract to the west along 56th Street.

The Lindsay's own two lots, Lot 3 and the south part of Lot 4. A portion of these lots have been deeded to Buffalo County for road right-of-way purposes and then a portion of the unplatted property (to the east) is owned by the Woodward's and has been deeded to Buffalo County as well to accommodate the steep slopes and to soften the hills on west 56th Street.

Buffalo Surveying Corporation is requesting to vacate Lot 3 and part of Lot 4, Block Five, Trail Ridge Country Estates and rezone approximately 2.7 acres of the unplatted ground owned by the Woodward's. Then hopefully gain approval for a one lot subdivision to be known as Kingbird Meadow.

56th Street is an arterial and the Lindsay's, who would be acquiring the overall ownership of the property, do not wish for access off of 56th Street. The property owners will gain access off of 53rd Avenue.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Buffalo Surveying Corporation for Josiah Woodward and Marcile Woodward and introduced Ordinance No. 8174 vacating Lot 3 and Lot 4, Block Five, Trail Ridge Country Estates and Ordinance No. 8175 rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) described as a tract of land being part of the East Half of the West Half of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska 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 Nos. 8174 and 8175.

President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. Bob Pierce who resides at 5415 West 60th Street asked if

the applicants were requesting the same residential standards that are currently in place now for the property area. Currently, there are approximately two acres per house or are the applicants requesting more of a more crowded residential subdivision.

Mitch Humphrey stated the zoning that the owners are requesting for the unplatted portion to the east will match the zoning that is currently in Trail Ridge Country Estates. What the owners are requesting to do is create a larger lot by taking two lots and adding some unplatted ground which will result in a larger lot that will end up being approximately 13 acres as opposed to the original two lots. The owner's intent is to build one house on there.

Mr. Pierce asked if Trail Ridge Country Estates is the subdivision that he is in now. Mitch Humphrey stated yes, that is the name of all of the area out there. Mr. Pierce stated he wanted to make sure the property was not going multi-family zoning. If the zoning were to go to a more multi-residential zoning he would expect the drop in the value of the houses to be reflected in owner's assessed valuation. City Manager, Michael Morgan stated the County Assessor would determine the values, not the City. Mayor Clouse stated the Rural Standard defines that density. City Attorney, Mike Tye stated the property is over 2 acres and this application is requesting creation of one large lot so it is actually beyond the Rural Residential Standards.

Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8174 and 8175 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance Nos. 8174 and 8175 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8174 and 8175 were 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 KINGBIRD MEADOW SUBDIVISION**

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corporation for Josiah Woodward and Marcile Woodward for the Final Plat for Kingbird Meadow, a subdivision being a tract of land comprising of Lot 3, part of Lot 4, Block 5, Trail Ridge Country Estates, a subdivision located in the West Half of the West Half of the Southeast Quarter and the East Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northeast of 56th Street and 53rd Avenue Intersection) and consider Resolution No. 2017-149.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2017-149 approving the Application submitted by Buffalo Surveying Corporation for Josiah Woodward and Marcile Woodward for the Final Plat for Kingbird Meadow, a subdivision being a tract of land comprising of Lot 3, part of Lot 4, Block 5, Trail Ridge Country Estates, a subdivision located in the West Half of the West Half of the Southeast Quarter and the East Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northeast of 56th Street and 53rd Avenue Intersection). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2017-149**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Kingbird Meadow, a subdivision being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: A tract of land comprising of Lot 3, part of Lot 4, Block Five, Trail Ridge Country Estates, a subdivision in the West Half of the West Half of the Southeast Quarter and the East Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and said tract of land being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said Lot 3, part of Lot 4, Block Five, Trail Ridge Country Estates now vacated, and all being more particularly described as follows: Referring to the Southwest Corner of the Southeast Quarter of Section 20 and assuming the South line of the Southeast Quarter of Section 20 as bearing N 89°46'10" E and all bearings contained herein are relative thereto; thence N 89°46'10" E on the South line of the Southeast Quarter of said Section 20, N 89°46'10" E a distance of 667.62 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner said Trail Ridge Country Estates; thence continuing on the South line of the Southeast Quarter of said Section 20, N 89°46'10" E a distance of 173.00 feet; thence leaving the South line of the Southeast Quarter of said Section 20; N 00°36'45" W and parallel with the East line of said Trail Ridge Country Estates a distance of 694.95 feet to a point on the North line of said Lot 3, Block Five, Trail Ridge Country Estates, if extended easterly; thence on the North line of said Lot 3, Block Five, Trail Ridge Country Estates, if extended easterly, S 89°29'06" W a distance of 926.67 feet to the Northwest Corner of said Lot 3, Block Five, Trail Ridge Country Estates, such point also being on the East line of 53rd Avenue, a street shown on the plat and dedication of said Trail Ridge Country Estates; thence on the line common to the West line of said Lot 3 and Lot 4, Block Five, Trail Ridge Country Estates and the East line of said 53rd Avenue, S 00°31'49" E a distance of 650.34 feet to the Southwest Corner of said Lot 4, Block Five, Trail Ridge Country Estates, such point also being on the North line of 56th Street, a street shown on the plat and dedication of said Trail Ridge Country Estates; thence on the line common to the South line of said Lot 4, Block Five, Trail Ridge Country Estates and the North line of said 56th Street, N 89°46'14" E a distance of 87.06 feet to a point on the East line of the Southwest Quarter of said Section 20; thence leaving the East line of the Southwest Quarter of said Section 20, and continuing on the line common to the South line of said Lot 4, Block Five, Trail Ridge Country Estates and the North line of said 56th Street, N

89°46'10" E a distance of 152.77 feet to the most westerly point of a tract of land deeded to Buffalo County, Nebraska as described on Warranty Deed filed at Inst. 1999-7122, recorded September 1, 1999 in the office of the Buffalo County Register of Deeds; thence leaving the line common to the South line of said Lot 4, Block Five, Trail Ridge Country Estates and the North line of said 56th Street, and on the North line of said tract of land deeded to Buffalo County, Nebraska as described on Warranty Deed filed at Inst. 1999-7122, N 82°15'35" E a distance of 396.76 feet; thence continuing on the North line of said tract of land deeded to Buffalo County, Nebraska as described on Warranty Deed filed at Inst. 1999-7122, and parallel with the South line of the Southeast Quarter of said Section 20, N 89°46'10" E a distance of 121.09 feet to a point on the East line of said Trail Ridge Country Estates; thence on the East line of said Trail Ridge Country Estates, S 00°36'45" E a distance of 91.86 feet to the place of beginning, EXCEPT THEREFROM all that portion of the aforescribed tract of land deeded to Buffalo County, Nebraska as described on Warranty Deed filed at Inst. 1999-07121, recorded September 1, 1999 in the office of the Buffalo County Register of Deeds, containing 13.52 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ADOPT CITY OF KEARNEY 2017-2018 FISCAL YEAR BUDGET**

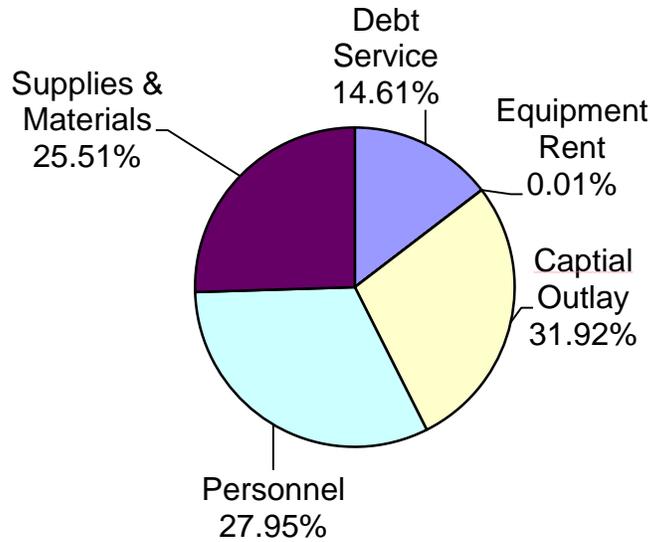
Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2017-2018 Fiscal Year and consider Ordinance No. 8176.

Director of Finance Wendell Wessels presented this matter to the Council.

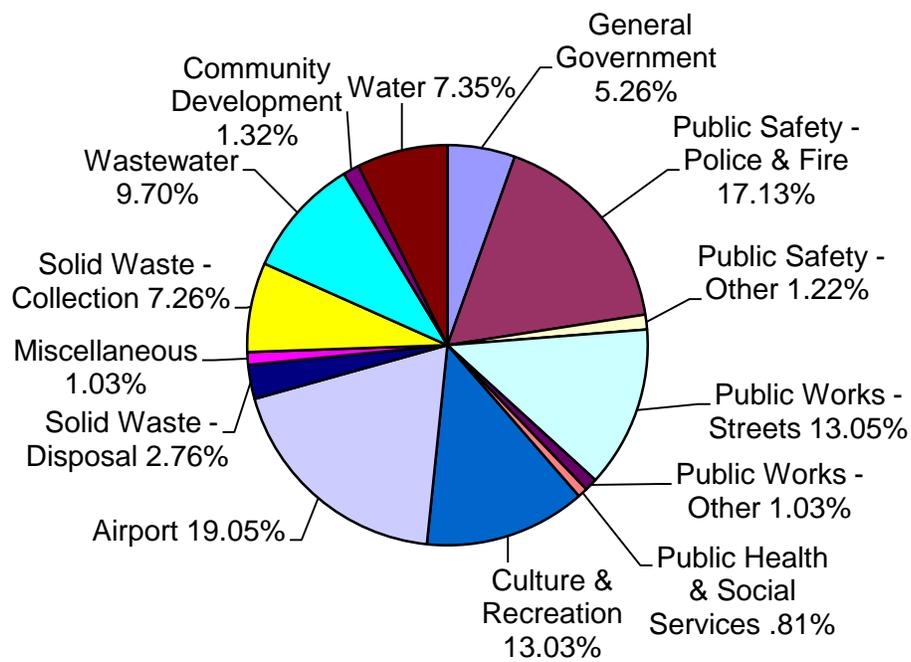
**City of Kearney Proposed Expenditures**

<b>Expenditures:</b>	<u>FY17</u>	<u>FY18</u>	
▪ General Fund	\$23,519,923	\$23,378,754	
▪ Special Revenue Funds	\$8,562,721	\$5,796,889	
▪ Capital Project Funds	\$16,288,465	\$9,108,193	
▪ Debt Service Funds	\$1,803,339	\$9,196,278	
▪ Enterprise Funds	\$30,417,118	\$34,588,264	
▪ Internal Service Funds	\$8,094,980	\$7,493,430	
▪ <u>Fiduciary Funds</u>	<u>\$616,237</u>	<u>\$666,237</u>	
Total	\$89,302,783	\$90,228,045	

**City of Kearney All Funds by Object**



**City of Kearney Budget by Function**



### City of Kearney Personnel

▪ 3% Pay Plan Adjustment – Governmental Funds	\$340,586
▪ 3% Pay Plan Adjustment – Proprietary Funds	<u>\$151,041</u>
Total 3% Pay Plan Adjustment	\$491,628
▪ Position additions/removals:	
Add full-time Master Electrician – Public Works	
Add \$64,000 for volunteer incentives – Fire	
▪ Change health & dental insurance contribution rate from 80% employer/20% employee to 85% employer/15% employee	
Governmental Funds	\$145,338
Proprietary Funds	<u>\$72,809</u>
Total	\$218,147

### City of Kearney Capital Outlay

▪ General Fund	\$1,304,400
▪ Special Revenue Funds	\$521,250
▪ Capital Project Funds	\$7,252,777
▪ Enterprise Funds	\$19,561,949
▪ Internal Service Funds	<u>\$155,000</u>
Total	\$28,795,376

### City of Kearney Capital Outlay – Top Ten Projects (in value)

1. Primary runway 18/36 reconstruction (FAA)	\$12,510,604
2. WWTP upgrade – Phase I (bond)	\$3,500,000
3. 11th St, 7th Ave to 14th Ave (paving) (bond)	\$1,325,000
4. Fixed base meter reading upgrade (bond)	\$750,000
5. CDBG 17CR (50% CDBG)	\$700,000
6. Fountain Hills 9th (paving, water, sewer)	\$619,966
7. Harvey Park ballfield light replacements	\$400,000
8. Additional baler/conveyor (50% state grant)	\$380,000
9. Replace SCBA's & air compressor (bond)	\$370,000
10. V.M. truck bay addition	\$300,000

### City of Kearney Debt Service (principal only)

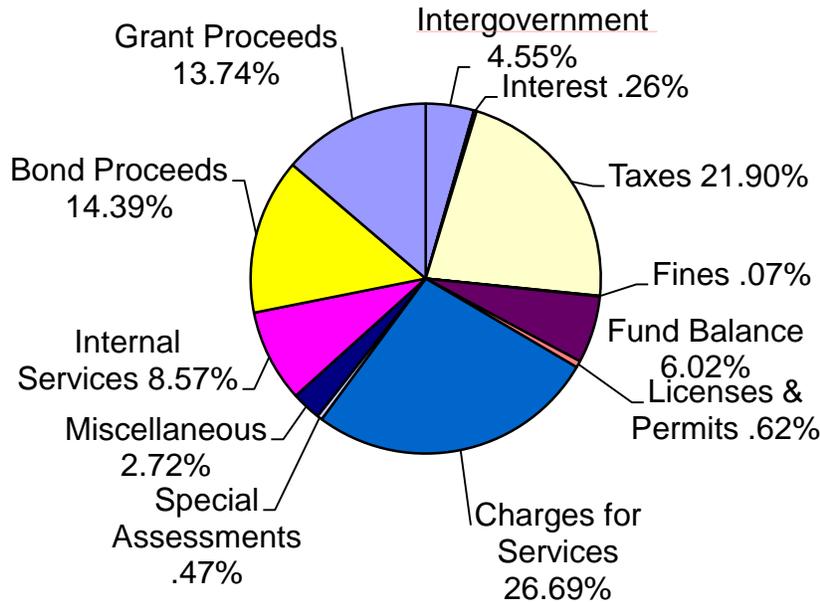
	<u>Public Safety</u>	<u>Various Purpose</u>	<u>Revenue</u>	<u>Total</u>
Beginning	\$2,610,000	\$38,520,000	\$19,941,067	\$61,071,067
Paid off	(\$170,000)	(\$10,035,000)	(\$1,581,279)	(\$11,786,279)
New debt	\$428,000	\$8,312,795	\$4,250,000	\$12,990,795
Ending	\$2,868,000	\$36,797,795	\$22,609,788	\$62,275,583
Net change	\$258,000	(\$1,722,205)	\$2,668,721	\$1,204,516

**City of Kearney Proposed Revenues**

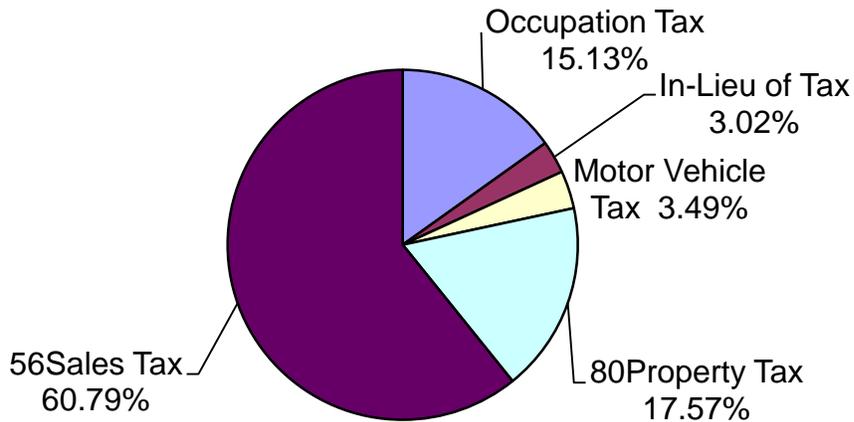
Revenues:	<u>FY17</u>	<u>FY18</u>
▪ Taxes	\$19,724,492	\$19,766,258
▪ Licenses & permits	\$547,400	\$555,600
▪ Charges for services	\$23,363,572	\$24,101,228
▪ Fines	\$61,000	\$63,700
▪ Special assessments	\$159,100	\$427,208
▪ Interest	\$179,878	\$230,619
▪ Bond proceeds	\$5,590,790	\$12,990,795
▪ Grants	\$10,286,986	\$12,404,331
▪ Internal services	\$8,374,303	\$7,733,428
▪ Miscellaneous	\$2,574,374	\$2,456,368
▪ <u>Intergovernmental – State</u>	<u>\$3,976,642</u>	<u>\$4,111,313</u>
<b>Total</b>	<b>\$74,838,537</b>	<b>\$84,840,848</b>

Council Member Lammers asked if most of the change is from the bond proceeds and the grant that the City is getting for the airport. Finance Director stated that is correct, the increases are due to the bond proceeds and FAA airport project. Council Member Buschkoetter asked about miscellaneous revenues. Finance Director stated miscellaneous revenues are all the little miscellaneous things throughout the City whether it is in the General Fund or Enterprise Fund. The items do not really fit into any other category. For example, CRA contributes to the City for the services provided to the CRA so those contributions are part of Miscellaneous Funds.

**City of Kearney All Funds by Source**



**City of Kearney Tax Revenues by Source**



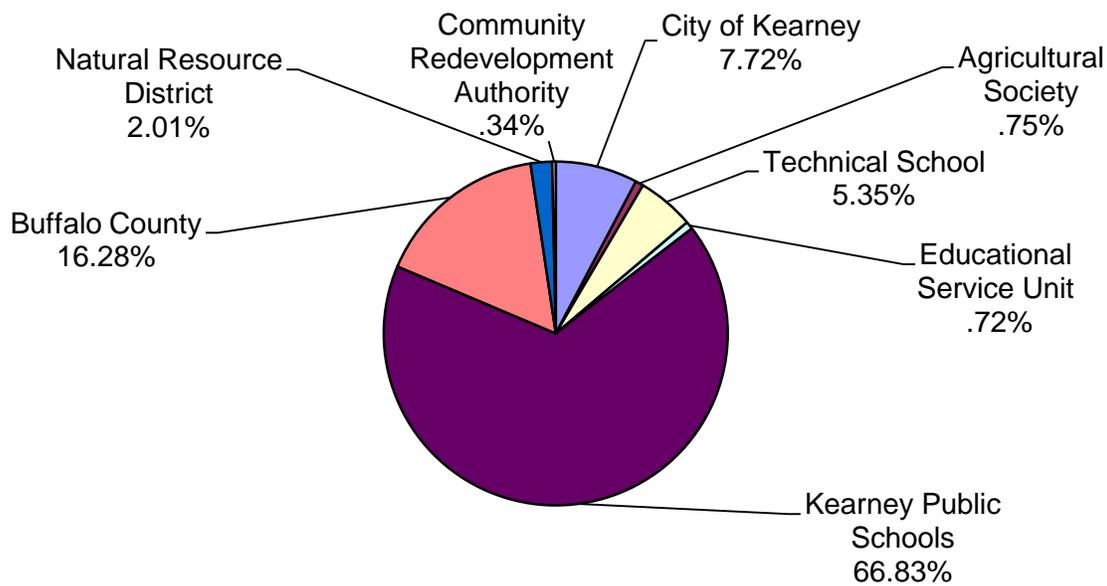
**City of Kearney Proposed Property Tax Request**

City of Kearney valuation (5.39% act. growth)	\$2,550,296,256
General Fund property tax requirement	\$3,269,271
Public Safety TAB Fund property tax requirement	\$233,816
Total property tax requirement	<u>\$3,503,087</u>
Total property tax levy (per \$100)	\$0.13736

**Change over FY17:**

Total property tax requirement (5.39% increase)	\$179,256
(\$61,236 (34.2%) will come from new construction/annexation and \$118,020 (65.8%) of will come from existing properties)	
Total property tax levy (per \$100) (no change)	\$0.0000
Taxes on a \$200,000 home	\$274.72

**City of Kearney Property Tax Distribution – 2016**



**City of Kearney Sales Tax Revenues**

	Actual FY 16	Est. Actual FY 17	Proposed FY 18
<b>One cent sales tax</b>			
General Fund	\$6,444,893	\$6,366,040	\$6,383,686
Street Improvement Fund	\$1,611,223	\$1,199,203	\$966,753
Various Purpose Bond Fund	\$00	\$392,307	\$629,168
<b>Subtotal</b>	<b>\$8,056,116</b>	<b>\$7,957,550</b>	<b>\$7,979,607</b>
<b>One-half cent sales tax</b>	<b>\$4,045,402</b>	<b>\$3,978,775</b>	<b>\$3,989,804</b>
<b>Total sales tax</b>	<b>\$12,101,518</b>	<b>\$11,936,325</b>	<b>\$11,968,411</b>

**City of Kearney Comprehensive Fee Schedule**

- **Cemetery** - Overtime charges increased
- **Aquatics** - Pool fees increased
- **Development Services** - Licenses and permit fees increased
- **Library** - Overdue charges increased
- **Solid Waste – Collection** - Utility rates increased 0%
- **Wastewater** - Utility rates increased 0%
- **Water** - Utility rates increased 3%
- **Airport** - Agriculture land cash rents adjusted

### **City of Kearney Fund Balance**

The following Funds do not meet the current Fund Balance Policy:

- Golf Fund deficit - \$241,844 (target is 25% of operating expenses)
- Health Insurance Fund deficit - \$422,920

Council Member Nikkila stated that he is always asked if the golf course is breaking even now. Can the Finance Director talk about how the cost of the golf course balances with the revenues from the play. Finance Director stated the golf course does not pay for itself. The City transfers approximately \$200,000 a year from the Keno Fund. These transfer amounts have varied over the years depending on what the City has going on. These funds are typically used for Capital. If the City did not have any capital with the golf course, the City would not have to transfer that money. A lot of the equipment that the golf course has is originally from when the course was built and the golf course is starting to replace some of that equipment. Last year, the golf course had to replace a well that was approximately \$170,000.

City Manager, Michael Morgan stated sales or property taxes do not go towards the golf course. Mr. Wessels stated unless someone plays keno or golf at the golf course, funds are not contributing to the golf course.

Council Member Lammers asked if the total number of rounds played at the golf course is approximately 30,000 correct. Finance Director stated yes, that is a correct figure.

### **City of Kearney Other Notable Items**

- Project Honor funding source/use for FY17:
  - Economic Development Fund - \$300,000
    - (Community Services - \$200,000)
    - (Workforce Factors - \$50,000)
    - (Community Support - \$50,000)
  - Special Sales Tax Fund - \$500,000
    - (Program Enhancements (reimburse General Fund)- \$500,000)
- Storm Water Utility added  
FY18 budget is \$209,691

Finance Director stated in the General Fund for Fiscal Year 2018, the City's reserve policy of 25% of the operating expenses is met. The City is actually to the good approximately \$600,000. According to the policy, the City should have approximately \$5.5 million available and the City will have \$6.1 million in the General Fund, in the reserves, which is good. The tax levy remains the same as it has remained the same for the last three years. Valuations have increased so that is another positive for the General Fund.

A couple challenges and concerns that the City does have in the General Fund is that the fund balance has gone down the last three years by approximately \$1 million a year. At one point, the City was at about \$9 million, the City is now getting down to \$6 million. The City has only another \$600,000 left in the Fund Balance so next year's budget will be okay but looking in the future, the City cannot continue to use the Fund Balance to balance the budget so the City will have to address that.

Also, in the General Fund, there are four revenues types: sales tax, property tax, NPPD and occupation taxes that make up three quarters of the revenue that goes to the General Fund. The balance is approximately \$17 million. The City is projecting a half percent decrease in sales tax this year compared to last year. As for property taxes, the City is maintaining the same levy as last year. Although the City did receive \$180,000 in revenue from development growth. NPPD payments are fairly flat. Occupation taxes are flat. Telecommunications has gone down quite a bit over the last few years because of federal laws on what can be taxed and what cannot.

Within the four revenue sources, not growth has occurred so between using up some of the City's fund balance and some of the revenue sources being flat, there will be challenges coming up. The City will have to look at existing revenues and see what can be tweaked or determine any other revenues out there that the City can bring in. Looking at expenditures, the City will likely bring forward a combination of a lot of different things sometime next year or after the first of the year before the City gets too far into the budget.

As far as lids go, the City has two lids. The City has the levy lid which is 45¢ and is well below that at 13¢, so not a problem there. The City also had the spending lid that states municipalities can increase certain revenues 2.5% a year plus an additional 1% so the City is okay there as well.

What the City will have to look at is property tax, sales tax and lieu tax payments, motor vehicles taxes, all those kinds of tax sources and compare one year to the next year. It can only go up 2.5% plus 1%. The City can take deductions for interlocal agreements and capital outlay but it is something the City will have to file with the State auditor every year which the City is in compliance with.

Council Member Lammers asked the fixed based meter reading upgrade, is this the last year on that. Finance Director stated yes and the City is almost half way done with the project currently. There are roughly 10,000 meters and the City is at about 4,000 meters right now. The more the City gets done, the more it frees up staff to go and do more. Mr. Wessels direction to the Utility Department is that the City would like it done by September 2018.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2017-2018 Fiscal Year and introduced Ordinance No. 8176 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. 8176. 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, Nikkila. 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. 8176 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, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8176 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8176 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.

### **ADOPT 2017-2018 BUDGET FOR OFFSTREET PARKING DISTRICT NO. 1**

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2017-2018 Fiscal Year and consider Resolution No. 2017-150.

Director of Finance Wendell Wessels presented this matter to the Council. The Offstreet Budget is estimating to start off the year with \$51,000. Total expenditures is \$167,000, total revenue is \$100,716. Finance Director discussed the expenses.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2017-2018 Fiscal Year and adopted Resolution No. 2017-150. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2017-150**

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the City of Kearney Offstreet Parking District No. 1 presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2017 through September 30, 2018) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

**2017 PROPERTY TAX LEVY**

Mayor Clouse opened the public hearing setting the 2017 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and consider Resolution No. 2017-151.

Director of Finance Wendell Wessels presented this matter to the Council. State statute requires a hearing if the property tax levy will be different than what the current year property tax is. The total requirement of property taxes for the upcoming fiscal year is \$3,503,086.78 which is more than the current year property tax requirements so a public hearing is required to set the property tax requirement.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing setting the 2017 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and adopted Resolution No. 2017-151. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2017-151**

WHEREAS, Section 77-1601.02 of the Nebraska Revised Statutes authorizes the City Council to set the 2017 property tax request for the City of Kearney; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that a 2017 property tax request be set for the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes an All-Purpose Tax Request of \$3,269,271.03 is set for the fiscal year beginning the 1st day of October, 2017 and ending on the 30th day of September, 2018 for the purpose of equipping, maintaining and paying the departments of the City of Kearney.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes, a Special Tax Request of \$233,815.75 is set for the fiscal year beginning the 1st day of October, 2017 and ending the 30th day of September, 2018 for the purpose of paying off bonds authorized by Section 18-1202 of the Nebraska Revised Statutes.

BE IT FURTHER RESOLVED that the City Clerk is hereby ordered to certify said request to the Buffalo County Clerk in order that the same may be placed on the property tax rolls and be collected in the manner provided by law.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2017.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:

STANLEY A. CLOUSE

LAUREN BRANDT  
CITY CLERK

PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

### **STORM DRAIN EASEMENT**

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Storm Drain Easement for a tract of land being a part of the Southwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2017-152.

Director of Public Works Rod Wiederspan presented this matter to the Council. He stated these easements are necessary for projects located at 56th Street and 17th Avenue. Prior to accepting any of the easements, the City is required by state statute to hold a public hearing to establish that the City can acquire the easements.

Council Member Nikkila asked about the status of the project. Director of Public Works stated the first phase was completed which reopened the section from 4th Street to 11th Avenue but then currently closed the section from 11th Avenue to 15th Avenue. The section from the Prince of Peace Church to 19th Avenue is also closed for storm sewer construction. This is a phased project that will go through many phases prior to completion.

Council Member Nikkila asked about the traffic. Director of Public Works discussed the available routes for drivers.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2017-152 approving the proposed acquisition of a Permanent Storm Drain Easement for a tract of land being a part of the Southwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2017-152**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Storm Drain Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Grand West, LLC, a Nebraska Limited Liability Company by Morrison Enterprises, LLC, Sole Member, has granted to the City of Kearney, Nebraska a Permanent Storm Drain Easement as follows: A 10 foot wide Permanent Storm Drain Easement being a part of the Southwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and

more particularly described as follows: Referring to the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 26 and assuming the West line of said Southwest Quarter of the Northwest Quarter as bearing N 00°23'09" W and all bearings contained herein are relative thereto: thence N 00°23'09" W on said West line a distance of 1262.56 feet; thence N 89°43'00" E a distance of 33.00 feet to the East Right-of-Way line of 17th Avenue and the ACTUAL POINT OF BEGINNING; thence continuing N 89°43'00" E a distance of 78.00 feet; thence N 00°23'09" W a distance of 10.00 feet; thence S 89°43'00" W a distance of 78.00 feet to said East Right-of-Way line; thence S 00°23'09" E on said East Right-of-Way line a distance of 10.00 feet to the Point of Beginning. Containing 0.018 Acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Storm Drain Easement granted by Grand West, LLC, a Nebraska Limited Liability Company by Morrison Enterprises, LLC, Sole Member to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **STORM DRAIN, TRAFFIC SIGNAL, STREET LIGHT AND CONDUIT EASEMENT**

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisitions of a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement for a tract of land being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2017-153.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2017-153 approving the proposed acquisitions of a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement for a tract of land being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2017-153**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Grand West, LLC, a Nebraska Limited Liability Company by Morrison Enterprises, LLC, Sole Member, has granted to the City of Kearney, Nebraska a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement as follows:

### PERMANENT STORM DRAIN EASEMENT

A 25 foot wide Permanent Storm Drain Easement being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 26 and assuming the West line of said Northwest Quarter of the Northwest Quarter as bearing S 00°23'09" E and all bearings contained herein are relative thereto; thence S 00°23'09" E on said West line a distance of 806.51 feet; thence N 80°30'53" E a distance of 33.42 feet to the East Right-of-Way line of 17th Avenue and the ACTUAL POTNT OF BEGINNING; thence continuing N 80°30'53" E a distance of 79.00 feet; thence S 09°29'07" E a distance of 25.00 feet; thence S 80°30'53" W a distance of 83.00 feet to said East Right-of-Way line; thence N 00°23'09" W on said East Right-of-Way line a distance of 25.32 feet to the Point of Beginning. Containing 0.046 Acres, more or less, Buffalo County, Nebraska.

### PERMANENT TRAFFIC SIGNAL EASEMENT

A Permanent Traffic Signal Easement being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the intersection of the South Right-of-Way line of 56th Street with the East Right-of-Way line of 17th Avenue, said intersection being 50.00 feet Southerly of the North line of the Northwest Quarter of the Northwest Quarter of Section 26 and 33.00 feet Easterly of the West line of said Northwest Quarter of the Northwest Quarter; thence Easterly on said South Right-of-Way line of 56th Street a distance of 45.00 feet; thence Southwesterly a distance of 63.62 feet to a point on said East Right-of-Way line of 17th Avenue which is 45.00 feet Southerly of said intersection; thence Northerly on said East Right-of-Way line of 17th Avenue a distance of 45.00 feet to the Point of Beginning. Containing 0.023 Acres, more or less, Buffalo County, Nebraska.

### PERMANENT STREET LIGHT AND CONDUIT EASEMENT

A Permanent Street Light and Conduit Easement being a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the intersection of the South Right-of-Way line of 56th Street with the East Right-of-Way line of 17th Avenue, said intersection being 50.00 feet Southerly of the North line of the Northwest Quarter of the Northwest Quarter of Section 26 and 33.00 feet Easterly of the West line of said Northwest Quarter of the Northwest Quarter and assuming that said South Right-of-Way line as bearing N 89°39'27" E and all bearings contained herein are relative thereto; thence N 89°39'27" E on said South Right-of-Way line a distance of 5.00 feet; thence S 00°23'09" E parallel with and 5.00 feet Easterly of said East Right-of-Way line a distance of 585.00 feet; thence S 89°36'51" W a distance of 5.00 feet to said East Right-of-Way line; thence N 00°23'09" W on said East Right-of-Way line a distance of 585.00 feet to the Point of Beginning. Containing 0.067 Acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement granted by Grand West, LLC, a Nebraska Limited Liability Company by Morrison Enterprises, LLC, Sole Member to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**STORM DRAIN EASEMENT FOR FOUNTAIN HILLS SIXTH ADDITION**

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Storm Drain Easement for a tract of land being a part of Outlot A of Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2017-154.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2017-154 approving the proposed acquisition of a Permanent Storm Drain Easement for a tract of land being a part of Outlot A of Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2017-154**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Storm Drain Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Fountain Hills Outlot Maintenance Association, Inc., has granted to the City of Kearney, Nebraska a Permanent Storm Drain Easement as follows: A 15 foot wide Permanent Storm Drain Easement being a part of Outlot A of Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and lying 7.50 feet either side of the following described centerline: Referring to the Northeast corner of Outlot A of Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the North line of said Outlot A as bearing S 89°39'27" W and all bearings contained herein are relative thereto; thence S 89°39'27" W on said North line a distance of 37.29 feet to the ACTUAL POINT OF BEGINNING; thence S 37°25'42" E a distance of 61.73 feet to a point on the East line of said Outlot A which is S 00°15'50" E a distance of 49.24 feet from said Northeast corner of Outlot A and the Point of Termination. Containing 0.021 Acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Storm Drain Easement granted by Fountain Hills Outlot Maintenance Association, Inc. to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**UTILITY EASEMENT FOR NORTHRIDGE RETIREMENT SUBDIVISION**

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Utility Easement for a tract of land being a part of Lot 1, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2017-155.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2017-155 approving the proposed acquisition of a Permanent Utility Easement for a tract of land being a part of Lot 1, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**RESOLUTION NO. 2017-155**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Ridge View Apartments, LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a Permanent Utility Easement as follows: A Permanent Utility Easement being a part of Lot 1, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a 5/8" rebar at the Northeast corner of Lot 1, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence Southerly on the West Right-of-Way line of 17th Avenue a distance of 30.00 feet; thence Northwesterly a distance of 42.27 feet to a point on the South Right-of-Way line of 56th Street which is 30.00 feet Westerly of said Northeast corner of Lot 1; thence Easterly on said South Right-of-Way line of 56th Street a distance of 30.00 feet to the Point of Beginning. Containing 0.010 Acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Utility Easement granted by Ridge View Apartments, LLC, a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**STORM DRAIN, TRAFFIC SIGNAL, STREET LIGHT AND CONDUIT EASEMENT**

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisitions of a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement for a tract of land being a part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2017-156.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2017-156 approving the proposed acquisitions of a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement for a tract of land being a part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2017-156**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement and voted in favor to proceed with the acquisition; and

WHEREAS, DT Development, Inc., a Nebraska Corporation has granted to the City of Kearney, Nebraska a Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement as follows:

**PERMANENT STORM DRAIN EASEMENT**

A 15 foot wide Permanent Storm Drain Easement being a part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to the Southwest corner of the Southwest Quarter of Section 23 and assuming the West line of said Southwest Quarter of the Southwest Quarter as bearing N 00°26'50" W and all bearings contained herein are relative thereto; thence N 00°26'50" W on said West line a distance of 540.17 feet; thence N 44°28'52" E a distance of 46.73 feet to the East Right-of-Way line of 17th Avenue and the ACTUAL POINT OF BEGINNING; thence continuing N 44°28'52" E a distance of 77.04 feet; thence N 45°31'08" W a distance of 15.00 feet; thence S 44°28'52" W a distance of 62.00 feet to said East Right-of-Way line; thence S 00°26'50" E on said East Right-of-Way line a distance of 21.24 feet to the Point of Beginning. Containing 0.024 Acres, more or less, Buffalo County, Nebraska.

**PERMANENT TRAFFIC SIGNAL EASEMENT**

A Permanent Traffic Signal Easement being a part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the intersection of the North Right-of-Way line of 56th Street with the East Right-of-Way line of 17th Avenue, said intersection being 50.00 feet Northerly of the South line of the Southwest Quarter of the Southwest Quarter of Section 23 and 33.00 feet Easterly of

the West line of said Southwest Quarter of the Southwest Quarter; thence Easterly on said North Right-of-Way line of 56th Street a distance of 25.00 feet; thence Northwesterly a distance of 35.39 feet to a point on said East Right-of-Way line of 17th Avenue which is 25.00 feet Northerly of said intersection; thence Southerly on said East Right-of-Way line of 17th Avenue a distance of 25.00 feet to the Point of Beginning. Containing 0.007 Acres, more or less, Buffalo County, Nebraska.

#### PERMANENT STREET LIGHT AND CONDUIT EASEMENT

A Permanent Street Light and Conduit Easement being a part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the intersection of the North Right-of-Way line of 56th Street with the East Right-of-Way line of 17th Avenue, said intersection being 50.00 feet Northerly of the South line of the Southwest Quarter of the Southwest Quarter of Section 23 and 33.00 feet Easterly of the West line of said Southwest Quarter of the Southwest Quarter and assuming that said North Right-of-Way line as bearing N 89°39'27" E and all bearings contained herein are relative thereto; thence N 89°39'27" E on said North Right-of-Way line a distance of 5.00 feet; thence N 00°26'50" W parallel with and 5.00 feet Easterly of said East Right-of-Way line a distance of 570.01 feet; thence S 89°33'10" W a distance of 5.00 feet to said East Right-of-Way line; thence S 00°26'50" E on said East Right-of-Way line a distance of 570.00 feet to the Point of Beginning. Containing 0.065 Acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Storm Drain, Traffic Signal, Street Light and Conduit Easement granted by DT Development, Inc., a Nebraska Corporation to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

#### **CDBG GRANT APPLICATION FOR COMPREHENSIVE DEVELOPMENT PHASE II IMPLEMENTATION ACTIVITIES**

Mayor Clouse opened the public hearing on the submission of an application to the Department of Economic Development for a Community Development Block Grant for Comprehensive Development Phase II Implementation activities and consider Resolution No. 2017-157.

Ashley Weesner from Miller & Associates presented this matter to the Council. Ashley is a grant administrator and she is speaking on behalf of the public hearing on the CDBG Comprehensive Development Phase II Grant Application. Total funds for this project from the CDBG are estimated at \$350,000. \$312,000 will be used for construction and \$38,000 for grant administration. Matching funds in the amount of \$350,000 are required for the grant which will come from local sales tax funds which are already budgeted for the project.

This project is a result of a recent neighborhood revitalization study. Residents overwhelmingly expressed an interest in seeing a combination of improvements to

sidewalks and ADA ramps within the neighborhood. After completion of the sidewalk analysis in the target area, the proposed project involves sidewalk replacement and construction of ADA ramps within the target area.

Council Member Lammers asked if the target area was from Avenue C to 5th Avenue and then from 22nd Street to 16th Street. Ms. Weesner affirmed stating yes, that target area was correct.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2017-157 approving the submission of an application to the Department of Economic Development for a Community Development Block Grant for Comprehensive Development Phase II Implementation activities. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

### **PUBLIC INPUT FOR CDBG 16-CD-003**

Mayor Clouse opened the public hearing to receive input from the public with regard to a downtown revitalization project under CDBG 16-CD-003.

Ashley Weesner from Miller & Associates presented this matter to the Council. She stated this is the second public hearing for CDBG Grant 16-CD-003. This hearing is a requirement from CDBG funding and the project encompassed six months of funding for community planning activities. Total funds for the project from CDBG are estimated at \$30,000 and matching funds in the amount of \$9,000 came from special tax funds. Bringing the total project cost to \$39,000.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing to receive input from the public with regard to a downtown revitalization project under CDBG 16-CD-003. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **PUBLIC INPUT FOR CDBG 15-CR-004**

Mayor Clouse opened the public hearing to receive input from the public with regard to a downtown revitalization project under CDBG 15-CR-004.

Ashley Weesner from Miller & Associates presented this matter to the Council. She stated this is the second public hearing for CDBG Grant 15-CR-004. \$175,000 of the comprehensive revitalization fund is for the construction of sidewalks and street paving of Avenue E from 25th Street to 27th Street. \$158,000 of the funds went to the project and \$17,000 for general administration. Matching funds of \$324,000 were contributed to this project with 1/2¢ sales tax from the City of Kearney.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing to receive input from the public with regard to a downtown revitalization project under CDBG 15-CR-004. Roll call

resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

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

Moved by Nikkila seconded by Lear that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held August 22, 2017 and Minutes of Special Meeting held August 25, 2017.

2. Approve the following Claims:

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

911 Custom \$1,310.00 co; Acushnet \$2,461.49 smcs; Adventure Enterprises \$425.00 smcs; Agri Coop \$2,513.30 smcs; Alfred Benesch \$3,745.58 co; Ally B Designs \$650.00 smcs; Amazon \$4,083.83 smcs; American First Aid \$349.73 smcs; APWA \$1,120.00 smcs; Armasight/Flir \$5,418.00 smcs; Ask Supply \$1,001.73 smcs; Aurora Coop \$104.64 smcs; Auto Value \$1,447.36 smcs; Baker & Taylor \$5,509.61 smcs; Bamford \$250.00 smcs; Baxter Lincoln Dodge \$21,097.00 co; Beacon Athletics \$433.00 smcs; Bendfeldt,B \$35.00 smcs; Blackstone Audio Books \$554.73 smcs; Blessing \$49,247.15 co; BlueCross BlueShield \$165,104.07 smcs; Blueglobes \$6,545.75 smcs; Books In Common \$2,900.00 smcs; Bosselman \$22,307.76 smcs; Brandt,L \$625.00 smcs; Brandt,T \$560.50 co; Branson Surrey Inn \$4,690.10 smcs; Bridgett Lavene \$591.39 smcs; Broadfoot's \$390.00 smcs; Bruha,S \$320.00 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Community \$705.70 smcs; Buffalo Co. Treasurer \$20.00 co; Buffalo Outdoor Power \$137.50 smcs; Builders \$199.91 smcs; Byrne,D \$27.90 smcs; Capital Business \$660.60 smcs; Cash-Wa \$4,486.85 smcs; Cellebrite \$7,700.00 smcs; Cengage Learning \$330.36 smcs; Center Point Publishing \$75.96 smcs; Central Fire \$233.00 smcs; Certified Power \$1,337.58 smcs; Chesterman \$1,564.25 smcs; Chief Supply \$71.46 smcs; Cigna \$7,126.16 smcs; City of Krny \$55,044.48 co, smcs; Civicplus \$9,151.29 co; Colling,J \$900.00 co; Consolidated Mgmt. \$456.89 smcs; Construction Rental \$2,244.00 smcs; Cornhusker Cleaning \$60.01 smcs; Crouch Recreation \$6,635.00 co; Cummins \$5,191.50 smcs; Curbit \$2,244.00 smcs; Dam,J \$249.20 smcs; Danko \$752.66 smcs; DAS State Accounting \$6,035.20 smcs,co; Daugherty,R \$31.00 smcs; Defender Supply \$1,991.14 smcs; Diamond Tours \$1,218.00 smcs; Dish \$94.03 smcs; Don's Hobby Guns 6,552.48 smcs,co; DPC Industries \$34,677.38 smcs; Eagle Distributing \$1,122.70 smcs; Eakes \$7,810.76 smcs; Eggen,M \$22.00 smcs; EJ's Outdoor Sports \$660.00 smcs; Elliott Equipment \$244,587.22 smcs,co; Enterprise Electric \$725.00 smcs; Eustis Body Shop \$956.95 smcs; Everitt,M \$758.65 co; Farmer's Union \$65.00 smcs; Faro Technologies \$7,350.00 smcs; Fearnley,M \$71.75 smcs; Frontier \$9,257.78 smcs; Fry & Associates \$11,966.85 co; Fyr-Tek \$647.93 smcs; Gangwish Turf \$39.38 co; Gannon Travel \$1,820.00 smcs; Garrett Tires \$2,886.01 smcs; Gillming,C \$100.00 smcs; Global ARFF \$3,769.00 smcs;

Grainger \$3,669.15 smcs; GW Brown \$125.00 smcs; Hall Weapon \$1,799.40 smcs; HD Supply \$8,415.79 co; Hibberd,T \$20.00 smcs; Hilliard,E \$560.05 co; HM Life Insurance \$40,910.54 smcs; HOA Solutions \$6,341.45 smcs; Hometown Leasing \$157.20 smcs; ICMA \$5,367.06 ps; IRS \$158,053.40 ps; Jack Lederman \$33.60 smcs; Jack's Uniforms \$43,574.32 smcs; James,D \$330.00 smcs; JCB Delivery \$81.00 smcs; John Deere \$140.74 smcs; Johnson Controls \$428.54 smcs; Johnson,D \$54.40 smcs; Jun Kaneko Studio \$135,000.00 co; Krny Animal Shelter \$331.20 smcs; Krny Crete & Block \$4,003.32 smcs,co; Krny Housing \$5,319.03 smcs; Krny Hub \$2,894.24 smcs; Krny Noon Rotary \$125.00 smcs; Kinnison,B \$236.00 smcs; Konica Minolta \$299.65 smcs; Kussmaul Electronics \$262.85 smcs; Larue Distributing \$84.84 smcs; Light and Siren \$1,569.00 smcs; Lucas,J \$13.30 smcs; Lundeen-Isaacson \$2,436.00 ps; Lynch,D \$669.47 smcs; Magic Cleaning \$7,640.00 smcs; Masek Golf Car \$2,206.00 smcs; Matheson \$64.52 smcs; Mc2 \$3,318.90 smcs; McCarty,D \$55.50 smcs; Mefferd,E \$640.50 smcs; Menards \$243.27 smcs; Mid-NE Garage Doors \$3,500.00 smcs; Midwest Connect \$7,856.06 smcs; Midwest Turf \$68.18 smcs; Miller & Associates \$3,100.00 smcs; Miller Signs \$1,364.00 smcs; Mitchell Repair Information \$1,728.00 smcs; Municipal Emergency \$30.00 ps; Murphy Tractor \$687.43 smcs; Museum of NE Art \$2,900.00 smcs; N.L.E.T.C \$285.00 smcs; National Composites \$429.61 co; Naval Surface Warfare \$1,800.00 smcs; Navigator Motorcoaches \$4,075.00 smcs; NDEQ-Fiscal Services \$7,500.00 smcs; NE Child Support Pyt. Ctr. \$1,766.36 ps; NE Crane \$320.00 co; NE Dept of Revenue \$125,388.62 smcs,ps; NE Dept of HHS \$596.00 smcs; NE Environmental Products \$2,807.87 smcs; NE Library Commission \$3,342.20 smcs; NE Machinery \$409.00 smcs; NE Public Health \$1,231.00 smcs; NE Safety \$485.00 smcs; NE Salt & Grain \$22,032.65 smcs; NE Statewide Arboretum \$130.00 smcs; Nebraskaland Distributing \$2,278.40 smcs; Newman Traffic Signs \$223.38 smcs,co; Norm's Plumbing \$3,910.46 smcs,co; Northwest Electric \$1,520.00 smcs; Northwestern Energy \$249.87 smcs; Nuttelman Fencing \$2,984.04 co; Oak Creek Engineering \$1,143.00 smcs; Office Depot \$178.49 smcs; Olson's Military Surplus \$553.00 smcs; Olsson Associates \$6,286.00 co; One Call Concepts \$537.78 smcs; O'Neill Wood Resources \$11,480.00 smcs; Optical Gallery \$88.42 smcs; Our Homes \$27.68 smcs; Outdoor Custom Sports \$56.07 smcs; Outdoor Recreation \$8,560.00 smcs; Paramount \$319.69 smcs; Payflex \$46.75 smcs; Penguin Random House \$101.25 smcs; Penworthy \$112.12 smcs; Pep Co \$86.34 smcs; Pictometry \$562.50 co; Ping \$101.97 smcs; Pioneer Industrial \$2,850.50 smcs; Pioneer Manufacturing \$1,168.75 smcs; Pitney Bowes \$60.00 smcs; Platte Valley Comm. \$256.15 smcs; Platte Valley Labs \$62.50 smcs; Police Officer Assoc. of NE \$625.00 smcs; Power DMS \$4,834.08 smcs; Power Tech \$639.99 smcs; Precision Concrete \$350.00 co; Presto-X \$332.00 smcs; Prime Communications \$2,076.87 co; Pulliam,R \$40.00 smcs; Randolph,J \$30.00 smcs; Recorded Books \$860.10 smcs; Reinke's \$80.00 smcs; Rheome Tree \$1,815.00 smcs; Rich,T \$50.00 smcs; River's End \$1,850.00 smcs; S & B Heating \$80.00 smcs; S & P Global Ratings \$16,500.00 smcs; Sandry Fire \$25,056.36 smcs; Sapp Brothers \$19,233.66 smcs; Schroeder,J \$236.00 smcs; Schumacher Brothers \$1,550.00 co; See Clear Cleaning \$2,050.00 smcs; Sign Center \$413.34 smcs; Silverstone \$4,720.00 smcs; Siteone Landscape \$4,256.40 co; SOS Portable Toilets \$235.00 smcs; Southern Glazier's \$1,992.80 smcs; Steffensmeier,J \$1,250.00 smcs; Steinbrinks \$399.99 smcs; Stroud,J \$20.33 smcs; Sunset Law Enforcement \$6,894.30 smcs; Superior \$9,160.00 co; Surface Sealers \$8,700.00 smcs; Sutphen \$2,600.00 smcs; Tacha,J \$50.00 smcs; Tielke's \$43.47 smcs; Titan Machinery \$10,900.00 co; Trade Well Pallet \$1,700.00 smcs; TruGreen ChemLawn \$202.00 smcs; Turfwerks \$1,261.21 smcs; Tye Law Firm \$13,208.94 smcs; UL \$6,945.00 smcs; Union

Bank & Trust \$75,191.33 smcs,ps; United Industries \$2,910.44 co; University of NE-Krny \$48.90 smcs; UPS \$24.14 smcs; US Chemical Storage \$12,226.00 co; USA Comm. \$153.95 smcs; Van Diest Supply \$939.15 smcs; Verizon \$1,640.57 smcs; Ver-Mac \$2,025.00 co; Vertiv Services \$1,750.84 smcs; Village Uniform \$330.23 smcs; Walters Electric \$3,698.10 smcs,co; Wessels,W \$93.42 smcs; Whalen,J \$140.00 smcs; Whipple,R \$967.10 co; Whitney,H \$420.76 smcs; Yanda's Music \$1,667.98 co; Yant Equipment \$74.32 smcs; Young,J \$22.31 smcs; Zero Waste USA \$4,654.38 smcs,co; Payroll Ending 8/19/2017 -- \$452,291.61, Payroll Ending 9/2/2017 --\$446,872.60. 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. Adopt Resolution No. 2017-158 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$138,468.84 which will be carried over to the 2017-2018 Budget as "Unused Budget Authority".

### **RESOLUTION NO. 2017-158**

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2017.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.

5. Adopt Resolution No. 2017-159 repealing Resolution No. 2017-69 and adopt the 2017-2018 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2017-2018 year.

**RESOLUTION NO. 2017-159**

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2016-2017 fiscal year was adopted by Resolution No. 2016-152 on September 13, 2016, amended by Resolution No. 2017-207 on December 13, 2016, amended by Resolution No. 2017-22 on February 14, 2017, and amended by Resolution No. 2017-69 on April 25, 2017 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2017-2018 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2017.

BE IT FURTHER RESOLVED that Resolution No. 2017-69 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2017-160 approving the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to provide building inspection services to the City of Minden.

**RESOLUTION NO. 2017-160**

WHEREAS, on June 26, 2012 the City Council adopted Resolution No. 2012-104 approving Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement; and

WHEREAS, the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement was amended in 2013, 2014 and again in 2016; and

WHEREAS, it has been determined to be in the interest of both communities that the City of Kearney staff will provide plan review and building inspection services for up to twelve (12) months; and

WHEREAS, the City of Kearney and the City of Minden have agreed that Kearney continue to provide Minden with plan review and building inspection services for up to twelve (12) months.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement, marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the said Interlocal Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2017-161 adopting the Central Platte Natural Resources District Multi-Jurisdiction Hazard Mitigation Plan Update.

**RESOLUTION NO. 2017-161**

WHEREAS, the City of Kearney recognizes the threat that natural disasters pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential harm to people and property and save taxpayer dollars; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000 placing new emphasis on state and local mitigation planning for natural hazards and requiring local jurisdictions to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Central Platte Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, Nebraska, which includes the City of Kearney; and

WHEREAS, the purpose of the mitigation plan is to lessen the effects of disasters by increasing the disaster resistance of the Central Platte Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City of Kearney and prioritize mitigation strategies to reduce potential loss of life and property from those hazards; and

WHEREAS, Federal Emergency Management Administration (FEMA) regulations require documentation that the plan has been formally adopted by the governing body of the participating jurisdiction in the form of a resolution and further requesting approval of the plan at the Federal level.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA by the Mayor and City Council of the City of Kearney, Nebraska that the Central Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update be and is hereby adopted in its entirety. The Plan in its entirety (956 pages) and dated August 16, 2017 is on file at the City Clerk's Office.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. 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 NutriMost located at 620 East 25th Street on Thursday, September 28, 2017 from 4:00 p.m. until 10:00 p.m. for a business after hours event;

b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 7, 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, October 7, 2017 from 3:00 p.m. until 1:00 a.m. for a foam

party;

d) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 14, 2017 from 10:00 a.m. until 5:00 p.m. for a craft show;

e) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 14, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

f) Inside Babl Kitchen and Bath located at 1209 Avenue A Suite 1 on Thursday, October 19, 2017 from 4:00 p.m. until 10:00 p.m. for a business after hours event;

g) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 21, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

h) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 21, 2017 from 3:00 p.m. until 1:00 p.m. for a reception;

i) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 21, 2017 from 3:00 p.m. until 1:00 a.m. for a reception;

j) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 28, 2017 from 10:00 a.m. until 5:00 p.m. for a craft fair; and

k) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 28, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

**9.** Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico 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, October 7, 2017 from 6:00 p.m. until 1:00 a.m. for a dance.

**10.** Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications for the following:

a) Cops and Robbers 5K Fun Run submitted by the UNK Police Department for the temporary closing of the southern eastbound lane of University Drive to 19th Avenue and along University Drive from 15th Avenue to 9th Avenue on October 21, 2017.

b) Veterans Day Parade for the temporary closing of Railroad Street from 5th Avenue to Avenue D, 3rd Avenue and 4th Avenue from Railroad Street to 21st Street, Central Avenue from Railroad Street to the parking lot located north of MONA on November 11, 2017.

c) North Pole Express for the temporary closing of the parking lot located north of the Museum of Nebraska Art and six parking spaces in front of the Kaufmann Center, 2202 Central Avenue (original application approved on June 27, 2017 for the closing of parking spots in front of Tru Café, 2100 Central Avenue) on November 28, 29, 30, December 5, 6, 7, 11, 12, 13, 14, 2017.

**11.** Adopt Resolution No. 2017-162 approving Application and Certificate for Payment No. 4 in the amount of \$141,190.47 submitted by Blessing Construction and approved by Olsson Associates for the 2016 Part 2 Improvements consisting of Paving Improvement District No. 2016-982 for Avenue A from the north lot line of Lot 27, thence south to the south lot line of Lot 558, all in Southwest Quarter School Section Addition; AND 31st Street from Avenue A to Avenue D.

**RESOLUTION NO. 2017-162**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 2 Improvements consisting of Paving Improvement District No. 2016-982 for Avenue A from the north lot line of Lot 27, thence south to the south lot line of Lot 558, all in Southwest Quarter School Section Addition; AND 31st Street from Avenue A to Avenue D, and the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$141,190.47 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,009,972.80</u>
Contract Sum To Date	1,009,972.80
Gross Amount Due	878,833.07
Retainage (10%)	87,833.31
Amount Due to Date	790,949.76
Less Previous Certificates for Payment	<u>649,759.29</u>
Current Payment Due	\$ 141,190.47

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. 4, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Approve the application for a Special Designated License submitted by McFarland Family Farms, LLC dba Mac's Creek Vineyards and Winery to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, September 30, 2017 from 4:00 p.m. until 11:00 p.m. each day for a fall fund raiser festival known as Oktoberfest.

**13.** Adopt Resolution No. 2017-163 approving Application and Certificate for Payment No. 1 in the amount of \$37,224.00 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. 2017-163**

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. 1 in the amount of \$37,224.00 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	41,360.00

Retainage (10%)	4,136.00
Amount Due to Date	37,224.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$37,224.00

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**14.** Authorize the City Manager to establish an ad hoc housing study group as recommended by Planning Commission.

**15.** Adopt Resolution No. 2017-164 approving Application and Certificate for Payment No. 1 in the amount of \$102,498.30 submitted by Wilke Contracting and approved by Oak Creek Engineering for the construction of the 2016 Part 4 Improvements; Avenue M Hike/Bike Trail (Bid A; Pedestrian Bridge).

**RESOLUTION NO. 2017-164**

WHEREAS, Wilke Contracting Corporation of Kearney, Nebraska has performed services in connection with Bid A (Pedestrian Bridge) of the 2016 Part 4 Improvements; M Avenue Hike/Bike Trail and Pedestrian Bridge, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$102,498.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$243,398.40</u>
Contract Sum To Date	243,398.40
Gross Amount Due	113,887.00
Retainage (10%)	11,388.70
Amount Due to Date	102,498.30
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$102,498.30

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**16.** Adopt Resolution No. 2017-165 approving Change Order No. 1 showing a decrease in the amount of \$3,924.00, Application and Certificate for Payment No. 3-

Final in the amount of \$59,138.66, and accept the Certificate of Substantial Completion submitted by Blessing Construction and approved by Miller & Associates for the Archway Hike/Bike Trail, Phase II.

**RESOLUTION NO. 2017-165**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the Archway Hike-Bike Trail; Phase II from Cherry Avenue to Sweetwater Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$3,924.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$59,138.66 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 298,792.50
Change Order No. 1 (9-12-2017)	- <u>3,924.00</u>
Contract Sum To Date	294,868.50
Gross Amount Due	294,868.50
Retainage (0%)	.00
Amount Due to Date	294,868.50
Less Previous Certificates for Payment	- <u>235,729.84</u>
Current Payment Due	\$ 59,138.66

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 15, 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. 3-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 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

17. Adopt Resolution No. 2017-166 approving Change Order No. 1 showing an increase in the amount of \$2,364.82 and Application and Certificate for Payment No. 2 in the amount of \$47,932.20 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street.

**RESOLUTION NO. 2017-166**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th

Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$2,364.82, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$47,932.20 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 448,188.75</u>
Contract Sum To Date	448,188.75
Gross Amount Due	151,433.50
Retainage (10%)	- 15,143.35
Amount Due to Date	136,290.15
Less Previous Certificates for Payment	<u>- 88,357.95</u>
Current Payment Due	\$47,932.20

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. 2, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2017.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8177 REPEALING ORDINANCE NO. 8118**

Council Member Lear introduced Ordinance No. 8177 repealing Ordinance No. 8118 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8177. 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, Lear, Nikkila, Lammers, Buschkoetter. 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. 8177 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8177 be passed,

approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8177 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. 8178 RENAMING AND DESIGNATING CHERRY AVENUE**

Council Member Lear introduced Ordinance No. 8178 renaming and designating Cherry Avenue from the north line of Coal Chute Road to the south right-of-way line of the Union Pacific Railroad, Buffalo County, Nebraska to Marshall Avenue. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8178. 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, Lear, Nikkila, Lammers, Buschkoetter. 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. 8178 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8178 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8178 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**

### **ORDINANCE NO. 8179 ISSUANCE BONDS**

Council Member Clouse introduced Ordinance No. 8179 authorizing the issuance of General Obligation Various Purpose Bonds, Series 2017, of the City of Kearney, Nebraska, in the principal amount of \$7,615,000 for the purpose of paying the costs of improving streets and intersections in paving improvement districts, including payment of interim financing related to said street improvements; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules for Ordinance No. 8179. 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, Nikkila. 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. 8179 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, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Bruce Lefler from Ameritas stated one correction should be made is that the bond issue should be \$7,615,000. The bonds were marketed on September 11, 2017 and the bond amount changed from original amounts once sold.

As Mr. Wessels mentioned before, this item involves taking out two bond anticipation notes that are coming due on October 15, 2017 including Series 2015 and 2016 Anticipation bonds. Ameritas had a successful sale of the bonds. Based on the size and the market environment, over \$7 million of the bonds, Ameritas took the bonds to the rating agency and had a positive result resulting in the bonds being rated A+ in the category. As such, Ameritas is able to report a successful sale on the bonds to include over 20 years with interest rates running from 0.9% the first year out to 3% in the longest year with a total interest cost to the City over that period of time of 2.75%.

Ameritas did sell one of the bonds locally, which Ameritas is happy to report indicating there is still a good, local interest in the City of Kearney bonds.

Moved by Lammers seconded by Nikkila that Ordinance No. 8179 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8179 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.

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$228.50 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

## **VII. REPORTS**

Council members thanked the City Manager and all the City staff for their hard efforts in producing another successful budget.

## **VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 6:30 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**ATTEST:**

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

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**LAUREN BRANDT  
CITY CLERK**