

*Kearney, Nebraska
September 26, 2017
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on Tuesday, September 26, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Mike Bogard, Police Sergeant, Dan Lillis, Engineering Assistant II; and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Kyle LaBoria from KGFW and Mike Konz from the Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Three Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held September 12, 2017 and Special Meeting held September 18, 2017.

2. Approve the following Claims:

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

1000bulbs.com \$66.53 smcs; 4imprint \$3,625.53 smcs; A Wireless \$53.46 co; ABT \$139.36 smcs; Accessdata \$1,152.57 smcs; Accucut \$85.87 smcs; Ace Irrigation \$78.00 smcs; A cushnet \$6,236.37 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$20.97 smcs; Adventure Enterprises \$600.00 smcs; Agri Coop \$5,387.89 smcs; All City Garage Door \$23,610.00 smcs; All Makes Auto \$4,690.89 smcs; Allmand Brothers \$1,492.99 smcs; Allvin,B \$31.00 smcs; Alpha Technologies \$419.14 smcs; AM Leonard \$968.61 smcs; Amazon \$3,352.11 smcs,co; American Fence \$5,170.00 smcs; American First Aid \$523.94 smcs; American Library Assn \$822.66 smcs; Antelope Newspaper \$250.00 smcs; Apple Market \$35.95 smcs; Appliance Service Center \$954.00 co; ARC \$27.00 smcs; Ask Supply \$690.35 smcs; Aunt Jo's Appliance \$65.00 smcs; Aurora Coop \$53.28 smcs; Aussie Hydraulics \$38.96 smcs; Auto Value \$13.76 smcs; Baker & Taylor \$5,515.64 smcs; Barco Municipal \$4,021.78 smcs,co; Barcode Discount \$2,189.42 smcs; Barney Abstract \$60.00 smcs; Barney Building & Land \$6,792.50 smcs; Barry Feldner DDS \$234.00 smcs; Bell,L \$61.00 smcs; Bills' Trailer \$1,775.00 smcs; Blackstone \$388.45 smcs; Blessing \$248,261.33 co; BlueCross BlueShield \$171,046.79 smcs; Boogaarts \$11.90 smcs; Book Page \$792.00 smcs; Bosselman \$7,883.83 smcs; Boulder Designs \$2,900.00 smcs; Bridgett Lavene Consulting \$5,000.00 smcs; BSB Construction \$83,233.53 co; Buffalo Co Treasurer \$7.17 smcs; Buffalo Outdoor Power \$1,109.77 smcs; Builders \$3,684.08 smcs,co; Buy Door Hardware \$519.00 smcs; Campbell Pet \$88.81 smcs; Candlewood Suites \$553.15 smcs; Canva \$6.00 smcs; Capital Business \$236.44 smcs; Carolina Environmental \$243.41 smcs; Carquest \$459.82 smcs; Casey's \$65.86 smcs; Cash Wa \$2,966.76 smcs; Caudillo,J \$218.34 smcs; CBA Lighting \$1,538.18 smcs; CC Distributors \$88.87 smcs; CDW \$1,550.00 co; Cenex \$56.39 smcs; Cengage \$931.06 smcs; Center Point Large Print \$75.96 smcs; Central Fire & Safety \$9,607.00 smcs; Central Hydraulic \$852.51 smcs; Central NE Bobcat \$1,164.39 smcs; Central Rest Products \$171.17 smcs; Century Laundry \$7,210.18 co; Charter \$589.02 smcs; Chemsearch \$305.00 smcs; Chesterman \$548.25 smcs; C hicken Coop \$50.00 smcs; Cintas \$288.88 smcs; City of Ky \$23,833.11 smcs,ps; Coldspring \$493.20 smcs; Comfort Inn \$105.18 smcs;

Comm. Action Partnership \$612.00 smcs; Compasscom \$1,943.00 smcs; Compliancesigns.com \$51.50 smcs; Consolidated Mgmt. \$477.45 smcs; Construction Rental \$2,489.71 smcs,co; Control Yours \$200.00 smcs; Cooperative Producers \$6,567.20 smcs; Copycat \$579.30 smcs; Core & Main \$4,215.80 smcs; Country Partners \$30,233.45 smcs; Crane Sales \$1,487.32 smcs; Creative Teacher \$6.42 smcs; Crown Awards \$23.49 smcs; Culligan \$244.00 smcs; Cummins \$579.64 smcs; Dandee Construction \$588.00 smcs; Danko \$5,684.00 smcs; Davis Equipment \$1,444.34 smcs; Dawson Public Power \$37,085.25 smcs; Daylight Donuts \$39.42 smcs; Dell \$8,634.52 smcs,co; Demco \$172.84 smcs; Design Print \$178.57 smcs; Deterdings \$122.25 smcs; Dillion Bros \$46.25 smcs; Dish \$240.06 smcs; DPC Industries \$5,264.65 smcs; Eagle Distributing \$721.20 smcs; Eakes \$4,674.78 smcs; Earl May \$23.92 smcs; Ebsco \$3,424.00 smcs; Echo \$50.00 smcs; Ehrlich-Rentokil \$226.00 smcs; Elliott Equipment \$1,708.68 smcs; ELM USA \$287.75 smcs; Embassy Suites \$910.00 smcs; EMC Insurance \$10,267.91 smcs; Enterprise \$102.39 smcs; Eustis Body Shop \$465.00 smcs; Evers,B \$450.00 smcs; Facebook \$98.85 smcs; Family Fresh \$47.72 smcs; Fans Direct \$179.50 smcs; Farnsworth,J \$50.00 smcs; Fastenal \$449.42 smcs; Fiddelke \$92.00 smcs; Fire Safety Ed \$203.75 smcs; Frisen Chevrolet \$64.47 smcs; Frontier \$9,580.00 smcs; Galeton Gloves \$1,395.00 smcs; Galls \$309.94 smcs,ps; Garrett Tires \$13,134.04 smcs; GCSAA \$195.00 smcs; GD Construction \$79,559.50 co; Gear for Sports \$737.38 smcs; General Traffic Controls \$6,783.00 co; Global ARFF \$1,434.48 smcs; Global Leadership \$362.00 smcs; Gopher Sport \$81.78 smcs; Graham Tire \$522.88 smcs; Grainger \$536.29 smcs; Grand Island Warehouse \$180.87 smcs; Hach \$1,578.76 smcs; HD Supply \$2,700.43 smcs; Heartland Refrigeration \$448.68 smcs; HOA Solutions \$919.50 smcs; Hobby-Lobby \$299.86 smcs; Holiday Inn \$464.50 smcs; Holmes Plumbing \$399.14 smcs; Hooker Bros \$505.71 smcs; Hy-Vee \$150.00 smcs,co; IBT \$606.28 smcs; ICMA \$5,967.04 ps; IDEXX Distribution \$30.52 smcs; IRS \$161,222.45 ps; Jack Lederman \$6,754.47 smcs,co; JCI Industries \$13,350.00 smcs; Jimmy Johns \$80.60 smcs; John Deere \$156.00 smcs; Johnson Corrosion \$2,400.00 smcs; Johnson Service \$675.00 smcs; Johnson,R \$70.00 smcs; Johnstone Supply \$3.20 smcs; Jorgensen,R \$41.00 smcs;Ky Ace \$138.57 smcs; Ky Animal Shelter \$7,620.00 smcs; Ky Clinic \$526.00 ps; Ky Comm. Foundation \$74.56 smcs; Ky Concrete \$15,868.05 smcs,co; Ky Crete & Block \$3,351.21 smcs,co; Ky Hub \$7,124.26 smcs; Ky Powersports \$1,860.53 smcs; Ky Quality \$8.99 smcs; Ky Towing \$100.00 smcs; Ky Warehouse \$2,364.45 smcs; Ky Winlectric \$17,287.32 smcs,co; Ky Winnelson \$223.07 smcs; Kelly Supply \$545.02 smcs; Kinnison,B \$25.00 smcs; Konica Minolta \$1,758.48 smcs; Kowalek,G \$58.48 smcs; Kriz Davis \$376.01 smcs; Landmark Implement \$3,300.02 smcs; Larue Distributing \$89.00 smcs; Lawn Builders \$200.82 smcs; Lawson Products \$275.66 smcs; LCL Truck Equipment \$12,587.00 smcs; Liberty Cleaners \$36.00 smcs; Limeworks \$146.13 smcs; Linkedin \$7,150.00 smcs; Lockmobile \$5.00 smcs; Mac Faucets \$280.86 smcs; Mac Tools \$351.88 smcs; Marketing Displays \$7,550.16 smcs,co; Marlatt Machine \$525.80 smcs; Matheson \$711.72 smcs; McCormack Distributing \$52.39 smcs; Medicbatteries.com \$93.10 smcs; Menards \$3,668.43 smcs,co; Michaels.com \$415.49 smcs; Mid-NE Garage Doors \$265.00 smcs; Mid-State Engineering \$11,379.50 co; Midway Chrysler \$45.92 smcs; Midwest Connect \$524.82 smcs; Midwest Paint \$28,210.61 smcs; Midwest Turf \$5,889.04 smcs,co; Miller & Associates \$100,414.00 smcs,co; Miller Signs \$850.00 co; Miller,J \$80.51 smcs; Mirror Image \$249.90 smcs; Mobotrex \$18,976.00 smcs; Moonlight Embroidery \$324.00 smcs; Morin,H \$140.00 smcs; MPH Industries \$141.09 smcs; Municipal Emergency \$10,281.17 smcs,ps; Municipal Supply \$7,752.60 smcs;

National Alliance for You \$496.15 smcs; Nat'l Volunteer Fire Council \$52.00 smcs; Navigator Motorcoaches \$175.00 smcs; NCH Software \$36.01 smcs; NCL of Wisconsin \$2,344.30 smcs; NE Arborists Assn \$65.00 smcs; NE Child Support Pymt Ctr \$1,814.13 ps; NE DOL/Office of Safety \$448.00 smcs; NE Games & Parks \$15.00 smcs; NE Law Enforcement \$200.00 smcs; NE Library Assn \$715.00 smcs; NE Liquor Control Comm. \$47.87 smcs; NE Machinery \$999.00 smcs; NE Medical Center \$25.00 smcs; NE Public Health \$1,214.00 smcs; NE Safety & Fire \$578.00 smcs; NE State Treasurer \$2,081.33 smcs; NE Truck Center \$1,231.11 smcs; Nebraskaland Distributing \$725.00 smcs; NeRPA \$230.00 smcs; Netbrands Media \$257.10 smcs; Network Solutions \$79.98 smcs; Networks Fleet \$94.75 smcs; NFPA Nat'l Fire \$137.30 smcs; Northern Safety \$334.86 smcs; Northwestern Energy \$5,299.43 smcs; Novus \$40.00 smcs; Oak Creek Engineering \$9,404.00 smcs,co; OCLC \$690.87 smcs; Office Depot \$2,624.92 smcs,co; O'Hara Lindsay \$2,000.00 smcs; O'Keefe Elevator \$257.00 smcs; Old Chicago \$107.00 smcs; O'Reilly Auto \$9,029.99 smcs,co; Orscheln \$388.52 smcs; OTC Brands \$53.44 smcs; Overhead Door \$900.00 smcs; Paddy O'Mally's \$5,779.05 co; Paramount \$163.57 smcs; Parts Town \$144.01 smcs; Paypal \$383.76 smcs; Peerless Machine \$10,572.94 smcs; Penguin Random House \$78.75 smcs; Penworthy \$1,011.69 smcs; Pet Kingdom \$14.99 smcs; Phillips 66 \$33.62 smcs; Physio Control \$536.00 smcs; Pilot \$38.27 smcs; Pioneer Revere \$109.55 smcs; Pitney Bowes \$62.96 smcs; Platinum Awards \$148.01 smcs; Platte Valley Auto \$1,202.18 smcs; Platte Valley Comm \$3,080.47 smcs; Platte Valley Laboratories \$167.50 smcs; Pot O' Gold Productions \$155.00 smcs; Power Tech \$1,301.86 smcs; Presto-X \$535.00 smcs; Proactive Sports \$521.62 smcs; Provantage \$189.48 smcs; Qualified Hardware \$127.00 smcs; Quill \$175.94 smcs; Ready Mixed Concrete \$27,481.63 smcs,co; Reams \$575.24 smcs; Recorded Books \$295.57 smcs; Remington Arms \$66.15 smcs; Restaurant Equippers \$651.46 smcs; Riverdale Ready Mix \$327.42 smcs; Rock Stop \$33.00 smcs; Running Awards \$213.00 smcs; Rutt's Heating \$11,140.00 co; Sahling Kenworth \$79.06 smcs; Salter,J \$76.50 smcs; Sampson Construction \$85,000.00 co; Sandhill Plastics \$256.78 smcs; Sandry Fire \$1,741.15 smcs; Sapp Bros \$37,470.08 smcs; Saylor Screenprinting \$348.60 ps; School District #7 \$1,377.75 smcs; Schwans \$669.73 smcs; Sears \$34.99 smcs; Sheldon,S \$71.55 smcs; Sherwin Williams \$445.44 smcs; Sign Center \$85.00 co; Siteone Landscapes \$3,816.71 smcs; Small Engine \$243.14 smcs; Smartsign \$176.93 smcs; Sorensen Group \$7,710.20 co; Spellman,C \$30.00 smcs; Sporting Edge \$53.48 smcs; Springhill Suites \$91.00 smcs; Sprinklerwarehouse \$529.22 smcs; Steinbrink Landscaping \$4,471.99 smcs; Strategic Materials \$686.40 smcs; Suburban Fire \$23,600.00 smcs; Super 8 \$71.04 smcs; Super Shine Auto \$8.75 smcs; Supplyworks \$563.84 smcs; Tactical Gear \$243.95 smcs; Tapco \$3,599.78 smcs; Target \$220.42 smcs; Tennis Courts Unlimited \$1,650.00 smcs; Theis,J \$160.00 smcs; Tielke's Sandwiches \$50.89 smcs; Tillotson Enterprises \$1,917.00 co; Titan Machinery \$861.86 smcs; Tractor-Supply \$1,075.83smcs; Trans Iowa Equipment \$719.65 smcs; Trausch Dynamics \$408.94 smcs; Trausch,A \$218.34 smcs; Tri State Oil \$131.50 smcs; Trimark Service \$40.97 smcs; Tumbleweed \$6,787.00 smcs; Turner Body Shop \$200.00 smcs; UL \$2,925.65 smcs; Uldrich,K \$25.50 smcs; Union Bank & Trust \$77,075.62 ps; Unique Mgmt. \$375.90 smcs; United Seeds \$867.50 smcs; UNK \$30.00 smcs; UPS \$190.73 smcs; USA Blue Book \$265.88 smcs; USPS \$178.88 smcs; Vanwall \$2,667.50 smcs,co; Verizon \$37.43 smcs; Ver-Mac \$670.00 smcs; Waldinger \$309.25 smcs; Walgreens \$32.43 smcs; Wal-Mart \$1,388.49 smcs; Walters Electric \$3,770.00 smcs,co; Ward Laboratories \$44.00 smcs; Webstaurant Store \$752.19 smcs; Weller,B \$76.50 smcs; Wentz,K \$250.49 smcs; Whelen Engineering \$150.00 smcs; Wilco Life

Insurance \$19.00 ps; Wilke Contracting \$102,498.30 co; Wilke's True Value \$535.42 smcs,co; Willow Creek Assn \$237.00 smcs; World Book \$1,903.00 smcs; WPSG \$79.97 ps; Payroll Ending 9/16/2017 -- \$436,257.85. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set October 10, 2017 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2017-167 approving Change Order No. 1 showing an increase in the amount of \$161,146.05 and Application and Certificate for Payment No. 4 in the amount of \$171,379.08 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.

RESOLUTION NO. 2017-167

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue, 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 \$161,146.05 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. 4 in the amount of \$171,379.08 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$2,572,124.59</u>
Contract Sum To Date	2,572,124.59
Gross Amount Due	273,428.25
Retainage (10%)	<u>27,342.83</u>
Amount Due to Date	246,085.43
Less Previous Certificates for Payment	<u>74,706.35</u>
Current Payment Due	\$ 171,379.08

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" and Application and Certificate for Payment No. 4, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Approve the application for a Special Designated License submitted by Gillies Bar and Grill in connection with their Class C-105103 liquor license to dispense alcoholic liquor in an outdoor 40'x40' enclosed tent area adjacent to Gillies Bar and Grill located at 1822 Central Avenue, on Saturday, November 11, 2017 from 12:00 p.m. until 1:00 a.m. for a music festival.
6. Approve the Plans and Specifications for 2017 Parts 2 Improvements; Country Club Lane Extension and set the bid opening date for October 17, 2017 at 2:00 p.m.
7. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the YMCA Turkey Trot for the temporary closing of portions of 4th Avenue, 6th Avenue, 10th Avenue, 11th Avenue, 39th Street, 42nd Street, 46th Street, 48th Street, and Country Club Lane on November 23, 2017.
8. Approve the application for a Special Designated License submitted by Kearney Investment Corporation, dba Holiday Inn in connection with their Class CK-017964 liquor license to dispense alcoholic liquors in Exchange Bank, 2110 North 2nd Avenue on Thursday, October 12, 2017 from 5:00 p.m. until 7:00 p.m. for a business after hours event.
9. Adopt Resolution No. 2017-168 approving Change Order No. 1 showing an increase in the amount of \$14,306.22 and Application and Certificate for Payment No. 5 in the amount of \$188,866.66 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. 2017-168

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 Change Order No. 1 showing an increase to the contract sum in the amount of \$14,306.22 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Olsson Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$188,866.66 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,009,972.80
Change Order No. 1 (9-26-2017)	<u>+ 14,306.22</u>
Contract Sum To Date	1,024,279.02
Gross Amount Due	999,812.67
Retainage (2%)	19,996.25

Amount Due to Date	979,816.42
Less Previous Certificates for Payment	<u>790,949.76</u>
Current Payment Due	\$ 188,866.66

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" and Application and Certificate for Payment No. 5, as shown on Exhibit "B", be and is hereby accepted and approved.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2017-169 approving Application and Certificate for Payment No. 3 in the amount of \$201,037.50 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. 2017-169

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 Application and Certificate for Payment No. 3 in the amount of \$201,037.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 448,188.75
Change Order No. 1 (9-12-2017)	<u>+ 2,364.82</u>
Contract Sum To Date	450,553.57
Gross Amount Due	374,808.50
Retainage (10%)	- 37,480.85
Amount Due to Date	337,327.65
Less Previous Certificates for Payment	<u>- 136,290.15</u>
Current Payment Due	\$201,037.50

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. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2017-170 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Seritage SRC Finance, LLC for water main improvements to serve Lot 1, SRC Kearney Redevelopment Addition.

RESOLUTION NO. 2017-170

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for SRC Kearney Redevelopment Addition" between the City of Kearney and Seritage SRC Finance, LLC, for the construction of a water main improvement to serve Lot 1, SRC Kearney Redevelopment Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 26TH 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. 8180 REPEALING ORDINANCE NO. 8151 CREATING PAVING DISTRICT NO. 2017-985**

Council Member Nikkila introduced Ordinance No. 8180 repealing Ordinance No. 8151 creating Paving Improvement District No. 2017-985 for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8180. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8180 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8180 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8180 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. 8181 REPEALING ORDINANCE NO. 8152 CREATING WATER DISTRICT NO. 2017-585

Council Member Nikkila introduced Ordinance No. 8181 repealing Ordinance No. 8152 creating Water District No. 2017-585 for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8181. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8181 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8181 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8181 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. 8182 REPEALING ORDINANCE NO. 8152 CREATING SANITARY SEWER DISTRICT NO. 2017-522

Council Member Nikkila introduced Ordinance No. 8182 repealing Ordinance No. 8153 creating Sanitary Sewer Improvement District No. 2017-522 for 11th Avenue from the southwesterly line of Lot 4, Block Two thence northwesterly to the north line of Outlot B, Block One, all in Fountain Hills Eighth Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8182. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8182 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None.

Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8182 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8182 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

KEARNEY VISITORS BUREAU ANNUAL REPORT

Mayor Clouse opened for discussion the Kearney Visitors Bureau Annual Report submitted by Executive Director Roger Jasnoch.

Kearney Visitors Bureau Executive Director, Roger Jasnoch presented this matter to the Council. He stated he would like to recognize Council Member Buschkoetter as being an ex-officio member of the Kearney Visitors Bureau Board. He would also like to recognize the relationship between the City of Kearney and the Kearney Visitors Bureau with the occupation tax that started in September 1996.

Tourism in Nebraska is very important. Tourism is the third largest industry in the state, employing over 36,000 people, spending in the \$3 billion range. Buffalo County is the fourth largest county in the state as defined by occupation tax per lodging tax revenue. 1,659 people go to work every day in Buffalo County for tourism which represents approximately \$113 million in spending and \$2.3 million in local tax receipts. The Visitors Bureau just finished their budget year in June and Mr. Jasnoch is happy to report that their numbers are up year to date approximately 5.8%. Council Member Nikkila asked whether the 5.8% was from hotel stays or receipts. Mr. Jasnoch stated receipts.

The Visitors Bureau spends a lot of time working with convention groups and meeting planners to ensure their needs are taken care of. Currently Kearney's inventory includes 1,700 sleeping rooms and 60 plus rooms that will be added in March with the completion of Days Inn. The Visitors Bureau works in the areas of conventions, special events, sporting events and general tourism. In terms of the conventions, the reason that Kearney is so successful is the fact that the City has 20,000 square feet of meeting space at the Ramada Inn; 25,000 square feet at the Holiday Inn and another 40,000 square feet at the Younes Conference Center.

Some conventions meet in Kearney every year, others every second or third year. The Visitors Bureau has to provide some incentives. Sometimes it depends on the time of the year and how many rooms will be filled by the event. March is a very busy time for Kearney so the Visitors Bureau gives away a little less money than at other times of the year because there are many activities going on including Cattleman's Classic and crane observers. If you can kick it, throw it or shoot it, Kearney will be hosting an event

featuring one of the three. Kearney has plenty of places to hold and support these events including the Viaero Event Center, new Kearney High School, UNK, Kearney Catholic and the Buffalo County Fairgrounds.

Kearney works and has a strong relationship with the Nebraska Schools Activities Association (NSAA). NSAA knows that in Kearney, schools will be taken care of and that Kearney will go the extra distance for events such as golf, cross country, speech or wrestling tournament.

Regarding special events, the Visitors Bureau works directly with Roe Sanctuary and Fort Kearny on the Sandhill cranes migration which brings in millions of dollars in revenue. In a six week period, Roe Sanctuary will have approximately 25,000 people walk through their doors. The Visitors Bureau is working with Roe Sanctuary to expand their venue. Other large events include Cruise Night, Cattleman's Classic and a number of different events. This year's eclipse in August was an interesting process as hotels filled Saturday, Sunday and Monday which pleased the Visitors Bureau.

The Visitors Bureau has a community grant program that provides dollars for organizations to be more successful. There is hardly a museum or attraction in Kearney that the Visitors Bureau does not help. The Visitors Bureau works with MONA, the Children's Museum, UNK, the Archway, Roe Sanctuary and Fort Kearny to name a few. The Visitors Bureau also brings in speakers. There is hardly a day that goes by where there is not a group bringing somebody in from the outside. The Visitors Bureau appreciates the City's effort in terms of attracting the daily scheduled air service and would work hand in hand with the City to promote that as soon as the Visitors Bureau can.

Council Member Buschkoetter stated he has also been struck by the number of organizations that are doing various things. Some of the busiest days for Kearney restaurants and hotels are because of the efforts made by the Visitors Bureau.

Mr. Jasnoch stated he has been working with the Assistant City Manager on wayfinding signs. It can sometimes be difficult for visitors to find their way around Kearney at times so the Visitors Bureau is working on a better way to consistently direct people to specific areas of town, specifically off of Cherry Avenue. The Visitors Bureau is considering new welcome/entrance signs as it may be time to freshen the current signs up as they are about 20-25 years old.

Council Member Nikkila asked if in the tourism industry is there is a lot of competition for the conferences and are other communities fighting for them. Are communities getting to the point where the communities are overpaying for some conferences or is that a threat. Mr. Jasnoch stated the Visitors Bureau looks at each piece of business, what can the Visitors Bureau do to make a difference for the business and sometimes the result is by providing dollars and cents. The Visitors Bureau looks at how many rooms the conferences are generating and at what price, how long is the conference, how many meal functions do the conferences have and how many times do the organizations allow attendees to go out on their own. It is not a scientific method but there are some pieces of business that were right at the top of where the conferences want to be in terms of paying for them.

Council Member Buschkoetter stated the Visitors Bureau discusses what is the value of an event. Is it worth the cost to do the event. That even comes up with some the of NSAA events. The NSAA bidding has become very competitive for various events. Mr. Jasnoch stated one of the sporting events is cross-country. For some restaurants, the state cross country meet in Kearney results in their busiest day of the year. So factoring in the restaurant, lodging and occupation tax, these events can generate a lot of money for the community.

Council Member Nikkila asked what the total budget for the year was for the Visitors Bureau. What is the tax revenue as it totaled up to \$2.3 million. Mr. Jasnoch stated the \$2.3 million are the receipts for Buffalo County for the lodging tax. Council Member Nikkila asked if the receipts encompass the Visitors Bureau's budget for the year. Mr. Jasnoch stated no, the \$2.3 million is what is generated by the hospitality industry in Buffalo County for the year, \$2.3 million in local tax receipts. Council Member Nikkila stated he is curious about the total budget for the Visitors Bureau. Mr. Jasnoch stated on the City's side it is approximately \$500,000 which represents the 2% that the Visitors Bureau receives from the City.

Moved by Buschkoetter seconded by Clouse to approve the Kearney Visitors Bureau Annual Report submitted by Executive Director Roger Jasnoch. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Clouse seconded by Lammers that the Open Account Claim in the amount of \$4.01 payable to Goodwill be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter abstained. Motion carried.

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$120,964.25 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:49 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**