

*Kearney, Nebraska*  
*March 27, 2018*  
*5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:32 p.m. on March 27, 2018 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bob Lammers and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council, and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Julie Smith, Deputy City Clerk, Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Scott Hayden, Director of Park and Recreation, were also present. Members of the media present included: Kyle LaBoria and Mike Konz.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

Pastor Brian Klein provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### III. PUBLIC HEARINGS

None.

### IV. CONSENT AGENDA

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

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

2. Approve the following Claims:

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

2Co.com \$35.00 smcs; 3Gstore.com \$1,151.58 co; 4imprint \$1,833.53 smcs; Absolute Market \$515.00 smcs; Accuproduct \$180.31 smcs; Acushnet \$8,201.57 smcs; Adobe \$32.09 smcs; Advance Auto Parts \$57.92 smcs; Affordable Funeral \$238.14 smcs; Alert All \$960.00 smcs; Alfred Benesch \$10,228.13 co; All Makes Auto \$3,643.45 smcs; Allbee,S \$64.15 smcs; Allfuses.com \$92.40 smcs; Amazon \$3,599.01 smcs,co; American Air \$127.28 smcs; American Assn. Notaries \$502.01 smcs; American Backflow \$75.00 smcs; American Legion \$75.69 smcs; Americanflags.com \$97.52 smcs; Americinn \$84.34 smcs; Anderson Bros. \$576.06 smcs; Anderson Ford Lincoln \$28,152.00 co; Andres,N \$360.00 smcs; Angus Burgers \$35.00 smcs; Appliancepartspros.com \$57.68 smcs; Ask Supply Co. \$1,840.77 smcs; Aurora Coop \$27.20 smcs; Aussie Hydraulics \$91.07 smcs; Auto Value \$181.13 smcs; AWWA \$192.00 smcs; Baker & Taylor \$6,757.02 smcs; Baltzell,J \$40.00 smcs; Bamford \$475.00 smcs; Beacon Athletics \$869.00 smcs; Bennert,G \$20.00 smcs; Best Self Co. \$79.96 smcs; Bieber,M \$20.00 smcs; Big Apple \$50.00 smcs; Bike Shed \$160.00 smcs; Blackstone Audio Books \$198.99 smcs; Blackstrap \$13,536.80 smcs; Blick Art \$230.95 smcs; BlueCrossBlueShield \$131,813.76 smcs; Bosselman \$23,150.62 smcs; BSN Sports \$470.25 smcs; Bubba Gump \$153.78 smcs; Bubble Factory \$63.95 smcs; Buffalo Co Treasurer \$15.00 co; Buffalo Outdoor \$479.76 smcs; Buggy Bath \$91.35 smcs; Builders \$451.51 smcs; Canva \$8.00 smcs; Capital Business \$316.82 smcs; Carolina Environmental \$273.65 smcs; Carquest \$1,159.01 smcs; Carroll Emerson \$535.21 smcs; Carrot Top Industries \$259.98 smcs; Casey's \$58.12 smcs; Cash-Wa \$988.80 smcs; Casper,H \$20.00 smcs; Cattersen,S \$82.00 smcs; Central Fire & Safety \$363.00 smcs; Central Hydraulic \$2,487.34 smcs; Central NE Bobcat \$2,235.88 smcs; Central States Wire \$104.75 smcs; CH Diagnostic \$415.00 smcs; Charter \$775.92 smcs; Chemsearch \$305.00 smcs; Chesterman Company \$535.20 smcs; Chicken Coop \$50.00 smcs; Christensen,C \$316.00 smcs; Cintas \$267.33 smcs; City Glass \$234.50 smcs; City of Ky \$13,707.65 smcs; CNA Insurance \$40.00 smcs; Cold Stream Farm \$268.19 smcs; Coldspring \$1,719.50 smcs; Comm Act. Part. Of Mid NE \$1,873.00 smcs; Compasscom \$157.50 smcs; Construction Rental \$648.39 smcs,co; Control Yours \$200.00 smcs; Copycat \$712.01 smcs,ps; Core & Main \$9,873.20 smcs; Creative

Teacher \$3.00 smcs; Crowne Plaza \$906.21 smcs; Cummins \$321.21 smcs; Dannels,C \$20.00 smcs; Daphne's Headcovers \$410.34 smcs; Data Power \$272.00 smcs; Dawson Public Power \$19,921.14 smcs; Daylight Donuts \$71.58 smcs; Dell \$744.78 co; Delta Air \$2,050.00 smcs; Demco \$104.94 smcs; Dish \$118.03 smcs; Dollar General \$9.63 smcs; Domino's \$161.71 smcs; Dowhy Towing \$450.00 smcs; Dreamstime.com \$25.00 smcs; Eagle Distributing \$562.20 smcs; Eakes \$1,930.46 smcs; EAN \$205.80 smcs; Edumind \$1,452.50 smcs; Edwards,A \$40.00 smcs; Ehrlich-Rentokil \$102.00 smcs; Ellmers,R \$31.00 smcs; EMC Insurance \$7,141.51 smcs; Enterprise \$184.98 smcs; Epolicesupply.com \$32.05 smcs; Erickson,J \$45.00 smcs; Eugene T. Mahoney \$131.50 smcs; Eustis Body Shop \$100.00 smcs; Expedia \$30.00 smcs; Facebook \$1.14 smcs; Falk,S \$24.00 smcs; Family Fresh \$171.71 smcs; Fastenal \$691.87 smcs; Faz,A \$721.38 smcs; Flaherty,T \$360.00 smcs; Flinn Paving \$4,270.38 smcs; Fountain Hills \$89.82 smcs; Freddy's Frozen Custard \$30.00 smcs; Frontier \$9,672.64 smcs; Fun Express \$180.50 smcs; Galavez,M \$20.00 smcs; Gale/Cengage Learning \$7,006.48 smcs; Garrett Tires \$6,206.03 smcs; Glass Doctor \$31.59 smcs; Glendale Parade Store \$56.20 smcs; Godaddy.com \$15.17 smcs; Goodwin tucker \$52.50 smcs; Goos,R \$20.00 smcs; Grainer \$705.07 smcs; Gross,L \$24.00 smcs; Hach \$689.67 smcs; Hardesty,C&L \$48.00 smcs; Hisey,C \$42.00 smcs; Hobby-Lobby \$219.21 smcs; Holmes Plumbing \$236.72 smcs; Hometown Leasing \$159.08 smcs; IBI-Supplyworks \$2,667.68 smcs; ICMA \$4,482.64 ps; Int'l Code Council \$607.00 smcs; Inventex \$114.72 smcs; IRS \$148,336.92 ps; Jack Lederman \$5,704.27 smcs; Janzen,F \$20.00 smcs; Jekyll Island Museum \$48.79 smcs; Jersey Mike's \$459.54 smcs; Joseph's Beauty \$510.00 smcs; Kart-Man \$1,996.12 smcs; Ky Ace \$238.33 smcs; Ky Animal Shelter \$7,381.25 smcs; Ky Clinic \$274.00 ps; Ky Crete & Block \$163.80 co; Ky Hub \$3,126.69 smcs; Ky Power Sports \$571.02 smcs; Ky Towing \$350.00 smcs; Ky Warehouse \$381.12 smcs; Ky Winlectric \$502.63 smcs; Kelly Supply \$372.53 smcs; Kimball Midwest \$259.75 smcs; Konica Minolta \$292.40 smcs; Kotschwar,T \$130.63 smcs; Kramer,S \$18.00 smcs; Kyoto \$50.00 smcs; Landmark Implement \$2,561.11 smcs; Larue Distributing \$71.20 smcs; Lawson Products \$683.46 smcs; Lawyer Nursery \$341.85 smcs; League of NE Municipalities \$1,125.00 smcs; Legendary Headwear \$381.25 smcs; Liljehorn,M \$330.00 smcs; Lockmobile \$76.38 smcs; Loescher,J \$149.00 smcs; Londer,P \$46.52 smcs; Loshen,P \$20.00 smcs; LS Training \$300.00 smcs; Macqueen Equipment \$707.61 smcs; Magic Cleaning \$1,740.00 smcs; Mail Express \$71.77 smcs; Maple,R \$300.00 smcs; Marlatt Machine Shop \$582.55 smcs; Masters True Value \$679.32 smcs; Matheson \$2,555.26 smcs; McClymont,A \$70.00 smcs; McShay,G \$24.00 smcs; Meier,B&R \$378.00 smcs; Menards \$3,467.32 smcs; Microsoft \$320.97 co; Mid-NE Garage Doors \$2,567.00 smcs; Midwest Connect \$140.84 smcs; Midwest Turf \$1,527.38 smcs; Miller & Associates \$1,317.50 smcs; Mirror Image \$50.00 smcs; Mobile Pro Shop \$276.20 smcs; Moonlight Embroidery \$832.25 smcs; Morgan,M \$245.25 smcs; Morris Press \$2,788.41 smcs; Most Dependable Fountain \$12,739.85 co; Municipal Supply \$10,202.64 smcs; Murphy Tractor \$408.14 smcs; Nationaltoo \$382.38 smcs; Navigator Motorcoaches \$1,620.00 smcs; NE Child Support \$2,320.13 ps; NE Golf Assn \$40.00 smcs; NE Humanities \$150.00 smcs; NE Library Assn \$225.00 smcs; Ne Machinery \$1,906.66 smcs; NE Rural Water \$400.00 smcs; NE Safety & Fire \$275.00 smcs; NE State Volunteer \$25.00 smcs; Ne Truck Center \$1,411.19 smcs; Nebraskaland Dist. \$1,491.60 smcs; Network Fleet \$94.75 smcs; Network Solutions \$69.97 smcs; NFPA \$1,345.50 smcs; Northern Safety \$504.82 smcs; Northwestern Energy \$15,444.06 smcs; NRG Media \$807.50 smcs; Oakley \$109.79 smcs; OCLC, INC \$3,224.15 smcs; Odeys, Inc \$14,195.86 smcs;

Officemax \$2,290.53 smcs,co; Officenet \$339.00 smcs; Oldfather,G \$18.00 smcs; O'Reilly Auto \$1,957.55 smcs; Orscheln \$622.95 smcs; OTC Brands \$19.98 smcs; Otto Trading \$640.94 smcs; Overheard Door \$80.00 smcs; Paramount \$288.57 smcs; Parkseed \$64.36 smcs; Partstreet.com \$129.84 smcs; Party America \$9.98 smcs; Paypal\*Pltsnla \$40.00 smcs; Penguin Random House \$48.75 smcs; Penworthy Co. \$450.70 smcs; Pep Co. \$87.34 smcs; Perkins Restaurant \$350.28 smcs; Pet Pick Ups \$766.09 smcs; Ping \$2,879.60 smcs; Pitney Bowes \$60.00 smcs; Platinum Awards \$14.35 smcs; Platte Valley Auto Mart \$480.71 smcs; Platte Valley Comm. \$4,392.84 smcs; Pool Supply Unlimited \$5,617.66 smcs; Pot O' Gold \$155.00 smcs; Power Tech \$6,325.34 smcs; Presto-X \$365.00 smcs; Propay \$299.00 smcs; Provantage \$1,569.56 co; Public Risk Mgmt. \$385.00 smcs; Quill \$677.94 smcs; Recorded Books \$698.63 smcs; Recreonics \$2,772.72 smcs; Redbox \$4.82 smcs; Redman's Shoes \$312.97 smcs,ps; Resource Management \$587.52 smcs; Reynolds,B \$351.00 smcs; Roeder,C \$20.00 smcs; Roper,K \$18.00 smcs; Rotary District 5630 \$125.00 smcs; Sabotka-Schroeder,A \$20.00 smcs; Sahling Kenworth \$195.40 smcs; Sanks,L&D \$40.00 smcs; Sargent Irrigation \$23,853.50 smcs; Schroer,J \$24.00 smcs; Schuster.B \$20.00 smcs; Schutt,J \$18.00 smcs; Shekhtman,L \$150.00 smcs; Shft Global Parts \$139.99 smcs; Shutte,N \$18.00 smcs; Siteone Landscape \$19,621.90 smcs; Sleuth Escape Routes \$42.80 smcs; Small,J \$20.00 smcs; Smedra,A \$57.07 smcs; Spellman,R&J \$40.00 smcs; Sportable Scoreboards \$57.00 smcs; Sprinkler Warehouse \$262.94 smcs; Stitte,E \$20.00 smcs; Strategic Materials \$458.08 smcs; Sunnybunneastereggs.com \$387.00 smcs; Super Shine Auto \$85.75 smcs; Supplyworks \$269.83 smcs; Target \$356.94 smcs; TBK Transmission \$100.00 smcs; TCP Global \$198.40 smcs; Thurston Heating & Air \$89.00 smcs; Titan Machinery \$456.52 smcs; Tractor Supply \$759.82 smcs; Traffic Safety Warehouse \$291.84 smcs; Trainers Warehouse \$78.84 smcs; Tri-Co Glass \$337.00 smcs; Turner Body Shop \$335.75 smcs; Union Bank & Trust \$78,264.58 ps; Unique Management \$295.35 smcs; United \$423.00 smcs; Universal Merc Exchange \$38.87 smcs; University Of NE-Lincoln \$225.00 smcs; UNL Agronomy \$160.00 smcs; UNL Athletic Ticket Office \$250.00 smcs; UNL Event Planning \$60.00 smcs; Uphoff,M&M \$163.17 smcs; UPS Store \$23.18 smcs; USA Communications \$154.95 smcs; USPS \$383.15 smcs; Verizon \$2,932.66 smcs; Vermeer \$450.86 smcs; Viaero Center \$1,557.50 smcs; Video Kingdom \$296.98 smcs; Walker,A \$24.00 smcs; Wal-Mart \$1,063.88 smcs; Watson,L \$36.00 smcs; Webstaurant Store \$212.32 smcs; Wegener,R \$20.00 smcs; Wilco Life Ins \$19.00 ps; World Herald \$16.92 smcs; World Theatre \$16.00 smcs; WPCI \$107.00 ps; Yant Equipment \$476.47 smcs; Your Member-Careers \$150.00 smcs; Zoro Tools \$97.50 smcs; Payroll Ending 03/17/2018 -- \$451,392.94. 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 April 10, 2018 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Professional Retail Operations Agreement between the City of Kearney and Nebraska Public Power District and approve Resolution No. 2018-39.

#### **RESOLUTION NO. 2018-39**

WHEREAS, the City of Kearney owns its electric distribution system; and

WHEREAS, the Professional Retail Operations Agreement between the City of Kearney and Nebraska Public Power District (NPPD) was last renewed on September 28, 2004 and; and

WHEREAS, over the past several months NPPD, the City of Kearney has negotiated new provisions for the Professional Retail Operations Agreement, a copy marked as Exhibit "A" is attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Professional Retail Operations Agreement be and is hereby approved.

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska that the Vice-President be and is hereby authorized and directed to execute the said Agreement on behalf of the City of Kearney.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

5. Approve the application for a Special Designated License submitted by Glacial Till Vineyard/Winery LLC dba Glacial Till Vineyard & Winery in connection with their YK-080900 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Friday, May 4 and Saturday, May 5, 2018 from 5:00 p.m. until 11:00 p.m. each day for the Wine & Jazz Festival Fundraiser.

6. Adopt Resolution No. 2018-40 approving Application and Certificate for Payment No. 1 in the amount of \$43,556.38 submitted by Blessing, LLC and approved by Miller & Associates for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition.

**RESOLUTION NO. 2018-40**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$43,556.38 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$365,152.20</u>
Contract Sum To Date	365,152.20
Gross Amount Due	48,395.98
Retainage (10%)	- 4,839.60
Amount Due to Date	43,556.38
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$43,556.38

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 27TH DAY OF MARCH, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

7. Adopt Resolution No. 2018-41 approving the revised City of Kearney Personnel Manual.

**RESOLUTION NO. 2018-41**

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City's rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, and amended on October 25, 2016 by Resolution No. 2016-184; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, and 2016 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014 and 2016, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised Personnel Manual, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

8. 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 1815 1st Avenue, on Saturday, April 21, 2018 from 12:00 p.m. until 1:00 a.m.

for a music festival for a car show.

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

a) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 14, 2018 from 3:00 p.m. until 1:00 a.m. for a Ducks Unlimited event;

b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 14, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

c) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 21, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

d) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 28, 2018 from 4:00 p.m. until 11:00 p.m. for a car show;

e) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 28, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

f) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 28, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

g) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, May 4 and Saturday, May 5, 2018 from 4:00 p.m. until 12:00 a.m. each day for the Wine & Jazz Festival Fundraiser;

h) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 5, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

i) Inside First National Bank located at 2223 2nd Avenue on Thursday, May 17, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event; and

j) Inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 19, 2018 from 3:00 p.m. until 1:00 a.m. for a reception.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8231**

Ordinance No. 8231 authorizes the sale of a 35 foot parcel of land described as the East 35 feet of Lot 7, Block 27, Kearney Land and Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska to Patricia Misener.

With the absence of Mayor Clouse and Council Member Lear, it was moved by Nikkila and seconded by Buschkoetter that Ordinance No. 8231 be postponed to the April 10, 2018 agenda. Clerk called the roll which resulted as follows: Aye: Lammers, Buschkoetter, Nikkila. Nay: None. Absent: Clouse and Lear.

## **VI. REGULAR AGENDA**

### **REQUEST TO UTILITIZE B.M. STEVENSON FAMILY FUND FOR PICKBALL COURTS AT HARVEY PARK**

Vice-President Buschkoetter opened for discussion the request to utilize \$100,000 from the B.M. Stevenson Family Fund to assist in the construction of four pickleball courts at Harvey Park and to consider Resolution No. 2018-42.

Scott Hayden, Park & Recreation Director and Jim Hopkins, President of the Kearney Pickleball Association presented this matter to the Council. Park & Recreation Director described the sport of pickleball as a fast-growing sport across the country. Kearney has included the sport in Community Olympics for quite some time; it is taught in PE classes, and offered at UNK intramurals. Leagues have been organized in Kearney, with participation of 60 people not uncommon in doubles and mixed doubles leagues. Grand Island and Lincoln also both have very strong pickleball communities and have established courts to accommodate them. There are currently 3 pickleball courts at Apollo Park, which were meant to be starter courts. With other activities at the park, parking can become an issue and the area can become rather crowded.

Park & Recreation Director said he had been approached by Jim Hopkins and Dave Waggoner about the growing need for outdoor pickleball courts, and had been in discussion for a couple of years now. The northeast corner of Harvey Park seemed to be a good location for a variety of reasons. First, it had existing parking that was currently underutilized. Second, the land is flat with good wind breaks.

Councilman Nikkila asked about the possibility of using the northwest corner of Harvey Park which is more open. Park & Recreation Director explained that the grass open space is still used for open play such as soccer. There is also housing in close proximity and pickleball can be a noisy sport, which could pose a problem. The selected location has a better buffer space. Harvey Park is an active park, which made it a good fit for the courts. The basketball courts could be enhanced in the future as well. Councilman Lammers asked about the surface of the pickleball courts. Park & Recreation Director described the surface as similar to a tennis court surface, which would be concrete with a rubberized surface on top that has a little bit of grit to it.

The plan does allow for growth if additional courts are needed in future. Councilman Lammers asked how much of a buffer would be allowed between the currently planned courts and any new courts if expansion was deemed necessary. Park & Recreation Director said that they could potentially leave a pathway between them, unless bleachers or green space were requested. He indicated an area of slope where a retaining wall would more than likely be placed, which would allow enough room for the basketball court. This wall could potentially provide seating, and there would be a possibility to enlarge the space to create a tournament area or gathering area.

Park & Recreation Director said the approach is similar to what was done with the skateboard park a few years before, where it worked well to have a matching incentive to fundraise for the park facility. The B.M. Stevenson Family Fund will be utilized for this project, and this is the first time these funds will be utilized.

Vice-President Buschkoetter asked for more information about the slope. Park & Recreation Director said that the slope is very slight and once the retaining wall was in place, it would be pretty much level. On the court itself, a very slight slope is desirable to sheet the rain off and prevent puddling. Lights are not considered necessary at this time.

Jim Hopkins of 4418 P Avenue in Kearney, serves as President of the Kearney

Pickleball Association and stated that pickleball is a sport for all ages and abilities. He showed the audience examples of the paddle and ball types used. He further described his own experience playing pickleball and how it has grown in popularity in Kearney and across the country. The Kearney Pickleball Club was established in December 2017 and now has 58 paid members. A fundraising community is in place with a goal to raise money. Mr. Hopkins also wanted to express his thanks to the Park & Recreation Director for the work he has done for the pickleball players and association.

Moved by Buschkoetter seconded by Lammers to approve the request to utilize \$100,000 from the B.M. Stevenson Family Fund to assist in the construction of four pickleball courts at Harvey Park and to adopt Resolution No. 2018-42. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter. Nay: None. Absent: Clouse, Lear. Motion carried.

### **RESOLUTION NO. 2018-42**

WHEREAS, in 2014, the City of Kearney was gifted fifty percent of the interest generated off of \$3,337,991.00 donation from the B.M. Stevenson Family Fund to help finance projects and programs of the City of Kearney Park & Recreation Department;

WHEREAS, these funds have accumulated over time and have not been utilized since the donation was received;

WHEREAS, the Kearney Pickleball Association has requested \$100,000.00 in funding assistance from interest generated off of the B.M. Stevenson Family Fund donation to the City of Kearney to assist with construction of four pickleball courts to be located in the northeast corner of Harvey Park and is prepared to begin their own fundraising campaign to generate the remaining \$112,295.00 cost needed for construction;

WHEREAS, the Park & Recreation Advisory Board has agreed that this project is a worthy project;

NOW, THEREFORE, BE IT RESOLVED by the Vice-President of the Council and Council of the City of Kearney, Nebraska, approve the utilization of \$100,000.00 of funding from interest generated off of the B.M. Stevenson Family Fund donation to the City of Kearney to assist with the funding of four pickleball courts at Harvey Park.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

### **OPEN ACCOUNT CLAIM**

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$77,749.54 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter. Nay: None. Absent: Clouse, Lear. Motion carried.

**VII. REPORTS**

Council members expressed their congratulations to the pickleball group for the future court construction and their best wishes for fundraising.

Vice-President Buschkoetter thanked Pastor Klein for his prayer and asked that any community members who wished to do so would include Mayor Clouse in their prayers.

**VIII. ADJOURN**

Moved by Bushkoetter seconded by Lammers that Council adjourn at 6:00 p.m. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Nikkila. Nay: None. Absent: Clouse, Lear. Motion carried.

**ATTEST:**

\_\_\_\_\_  
**RANDY BUSCHKOETTER**  
**VICE-PRESIDENT OF THE COUNCIL**

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