

Kearney, Nebraska
September 11, 2018
5:37 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:37 p.m. on September 11, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Deputy City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Mike Konz, Kearney Hub and Ryan Boyd, KGFW.

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 Adrian Boykin provided the Invocation.

PLEDGE OF ALLEGIANCE

Council members led the 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

VACATE A PORTION OF 19TH STREET SOUTH OF UNIVERSITY DRIVE AND NORTH OF 25TH STREET

Mayor Clouse opened the public hearing on the application submitted by Lee McQueen for the State of Nebraska to vacate a portion of 19th Avenue from the South line of University Drive to the North line of Frank's Park Addition, to the City of Kearney, abutting Lot 1, Currie's Subdivision, to the City of Kearney, and Lot 12 and 13, Wheaton Place, to the City of Kearney, all located in Buffalo County, Nebraska. (19th Avenue south of University Drive and north of 25th Street) and consider Ordinance No. 8282.

Alan Wedige, University Architect for the University of Nebraska and Campus Architect for UNK presented this matter to the Council. The University has worked with the City to continue to have access for future utility maintenance in this area. The new STEM building will extend into the street approximately four feet. The building will replace the Otto Olson Building; other Social Science programs will be included in the STEM building. All of the Fine Arts will move over into the Fine Arts building.

Council Member Lammers questioned if any traffic count was done to study how much traffic on 19th Street was University traffic compared to public traffic? Mr. Wedige stated they have done numerous traffic counts on West Highway 30 and University Drive; he would need to look into those studies to see if this type of study was included on 19th Street.

Mayor Clouse stated this will clean up the area regarding property ownership as some ownership in the area dated back to the early 1900's.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Lee McQueen for the State of Nebraska and introduced Ordinance No. 8282 vacating a portion of 19th Avenue from the South line of University Drive to the North line of Frank's Park Addition, to the City of Kearney, abutting Lot 1, Currie's Subdivision, to the City of Kearney, and Lot 12 and 13, Wheaton Place, to the City of Kearney, all located in Buffalo County, Nebraska. (19th Avenue south of University Drive and north of 25th Street) 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 Deputy 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. 8282. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8282 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 Lammers seconded by Lear that Ordinance No. 8282 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. 8282 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.

REZONING OF PROPERTY LOCATED WEST OF SWEETWATER AVENUE AND NORTH OF 11TH STREET

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corporation for Joshua Petersen c/o Big Wave Investment, LLC to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Sweetwater Avenue and North of 11th Street) and consider Ordinance No. 8283.

Mitch Humphrey, Buffalo Surveying Corporation, presented this matter to the Council. The wedge shape piece of property is on the eastern portion of Kearney and is located diagonally to Osentowski Subdivision which is zoned RR-1. They are requesting the piece of property be rezoned from District Ag to District RR-1. There is an additional request for approval of a three lot subdivision located at the corner of Sweetwater Avenue and 11th Street; each lot would contain 3.05 acres. Because the county roads are designated as arterial roads, they could become busier as the City grows. Because of this, there will be joint driveway access between Lots 2 and 3 and a specified driveway access location for Lot 1.

Barbara Maxwell, 562 Sweetwater Avenue, questioned if the road would be fixed if the Subdivision is approved?

Mayor Clouse explained the County will maintain jurisdiction over the roads, but because the land is within the City's two mile jurisdiction the subdivision has to be brought before City Council. Mayor Clouse referred Ms. Maxwell to the County to address her concerns with the road.

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 Joshua Petersen c/o Big Wave Investment, LLC and introduced Ordinance No. 8283 rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Sweetwater

Avenue and North of 11th Street) 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8283. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8283 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8283 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 No. 8283 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR BIG WAVE SUBDIVISION

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corporation for Joshua Petersen c/o Big Wave Investment, LLC for the Final Plat for Big Wave Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Sweetwater Avenue and North of 11th Street) and consider Resolution No. 2018-146.

Mitch Humphrey presented this matter to the Council.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-146 approving the Final Plat for Big Wave Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Sweetwater Avenue and North of 11th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2018-146

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Big Wave Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of Section 4 and assuming the East line of the Southeast Quarter of Section 4 as bearing N 00°35'33" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 4, N 00°35'33" W a distance of 471.38 feet to a point on the South line of a strip of land being the former Burlington Northern Railroad Company's railroad right-of-way and conveyed to the City of Kearney, a political subdivision of the State of Nebraska, as described on Quitclaim Deed filed at Instrument 96-05156, recorded July 30, 1996 in the office of the Buffalo County Register Deeds; thence leaving the East line of said Southeast Quarter of Section 4 and on the South line of said former Burlington Northern Railroad Company's railroad right-of-way, N 81°11'30" W a distance of 865.73 feet; thence leaving said former Burlington Northern Railroad Company's South right-of-way line and parallel with the East line of said Southeast Quarter of Section 4, S 00°35'33" E a distance of 611.94 feet to a point on the South line of the Southeast Quarter of said Section 4; thence on the South line of said Southeast Quarter of Section 4, N 89°27'52" E a distance of 854.10 feet to the place of beginning, containing 10.62 acres, more or less, of which 0.98 acres, more or less, are presently being used for road purposes on the East and South sides, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

**REZONING OF PROPERTY LOCATED AT 1679 AND 1681 EAST 56TH STREET,
SOUTH SIDE OF 56TH STREET**

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corporation Samuel and Diane Reinke and Ronald and Diana Svacina to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1679 and 1681 East 56th Street, South

side of 56th Street) and consider Ordinance No. 8284.

Mitch Humphrey, Buffalo Surveying Corporation, presented this matter to the Council. The tract of land is currently zoned Agricultural. The site is located close to the intersection of East 56th Street and Avenue N and to the west of Eastbrooke Drive, on the south side of East 56th Street. The sites were developed several years ago when the City's jurisdiction did not extend to these properties. There is multi-family zoning to the north of the property and there is RR-2 to the west of the site. Because the property owners are requesting building permits for both 1679 and 1681 East 56th Street they are required to zone and plat their property as part of the building approval process. The property owners will not hook up to City utilities but will zone the property to RR-2, Rural Residential Intermediate Standards. The project will consist of a two lot subdivision. Additionally, property will be dedicated to 56th Street in front of the lots. There is a subdivision agreement that includes waiving the right to future annexation, paying connection fees, and issues regarding future infrastructure needs.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Buffalo Surveying Corporation for Samuel and Diane Reinke and Ronald and Diana Svacina and introduced Ordinance No. 8284 rezoning from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1679 and 1681 East 56th Street, South side of 56th Street) 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 Deputy 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. 8284. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8284 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. 8284 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. 8284 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR REINKE-SVACINA SUBDIVISION

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corporation for Samuel and Diane Reinke and Ronald and Diana Svacina for the Final Plat and Subdivision Agreement for Reinke-Svacina Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1679 and 1681 East 56th Street, South side of 56th Street) and consider Resolution No. 2018-147.

Mitch Humphrey, Buffalo Surveying Corporation, presented this matter to the Council.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2018-147 approving the Final Plat for Reinke-Svacina Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1679 and 1681 East 56th Street, South side of 56th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-147

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Reinke-Svacina Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northwest Quarter and assuming the North line of the Northwest Quarter as bearing S 89°36'53" W and all bearings contained herein are relative thereto; thence on the North line of the Northwest Quarter, S 89°36'53" W a distance of 665.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North line of the Northwest Quarter, S 89°36'53" W a distance of 184.0 feet; thence leaving the North line of the Northwest Quarter and parallel with the East line of the Northwest Quarter of said Section 30, S 00°49'03" E a distance of 1186.0 feet; thence N 89° 18'53" E a distance of 184.0 feet; thence N 00°49'03" W, and parallel with the East line of the Northwest Quarter of said Section 30 a distance of 1186.0 feet to the place of beginning, containing 5.01 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision

Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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 11TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

CODE AMENDMENTS TO TABLE 14-1 "USE MATRIX" OF CHAPTER 14 "ZONING DISTRICT REGULATIONS" "INDUSTRIAL USE TYPES" (MISCELLANEOUS USES) AND SECTION 46-110 "TELECOMMUNICATIONS TOWERS" OF CHAPTER 46 "SUPPLEMENTAL USE REGULATIONS"

Mayor Clouse opened the public hearing on the amendments to the following chapters/sections of the City Code as follows: (a) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Industrial Use Types" (Miscellaneous Uses) to remove Planned Development Requirements (PD) from AG, UC, C-O, C-2, CBD, C-3 and BP zones and add Permitted by Conditional Use Permit for Communications Tower for zones AG, R-1, R-2, R-3, R-4, UC, C-O, C-1, C-2, CBD, C-3 and BP; (b) Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" to transfer previous sub-section C to sub-section A regarding language pertaining to the regulations for the placement, construction and modification of radio, television and personal wireless service facilities; modify language pertaining to exemptions of satellite dish antennas; add language regarding fencing requirements; remove language pertaining to security fencing for required parking; add language to landscaping requirements; remove language pertaining to screening and vegetation requirements and consider Ordinance No. 8285.

Eric Hellriegel, Assistant City Manager, presented this matter to the Council. Zoning administration looked at Code and discovered some inconsistencies. This amendment will clean up some of those inconsistencies regarding conditional use permits, planned development overlays, and also cleans up some of the supplemental use regulations that were cumbersome; these amendments will simplify the Administration part of the process as it pertains to Telecommunication Towers.

Council Member Lammers questioned, if this amendment addresses leasing space on towers as well? Assistant City Manager stated co-location is still addressed in City Code but is not affected by these changes. Staff will be available to assist the public with any questions they may have on the proposed amendments.

Council Member Buschkoetter stated the proposed amendments do a great job clearing up issues that were unclear in these sections of Code.

Mayor Clouse requested Assistant City Manager review the changes that were recently made to online Code last week. Assistant City Manager stated a new version of Code is available to the public now that has been very user friendly and much easier to search for particular items in Code.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the proposed amendments to chapters/sections of the City Code and introduced Ordinance No. 8285 amending (a) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Industrial Use Types" (Miscellaneous Uses) and (b) Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" 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 Deputy 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 close the hearing and suspend the rules for Ordinance No. 8285. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8285 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 Buschkoetter seconded by Clouse that Ordinance No. 8285 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. 8285 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.

REVISE CITY OF KEARNEY BUDGET FOR THE 2017-2018 FISCAL YEAR

Mayor Clouse opened the public hearing for the purpose of revising the City of Kearney Budget for the 2017-2018 Fiscal Year and consider Ordinance No. 8286.

Wendell Wessels, Director of Finance, presented this matter to the Council. For the current fiscal year the City will be over budget in three different funds. The Various Purpose Bond Fund will be over due to the refinancing of debt. During the current Fiscal Year the City refinanced the Series 2010 and Series 2011 General Obligation Bonds, when these were refinanced they had to be paid off, which was approximately \$5,240,000; that expenditure was not included in the budget; however, doing this saved approximately \$255,000 in interest over the life of the Refunding Bonds. In the Economic Development Fund and the Special Sales Tax Fund the City had funds budgeted to provide to the Nebraska Department of Veteran's Affairs for the Veteran's home project – out of the Economic Development fund \$2,050,000; out of the Special Sales Tax fund \$2,100,000. A year ago the City planned on making those payments to the State of Nebraska in fiscal year 2017 budget so that money was carried over to fiscal year 2018, this was due to a timing issue.

Council Member Buschkoetter stated the budget hasn't been amended very often. Finance Director stated it has been four to five years ago. Typically it is because of the refinancing of debt when interest rates are right. The budget does have to be amended according to State Statute when this happens.

Mayor Clouse stated the money is in the account for the Veteran's Home. Finance Director stated the City thought the payments would be made in fiscal year 2017 but the agreements weren't ready; those agreements were since completed this summer and the payment has been made.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing for the purpose of revising the City of Kearney Budget for the 2017-2018 Fiscal Year 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 Deputy 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. 8286. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8286 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8286 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 No. 8286 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 CITY OF KEARNEY 2018-2019 FISCAL YEAR BUDGET

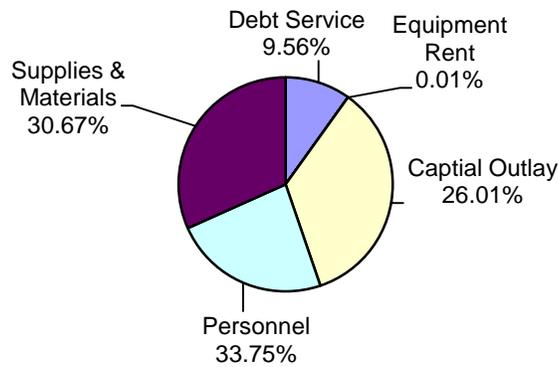
Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2018-2019 Fiscal Year and consider Ordinance No. 8287.

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

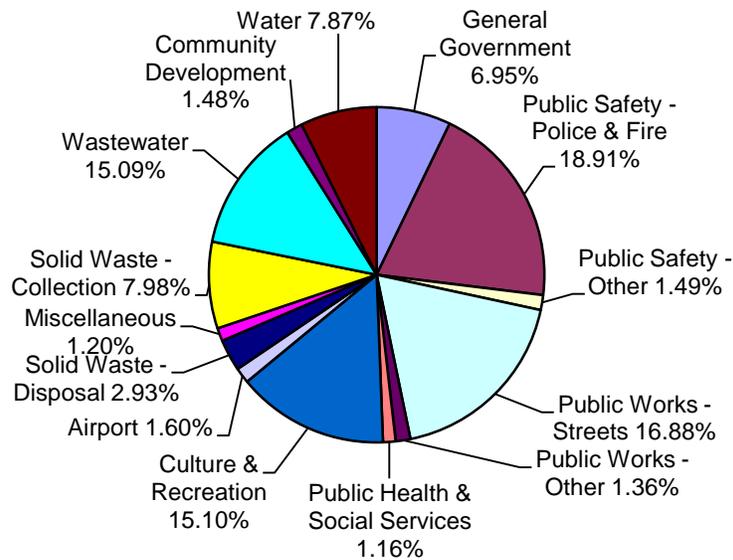
Proposed Expenditures

| Expenditures | Fiscal Year 2018 | Fiscal Year 2019 |
|------------------------|---------------------|---------------------|
| General Fund | \$23,378,754 | \$24,589,235 |
| Special Revenue Funds | \$5,796,889 | \$6,063,106 |
| Capital Project Funds | \$9,108,193 | \$9,939,660 |
| Debt Service Funds | \$9,196,278 | \$3,134,919 |
| Enterprise Funds | \$34,588,264 | \$25,037,293 |
| Internal Service Funds | \$7,493,430 | \$7,510,388 |
| Fiduciary Funds | \$666,237 | \$716,237 |
| Total | \$90,228,045 | \$76,990,838 |

All Funds by Object Graph



Budget by Function Graph



Finance Director stated the part of the budget that will receive the most next year is Public Safety – Police & Fire, 18.91%, the second will be Public Works – Streets, 16.88% and the third will be Wastewater Treatment Plant – 15%. Two full – time and a part – time position will be added in the upcoming year.

Personnel

| | |
|---|------------------|
| 3% Pay Plan Adjustment – Governmental Funds | \$338,097 |
| 3% Pay Plan Adjustment – Proprietary Funds | <u>\$152,433</u> |
| Total 3% Pay Plan Adjustment | \$490,530 |

Position additions/removals:

- Add full-time Assistant Director of Finance – Finance
- Add full-time Assistant Director of Development Services - DS
- Add part-time Park Attendant - Park

Capital Outlay

| | |
|------------------------|-----------------|
| General Fund | \$1,868,748 |
| Special Revenue Funds | \$552,500 |
| Capital Project Funds | \$7,529,277 |
| Enterprise Funds | \$9,854,508 |
| Internal Service Funds | <u>\$40,000</u> |
| Total | \$19,845,033 |

Finance Director stated the following projects are the top ten current capital outlay projects:

| | |
|---|-------------|
| 1. WWTP Phase I upgrade | \$4,216,666 |
| 2. Younes Center 6th (paving, water, sewer) | \$2,863,703 |
| 3. Northridge Estates (paving, water, sewer) | \$760,765 |
| 4. CDBG 17CR (50% CDBG) | \$700,000 |
| 5. Patriot Park Boulevard and park road | \$500,000 |
| 6. Avenue A, 25th Street to 27th Street | \$485,000 |
| 7. Vehicle Maintenance truck bay addition | \$400,000 |
| 8. Veterans Memorial | \$350,000 |
| 9. Memorial Field ballfield light replacement | \$350,000 |
| 10. Downtown streetlight project | \$250,000 |

Debt Service (Principal Only)

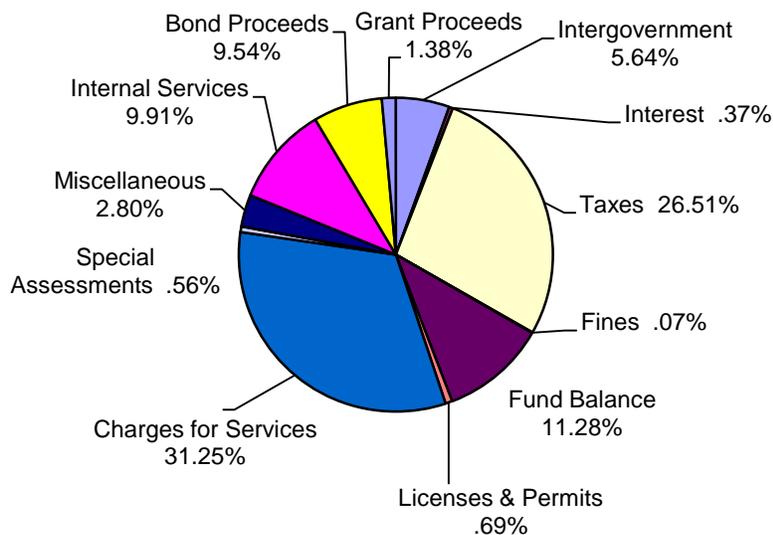
| | Public Safety | Various Purpose | Revenue | Total |
|------------|---------------|-----------------|---------------|---------------|
| Beginning | \$2,865,000 | \$29,875,000 | \$19,859,787 | \$52,599,787 |
| Paid Off | (\$210,000) | (\$4,285,000) | (\$1,497,274) | (\$5,992,274) |
| New Debt | \$0 | \$1,270,000 | \$6,081,441 | \$7,351,441 |
| Ending | \$2,655,000 | \$26,860,000 | \$24,443,954 | \$53,958,954 |
| Net Change | (\$210,000) | (\$3,015,000) | \$4,584,167 | \$1,359,167 |

Finance Director stated the \$1,270,00 in the Various Purpose Bond column is for permanent financing for the short term note for the 11th Street project. The \$6,000,000 in Revenue bonds are for Waste Water Treatment Plant Upgrade, Phase I and the project for the area by the new Holiday Inn and Convention Center.

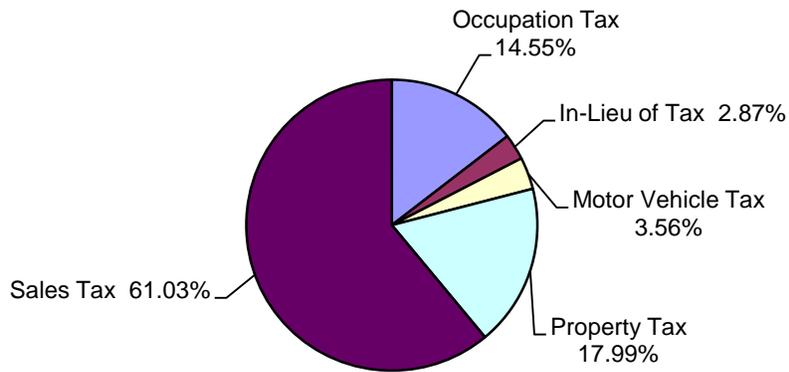
Proposed Revenues

| Revenues: | Fiscal Year 2017 | Fiscal Year 2018 |
|---------------------------|---------------------|---------------------|
| Taxes | \$19,766,258 | \$20,432,954 |
| Licenses & permits | \$555,600 | \$530,550 |
| Charges for services | \$24,101,228 | \$24,099,813 |
| Fines | \$63,700 | \$54,700 |
| Special assessments | \$427,208 | \$433,588 |
| Interest | \$230,619 | \$283,225 |
| Bond proceeds | \$12,990,795 | \$7,351,441 |
| Grants | \$12,404,331 | \$1,066,000 |
| Internal services | \$7,733,428 | \$7,635,601 |
| Miscellaneous | \$2,456,368 | \$2,156,717 |
| Intergovernmental – State | \$4,111,313 | \$4,344,039 |
| Total | \$84,840,848 | \$68,388,628 |

All Funds by Source Graph



Tax Revenues by Source Graph



Proposed Property Tax Request

City of Kearney valuation (4.0% est. growth) \$2,722,747,853

General Fund property tax requirement \$3,456,680

Public Safety TAB Fund property tax requirement \$283,286

Total property tax requirement \$3,739,966

Total property tax levy (per \$100) \$0.13736

Change over FY17:

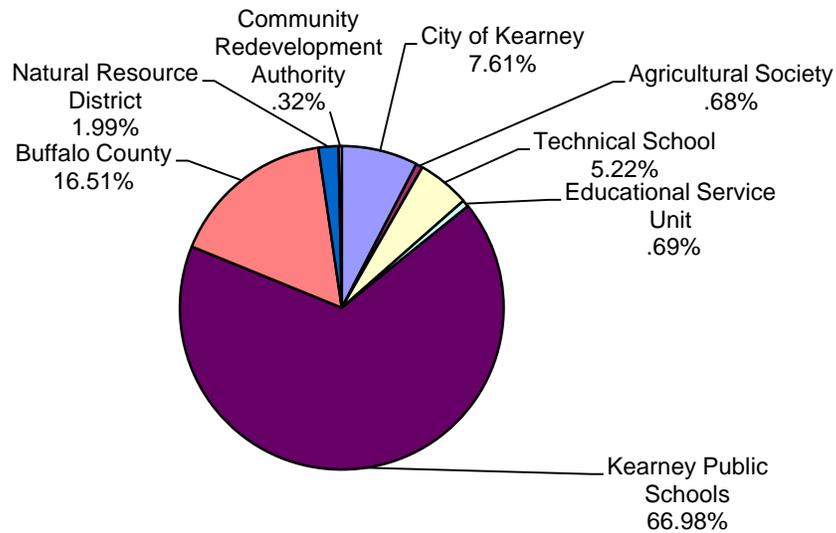
Total property tax requirement (6.76% increase) \$236,879

(\$46,740 (19.73%) will come from new construction/annexation and \$190,139 (80.27%) of will come from existing properties)

Total property tax levy (per \$100) (no change) \$0.00000

Taxes on a \$200,000 home \$274.72

Property Tax Distribution – 2017



Finance Director stated out of every \$1000 paid to the County Treasure approximately \$76.10 or 7.61% comes to the City of Kearney.

Sales Tax Revenues

| | Actual Fiscal Year 2017 | Estimated Actual Fiscal Year 2018 | Proposed Fiscal Year 2019 |
|--------------------------------|-------------------------|-----------------------------------|---------------------------|
| One Cent Sales Tax | | | |
| General Fund | \$6,369,413 | \$6,598,550 | \$6,618,206 |
| Street Improvement Fund | \$1,199,838 | \$999,292 | \$1,379,020 |
| Various Purpose Bond Fund | \$392,515 | \$650,345 | \$275,532 |
| Subtotal | \$7,961,766 | \$8,248,187 | \$8,272,758 |
| One-half Cent Sales Tax | \$3,980,883 | \$4,124,094 | \$4,136,379 |
| Total Sales Tax | \$11,942,649 | \$12,372,281 | \$12,409,137 |

Comprehensive Fee Schedule Changes

- Development Services - Residential permit .20 to .22 per square foot (first floor)
- Police - Accident report fees adjusted
- Cemetery - Various fee increases

Golf - Various fee increases
Solid Waste - Collection - Utility rates increased 0%
Wastewater - Utility rates increased 0%
Water - Utility rates increased 3%
Airport - Agriculture land cash rents adjusted

Fund Balance

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

- Golf Fund deficit - \$264,660 (target is 25% of operating expenses)
- Health Insurance Fund deficit - \$391,417

Other Notable Items

- Project Honor funding source/use for FY19:
 - Economic Development Fund - \$450,000
 - (Environmental Factors - \$200,000)
 - (Community Services - \$75,000)
 - (Workforce Factors - \$175,000)

Council Member Lammers questioned if it is anticipated that the fee adjustments for golf will offset with the number of rounds played? Finance Director stated it will help; much of the shortfall for golf was due to the amount of rain received this year.

Council Member Nikkila asked what the position in Development Services would serve as. Assistant City Manager stated this position will assist him with helping make the Department run smoothly in a management capacity. It will assure that the best service can be given from the Department to citizens.

Council Member Lammers questioned if online sales taxes would assist in an increase in sales tax revenues from that source? Finance Director stated an increase is anticipated but how much is currently unknown.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2018-2019 Fiscal Year 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8287. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8287 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. 8287 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. 8287 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 2018-2019 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 2018-2019 Fiscal Year and consider Resolution No. 2018-148.

Wendell Wessels, Director of Finance, presented this matter to the Council. The Offstreet Budget is estimating to end the year with \$115,000, this will carry over to this year. Total expenditures are \$177,465, total revenue is \$72,031. Finance Director discussed the expenses.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2018-2019 Fiscal Year and adopt Resolution No. 2018-148. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2018-148

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, 2018 through September 30, 2019) 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 11TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

DEPUTY CITY CLERK

AND EX-OFFICIO MAYOR

2018 PROPERTY TAX LEVY

Mayor Clouse opened the public hearing setting the 2018 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. 2018-149.

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 \$3,739,965.00 which is different 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 Clouse seconded by Lammers to close the hearing setting the 2018 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 adopt Resolution No. 2018-149. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-149

WHEREAS, Section 77-1601.02 of the Nebraska Revised Statutes authorizes the City Council to set the 2018 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 2018 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 \$3,456,679.55 is set for the fiscal year beginning the 1st day of October, 2018 and ending on the 30th day of September, 2019 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 \$283,285.81 is set for the fiscal year beginning the 1st day of October, 2018 and ending the 30th day of September, 2019 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, 2018.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY 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. 2018-150.

Ashley Weesner, Miller and Associates presented this matter to the Council. The proposed project will take place West of 2nd Avenue from 5th Avenue down to 22nd Street. The proposal is to pave approximately 41,000 square feet of four foot wide sidewalks; this will incorporate 24 ADA Ramps in this area as well. Total funds for the project are estimated to be \$395,000 and will be broke down as follows: \$350,000 – Construction; \$10,000 – Construction Management and \$35,000 – Grant Administration. Matching funds are required in the amount of \$175,100 and will come from local sales tax funds.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the 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. 2018-150. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-150

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$395,000 for Comprehensive Development Phase II and,

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

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018.

ATTEST:

STANLEY A. CLOUSE

PEGGY EYNETICH
DEPUTY CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

ACQUISITION OF 5 ACRE PARCEL LOCATED SOUTH OF 4TH STREET AND NORTH OF TURKEY CREEK AND NAMING OF PARCEL

Mayor Clouse opened the public hearing on the acceptance of five acres of donated land/real property from Fred Hammer and approval of the proposed land to be named Chateau Marteau Open Space, for a tract of land described as Lot 5, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street and North of Turkey Creek) and approving Resolution No. 2018-151.

City Attorney, Michael Tye presented this matter to the Council. Fred Hammer has proposed to donate five acres of land to the City of Kearney and will additionally pay for street improvements to the parcel. The land is in the general area of the new Fox Creek Subdivision and behind Cash-Wa. The Parks Department sees the land as green space with nature trails and a future parking lot for the area. The Park Advisory Board has approved the acceptance of the land and naming the area Chateau Marteau Open Space.

Mayor Clouse thanked Fred Hammer for all he has done for the community as well as all the donations he has provided. Mr. Hammer provided history of the land and how he came to own the property.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing on the acceptance of five acres of donated land/real property from Fred Hammer and approval of the proposed land to be named Chateau Marteau Open Space, for a tract of land described as Lot 5, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street and North of Turkey Creek) and adopt Resolution No. 2018-151. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 19 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 28, 2018.
2. Approve the following Claims:

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

Adamson,T \$8.00 smcs; All Garage Door, LLC \$780.25 smcs; Amazon \$1,157.29 smcs; American Fence Co. \$1,938.00 smcs; Appliance Pros \$100.00 smcs; Ask Supply Co. \$535.12 smcs; Atchison,L \$17.16 smcs; Aurora Coop \$53.92 smcs; Baker & Taylor Books \$9,984.16 smcs; Bamford \$250.00 smcs; Barney Abstract \$55,502.25 co; lackstone Audio Books \$532.20 smcs; Blackstrap \$5,052.23 smcs; Blessing, Inc \$25,453.48 co; Bluecross Blueshield \$58,043.46 smcs; Blueglobes \$567.09 smcs; Books Galore \$37.94 smcs; Bosselman \$31,588.75 smcs; Bridgett Lavene Consulting \$5,295.36 smcs; Broadfoot Sand & Gravel \$165.00 smcs; Buffalo Co Register Deeds \$134.00 smcs; Buffalo Co. Court \$96.01 ps; Buffalo Outdoor Power \$75.20 smcs; Builders \$129.07 smcs, co; Cash Wa \$6,298.36 smcs; Chesterman \$132.00 smcs; Cigna \$7,292.78 smcs; City of Ky \$352,449.55 ps,smcs; Comm. Action Partnership \$1,305.00 smcs; Comm. Health Charities \$18.00 ps; Compasscom \$157.50 smcs; Consolidated Mgmt. \$59.57 smcs; Copycat \$185.37 smcs; Core & Main \$41,789.38 smcs; Cornhusker Cleaning \$790.66 smcs; Country Partners \$21,262.26 smcs; Crane River Theater \$419.97 smcs; Daake,J \$25.23 smcs; Davis,A \$450.00 smcs; Dell \$9,475.50 co; Diamond Engineering \$560,194.91 co; Eagle Distributing \$1,285.75 smcs; Eakes \$2,845.97 smcs; Erbsen,S \$171.13 smcs; Fiddelke \$18,036.00 co; Fort Ky Shooting \$6,750.00 smcs; Frontier \$7,421.22 smcs; Gale \$66.75 smcs; Gangwish Turf \$38.70 smcs; Garrett Tires \$991.80 smcs; Griss,J \$16.43 smcs; Hahn,S \$61.20 smcs; Hayden,S \$61.20 smcs; HM Life Insurance Co. \$48,559.80 smcs; Hometown Leasing \$159.08 smcs; ICMA \$36,487.70 ps; IRS \$156,004.12 ps; Jack Lederman \$1,743.80 smcs; Jack's Uniforms \$3,008.02 smcs; JCI Industries \$24.08 smcs; Johnson Controls \$4,078.00 smcs; Johnson Hardware \$552.00 smcs; Ky United Way \$656.88 ps; Ky Winlectric \$10,596.60 co; Konica Minolta \$377.28 smcs; Landmark Implement \$4,900.00 co; Law Enforcement Training \$200.00 smcs; Lens Equipment \$289.00 smcs; Lieb,E \$100.00 smcs; Logan Contractors \$8,681.00 co; Mac Tools \$103.01 smcs; Magic Cleaning \$6,940.00 smcs; Marlatt Machine \$452.20 smcs; Martindale,A \$9.82 smcs; Mead Lumber \$292.00 co; Menards \$79.15 smcs; Microfilm Imaging \$8,080.00 smcs; Mid American Signal \$35,919.00 smcs; Midwest Connect \$7,218.45 smcs; Midwest Turf \$3,437.57 smcs; Miller & Associates \$121,982.42 co; Mitchell 1 \$1,728.00 smcs; Moonlight Custom Ink \$168.00 smcs; Morgan,M \$38.15 smcs; Morris Press \$570.18 smcs; Most Dependable Fountains \$4,855.00 co; Murphy Tractor \$149.13 smcs; NE Child Support Pyt. Ctr. \$1,991.97 ps; NE Dept of Environmental \$7,500.00 smcs; NE Dept. of Revenue \$48,922.46 ps; NE Library Commission 3,509.31 smcs; NE Machinery \$2,006.60 smcs; Nebraskaland Distrbutors \$1,365.80 smcs; Northwestern Energy \$4,112.11 smcs; Nuttelman Fencing \$490.41 smcs; Outdoor Recreation \$1,136.00 co; Paramount Linen \$120.72 smcs; Payflex \$544.00 smcs; Penworthy \$434.06 smcs; Platte Valley Labs. \$62.50 smcs; Pohlman,K \$42.80 smcs; Presto-X \$110.00 smcs; Ramrize Contracting \$36.34 smcs; Recorded Books \$207.88 smcs; Rhome Tree \$770.00 smcs; Rosenthal,B \$56.14 smcs; S&J Construction \$15,576.06 co; SAFE Center \$2,000.00 smcs; Safelite Fulfillment \$206.99 smcs; Sandry Fire \$18,133.84 smcs; Schindler Elevator \$446.70 smcs; School District #7 \$1,023.65 smcs; Secretary of State \$30.00 smcs; See Clear Cleaning \$350.00 smcs; Starostka Group \$1,044.89 smcs; Stop Stick \$2,514.00 smcs; Strategic Materials \$823.60 smcs; Suburban Fire Protection \$25,814.50 smcs,ps; T&C Auto Service \$160.00 smcs; Taylor,R \$99.75 smcs; Titan Machinery \$1,495.00 smcs; Trugreen \$202.00 smcs; Turfwerks \$10,000.00 co; Tye & Rowling \$13,614.16 smcs; UL \$6,352.55 smcs; Union Bank & Trust \$77,189.31 ps,smcs; Valley Forklift \$56.66 smcs;

Verizon \$1,840.46 smcs; Village Cleaners \$309.70 smcs; Waldinger Corp. \$334.00 smcs; Walsh,C \$282.45 smcs; Williams,M \$56.00 smcs; Yant Equipment \$267.50 smcs; Payroll Ending 09/01/2018 -- \$476,556.45. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Jennifer Hansen submitted by RMH Franchise dba Applebee's Neighborhood Grill & Bar located at 5605 2nd Avenue in connection with their Class IK-101513 liquor license.
4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:
 - a) Mikaela Richmond on behalf of the KHS Bearcat Marching Band Festival for the temporary closure of 30th Avenue from 11th Street to the southern end of Kearney High School on Saturday, September 22, 2018.
 - b) Mikaela Richmond on behalf of the Nebraska State Bandmaster Association State Marching Contest for the temporary closure of 30th Avenue from 11th Street to the southern end of Kearney High School on Saturday, October 20, 2018.
 - c) American Legion Post 52 on behalf of the 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 Saturday, November 10, 2018.
 - d) Laura Aden on behalf of the YMCA Turkey Trot for the temporary closing of portions of 4th Avenue, 6th Avenue, 7th Avenue, 10th Avenue, 11th Avenue, 30th Avenue, 39th Street, 42nd Street, 46th Street, 48th Street, and Country Club Lane on Thursday, November 22, 2018.
5. Accept the bids received for the 2018 Part 1 Improvements for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue, consisting of Paving Improvement District No. 2018-988, Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 and adopt Resolution No. 2018-152 awarding Bid A (Water/Sewer) to Midlands Contracting, Inc. in the amount of \$177,603.00 and Bid B (Paving) to Dan Roeder Concrete in the amount of \$258,396.00.

RESOLUTION NO. 2018-152

WHEREAS, Miller and Associates and the City of Kearney have reviewed the sealed bids which were opened on August 21, 2018 at 2:00 p.m. for the 2018 Part 1 Improvements consisting of Paving Improvement District No. 2018-988, Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for Bid A (Water/Sewer) was \$221,626.50 and Bid B (Paving) was \$292,992.00; and

WHEREAS, Miller and Associates and the City have recommended the bid offered by Midlands Contracting, Inc., of Kearney, Nebraska in the amount of \$177,603.00 for Bid A (Water/Sewer) be accepted as the lowest responsible bid for 2018 Part 1

Improvements consisting of Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue; and

WHEREAS, Miller and Associates and the City have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$258,396.00 for Bid B (Paving) be accepted as the lowest responsible bid for 2018 Part 1 Improvements consisting of Paving Improvement District No. 2018-988 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Midlands Contracting, Inc. be and is the lowest responsible bidder for the 2018 Part 1 Improvements consisting of Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue; Bid A (Water/Sewer) to be constructed in accordance with the plans and specifications on file with the City Clerk and that Midlands Contracting, Inc. in the amount of \$177,603.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the City Engineer's recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2018 Part 1 Improvements consisting of Paving Improvement District No. 2018-988 for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue; Bid B (Paving) to be constructed in accordance with the plans and specifications on file with the City Clerk and that Dan Roeder Concrete in the amount of \$258,396.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

6. Adopt Resolution No. 2018-153 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$143,315.25 which will be carried over to the 2018-2019 Budget as "Unused Budget Authority".

RESOLUTION NO. 2018-153

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, 2018.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

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

8. Adopt Resolution No. 2018-154 repealing Resolution No. 2018-24 and adopt the 2018-2019 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2018-2019 year.

RESOLUTION NO. 2018-154

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 2017-2018 fiscal year was adopted by Resolution No. 2017-159 on September 12, 2017, amended by Resolution No. 2017-210 on December 12, 2017, and amended by Resolution No. 2018-24 on February 13, 2018 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 2018-2019 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, 2018.

BE IT FURTHER RESOLVED that Resolution No. 2018-24 be and is hereby repealed in its entirety as of October 1, 2018.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2018.

ATTEST:

STANLEY A. CLOUSE

PEGGY EYNETICH
DEPUTY CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

- 9.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Application for Reconstruction submitted by Western Oil II LLC, dba Speedee Mart 2767 in connection with their Class D-111099 liquor license located at 108 South 2nd Avenue.
- 10.** Approve the application for a Special Designated License submitted by Kearney Area Chamber of Commerce to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall fund raiser festival known as Oktoberfest.
- 11.** Approve the application for a Special Designated License submitted by Blue Blood Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall fund raiser festival known as Oktoberfest.
- 12.** Approve the application for a Special Designated License submitted by Thunderhead Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall fund raiser festival known as Oktoberfest.
- 13.** Approve the application for a Special Designated License submitted by Borgata Brewing/Distilling LLC to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall fund raiser festival known as Oktoberfest.
- 14.** Approve the application for a Special Designated License submitted by KinKaider Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall festival known as Oktoberfest.
- 15.** Approve the application for a Special Designated License submitted by McFarland Family Farms LLC to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall fund raiser festival known as Oktoberfest.
- 16.** Approve the application for a Special Designated License submitted by Pals Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall fund raiser festival known as Oktoberfest.
- 17.** Approve the application for a Special Designated License submitted by Steeple Brewing Co to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall festival known as Oktoberfest.
- 18.** Approve the application for a Special Designated License submitted by First

Street Brewing Company to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 6, 2018 from 4:00 p.m. until 11:30 p.m. for a fall festival known as Oktoberfest.

19. 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 Platte Valley Medical Group located at 816 22nd Avenue, on Thursday, September 27, 2018 from 4:00 p.m. until 8:00 p.m. for a Chamber Event;

b) Inside the Extension Building located at 1400 East 34th Street, on Saturday, September 29, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

c) In a 30' x 40' outdoor fenced area located east of UNK Health and Sports Center on UNK Campus located at 2501 15th Avenue, on Tuesday, October 2, 2018 from 4:00 p.m. until 8:00 p.m. for a UNK Tailgate event.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8288 REPEALS ORDINANCE NO. 8247

Council Member Buschkoetter introduced Ordinance No. 8288 repealing Ordinance No. 8247 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8288. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8288 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 Clouse seconded by Lammers that Ordinance No. 8288 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. 8288 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. 8289 CREATING PAVING IMPROVEMENT DISTRICT NO. 2018-994

Council Member Buschkoetter introduced Ordinance No. 8289 creating Paving Improvement District No. 2018-994 for 19th Street from the southeast corner of Lot 770, thence northerly 131 feet, thence westerly 140 feet, thence southerly 346 feet, thence easterly 130 feet thence northerly 185 feet, thence easterly 10 feet, thence northerly 30 feet to the point of beginning, all in Original Town Kearney Junction, 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8289. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City 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. Deputy City Clerk read Ordinance No. 8289 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 Clouse seconded by Lammers that Ordinance No. 8289 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. 8289 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

REDEVELOPEMENT PROJECT FOR KEARNEY AREA HABITAT FOR HUMANITY LOCATED EAST OF AVENUE N AND NORTH OF 16TH STREET

Mayor Clouse opened for discussion the redevelopment project submitted by Kearney Area Habitat for Humanity for Redevelopment Area #7 for an area described as Lot 1 through 5, Block 1, Lots 1 through 7, Block 2, Lots 1 through 5, Block 3, all in Marlatt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lots 8 and 9, Block One, Marlatt Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lot 12, Block Three, Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue N and north of 16th Street) and consider Resolution No. 2018-155.

Wendell Wessels, Director of Finance presented this matter to the Council. This was approved on August 29, 2018 by the CRA. Habitat for Humanity is considering a project that includes 20 single family homes. The project will require the construction of streets,

storm water, storm sewer, and water infrastructure to serve the area. Kearney Habitat for Humanity plans to construct approximately three homes annually; the project will last from six to seven years. The site is located east of their current building site. The new total valuation of property upon completion is estimated to be \$2,960,000; the current value is \$261,695 so the increment is \$2,698,305 upon completion of all properties the annual property tax is approximately \$48,640. The Developer is asking for project cost totaling \$477,245 for paving, water and sewer. The CRA approved 83% for 15 years to go towards the cost of this project.

Moved by Lammers seconded by Nikkila to approve Resolution No. 2018-155 approving the redevelopment project submitted by Kearney Area Habitat for Humanity for Redevelopment Area #7 for an area described as Lot 1 through 5, Block 1, Lots 1 through 7, Block 2, Lots 1 through 5, Block 3, all in Marlatt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lots 8 and 9, Block One, Marlatt Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lot 12, Block Three, Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue N and north of 16th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$2802.18 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Nikkila commented on the easy search features of the new online Code, including the ability to interrupt the searched word and find other relevant possibilities.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 6:53 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**