

Kearney, Nebraska
September 10, 2019
5:30 p.m.

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 5:30 p.m. on September 10, 2019 in the Council Chambers at City Hall. This meeting adjourned at 5:34 p.m. A meeting of the City Council of Kearney, Nebraska, was then convened in open and public session at 5:35 p.m. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Jena Bice, Assistant Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Andrew Harter, Assistant Public Works Director; Bryan Waugh, Chief of Police; Shawna Erbsen, Administrative Services Director; Scott Hayden, Director of Park and Recreation and Brenda Jensen, Development Services Director were also present. Members of the media present included: Mike Konz from the Kearney Hub and a reporter from NTV News.

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 Chad Anderson provided the Invocation.

PLEDGE OF ALLEGIANCE

Three Boy Scouts from Troops 139 and 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE THE SOUTHWEST QUARTER OF LOT 1755, ORIGINAL TOWN OF KEARNEY JUNCTION AND FINAL PLAT FOR PRESTIGE ADDITION

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

Mayor Clouse opened the public hearing on the Applications submitted by Chad Softley for Prestige Exteriors, LLC c/o Chad Softley for (1) the vacation of the Southwest Quarter of Lot 1755, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8372; and (2) the Final Plat for Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land known as the Southwest Quarter of Lot 1755 (to be vacated), Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the East 17.0 feet of Vacated Avenue "B" abutting said tract on the West and also together with the North half of Vacated 12th Street abutting said tract on the South and abutting the East 17.0 feet of vacated Avenue "B" (above mentioned) on the South, all being located in part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1201 Avenue B) and consider Resolution No. 2019-147. Planning Commission recommend approval of the vacation and final plat.

Trent Snow, Land Surveyor, presented the vacation and final plat (Public Hearing 1) to the Council. Mr. Snow reviewed the vacation and history of the minor subdivision for Lot 1755, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska. The proposed final plat for Prestige Addition will consist of two lots; the lot to the north will measure 100 feet x 157 feet, the lot to the south is smaller and the single-family house that currently resides there will remain. Mr. Snow stated if the rezoning does not pass the Developer would still like to move forward with the vacation and final plat.

Pat Slack, Broker/Owner with Century 21 Midlands, presented the rezoning portion (Public Hearing 2) to the Council. The Developer is requesting to rezone the property to District R-2, Urban Residential Mixed-Density District, in order to build a duplex or three-unit townhouse. The following reasons were given to allow the R-2 rezoning to occur: R-2 is commonly used as a buffer to an R-1 District, market demand is being met by infilling a vacant lot in a neighborhood whose market has been stale and the Developer feels R-2 zoning would offer the highest and best use for the property.

Council member Tami James Moore and Council member Jonathan Nikkila questioned the drawings contained in the packet and asked if the Developer was planning to build four townhomes as was detailed in the drawings in the Council packet? Mr. Slack stated the plans were conceptual only.

Roger Sheckler, 1211 Avenue B, represents the neighbors surrounding the property with the exception of the property owner at 1202 Avenue B. The property owners surrounding the property object to the rezoning of the property as all of the surrounding properties are single family homes. The neighbors feel four plex townhomes would have an adverse effect on the neighborhood. Mr. Sheckler presented two photos, which have been attached to these meeting minutes as Exhibit A, to the Council showing numerous vehicles parked along Avenue B from an existing business in the neighborhood and expressed his concern over additional vehicles being parked in the area if the property is rezoned to R-2 and/or if a townhouse or duplex is allowed to be built on the lot. Mr. Sheckler requested the Council uphold Planning Commission's denial recommendation of the rezoning and the request of numerous property owners in the neighborhood.

Council member Randy Buschkoetter and Council member Jonathan Nikkila both agreed with Planning Commission's assessment of rezoning the property and the adverse effect on the neighborhood.

Council member Tami James Moore stated there are too many unknown issues with the project and also agreed with the Planning Commission's assessment.

Council member Bruce Lear agreed the property should remain R-1 until there would be more development similar to this in the area; Mayor Stanley Clouse agreed.

Moved by Clouse to close the public hearing on the Applications submitted by Chad Softley for Prestige Exteriors, LLC c/o Chad Softley and introduced Ordinance No. 8372 vacating the Southwest Quarter of Lot 1755, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8372. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8372 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, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8372 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, 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. 8372 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.

Moved by Moore seconded by Lear to adopt Resolution No. 2019-147 approving the Final Plat for Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land known as the Southwest Quarter of Lot 1755 (to be vacated), Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the East 17.0 feet of Vacated Avenue "B" abutting said tract on the West and also together with the North half of Vacated 12th Street abutting said tract on the South and abutting the East 17.0 feet of vacated Avenue "B" (above mentioned) on the South, all being located in part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1201 Avenue B). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2019-147

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land known as the Southwest Quarter of Lot 1755 (to be vacated), Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the East 17.0 feet of Vacated Avenue "B" abutting said tract on the West and also together with the North half of Vacated 12th Street abutting said tract on the South and abutting the East 17.0 feet of vacated Avenue "B" (above mentioned) on the South, all being located in part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE LOTS 1 AND 2 PRESTIGE ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Chad Softley for Prestige Exteriors, LLC c/o Chad Softley, to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District for property to be described as Lots 1 and 2, Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1201 Avenue B) and

consider Ordinance No. 8373. Planning Commission unanimously recommended denial of rezoning the property from R-1 to R-2.

Moved by Lear to close the public hearing on the Application submitted by by Chad Softley for Prestige Exteriors, LLC c/o Chad Softley, to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District for property to be described as Lots 1 and 2, Prestige Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1201 Avenue B) and denied Ordinance No. 8373. Council Member Buschkoetter seconded the motion to close the hearing and deny Ordinance No. 8373. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to deny the Ordinance was approved.

ADOPT THE ONE AND SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the adoption of the One & Six Year Street Improvement Plan and consider Resolution No. 2019-148.

Andrew Harter, Assistant Public Works Director, presented this matter to the Council. Due to the passage of LB82, reporting requirements have changed along with some of the timelines for the requirements. Mr. Harter reviewed the list of projects in the One Year Plan and updated Council on the minor changes from the plan that was approved on February 26, 2019; the Six Year Plan remained the same and is very fluid.

Council member Nikkila questioned the timeline and time period for the Avenue N work being done. Mr. Harter stated the project will be similar to the 25th Street to 27th Street project; due to it being a large project the majority of work will be completed during the summer when school is out with some of the work being completed after school starts.

Marvin Dawes, 218 Tahoe Lane, expressed his concern about roads in the southeast quadrant of the City, primarily south Railroad Street and south Central Avenue from 11th Street to Talmadge Street.

City Manager, Michael Morgan stated the majority of new streets are paid for by the Developer and not the City. City Manager Morgan further stated the City needs to and will be determining why south Central Avenue failed so quickly after being rebuilt several years ago.

Rod Wiederspan, Director of Public Works, stated staff has tried to determine the reason for the deterioration of south Central Avenue and had planned to boar into the street to see what the issue is; however, the flooding event earlier in the summer hindered this process. The Public Works Department hopes to do this yet this fall. Miller and Associates, the engineer for the project have also planned on boring holes in the street and crushing the cement to help determine what may be causing the problems.

There was further discussion on how streets are repaired with asphalt/tar.

Mr. Dawes further expressed his concerns with the budget and what funds are being

spent on in the City.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2019-148 approving the adoption of the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2019-148

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

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on September 10, 2019 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2020 and the Six Year City Street Plan ending September 30, 2026, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ADOPT CITY OF KEARNEY BUDGET 2019-2020 FISCAL YEAR

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2019-2020 Fiscal Year and consider Ordinance No. 8374.

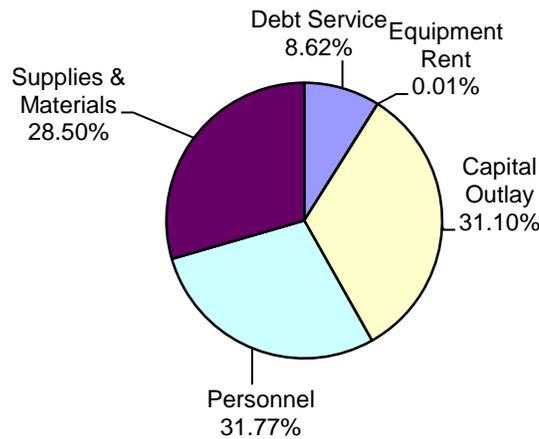
Wendell Wessels, Director of Finance, presented this matter to the Council.

Proposed Expenditures

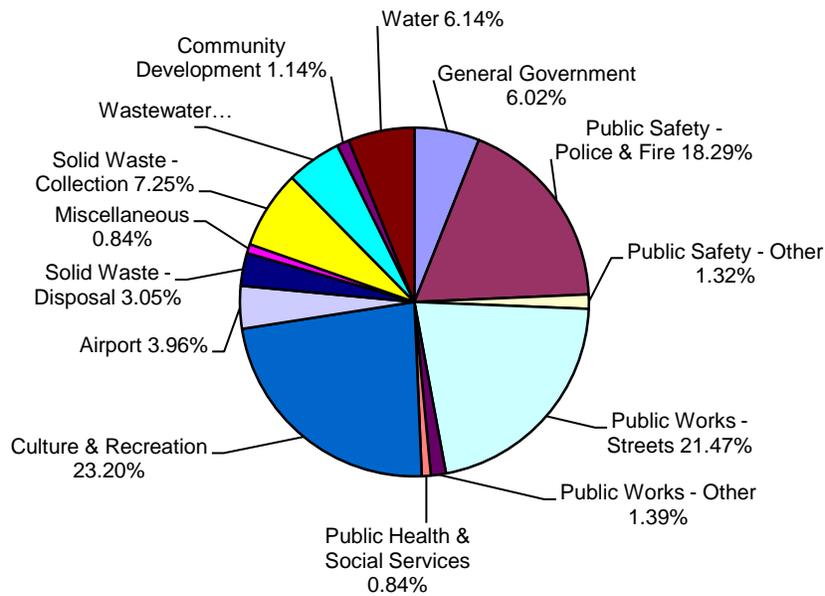
Expenditures:

	<u>FY19</u>	<u>FY20</u>	
▪ General Fund	\$24,589,235	\$25,269,124	
▪ Special Revenue Funds	\$6,063,106	\$6,634,183	
▪ Capital Project Funds	\$9,939,660	\$20,321,899	
▪ Debt Service Funds	\$3,134,919	\$3,022,243	
▪ Enterprise Funds	\$25,037,293	\$21,308,616	
▪ Internal Service Funds	\$7,510,388	\$8,141,046	
▪ Fiduciary Funds	\$716,237	\$716,237	
Total	\$76,990,838	\$85,413,348	

All Funds by Object Graph



Budget by Function



Finance Director broke down the budget by function with the highest percentage designated to Culture & Recreation – 23.20%, then Public Works – Streets, 21.4% and finally Public Safety- Police & Fire – 18.29%. This pie chart fluctuates from year to year depending on Capitol Projects. Three full-time and two part-time positions will be added in the upcoming year.

Personnel

- 3% Pay Plan Adjustment – Governmental Funds \$358,503
- 3% Pay Plan Adjustment – Proprietary Funds \$160,574
- Total 3% Pay Plan Adjustment \$519,077
- Position additions/removals:
 - Add full-time Police Sergeant – Police Services
 - Add full-time Heavy Equipment Operator – KASWA
 - Add full-time Aviation Support Coordinator - Airport
 - Add part-time Facilities Maintenance Worker – Cemetery
 - Add part-time Recycling Processor – Sanitation

Capital Outlay

- General Fund \$1,380,905
- Special Revenue Funds \$1,329,500
- Capital Project Funds \$18,125,878
- Enterprise Funds \$5,636,347
- Internal Service Funds \$67,000
- Total \$26,539,630

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

- | | |
|--|-------------|
| 1. Tennis Recreation Facility | \$6,500,000 |
| 2. Arbor View 1st Addition | \$2,155,430 |
| 3. 2nd Avenue, 11th St to 25th St Improvements | \$1,500,000 |
| 4. Parallel Taxiway Asphalt Overlay Project | \$1,760,000 |
| 5. Avenue N, 28th Street to 33rd Drive | \$1,200,000 |
| 6. 31st Street, Avenue D to Avenue I | \$1,030,000 |
| 7. 3rd Street and Yanney Blvd Asphalt/Concrete | \$633,572 |
| 8. CDBG 16-CD-203 (50% CDBG) | \$570,100 |
| 9. Avenue A, 25th Street to 27th Street | \$473,950 |
| 10. Tech oNE Crossing Project | \$456,740 |

City Manager stated regarding the Tennis Recreation Facility cost, the City's portion of the dollar amount listed is \$400,000.00; this amount from the City will build new administrative offices for the Park and Recreation Department due to them outgrowing their current building. UNK will provide a majority of the funds to operate the facility as well as \$50,000.00 annually for supplemental operations.

Debt Service (Principal Only)

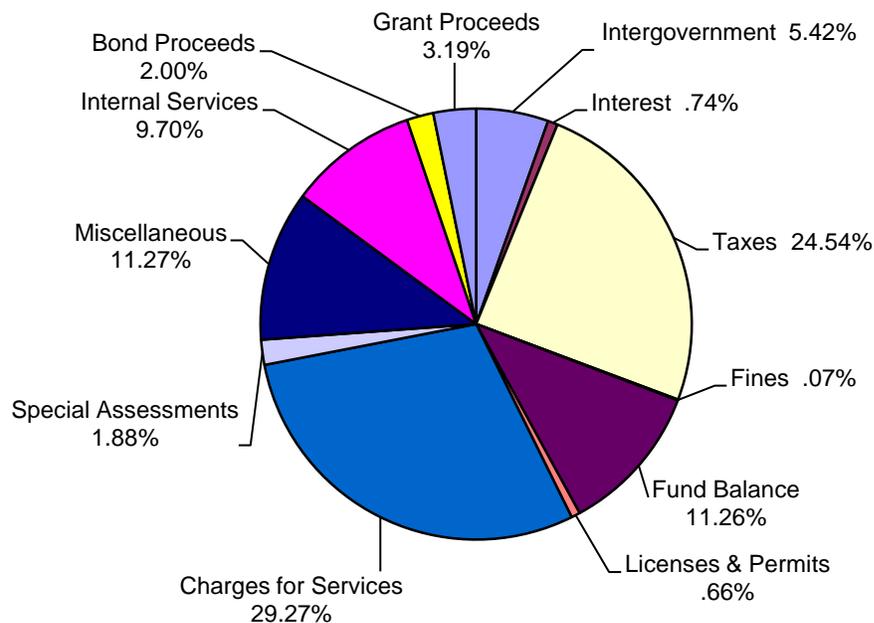
	Public <u>Safety</u>	Various <u>Purpose</u>	<u>Revenue</u>	<u>Total</u>
Beginning	\$3,010,000	\$28,075,000	\$23,810,021	\$54,895,021
Paid off	(\$235,000)	(\$4,235,000)	(\$1,575,652)	(\$6,045,652)
New debt	\$575,000	\$1,130,000	\$0	\$1,705,000
Ending	\$3,350,000	\$24,970,000	\$22,234,369	\$50,554,369
Net change	\$340,000	(\$3,105,000)	(\$1,575,652)	(\$4,340,652)

Finance Director stated the City will issue \$1,705,000 Public Safety bonds, \$575,000 of Public Safety Bonds will be used to replace Engine number 34 at the Fire Department and \$1,130,000 will be used to refinance a note that was issued for Patriot Park Boulevard Road.

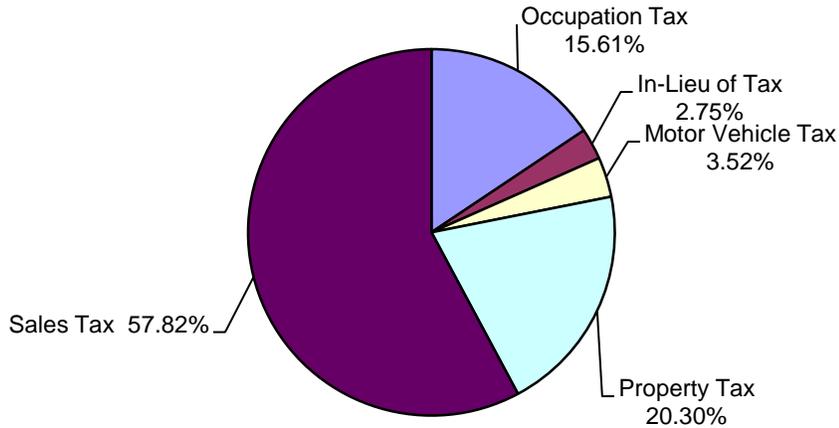
Proposed Revenues

Revenues:	<u>FY 18</u>	<u>FY 19</u>
▪ Taxes	\$20,432,954	\$20,962,379
▪ Licenses & permits	\$530,550	\$565,800
▪ Charges for services	\$24,099,813	\$25,007,909
▪ Fines	\$54,700	\$62,750
▪ Special assessments	\$433,588	\$1,606,990
▪ Interest	\$283,225	\$628,145
▪ Bond proceeds	\$7,351,441	\$1,705,000
▪ Grants	\$1,066,000	\$2,723,500
▪ Internal services	\$7,635,601	\$8,283,288
▪ Miscellaneous	\$2,156,717	\$9,623,812
▪ <u>Intergovernmental – State</u>	<u>\$4,344,039</u>	<u>\$4,628,799</u>
Total	\$68,388,628	\$75,798,372

All Funds by Source Graph



Tax Revenues by Source Graph



Proposed Property Tax Request

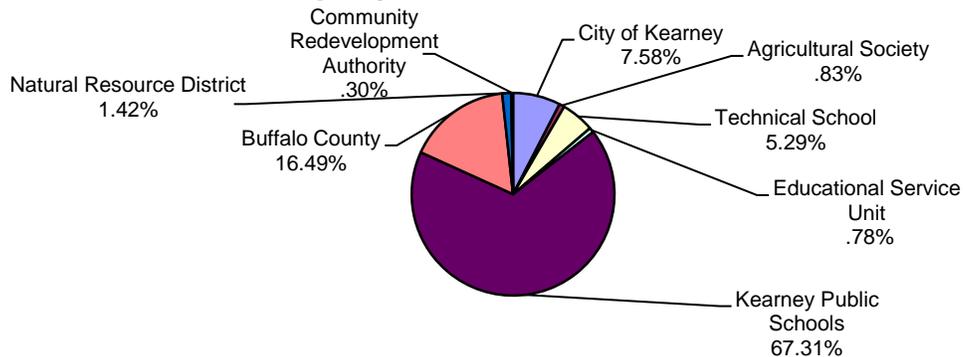
City of Kearney valuation (act. 4.71% growth)	\$2,851,008,603
General Fund property tax requirement	\$3,926,800
Public Safety TAB Fund property tax requirement	\$317,497
Total property tax requirement	\$4,244,297
Total property tax levy (per \$100)	\$0.14887

Change over FY18:

Total property tax requirement (13.48% increase)	\$504,331
(\$54,647 (10.84%) will come from new construction/annexation and \$449,683 (89.16%) of will come from existing properties)	
Total property tax levy (per \$100) (8.38% increase)	\$0.01151

Taxes on a \$200,000 home \$297.74

Property Tax Distribution – 2018

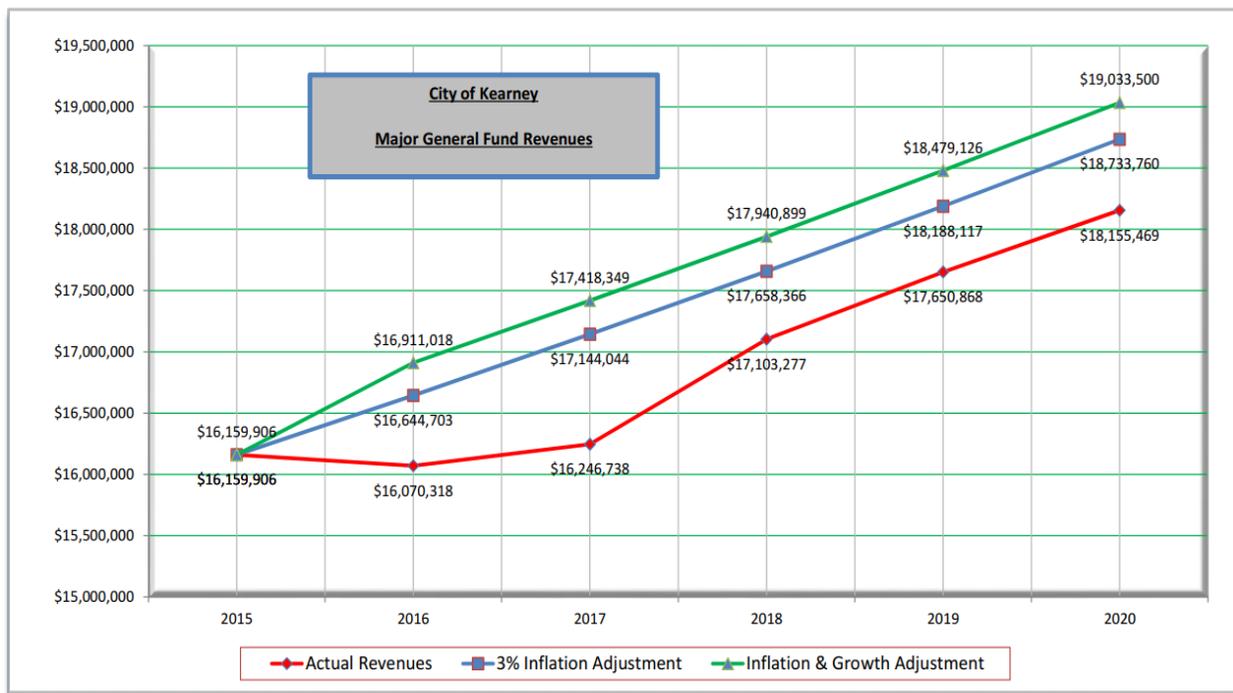


Finance Director stated out of every \$1,000.00 paid to the County Treasurer approximately \$75.80 comes to the City of Kearney.

Sales Tax Revenues

	<u>Actual FY 18</u>	<u>Est. Actual FY 19</u>	<u>Proposed FY 20</u>
One cent sales tax			
General Fund	\$6,615,612	\$6,496,413	\$6,464,071
Street Improvement Fund	\$1,001,438	\$1,353,642	\$1,191,674
Various Purpose Bond Fund	\$652,465	\$270,461	\$424,344
Subtotal	\$8,269,515	\$8,120,516	\$8,080,089
One-half cent sales tax	\$4,147,339	\$4,060,258	\$4,040,044
Total sales tax	\$12,416,854	\$12,180,774	\$12,120,133

Major General Fund Revenues



Comprehensive Fee Schedule Changes

- **Administration**
 Cable occupation tax increased from 5% to 5.5%
 Natural gas occupation tax increased from .0400 to .0450 cents per therm
- **Police**
 Towing charge increased from \$100/\$200 to actual cost
- **Library**
 Added various fees for Makerspace

- **Storm Water Utility**
Residential monthly fee increased from \$1.00 to \$2.00
Non-residential monthly fee increased from \$3.00 to \$6.00
- **Solid Waste – Collection**
Utility rates increased 3%
- **Wastewater**
Utility rates increased 3%
- **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 - \$263,966 (target is 25% of operating expenses)
- Water Fund deficit - \$173,798 (target is 25% of operating expenses)

Other Notable Items

- Project Honor funding source/use for FY20:
Economic Development Fund - \$250,000
(Community Services - \$75,000)
(Workforce Factors - \$175,000)

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2019-2020 Fiscal Year and introduced Ordinance No. 8374 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8374. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8374 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8374 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance,

Ordinance No. 8374 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 2019-2020 BUDGET FOR OFFSTREET PARKING DISTRICT NO. 1

Mayor Clouse opened the public hearing on the for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2019-2020 Fiscal Year and consider Resolution No. 2019-149.

Wendell Wessels Director of Finance presented this matter to the Council. Total Expenditures proposed for next year are \$116,803.00; mainly used for Marketing.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-149 for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2019-2020 Fiscal Year. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2019-149

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, 2019 through September 30, 2020) 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 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

2019 PROPERTY TAX LEVY

Mayor Clouse opened the public hearing on the setting the 2019 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. 2019-150.

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 for the general fund property tax requirement for the upcoming fiscal year is \$3,926,800.47 and the property tax requirement for the public safety bonds is \$317,496.53.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-150 setting the 2019 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. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-150

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the City Council of the City of Kearney passes a majority vote a resolution or ordinance setting the 2020 property tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the 2020 property tax request;

NOW, THEREFORE, the City Council of the City of Kearney, resolves that:

1. The 2019-2020 General Fund property tax request be set at \$3,926,800.47 and the 2019-2020 Bond Fund property tax request be set at \$317,496.53.
2. The total assessed value of property differs from last year's total assessed value by 5%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.131180 per \$100 of assessed value.
4. The City of Kearney proposes to adopt a property tax request that will cause its tax rate to be \$.148870 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Kearney will exceed last year's by 9%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2019.

Motioned by _____, seconded by _____
to adopt Resolution No. 2019-150. Voting yes were _____.
Voting no were _____.

Dated this 10th day of September 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held August 27, 2019.

2. Approve the following Claims:

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

Adventure Enterprises-\$106.00-smcs; Agri Coop-\$1,788.02-smcs; Amazon-\$2,190.08-smcs; Arrants,J-\$31.00-smcs; Ask Supply-\$2,921.56-smcs; Aurora Coop-\$25.04-smcs; Auto Value-\$1,368.86-smcs; Baker & Taylor-\$7,825.18-smcs; Bamford-\$1,200.00-smcs; Beacon Athletics-\$162.00-smcs; Big Rack Shack-\$5,934.79-smcs,co; Blackstone Publishing-\$2,246.83-smcs; Blackstrap-\$2,734.42-smcs; Blessing-\$139,860.00-co; BlueCross/BlueShield-\$38,230.34-smcs; Books Galore-\$78,741.00-smcs; Bosselman-\$20,430.24-smcs; Brech,F-\$23.37-smcs; Bridgett Lavene Consulting-\$2,500.00-smcs; Buffalo Co. Comm. Partners-\$1,978.25-smcs; Builders-\$1,140.63-smcs; Buttars,E-\$13.69-smcs; Cash-Wa-\$2,547.82-smcs; Center Point Publishing-\$75.96-smcs; Central Contracting-\$6,250.00-smcs; Central Fire & Safety-\$7,171.00-smcs; Chesterman-\$1,016.25-smcs; Cigna-\$7,527.91-smcs; City of Kearney-\$1,799.20-co; City of Kearney-\$424,318.89-smcs,ps; Cold Spring Granite-\$543.90-smcs; Comm. Act. Part of Mid-NE-\$1,899.00-smcs; Comm. Health Agency-\$100.00-ps; Comm. Service Fund-\$58.00-ps; Cornhusker Cleaning-\$64.52-smcs; Credit Management-\$197.25-ps; Crouch Recreational-\$1,062.00-co; Cudaback,S-\$40.62-smcs; Curbit-\$1,314.00-smcs; Dan Roeder Concrete-\$153,139.50-co; Dell-\$9,456.72-co; Department of Education-\$320.82-ps; DPC Industries-\$6,760.18-smcs; Dutton-Lainson-\$52.26-smcs; Eagle Distribution-\$709.75-smcs; Eakes-\$398.46-smcs; Easy Picker-\$178.97-smcs; Ed Broadfoot & Sons-\$197.90-smcs; Elliott Equipment-\$4,756.90-smcs; Federal Aviation -\$31,046.75-co; Fitness Giant-\$4,774.00-ps; Frontier-\$75.98-smcs; Fry & Associates-\$37,600.00-co; Gale-\$731.61-smcs; Gannon Travel-\$2,040.00-smcs; Garcia,V-\$11.63-smcs; Garrett Tire -\$76.95-smcs; GD Concrete-\$43,618.10-co; Gillespie,C-\$150.00-smcs; Heartland Motor Sports-\$17,700.00-co; Historical Info Gatherers-\$1,485.00-smcs; HM Life Insurance Co.-\$54,789.13-smcs; HOA Solutions-\$6,066.80-smcs; Homann,J-\$2.47-smcs; Hometown Leasing-\$159.08-smcs; ICMA-\$6,143.48-ps; Iloghalu,C-\$17.01-smcs; IRS-\$162,796.23-ps; Jack Lederman-\$84.74-smcs; Jack's Uniforms-\$2,683.08-smcs; Jones & Bartlett Learning-\$4,670.62-smcs; Kart Man-\$1,026.70-smcs; Kearney Catholic-\$566.20-smcs; Kearney Crete & Block-\$15.78-smcs; Kearney Winlectric-\$12,177.77-smcs; Kelly Supply-\$2,302.04-smcs; Konica Minolta-\$969.60-smcs; Kucera Painting-\$3,800.00-smcs; Lowery,A&A-\$176.77-smcs; Luke,D-\$150.14-smcs; Lyon,A-\$150.00-smcs; Magic Cleaning-\$7,050.00-smcs; McCarty,D-\$284.00-smcs; Menards-\$300.67-smcs; Merryman-\$72.27-smcs; Mid-NE Aggregate-\$1,078.22-smcs; Mid-NE Garage Doors-\$400.00-smcs; Midwest Connect-\$8,384.30-smcs; Milco Environmental-\$300.00-smcs; Miller & Associates-\$134,384.40-co; Mitchell

1-\$1,728.00-smcs; Mostek Electric-\$2,167.55-co; Motorola-\$27,489.30-co; Municipal Supply-\$7,768.20-smcs; Myers,B -\$34.22-smcs; Navigator Motorcoaches-\$81.00-smcs; NE Child Support-\$2,448.89-ps; NE Dept. of Revenue-\$52,731.38-ps; NE Public Health-\$706.00-smcs; NE Safety & Fire-\$90.00-smcs; NE Salt-\$4,574.11-smcs; Nebraskaland Distributors-\$1,386.00-smcs; NELETC-\$270.00-smcs; Nielsen Contracting-\$1,890.00-co; Northwestern Energy-\$2,943.95-smcs; Nova Fitness-\$120.35-ps; Nuttelman Fencing-\$1,546.67-smcs; Oak Creek Engineering-\$6,831.00-co; Odeys-\$915.90-smcs; Overdrive-\$2,000.00-smcs; P/W Rentals-\$3,250.00-co; Paramount-\$155.17-smcs; Payflex-\$544.00-smcs,ps; Payton,D-\$128.10-smcs; Peerless Machine-\$10,344.91-smcs; Pioneer Industrial-\$5,937.17-smcs; Platte Valley Comm.-\$57,215.70-smcs,co; Pohlman,K-\$37.50-smcs; Power DMS-\$17.96-smcs; Presto-X-\$256.00-smcs; Provantage-\$14,900.00-co; RDG Planning-\$35,622.67-smcs; Recorded Books-\$1,541.47-smcs; Reinke's-\$1,133.86-smcs; Richard's Electric-\$2,708.19-smcs; Russell's Appliance-\$1,133.00-smcs; Sage,P-\$48.15-smcs; Sapp Brothers-\$36,946.17-smcs; School District #7-\$1,647.60-smcs; Schumacher Brothers-\$282.48-smcs; Schwarz,G-\$105.25-smcs; See Clear Cleaning-\$650.00-smcs; Sheldon,S-\$28.68-smcs; Sherman,J-\$1,114.00-smcs; Skrdlant,MJ-\$140.00-smcs; Smith,A-\$46.70-smcs; SOS Portable Toilets-\$295.00-smcs; State Fire Marshal-\$100.00-smcs; State of NE/DAS-\$2.10-smcs; Straight Line Striping-\$9,452.00-smcs; Strategic Materials-\$509.64-smcs; Tielke's Sandwiches-\$159.20-smcs; TL Sund Construction-\$41,676.32-co; Trittech Forensics-\$430.26-smcs; Trugreen-\$282.00-smcs; Tye & Rowling-\$14,127.91-smcs; Union Bank-\$80,129.51-smcs,ps; United Way of Kearney-\$438.42-ps; Ussery,K-\$75.00-smcs; Van Diest-\$7,486.00-smcs; Verizon-\$7,123.99-smcs; Village Cleaners-\$297.56-smcs; Volaire Aviation-\$8,000.00-smcs; Weldon,C-\$220.00-smcs; Whalen,S-\$560.00-smcs; Young,J-\$22.14-smcs; Payroll Ending 08/31/2019 -- \$492,184.94. 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. Adopt Resolution No. 2019-151 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$148,331.29 which will be carried over to the 2019-2020 Budget as "Unused Budget Authority".

RESOLUTION NO. 2019-151

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, 2019.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

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

5. Adopt Resolution No. 2019-152 repealing Resolution No. 2018-154 and adopt the 2019-2020 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2019-2020 year.

RESOLUTION NO. 2019-152

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 2018-2019 fiscal year was adopted by Resolution No. 2018-154 on September 11, 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 2019-2020 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, 2019.

BE IT FURTHER RESOLVED that Resolution No. 2018-154 be and is hereby repealed in its entirety as of October 1, 2019.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Approve Agreement and Permit for Aeronautical Services between the City of Kearney and Buffalo Air Service for aerial applicator services and approve Resolution No. 2019-153.

RESOLUTION NO. 2019-153

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agreement and Permit for Aeronautical Services at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska, with Buffalo Air Service, LLC, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2019-154 approving the Use and Operations Agreement for Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Rodgers Helicopter Services.

RESOLUTION NO. 2019-154

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney with Rodgers Helicopter Services for Annex A in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2019-155 approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.

RESOLUTION NO. 2019-155

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2019-156 authorizing signing of the certification of the Municipal Annual Certification of Program Compliance Form 2019 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.

RESOLUTION NO. 2019-156

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, the Mayor is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Accept the proposal received for the 2019 Part 6 Improvement for East 1st Street Flood Repair and adopt Resolution No. 2019-157 awarding the proposal to Nielsen Contracting in the amount of \$101,713.20 and Change Order No. 1 adding special contract provisions to meet FEMA reimbursement guidelines.

RESOLUTION NO. 2019-157

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the sealed proposals which were opened on August 22, 2019 at 2:00 p.m. for the 2019 Part 6 Improvement for East 1st Street Flood Repair; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$126,973.00; and

WHEREAS, Oak Creek Engineering and the City have recommended the proposal offered by Nielsen Contracting of Kearney, Nebraska in the amount of \$101,713.20 be accepted as the lowest responsible proposal for the 2019 Part 6 Improvement for East 1st Street Flood Repair as shown on Exhibit “A” attached hereto and made a part hereby of reference; and

WHEREAS, the City’s engineer for the project, Oak Creek Engineering, has filed with the City Clerk Change Order No. 1 adding special contract provisions to meet FEMA reimbursement guidelines as shown on Exhibit “B” attached hereto and made a part hereby of reference.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Nielsen Contracting be and is the lowest responsible proposal for the 2019 Part 6 Improvement for East 1st Street Flood Repair to be constructed in

accordance with the plans and specifications on file with the City Clerk and that the proposal of Nielsen Contracting in the amount of \$101,713.20, as shown on Exhibit "A" be and are hereby accepted and approved.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$126,973.00 be and is hereby accepted.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "B" be and are hereby accepted and approved.

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

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2019-158 approving Change Order No. 1 showing a decrease in the amount of \$1,431.75 and extending to the date of completion by 35 days, Application and Certificate for Payment No. 4-Final in the amount of \$86,147.38 and accept the Certificate of Substantial Completion submitted by Blessing Construction and approved by Brungardt Engineering, LLC for 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527.

RESOLUTION NO. 2019-158

WHEREAS, Blessing Construction, LLC of Kearney, Nebraska has performed services in connection with the 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527, and the City's engineer, Brungardt Engineering, LLC, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$1,431.75 and extending to the date of completion by 35 days as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction, LLC and Brungardt Engineering, LLC, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$86,147.38 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 628,941.60
Change Order No. 1 (9/10/19)	- 1,431.75
Contract Sum To Date	627,509.85

Gross Amount Due	627,509.85
Retainage (0%)	- .00
Amount Due to Date	627,509.85
Less Previous Certificates for Payment	541,362.47
Current Payment Due	\$ 86,147.38

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 19, 2019, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2019-159 approving the renewal of the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.

RESOLUTION NO. 2019-159

WHEREAS, the City owns a large detention cell approximately 40 acres in northeast Kearney which is a part of the storm water drainage system in that part of the community; and

WHEREAS, the City and Greg Dollman will enter into a Property Maintenance and Lease Agreement in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement on behalf of the City of Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2019-160 approving Application and Certificate for Payment No. 3 in the amount of \$35,023.50 submitted by Hellas Construction, Inc. and approved by Miller & Associates for Harvey Park Pickleball Court project.

RESOLUTION NO. 2019-160

WHEREAS, Hellas Construction, Inc. of Austin, Texas has performed services in

connection with the Harvey Park Pickleball Court Project, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$35,023.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 198,489.00
Change Order No. 1 (7/23/19)	<u>+ 3,080.00</u>
Contract Sum To Date	201,569.00
Gross Amount Due	201,569.00
Retainage (10%)	<u>- 20,156.90</u>
Amount Due to Date	181,412.10
Less Previous Certificates for Payment	<u>- 146,388.60</u>
Current Payment Due	\$ 35,023.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Adopt Resolution No. 2019-161 approving Change Order No. 2 granting an increase to the contract time for the substantial completion date to GD Construction, Inc. and approved by Miller & Associates for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line.

RESOLUTION NO. 2019-161

WHEREAS, GD Concrete Construction, Inc. of Overton, Nebraska has performed services in connection with CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract time for the substantial completion date as shown on Exhibit "A" attached hereto and made a part hereof by reference; and as follows:

Original Contract Sum	\$ 358,550.00
Change Order No. 1 (8/27/19)	+ 2,295.00
Change Order No. 2 (9/10/19)	<u>0.00</u>
Contract Sum To Date	360,845.00

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

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

15. Adopt Resolution No. 2019-162 approving Application and Certificate for Payment No. 2 in the amount of \$27,516.52 submitted by Gary Smith Construction Co., Inc. and approved by Miller & Associates for 2019 Asphalt Improvements for 29th Street from 2nd Avenue to 6th Avenue, 9th Avenue from 25th Street to 29th Street and 5th Avenue from 28th Street to 30th Street.

RESOLUTION NO. 2019-162

WHEREAS, Gary Smith Construction Co., Inc. of Grand Island, Nebraska has performed services in connection with 2019 Asphalt Improvements; Bid A for 29th Street and 5th Avenue and Bid B for 9th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$27,516.52 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 166,661.60
Change Order No. 1 (6/25/19)	+ 38,691.06
Contract Sum To Date	\$ 205,352.66
Gross Amount Due	202,236.01
Retainage (10%)	- 6,067.08
Amount Due to Date	196,168.93
Less Previous Certificates for Payment	168,652.41
Current Payment Due	\$27,516.52

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

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8375 AMENDING SEVERAL SECTIONS OF CHAPTER 1 "ADMINISTRATION", CHAPTER 3 "BUSINESS REGULATIONS", CHAPTER 5 "HEALTH AND SANITATION", CHAPTER 6 "LIBRARY, CHAPTER 8 "POLICE", CHAPTER 10 "UTILITIES" OF THE CODE OF THE CITY OF KEARNEY

Council Member Clouse introduced Ordinance No. 8375 amending several sections of Chapter 1 "Administration", Chapter 3 "Business Regulations", Chapter 5 "Health and Sanitation", Chapter 6 "Library, Chapter 8 "Police", Chapter 10 "Utilities" of the Code of the City of Kearney, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for

passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for Ordinance No. 8375. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8375 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, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8375 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, 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. 8375 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

AUTHORIZE SUBMISSION OF LAND AND WATER CONSERVATION FUND (LWCF) GRANT

Mayor Clouse opened for discussion authorizing submission of a Land and Water Conservation Fund (LWCF) grant application for funding for construction of the 8th Street pedestrian bridge connecting to Yanney Park and approve Resolution No. 2019-163.

Luke Dutcher, Miller and Associates, presented this matter to the Council. The project is for a pedestrian bridge from 8th Street, over the NPPD Tailrace Canal and into Yanney Park connecting to the existing Hike/Bike Trail. The City is requesting \$100,000 from the LWCF grant funding for the project.

Council member Nikkila questioned how much the community had raised for the bridge as donations were accepted through the Give Where You Live project.

Council member Moore stated approximately \$16,000.00 to \$17,000.00 has been raised; they plan to participate in the future year's Give Where You Live.

Assistant City Manager, Eric Hellriegel stated the City and Miller and Associates are also looking into other grant funding for this project.

Mr. Dutcher stated construction is expected to begin in late spring or fall of 2021.

Moved by Moore seconded by Lear to approve Resolution No. 2019-163 authorizing submission of a Land and Water Conservation Fund (LWCF) grant application for

funding for construction of the 8th Street pedestrian bridge connecting to Yanney Park. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2019-163

WHEREAS, the City of Kearney, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of construction of the 8th Street pedestrian bridge connecting to Yanney Park; and

WHEREAS, the Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service; and

WHEREAS, the City of Kearney, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff; and

WHEREAS, the City of Kearney, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission; and

WHEREAS, the City of Kearney, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner; and

WHEREAS, the City of Kearney, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17; and

WHEREAS, no property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location; and

WHEREAS, the City of Kearney, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended; and

WHEREAS, the City of Kearney, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

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 in connection with the submittal of a Land and Water Conservation Fund (LWCF) Application FY2019 on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

**REDEVELOPMENT PROJECT FOR KRUGER DEVELOPMENT FOR PROPERTY
LOCATED AT 1205 WEST 16TH STREET**

Mayor Clouse opened for discussion the redevelopment project submitted by Kruger Development for Redevelopment Area #5 for an area described as Lot 2, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1205 West 16th Street) and approve Resolution No. 2019-164.

Wendell Wessels, Director of Finance, presented this matter to the Council. Kruger Development is considering the construction of a 7,980 square foot pole frame industrial flex building with approximately 8% finish for office space and 92% for warehouse space. The site will include a new 20 foot wide concrete drive; fencing and landscaping will be included in the project. A 25 foot private street will provide access to the building off of 16th Street. The project is located north of 16th Street between 11th Avenue and 12th Avenue. The new valuation for the property upon completion of the project is estimated at \$550,000.00; the current value is \$23,250.00 therefore the increment and valuation is estimated at \$526,750.00. Using the current tax levy, the annual increment in real estate taxes would be \$9,548.00. The Developer is asking for project costs for streets, water, and sewer totaling \$191,271.00. In September, the CRA approved the project and that the Developer be granted 90% of the annual increment in real estate taxes not to exceed the lesser of \$191,271.00 or the certified eligible project costs over a period of 15 years beginning in tax year 2020. Administration agrees with the CRA motion in recommending this project.

Moved by Lear seconded by Buschkoetter finding that the redevelopment project set forth in the application submitted by Kruger Development would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the annual increment in real estate taxes, not to exceed the lessor of \$191,271, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2020 and to adopt Resolution No. 2019-164 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Kruger Development. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-164

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21,

Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally Lot 2, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047360); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 2, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047360); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or

authorized in the Plan which is legally described as Lot 2, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047360); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSAL FOR HARMON PARK SONOTORIUM RESTORATION AND ENHANCEMENT

Mayor Clouse opened for discussion the Harmon Park Sonatorium Restoration and Enhancement Proposal and approve Resolution No. 2019-165.

Nathan LeFeber, Band Director at Kearney High School, presented this matter to the

Council. The Sonatorium was formally dedicated in June of 1938. A group of community members and an engineering firm have been meeting for approximately two years to look into upgrading the Harmon Park Sonatorium. The group would like to add a roof over the stage area, improve the building by completing upgrade to power, lighting, addition of restrooms, green room and restoration of the existing façade and building and also make the Sonatorium ADA complaint. The projected cost for the upgrades is approximately \$683,000.00. The committee is requesting the approval of the City Council to pursue the upgrades for the Sonatorium and for the capital campaign from the community. The Park and Recreation Advisory Board has approved the restoration and enhancement plans.

Mayor Stanley Clouse thanked Mr. LeFeber for taking the initiative on the project. Council member Randy Buschkoetter agreed that this proposal is a great idea.

Moved by Clouse seconded by Nikkila to approve Resolution No. 2019-165 approving the Harmon Park Sonatorium Restoration and Enhancement Proposal and retention of the current committee, which includes City staff with the addition of two Park and Recreation Board members to the committee, to steer the project and fundraising efforts. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-165

WHEREAS, the City of Kearney Park and Recreation Department has been approached with the idea of restoring and enhancing the historic and unique Harmon Park Sonatorium in efforts to enhance the facility and make it more functional; and

WHEREAS, in efforts to determine the specific facility needs, a Harmon Sonatorium Enhancement Committee, comprised of several people representing different groups from the arts community, was formed in order to get more input from organizations that utilize the facility; and

WHEREAS, engineering and architectural professionals have conducted structural tests and in August of 2019, the Harmon Sonatorium Enhancement Committee presented the conceptual plan and goals to restore and enhance the facility to the Park and Recreation Advisory Board who unanimously made the motion to recommend the concept and request from the committee to continue developing a fundraising plan, guided and assisted by the Park and Recreation Department that allows the project continue to meet goals while preserving the integrity of the Sonatorium.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, recommends retaining the Harmon Sonatorium Enhancement Committee, which includes City staff and the addition of two Park and Recreation Advisory Board members, to steer the project and fundraising efforts; grants approval of the conceptual plan for restoration and enhancement of the Harmon Park Sonatorium as presented and to allow for fundraising to commence.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF NEBRASKA AT KEARNEY AND KEARNEY UNIVERSITY VILLAGE FACILITY DEVELOPMENT CORPORATION

Mayor Clouse opened for discussion the authorizing the City Manager to enter into an agreement with the University of Nebraska at Kearney and Kearney University Village Facility Development Corporation to construct a community tennis complex, conditional to approval from the Board of Regents of University of Nebraska and approve Resolution No. 2019-166.

Michael Morgan, City Manager, presented this matter to the Council. The goal is to start construction in 2020. The agreement also needs to go in front of the University Board of Regents on October 25th, outlining their terms and conditions. The City's portion of the funding comes from the special sales tax funds (\$400,000.00) and from the Doc Stevenson grant (\$150,000.00); one of the courts will be named after Doc Stevenson. City staff recommends approval.

Moved by Nikkila seconded by Moore to approve Resolution No. 2019-166 authorizing the City Manager to enter into an agreement with the University of Nebraska at Kearney and Kearney University Village Facility Development Corporation to construct a community tennis complex, conditional to approval from the Board of Regents of University of Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2019-166

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the "Building Agreement and Lease" between the City of Kearney, a Nebraska Municipal Corporation, the Board of Regents of University of Nebraska, a public body corporate of the State of Nebraska and the governing body of the University of Nebraska at Kearney and the Kearney University Village Facility Development Corporation, a Nebraska Non-Profit Corporation, be and is hereby approved. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$120,167.12 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Lear seconded by Buschkoetter that Council adjourn into closed session at 7:40 p.m. for the protection of the public interest to discuss personnel matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss personnel matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 8:49 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 8:49 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**

From: julie sheckler <jrsheckler@hotmail.com>
To: "julie.sheckler@parker.com" <julie.sheckler@parker.com>

Exhibit A

Date: Tuesday, September 10, 2019 02:42PM

Subject: [EXT]

4pm Sept 6 Friday



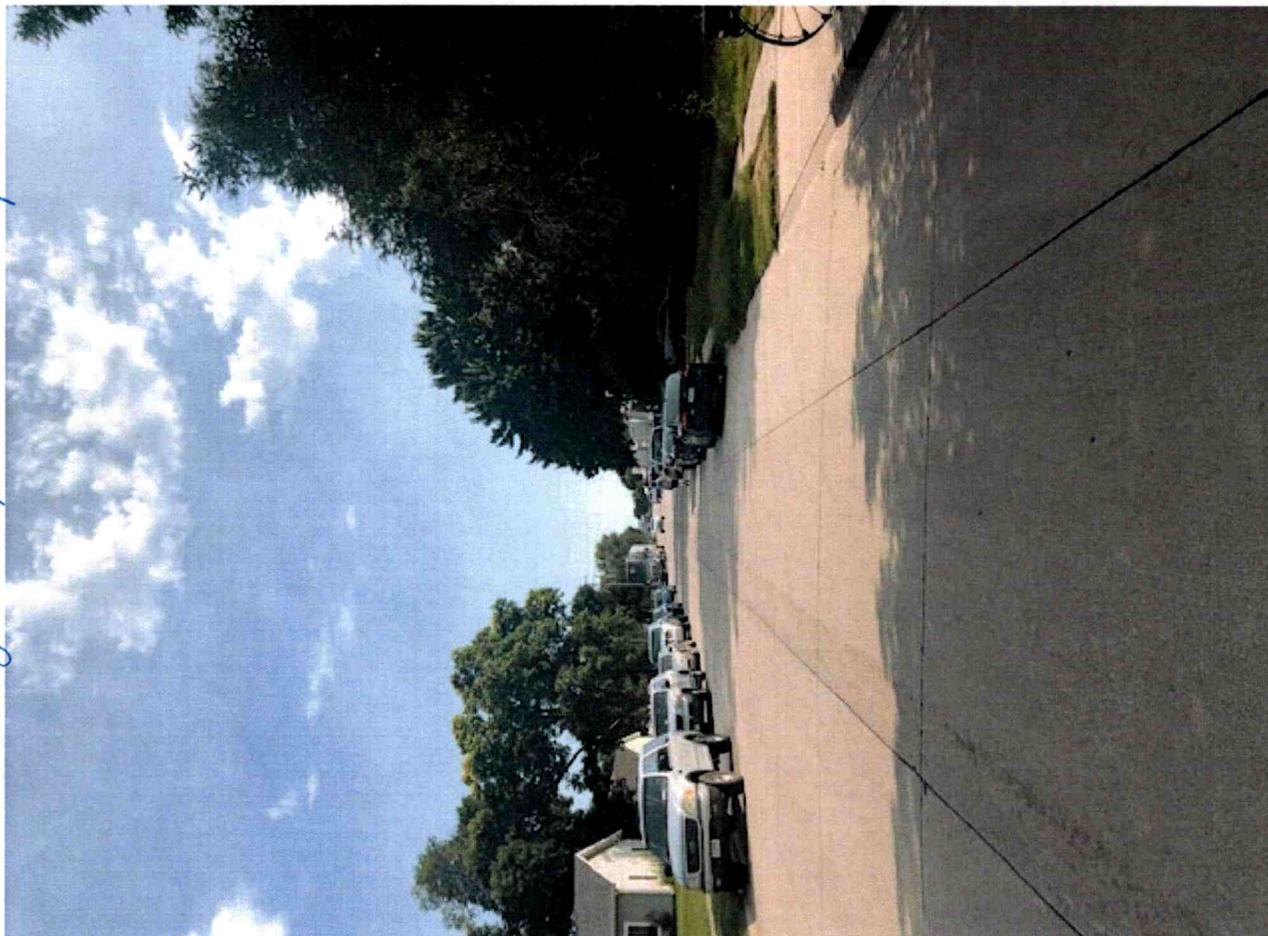
Sent from my iPhone

From: julie sheckler <jrsheckler@hotmail.com>
To: "julie.sheckler@parker.com" <julie.sheckler@parker.com>

Exhibit A

Date: Tuesday, September 10, 2019 02:41PM
Subject: [EXT]

Thursday, Sept 5th 4pm



Sent from my iPhone