

Kearney, Nebraska
October 22, 2019
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on October 22, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director; Brenda Jensen, Development Services Director and Scott Hayden, Director of Park and Recreation, were also present. Members of the media present included: Mike Konz with the Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor Brian Klein provided the Invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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.

RECOGNITION/ORAL COMMUNICATIONS

Mayor Clouse and Council Members welcomed Tom Tye II along with several members of the Yanney Heritage Park Foundation. The Foundation presented Council with funds received for Yanney Park for flood relief through the 25K in 25 Days Campaign and additional presentation of in-kind gifts. Mr. Tye stated in September the Foundation launched a fundraiser to raise \$25,000 in 25 days for damages caused by flooding at Yanney Park; they ultimately raised \$30,220. The Foundation presented a check to

Council in the amount of \$20,000, the remaining funds will be placed in an endowment fund for future repairs. Additionally, the Foundation conveyed completed projects to Yanney Park to Council. Those projects include a crane on parade sculpture purchased for the Senior Center, three Kaneko columns that sit in the round about by the Senior Center, specialized lighting that has been placed throughout the park that was funded by the Light the Park campaign and some landscaping installed along 11th Street. All total these projects came to \$330,790.64.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT TO USCOC NEBRASKA/KANSAS, LLC FOR 1808 2ND AVENUE

Mayor Clouse stated the City was notified by the Applicant requesting to further postpone until November 12, 2019 the public hearing on the Application submitted by Schug Ventures for USCOC Nebraska/Kansas, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1, Limited Industrial District and described as Lot 781, Original Town of Kearney Junction, now City of Kearney, Buffalo County, Nebraska (1808 2nd Avenue).

Moved by Nikkila seconded by Moore to postpone until November 12, 2019 the Application submitted by Schug Ventures for USCOC Nebraska/Kansas, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1, Limited Industrial District and described as Lot 781, Original Town of Kearney Junction, now City of Kearney, Buffalo County, Nebraska (1808 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held October 8, 2019 and Minutes of Special Meeting held on October 15, 2019.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services

ER	Equipment Rental
CO	Capital Outlay
DS	Debt Service

1000bulbs.com-\$54.60-smcs; 3 Rivers Archery-\$328.89-smcs; 911 Custom-\$880.06-smcs; Abood, Amen-\$16.04-smcs; Accuquilt-\$246.04-smcs; Ace Irrigation-\$232.73-smcs; Acushnet-\$1,946.99-smcs; Adobe-\$29.99-smcs; Adventure Enterprise-\$1,705.00-smcs; Alberts,K-\$24.20-smcs; Alephobjectslulzbot-\$188.96-smcs; All Makes Auto-\$4,397.21-smcs; Ally B-\$1,075.00-smcs; Amazon-\$16,323.11-smcs,co; American-\$2,594.54-smcs; American Public Works-\$1,190.00-smcs; Andersen Wrecking-\$20.00-smcs; Anderson Brothers-\$137.00-smcs; Apple Market-\$23.92-smcs; Aramark Uniform-\$370.62-smcs; Arrow Seed-\$7,291.00-smcs; Ask Supply-\$961.19-smcs; Aurora Coop-\$24.64-smcs; Aussie Hydraulics-\$769.69-smcs; Auto Value-\$955.71-smcs; Axmann Heating -\$2,699.00-co; Azzam,I-\$197.73-smcs; B&H Photo-\$899.99-co; Baker & Taylor-\$5,927.18-smcs; Bamford-\$625.00-smcs; Barco -\$1,483.69-smcs; Barney Insurance-\$23,954.25-smcs; Baughman,J-\$25.66-smcs; Bear Frame-\$159.70-smcs; Bed Bath & Beyond-\$137.79-smcs; Berendsen Fluid-\$476.37-smcs; Berens-Tate-\$3,000.00-smcs; Blackstone Publishing-\$850.18-smcs; Blessing -\$460.35-co; BLS Autodesk-\$1,155.60-co; Blue to Gold-\$149.00-smcs; BlueCross BlueShield-\$272,370.90-smcs; Bosselman-\$28,783.62-smcs; Broadcast Music-\$322.20-smcs; Broadfoot's-\$3,474.10-smcs; Brown Transfer-\$288.70-smcs; Brownells-\$834.73-smcs; BSN Sports-\$1,728.25-smcs; Bucky's Express-\$19.36-smcs; Buffalo Co. Treasurer-\$10.25-co; Buffalo Outdoor-\$1,074.85-smcs; Builders-\$1,357.81-smcs,co; Cab Store-\$290.92-smcs; Cabela's-\$15,582.38-smcs; Card My Yard-\$80.00-smcs; Carolina Software-\$650.00-co; Carquest-\$186.08-smcs; Caseys-\$80.53-smcs; Cash Wa-\$880.95-smcs; CDS-Proteam-\$53.94-smcs; CDW-\$36.89-co; Center Point Publishing-\$151.92-smcs; Central Fire-\$122.00-smcs; Central Hydraulic-\$373.23-smcs; Central NE Bobcat-\$1,143.21-smcs,co; Central Plains Library-\$10.00-smcs; Charter-\$8.44-smcs; Chemsearch-\$307.00-smcs; Chesterman-\$354.80-smcs; Chicken Coop-\$50.00-smcs; Cintas-\$270.79-smcs; City of Kearney-\$23,339.37-smcs,ps; Clipper Publishing-\$45.00-smcs; Cold Spring Granite-\$233.10-smcs; Comm. Action Partnership-\$1,288.00-smcs; Compasscom-\$157.50-smcs; Consolidated Mgmt.-\$426.62-smcs; Construction Rental-\$3,059.71-smcs,co; Control Yours-\$200.00-smcs; Copycat Printing-\$1,670.09-smcs; Core & Main-\$8,087.06-smcs; Cornhusker Cleaning-\$64.52-smcs; Country Partners-\$16,533.22-smcs; Country Sampler-\$26.75-smcs; Credit Mgmt.-\$208.26-ps; Cricut-\$524.41-smcs; Culligan-\$242.50-smcs; Cummins-\$2,660.73-smcs; D & K Products-\$1,520.00-smcs; Danko-\$2,524.15-smcs; Dawson Public Power-\$36,501.02-smcs; Daylight Donuts-\$51.88-smcs; Del City-\$161.96-smcs; Dell-\$1,476.60-co; Demco-\$790.95-smcs; Dept. of Education-\$329.00-ps; Depository Trust-\$408,038.75-ds; Deterdings-\$1,581.25-smcs; Dickey's-\$520.89-smcs; Dish-\$123.04-smcs; Displays2go-\$614.08-smcs; Ditch Witch-\$2.78-smcs; Dog Poop Bags-\$263.21-smcs; Don's Pioneer Uniforms-\$11,694.93-smcs; Doubletree-\$380.16-smcs; DPC Industries-\$6,592.60-smcs; Dreamseats-\$809.97-smcs; Dreamstime.com-\$25.00-smcs; Dyer Fiberglass-\$1,024.40-smcs; Eakes-\$3,503.44-smcs; EB Public Safety-\$70.00-smcs; Ebay-\$7.69-co; Ecolab-\$160.52-smcs; Eilts,C-\$814.00-smcs; Eirich,D-\$132.24-smcs; Elliott Equipment-\$1,266.79-smcs; Emaint-\$3,060.00-smcs; Embassy Suites-\$515.08-smcs; EMC Insurance-\$710,971.26-smcs; Enforcement Video-\$30.00-smcs; Entenmann-Rovin-\$457.00-smcs; Enterprise-\$299.00-smcs; ESRI-\$100.00-smcs; Etsy-\$58.86-smcs; Eurofins-\$155.00-smcs; Expression Wear-\$1,123.20-smcs,ps; Eyemed -\$877.19-smcs; Facebook-\$23.52-smcs; Factory

Direct Craft-\$32.87-smcs; Fairfield Inn-\$602.25-smcs; Fastenal-\$1,224.58-smcs; Feusner,J-\$17.41-smcs; Firehouse Sus-\$9.19-smcs; Foxit -\$129.00-co; Fred Pryor-\$99.00-smcs; Freshgrass-\$68.00-smcs; Frontier-\$7,305.51-smcs; Fulcrum Biometrics-\$81.02-co; Fun Express-\$101.38-smcs; Gale/Cengage-\$35.23-smcs; Galls-\$473.77-smcs; Garrett Tires-\$16,886.53-smcs; Gideons Sod -\$4,060.00-co; Gopher Sport-\$122.85-smcs; Graduate Lincoln-\$234.00-smcs; Graham Tire-\$179.20-smcs; Grainger-\$1,528.86-smcs,co; Great Plains Uniforms-\$40.13-smcs; Greater NE Cities-\$1,000.00-smcs; Grones Outdoor-\$279.98-smcs; Haack,S-\$201.26-smcs; Hampton Inn-\$877.04-smcs; Happy Linda 8-\$268.60-co; Hart,S-\$100.00-smcs; Heartland Clerk's Assn.-\$10.00-smcs; Heartland Motor-\$225.00-smcs; Hellas Construction-\$16,956.90-smcs; Hilti-\$937.45-co; Hobby Lobby-\$595.78-smcs; Holmes Supply-\$876.91-smcs; Holtz Industries-\$971.13-smcs; Home Depot-\$1,207.72-smcs; Hooker Brothers-\$489.78-smcs; HR Direct-\$839.20-smcs; Hyatt-\$617.44-smcs; Hy-Vee-\$232.00-smcs; IAPE-\$100.00-smcs; ICMA-\$8,034.39-smcs,ps; Integrated Security-\$1,272.00-smcs; Int'l Code Council-\$363.00-smcs; Invoicehome.com-\$5.00-smcs; Iowa Library Assn.-\$250.00-smcs; IRS-\$164,258.42-ps; Jack Lederman-\$2,659.57-smcs,co; Jack's Uniforms-\$3,341.88-smcs; Jerred,C-\$800.12-smcs; Johnson Controls-\$4,275.21-smcs; Johnson Service-\$426.30-smcs; Johnstone Supply-\$73.75-smcs,co; Jones & Bartlett-\$1,080.97-smcs; Kearney Ace-\$266.35-smcs; Kearney Animal Shelter-\$10,000.00-smcs; Kearney Comm. Fdn.-\$324.62-smcs; Kearney Chamber Comm.-\$45.00-smcs; Kearney Concrete-\$29,095.49-smcs,co; Kearney Crete & Block-\$6,747.88-smcs,co; Kearney Hub-\$3,066.08-smcs; Kearney Tire-\$1,166.88-smcs; Kearney Towing-\$100.00-smcs; Kearney Warehouse-\$1,016.96-smcs; Kearney Winlectric-\$1,520.30-smcs, co; Kelley,C-\$45.50-smcs; Kelly Supply-\$2,410.12-smcs; Kellyco Metal-\$165.92-co; Kennedy Landscape-\$458.00-smcs; Kimball Midwest-\$182.66-smcs; Konica Minolta-\$618.39-smcs; Kussmaul-\$359.84-smcs; La Quinta-\$460.44-smcs; Landmark Implement-\$2,278.08-smcs; Lawson Products-\$767.49-smcs; League of NE Municipalities-\$1,174.00-smcs; Lockmobile-\$19.40-smcs; Longleaf-\$54.00-smcs; Lous Sports-\$300.00-smcs; L-Tron-\$329.00-co; M&M Tool-\$59.09-smcs; Macqueen -\$637.20-smcs; Magic Cleaning-\$511.70-smcs; Magnet Forensics-\$9,624.00-smcs; Marlatt Machine-\$489.83-smcs; Marshall,I-\$100.00-smcs; Masek Golf -\$6,975.00-smcs; Masters True Value-\$257.04-smcs; Matheson-\$117.22-smcs; McCarty,D-\$307.50-smcs; Medic Batteries-\$60.39-smcs; Menards-\$4,505.33-smcs,co; Mid American Signal-\$22,599.00-smcs; Mid-Iowa Solid Waste-\$553.86-smcs; Midlands Contracting-\$53,374.80-smcs; Midwest Connect-\$235.83-smcs; Midwest Sales-\$2,325.54-smcs; Midwest Turf -\$156.56-smcs; Miller & Associates-\$81,239.58-co; Miller Signs-\$590.00-smcs; Minitex-\$2,636.00-smcs; Mirror Image-\$787.10-smcs; Moonlight Embroidery-\$717.25-smcs; Morris Press-\$5,025.60-smcs; Municipal Code-\$2,612.00-smcs; Municipal Supply-\$33,785.85-smcs; Murphy Tractor-\$1,177.59-smcs; Museum of NE Arts-\$76.47-smcs; Nat'l Hole in One-\$251.00-smcs; Nat'l Information-\$80.00-smcs; Nat'l Recreation-\$875.00-smcs; NE Child Support-\$2,287.35-ps; NE Crane-\$162.38-smcs; NE Dept Environmental-\$25,886.00-smcs; NE Dept of Revenue-\$102,744.05-smcs; NE Golf Assn.-\$75.00-smcs; NE Library Commission-\$3,352.00-smcs; NE Machinery-\$12.41-smcs; NE Municipal Clerks' Assn.-\$45.00-smcs; NE Park & Rec-\$400.00-smcs; NE Peterbilt-\$133.42-smcs; NE Safety-\$135.00-smcs; NE Statewide Arboretum-\$150.00-smcs; NE Truck Center-\$5,407.96-smcs; Neptune-Benson-\$1,960.00-smcs; Nevco-\$41.00-smcs; New Egg-\$18.50-co; Nielsen Contracting-\$59,098.50-smcs; NLETC-\$400.00-smcs; Noetzelman,J-\$50.00-smcs; Northern Tool-\$720.98-smcs; Northwest Electric -\$1,755.42-smcs; Northwestern Energy-\$2,805.79-smcs; Nova Fitness-\$342.14-

ps; Nutrien Ag-\$478.06-smcs; OCLC-\$764.46-smcs; Office Max-\$5,119.60-smcs,co; Omaha Symphony-\$1,000.00-smcs; One Call-\$461.04-smcs; O'Reilly Auto-\$6,188.43-smcs; Orscheln-\$507.69-smcs; Otto Environmental-\$3,212.25-smcs; Paramount-\$269.33-smcs; Peavey-\$53.95-smcs; Peerless Machine -\$113.41-smcs; Penworthy Company-\$503.22-smcs; Pep Co.-\$87.34-smcs; Pet Pickups-\$1,039.21-smcs; Petro-\$148.21-smcs; Petsmart-\$27.97-smcs; Phillips 66-\$22.85-smcs; Phillips,E-\$814.00-smcs; Pioneer Woman-\$18.00-smcs; Pitney Bowes-\$1,000.00-smcs; Platinum Awards-\$1,100.11-smcs,co; Platt Electric-\$258.43-smcs; Platte Valley Auto-\$382.75-smcs; Platte Valley Comm.-\$417.90-smcs; Police Officers Assn.-\$210.00-smcs; Poster My Wall-\$23.92-smcs; Pot O' Gold-\$230.00-smcs; Power Tech-\$1,950.00-smcs; Presto-X-\$154.69-smcs; Provantage-\$419.98-smcs; Pump & Pantry-\$59.94-smcs; Quill-\$253.98-smcs; Raffaelli,R-\$62.50-smcs; Read Aloud Nebraska-\$35.00-smcs; Ready Mixed Concrete-\$18,456.00-co; Reams-\$231.26-smcs; Recorded Books-\$367.97-smcs; Redbox-\$1.87-smcs; Redman's Shoes-\$1,046.97-smcs; Rheome Tree-\$6,060.00-smcs; Roesler,A-\$48.15-smcs; Roundhouse Bunker-\$526.96-smcs; Roy,J-\$32.09-smcs; Russells Appliance-\$45.00-smcs; Rusty Wilkin-\$109.90-co; Sahling Kenworth-\$60.01-smcs; Sandry Fire-\$285.85-smcs; Sapp Brothers-\$5,050.82-smcs; Saylor Screenprinting-\$124.00-ps; Scholastic Education-\$25.46-smcs; School District #7-\$5,005.75-smcs; Schumacher Bros Fencing-\$1,637.60-smcs; Schwarz,G-\$111.70-smcs; Schwarz,J-\$46.98-smcs; See Clear Cleaning-\$2,050.00-smcs; Seiler Instrument-\$2,330.00-co; Sherwin Williams-\$867.63-smcs; Shredding Solutions-\$45.00-smcs; Sign Center-\$1,440.00-smcs; Silverstone -\$8,365.00-smcs; Snap-On-\$1,120.21-smcs; Spectrum-\$598.25-smcs; Sporting Edge-\$17.97-smcs; Steinbrink's-\$884.99-smcs; Stitch 3-\$99.00-ps; Streakwave Wireless-\$5,396.06-smcs; Stutsman-\$1,098.00-smcs; Sumuri-\$409.00-smcs; Sunbelt Rentals-\$1,236.62-smcs,co; Superion-\$320.00-smcs; Supplyhouse.com-\$26.46-smcs; Sutphen-\$634.68-smcs; Target-\$2,363.87-smcs; Techsoup-\$348.00-smcs,co; The CIT Group-\$2,703.16-smcs; Tielke's-\$99.19-smcs; Tigerseal -\$37.02-smcs; Timeless Barbershop-\$67.65-smcs; Titan Machinery-\$2,432.10-smcs; Transunion-\$39.75-smcs; Todco-\$8,095.00-smcs; Tractor Supply-\$1,366.62-smcs; Trade Well Pallet-\$2,680.00-smcs; Traffix Devices-\$4,627.82-smcs; Travel Insured -\$44.00-smcs; Travelocity-\$118.14-smcs; Tri-Co Equipment-\$360.85-smcs; Trittech Forensics-\$829.85-smcs; Tsukiyama,G-\$745.37-smcs; Tyler Technologies-\$20,144.00-co; Uline-\$588.60-smcs; Uncommon USA-\$213.92-smcs; Union Bank-\$83,019.17-smcs,ps; Union Pacific-\$376.73-smcs; Unique Mgmt.-\$277.45-smcs; UPS-\$75.21-smcs; USA Blue Book-\$1,210.49-smcs; USA Comm.-\$154.95-smcs; USPS-\$396.40-smcs; Valley Forklift-\$87.95-smcs; Waldinger-\$622.08-smcs; Walgreens-\$14.99-smcs; Wal-Mart-\$1,537.61-smcs; Walsh,C-\$229.00-smcs; Walter's Electric-\$111.49-smcs; Walters-Morgan Const.-\$264,675.44-co; Ware-\$49.60-smcs,co; Warren Fire-\$895.11-smcs; Waterlink-\$682.12-smcs; Webstaurant-\$843.01-smcs; Weis Fire-\$520.00-smcs; Wells Fargo-\$3,000.00-smcs; Wick's Sterling-\$130,401.00-co; Wilco Life-\$10.00-ps; Williams,M-\$222.68-smcs; Winter Equipment-\$1,560.51-ps; WPCI-\$293.50-smcs; Zequip-\$46.67-smcs; Zero Waste-\$806.23-smcs; Payroll Ending 10/12/2019 -- \$489,617.49. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set November 12, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve the Plans and Specifications for the 2019 Part 7 Improvements; Alley Improvements in connection with Paving Improvement District No. 2019-999 for the construction of a concrete alley to replace an existing gravel section of alley between 5th Avenue and 6th Avenue, 21st Street and 22nd Street and set the bid opening date for November 12, 2019 at 2:00 p.m.

5. Adopt Resolution No. 2019-187 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Bryce Bohlender, Camron Berglund, Lucas Frey and Gregory Lippmann.

RESOLUTION NO. 2019-187

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded names of individuals desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2019-188 approving the Real Estate Purchase Agreement and Shot Drop Zone Easement between Fort Kearny Shooting Sports Association and the City of Kearney for the purchase of a tract of land described as the Northwest Quarter of Section 1, Township 9 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska (South of 115th Road and East of Pool Road).

RESOLUTION NO. 2019-188

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF

KEARNEY, NEBRASKA that the "Purchase Agreement between Fort Kearny Shooting Sports Association, a Nebraska Non-Profit Corporation and the City of Kearney, a Municipal Corporation" for the purchase of real property which is legally described as: A tract of land Northwest Quarter of Section 1, Township 9 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska and the "Perpetual Shot Drop Easement" between Fort Kearny Shooting Sports Association, a Nebraska Non-Profit Corporation and the City of Kearney, a Municipal Corporation" be and are hereby accepted and approved. The Agreement containing the Perpetual Shot Drop Easement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123297 liquor license application and manager application for Hugo Munoz Puga submitted by Tepeyac LLC dba Margaritas Family and Tradition located at 119 3rd Avenue.

8. Accept the bids received for the Kearney South Drainage – Lake Overflow Improvements and adopt Resolution No. 2019-189 awarding the bid to Midlands Contracting, Inc. in the amount of \$138,873.50.

RESOLUTION NO. 2019-189

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 15, 2019 at 2:00 p.m. for the Kearney South Drainage – Lake Overflow Improvements; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$128,970.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$138,873.50 be accepted as the lowest responsible bid for the Kearney South Drainage – Lake Overflow Improvements.

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 Midlands Contracting, Inc. be and is the lowest responsible bidder for the Kearney South Drainage – Lake Overflow Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. in the amount of \$138,873.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$128,970.00 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 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2019-190 approving Application and Certificate for Payment No. 6 in the amount of \$197,473.05 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).

RESOLUTION NO. 2019-190

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$197,473.05 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 807,529.50</u>
Change Order No. 1 (8/13/19)	+ 273,047.50
Change Order No. 2 (8/27/19)	+ 120,683.00
Change Order No. 3 (9/24/19)	+ 91,531.00
Change Order No. 4 (9/24/19)	<u>+ 6,500.00</u>
Contract Sum To Date	1,299,291.00
Gross Amount Due	1,108,366.50
Retainage (10%)	<u>- 110,836.65</u>
Amount Due to Date	997,529.85
Less Previous Certificates for Payment	<u>- 800,056.80</u>
Current Payment Due	<u>\$ 197,473.05</u>

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

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2019-191 approving Change Order No. 2 showing a decrease in the amount of \$766.65, Application and Certificate for Payment No. 3-Final in the amount of \$8,417.08, and accept the Certificate of Substantial Completion 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. 2019-191

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 Change Order No. 2 showing a decrease to the contract sum in the amount of \$766.65 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Gary Smith Construction Co., Inc. and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$8,417.08 as shown on Exhibit "B" 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
Change Order No. 2 (10/22/19)	- <u>766.65</u>
Contract Sum To Date	\$ 204,586.01
Gross Amount Due	204,586.01
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	204,586.01
Less Previous Certificates for Payment	<u>196,168.93</u>
Current Payment Due	\$ 8,417.08

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 21, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 3-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2019-192 approving Change Order No. 3 showing an increase in the amount of \$11,802.06, Application and Certificate for Payment No. 6-Final in the amount of \$129,668.21, and accept the Certificate of Substantial Completion submitted by 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. 2019-192

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. 3 showing an increase to the contract sum in the amount of \$11,802.06 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, GD Concrete Construction, Inc. and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6-Final in the amount of \$129,668.21 as shown on Exhibit "B" 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)	+ 0.00
Change Order No. 3 (10/22/19)	+ <u>11,802.06</u>
Contract Sum To Date	372,647.06
Gross Amount Due	372,647.06
Retainage (10%)	- <u>0.00</u>
Amount Due to Date	372,647.06
Less Previous Certificates for Payment	- <u>242,978.85</u>
Current Payment Due	\$ <u>129,668.21</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 14, 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. 3, as shown on Exhibit "A", Application and Certificate for Payment No. 6-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 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2019-193 approving Application and Certificate for Payment No. 1 in the amount of \$63,707.76 submitted by Nielsen Contracting and approved by Oak Creek Engineering for the 2019 Part 6 Improvement for East 1st Street Flood Repair.

RESOLUTION NO. 2019-193

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with the 2019 Part 6 Improvement for East 1st Street Flood Repair, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$63,707.76 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>101,713.20</u>
Contract Sum To Date	101,713.20

Gross Amount Due	70,786.40
Retainage (10%)	- <u>7,078.64</u>
Amount Due to Date	63,707.76
Less Previous Certificates for Payment	- <u>0.00</u>
Current Payment Due	\$ 63,707.76

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

13. Adopt Resolution No. 2019-194 approving the Agreement for Management Services between the City of Kearney and the Great Platte River Road Memorial Foundation allowing the City to continue providing management services at The Archway.

RESOLUTION NO. 2019-194

WHEREAS, The Archway (formerly known as The Great Platte River Road Archway) is an educational and tourism museum located over Interstate 80 within the city limits of Kearney, Nebraska; and

WHEREAS, The Archway is the only venue of its kind; and

WHEREAS, The Archway has brought national attention to Kearney, Nebraska being featured in movies, the New York Times, Wall Street Journal, USA Today, and countless articles in tourism guides and magazines; and

WHEREAS, The Archway is no longer limited by the significant indebtedness that limited success and local support; and

WHEREAS, The Archway has benefitted from the new Interstate access allowing visitors immediate accessibility to the venue; and

WHEREAS, The Archway project benefited the City of Kearney with the construction of over \$5 million of infrastructure provided to the City of Kearney; and

WHEREAS, the City of Kearney, in partnership with The Archway, will continue to create efficiencies and improvements resulting in decreased operating expenses, improved aesthetics and significant operational efficiencies, similar to when Resolution No. 2016-176 was approved by the City Council on October 11, 2016.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney commits itself to the continuation of providing financial and operational support for The Archway.

BE IT FURTHER RESOLVED that the City Manager be and is hereby designated as the authorized official.

BE IT FURTHER RESOLVED that this proposal is valid for a period of three (3) years from the date of approval.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Adopt Resolution No. 2019-195 approving the Agreement for Funding between the City of Kearney and the Kearney Visitor’s Bureau for the purpose of providing funding for the management and operation of The Archway.

RESOLUTION NO. 2019-195

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Funding between the City of Kearney and the Kearney Visitor’s Bureau for the purpose of providing funding for the management and operation of The Archway be and is hereby approved. The Agreement, marked as Exhibit ‘A’, is hereby attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Liam Mendoza Dalling submitted by Sozo American Cuisine dba Joy’s Table located at 110 South 2nd Avenue in connection with their Class I-118115 liquor license.

16. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123329 liquor license application and manager application for Travis Evans submitted by PepperJax Development, LLC dba Good Evans located at 1010 3rd Avenue Suite F.

17. Adopt Resolution No. 2019-196 approving the Agreement between the City of Kearney and the Yanney Heritage Park Foundation to specifically define and divide the responsibilities inherent with the planning, development construction, equipping, operation, management and maintenance of the Yanney Heritage Park.

RESOLUTION NO. 2019-196

WHEREAS, on April 14, 1998, the Yanney Heritage Park Foundation and the City of Kearney entered into an Agreement to more specifically define and divide the responsibilities inherent with the planning, development, construction, equipping, operation, management and maintenance of Yanney Heritage Park for and on behalf of the City and for the benefit of the public; and

WHEREAS, as Yanney Heritage Park has developed over the years, there are now certain sections of the original Agreement that are no longer applicable and after review from both City of Kearney staff and members of the Yanney Heritage Park Foundation, revisions and updates to the Agreement are being proposed.

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement between the City of Kearney and the Yanney Heritage Park Foundation for the purpose of defining and dividing the responsibilities inherent with the planning, development, construction, equipping, operation, management and maintenance of Yanney Heritage Park for and on behalf of the City and for the benefit of the public, be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8383 AMENDING SEVERAL SECTIONS OF THE CODE OF THE CITY OF KEARNEY

Council Member Buschkoetter introduced Ordinance No. 8383 amending several sections of the Code of the City of Kearney as follows: Section 1-1003 "Officers and Employees; Emergency Succession" of Article 10 "Officers and Employees" of Chapter 1 "Administration" to update position titles; Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" to update specific locations detailed in the table; Section 8-805 "School Zones" of Article 8 "Speed Limitations" of Chapter 8 "Police" to remove obsolete locations detailed in the table; Section 8-912 "Parking Rules" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" to update and add specific locations where parking is prohibited at any time; Section 8-1301 "Definitions" of Article 13 "Animals Generally" of Chapter 8 "Police" to add definition and reference of Community Service Officer and remove reference of Animal Warden; Section 8-1421 "Veterinarians to Submit Records to Animal Control Authority" of Article 14 "Household Pets" of Chapter 8 "Police" to clarify language on the requirement that records on the issuance of rabies related documentation be open for inspection to the Animal Control Authority and remove the requirement of on a monthly basis; Section 8-1501 "Curfew; Established; Exceptions" of Article 15 "General Offenses" of Chapter 8 "Police" to add similar provision found in Nebraska Revised Statute 60-4,124, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8383. 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, Nikkila, Moore. Nay: None. Lear absent. 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. 8383 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye:

Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8383 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8383 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. 8384 REPEALING SEVERAL SECTIONS AND ARTICLES IN THEIR ENTIRETY OF THE CODE OF THE CITY OF KEARNEY

Council Member Buschkoetter introduced Ordinance No. 8384 repealing the sections and articles in their entirety of the Code of the City of Kearney as follows: Section 1-1011 "Social Security; Acceptance; Construction of Terms" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1012 "Social Security; Contracts and Agreements to Effectuate System" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1013 "Social Security; Employees Included in System" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1014 "Social Security; Employees Excluded from System" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1015 "Social Security; Withholdings from Salaries Authorized" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1016 "Social Security Fund; Created; Payments into Fund" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1017 "Social Security Fund; Payments from Fund to Administrator" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Section 1-1018 "Social Security; City Records and Reports" of Article 10 "Officers and Employees" of Chapter 1 "Administration"; Article 8 "Firefighter Retirement System" of Chapter 4 "Fire Regulations"; and Article 2 "Retirement System" of Chapter 8 "Police", 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8384. 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, Nikkila, Moore. Nay: None. Lear absent. 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. 8384 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8384 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8384 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. 8385 THE CODE OF THE CITY OF KEARNEY BY ADDING A NEW ARTICLE

Council Member Buschkoetter introduced Ordinance No. 8385 amending the Code of the City of Kearney by adding a new Article 18 entitled “Retirement and Pension Plans” to Chapter 1 “Administration”, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8385. 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, Nikkila, Moore. Nay: None. Lear absent. 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. 8385 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8385 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8385 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

UPDATE ON KEARNEY AREA ANIMAL SHELTER

Mayor Clouse and Council received an update on the Kearney Area Animal Shelter.

Olivia Derr, Executive Director of the Kearney Area Animal Shelter presented this matter to the Council. Ms. Derr introduced herself to the Board and stated she has been with the Animal Shelter since June of 2018. Since Ms. Derr began at the Animal Shelter, the Shelter has hired additional professional staffing including new Veterinarians (Doctors Brandon and Paola Beebout), a certified Veterinary Technician who is also the Shelter manager and a full time Dog Trainer/Behaviorist to assist with temperament assessments and obedience. Since Ms. Derr’s start, adoption rates have tripled due to internal policy changes, an increased social media presence and partnering with law enforcement who take adoptable dogs out into the community. Adoption rates have increased from 190 to

629 between January 2018 to October 2019. Additionally, new programs have been initiated such as a foster program for both dogs and cats, a restructuring of the volunteer program and dogs are now evaluated for behavior and allowed to play together in the yard.

The Shelter also has new fundraising programs including a partnership with PetSmart who will take small animals and cats to assist in their adoption when the Shelter is full; there have been 29 adoptions from PetSmart thanks to this program, a recurring monthly donor program that currently includes 29 members called S.O.S. Project (Sustain Our Shelter) as well as a 2nd Chance Sponsor program for area businesses or individuals who can donate \$200 to sponsor all fees for an animal at the Shelter (fees include spay/neuter, vaccinations, microchipping and adoption preparation), a new Donor wall that has been created for citizens to purchase a tile for an annual or lifetime membership fee in honor of their pet and finally a microchip program for a \$30 fee as a community service project. Ms. Derr stated funding continues to be a major issue and the Shelter continues to try to fundraise through various methods, including the largest event, The Moonlight Masquerade taking place this Friday. Ms. Derr concluded by stating the past year has been difficult but extremely successful and thanked the City of Kearney for their support.

Council member Randy Buschkoetter questioned what some of the internal changes were that Ms. Derr mentioned. Ms. Derr explained how the adoption process and requirements have been relaxed.

Council member Jonathan Nikkila questioned how many staff the Animal Shelter employs as well as the number of volunteers? Ms. Derr stated there are 20 members of staff at the Shelter. This number includes fulltime, part time and Veterinarians. Regarding the number of volunteers, since April, there have been 200 to 300 volunteers at the Shelter.

Council member Nikkila further questioned what the Kearney Area Animal Shelter's budget is? Ms. Derr stated it costs approximately \$37,000 to \$40,000 per month to operate the Shelter.

OPEN ACCOUNT CLAIMS

Moved by Nikkila seconded by Buschkoetter that the Open Account Claim in the amount of \$190.80 payable to Tami James Moore (postponed since October 8, 2019) be allowed. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter. Nay: None. Moore abstain. Lear absent. Motion carried.

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$112,315.76 payable to NPPD be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse abstain. Lear absent. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Clouse seconded by Moore that Council adjourn into closed session at 5:52 p.m. for the protection of the public interest to discuss possible litigation matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible litigation 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 Moore that Council reconvene in regular session at 6:49 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 6:49 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**