

*Kearney, Nebraska  
January 11, 2011  
7:00 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on January 11, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, and Bob Lammers. Absent: Don Kearney. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; and Rod Wiederspan, Director of Public Works were also present. Some of the citizens present in the audience included: Mary Kalb, Mindy Ohlman, Jerry Hellman, Steve Altmaier from KGFW Radio, Kevin Hervert from 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**

With the absence of a representative from the Kearney Ministerial Association, the Council held a moment of silent prayer.

### **PLEDGE OF ALLEGIANCE**

Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### III. PUBLIC HEARINGS

None.

### IV. CONSENT AGENDA

Moved by Lammers seconded by Lear that Subsections 1 through 3 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

1. Approve Minutes of Regular Meeting held December 28, 2010.

2. Approve the following Claims:

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

3595-American \$92.11 smcs; AND Cable \$102.45 co; A&D Technical Supply \$180.00 smcs; ABC-CLIO \$272.16 smcs; Ace Hardware \$50.79 smcs,co; Aflac \$2,927.12 ps; Airgas \$529.80 smcs; Alfred Benesch & Co \$3,292.07 smcs,co; Amazon \$1,046.43 smcs,co; Amer Electric \$285.17 smcs,co; Amer First Aid \$119.01 smcs; Amsan \$417.56 smcs; Andersen Wrecking \$40.00 smcs; Anderson Ind \$303.59 smcs; Apple Market \$15.18 smcs; Ask Supply \$511.00 smcs; ASLA Member Services \$373.00 smcs; Aurora Coop \$2,301.00 smcs; Baker & Taylor Books \$4,172.07 smcs; Baltic Networks \$375.72 co; Bamford \$2,200.00 smcs; Barney Escrow \$776,083.00 smcs,co; Barr Throp Electric \$516.10 smcs; Blessing \$135,875.23 co; Bluecross Blueshield \$123,966.76 smcs; Bob's Super Store \$4.17 smcs; Broadfoot's \$2,268.88 smcs; BSB Construction \$311,130.27 co; Buffalo Co Register Deeds \$46.50 smcs; Buffalo Co Sheriff \$127,027.00 smcs; Buffalo Outdoor Power \$68.63 smcs; Builders Warehouse \$4,827.61 smcs,co; Business Office Systems \$359.91 smcs; Buycom \$315.99 co; Camera Doctor \$128.95 smcs; Candy,A \$248.00 smcs; Capstone Press \$214.39 smcs; Carquest \$1,390.48 smcs; Casey's \$15.00 smcs; Cash Wa \$297.85 smcs; CBDcom \$178.18 smcs; Center Point Large Print \$147.12 smcs; Central Contracting \$55,819.00 co; Central Hydraulic Systems \$2,021.93 smcs; Central NE Bobcat \$3,510.49 smcs,co; City of Ky \$207,063.32 smcs,ps; Clevenger Oil \$566.50 smcs; CMI \$190.08 smcs; College Savings Plan of NE \$200.00 ps; Computer Warehouse #4 \$14.97 co; Construction Rental \$1,215.86 smcs,co; Control Design Supply \$203.81 smcs; Copycat Printing \$79.43 smcs; Credit Mgmt Services \$293.52 ps; Crossroads Fords \$1,705.50 smcs; Cryotech \$8,657.35 smcs; Cullen,M \$104.32 smcs; Cummins Central Power \$146.78 smcs; D&M Security \$64.50 smcs; Dell \$2,396.91 smcs,co; Dena Import Export \$66.00 co; Depository Trust \$146,870.00 ds; DHHS Licensure Unit \$31.00 smcs; Displays 2 Go \$44.20 smcs; Dutton-Lainson \$338.69 smcs,co; Eakes \$575.46 smcs; Earl May \$91.94 smcs; Eckhoff,M \$19.11 smcs; E-Filliate \$155.73 co; Eileen's \$30.00 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$595.39 smcs; Embassy Suites \$1,353.16 smcs; Ereplacementspartscom \$10.78 smcs; Experts Exchange \$99.95 smcs; Expression Wear \$302.00 smcs; Fairbanks Int'l \$855.05 smcs; Farmers Union

Coop \$758.00 smcs; Fastenal \$316.32 smcs; Felsburg Holt & Ullevig \$2,400.00 smcs; Fiddelke Heating \$108.78 smcs,co; Flaherty,T \$35.00 smcs; Fleetpride \$595.04 smcs; FN Cuthbert \$860.80 smcs; Fort Bend Services \$7,038.90 smcs; Frontier \$30.00 smcs; Gale \$569.38 smcs; Galls \$27.68 smcs; Garrett Tires \$349.35 smcs; GD Construction \$4,240.00 co; GE Money Bank \$1,773.13 smcs; Gear for Sports \$128.53 smcs; Global Industrial \$473.77 smcs; Golden Rule Creations \$568.57 smcs; Golden Thread \$100.00 smcs; Gooch Brake \$602.55 smcs; Gotomypccom \$371.25 smcs; Graham Tire \$245.17 smcs; Grainger \$319.66 smcs,co; Great Amer Outdoor \$531.54 smcs; Great North American \$529.60 smcs; Great Plains Motorcycle \$882.25 smcs; Guaranteedblindscom \$532.59 co; Hach \$867.25 smcs; Hampton Inn \$87.96 smcs; HD Supply \$2,752.26 smcs; Heartland Marketing \$261.75 smcs; Heartland Scenic Studio \$2,579.00 smcs; Historical Society \$256.17 smcs; Hobby-Lobby \$79.45 smcs,co; Holmes Plumbing \$209.09 smcs,co; Hometown Leasing \$444.91 smcs,co; HP Product \$235.39 co; HSBC Bank of Nevada \$318.25 ps; Hunke Electric \$56.65 smcs; Hydro Tech \$89.00 smcs; I-80 Epply Express \$956.00 smcs; ICMA RC \$4,054.24 ps; IEEE Products \$99.00 smcs; Industrial Iron Works \$162.65 smcs; IRS \$102,787.43 ps; Int'l Association \$204.00 smcs; ITT Wedeco \$180.83 smcs; Jack Lederman \$245.77 smcs; Jack's Uniforms \$8.99 smcs; James W. Bell \$200.29 smcs; JcPenney Store \$175.43 smcs; JDL Lesco \$335.54 co; Jelinek,T \$800.00 smcs; Jensen Publishing \$26.00 smcs; JLC \$116,105.00 co; Johnson Controls \$2,903.12 smcs; Johnson Hardware \$626.00 co; Johnson Imperial \$80.04 smcs; Johnson Service \$600.00 smcs; Johnstone Supply \$23.02 smcs; Just Blinds \$137.00 co; K&K Parts \$812.49 smcs; Ky Hub \$7,534.39 smcs; Ky Humane Society \$13,650.00 smcs; Ky Implement \$2,028.62 smcs; Ky Towing \$225.00 smcs; Ky United Way \$616.50 ps; Ky Warehouse \$4,611.34 smcs; Ky Winlectric \$150.22 smcs,co; Ky Winnelson \$29.28 smcs; Ky Yamaha \$155.90 smcs; Kelly Supply \$604.05 smcs; Kindle \$20.98 smcs; Kmart \$107.07 smcs; Konica Minolta \$970.57 smcs; Krajicek,K \$49.33 smcs; Krull Ins \$1,950.00 smcs; Lawson Products \$382.16 smcs; League of NE Municipalities \$868.00 smcs; LEVA \$55.00 smcs; Linweld \$91.29 smcs; Location Technologies \$4,893.50 smcs,ps; Magic Cleaning \$3,710.00 smcs; Mail Express \$209.64 smcs; Maine Industrial \$40.15 smcs; Marlatt Machine Shop \$1,870.69 smcs; Masek Distributing \$231.12 smcs; Matheson \$38.30 smcs; MD Construction \$10.70 smcs; Menards \$4,335.87 smcs,co; Metlife \$6,637.33 ps; Michael Burke \$3,600.00 smcs; Michael Todd \$567.49 smcs; Microfilm Imaging \$1,750.00 co; Mid American \$365.76 smcs; Middleton Electric \$653.90 smcs; Mid-Iowa Solid Waste \$438.19 smcs; Midlands Contracting \$8,718.50 smcs; Mid-NE Garage Door \$100.00 smcs; Midway Chevrolet \$46.44 smcs; Milco Environmental \$2,800.00 co; Mine Safety Appliances \$1,575.00 smcs; Mirror Image \$50.00 smcs; Misko Sports \$55.50 smcs; Moonlight Embroidery \$1,180.75 smcs; Morgan,M \$20.00 smcs; Mostek Electric \$122.51 smcs; Muller,J \$3.43 smcs; Municipal Supply \$1,136.95 smcs; Nanfita,D \$25.40 smcs; Napa All Makes \$2,420.06 smcs; NCL of Wisconsin \$545.31 smcs; NE Assn of Airport Officials \$200.00 smcs; NE Child Support \$2,454.98 ps; NE Dept of Revenue \$33,614.11 ps; NE DMV \$26.40 smcs; NE Equipment \$424.82 smcs; NE Machinery \$1,097.43 smcs; NE Public Health \$226.00 smcs; NE Safety & Fire \$150.00 smcs; NE Truck center \$15.18 smcs; NE Well Drillers \$235.00 smcs; Neal,S \$40.71 smcs; Newegg \$455.97 smcs; Newman Signs \$930.58 smcs; NFPA Nat'l Fire \$150.00 smcs; NGCSA \$300.00 smcs; Norm's Plumbing \$799.54 smcs,co; Northwest Electric \$8.70 smcs; Northwestern Energy \$9,304.99 smcs; NP Realty \$40.71 smcs; Office Max \$879.94 smcs; O'Reilly Auto \$1,979.70 smcs; Orscheln \$212.34 smcs; Paramount Linen \$22.00 smcs; Park Supply \$68.08 smcs; Party America \$15.99 smcs; Payflex

Systems \$531.25 smcs,ps; Paypal \$83.00 smcs; Plaquemakercom \$195.00 smcs; Platte Valley Comm \$1,320.38 smcs; PLI Splitview \$39.00 co; Positive Promotions \$190.75 ps; Powderhorn \$256.06 smcs; Presto-X \$40.00 smcs; Priority Management \$90.25 smcs; Pro Tint \$25.00 co; Provantage \$520.98 smcs,co; Pulliam,R \$40.00 smcs; Pump & Pantry \$70.00 smcs; Quality Craft Tools \$50.00 smcs; R&R Products \$1,727.25 smcs; Random House \$56.00 smcs; Rasmussen Mechanical \$3,429.06 smcs; Raynor Garage Doors \$265.00 smcs; Reams \$691.01 smcs; Recognition Unlimited \$64.05 smcs; Recorded Books \$346.89 smcs; Reinke's Heating \$420.77 smcs; Right On the Walls \$91.05 smcs; Ritzcameracom \$54.89 smcs; Robbins,H \$35.00 smcs; Rodehorst,R \$42.80 smcs; Ropers Radiator \$58.50 smcs; Run-N-Iron Customizing \$163.50 smcs; Russells Appliance \$399.00 co; Safelite Auto Glass \$201.90 smcs; Sage,P \$14.98 smcs; Sahling Kenworth \$610.50 smcs; Sapp Brothers \$29,269.93 smcs; Sears \$28.97 smcs; Sensus \$1,452.00 smcs; Serklinente \$111.23 smcs; S-F Analytical \$224.50 smcs; Shea,S \$35.00 smcs; Sherwin Williams \$62.16 co; Simmons Gun Specialties \$533.25 smcs; Solid Waste Agency \$42,052.20 smcs; Sport Supply Group \$248.40 smcs; St of NE Office Elevator \$100.00 smcs; St of NE/AS Central \$3,987.50 smcs; Steinbrinks Landscaping \$7.50 smcs; Straatman,V \$300.00 smcs; Sun Life Financial \$41,761.42 smcs; Sunmart \$52.32 smcs; Sydow,J \$40.00 smcs; Tacnologies \$1,587.00 smcs; Target \$69.68 smcs; Tee's Plus \$248.55 smcs; Thoughts That Stick \$212.50 smcs; Tiger Direct \$192.28 co; Titan Machinery \$701.13 smcs; Tractor Supply \$1,509.96 smcs; Trade Well Pallet \$1,700.00 smcs; Trans Iowa Equipment \$207.27 smcs; Tri City Outdoor Power \$46.98 smcs; Tri-County Glass \$50.00 co; Turfwerks \$207.00 smcs; Two Sister's Farms \$6,000.00 co; U S Cavalry \$58.51 smcs; United Rentals \$1,289.53 smcs; UNK-Human Resources \$68.00 smcs; UNL Ctr For Applied Rural \$120.00 smcs; UNL Educational Media \$89.50 smcs; UPS \$10.00 smcs; USA Outdoor \$5,580.00 smcs; USPS \$477.21 smcs; Vaska,E \$173.88 smcs; Verizon Wireless \$1,136.41 smcs; Village Uniform \$291.44 smcs; Wal-Mart \$1,506.40 smcs; Ward Labs \$33.00 smcs; Wellness Council America \$97.20 ps; Wheeler,J \$100.00 smcs; Wilke Donovan's \$416.51 smcs; WP-Passmark \$34.00 smcs; Yanda's Music \$36.76 smcs; Zimmerman Printers \$156.75 smcs; Payroll Ending 1-1-2011 -- \$326,328.97. 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. Approve Change Order No. 4 showing an increase in the amount of \$15,556.00 and Change Order No. 5 showing an increase in the amount of \$76,099.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and adopt **Resolution No. 2011-1**.

### **RESOLUTION NO. 2011-1**

WHEREAS, JLC, Inc. of York, Nebraska has performed services in connection with the Kearney Public Library Addition & Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 4 showing an increase to the contract sum in the amount of \$15,556.00, as shown on Exhibit "A", and Change Order No. 5 showing an increase to the contract sum in the amount of \$76,099.00, as shown on Exhibit "B" attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$4,548,220.00
Change Order No. 1 (12-22-2009)	- 75,500.00
Change Order No. 2 (7-13-2010)	+ 2,128.00
Change Order No. 3 (9-14-2010)	+ 6,565.00
Change Order No. 4 (1-11-2011)	+ 15,556.00
Change Order No. 5 (1-11-2011)	<u>+ 76,099.00</u>
Contract Sum to Date	\$4,573,068.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order Nos. 4 and 5, as shown on Exhibits "A" and "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 11TH DAY OF JANUARY, 2011.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 7626 – AMEND SECTION 1-1510 OF CITY CODE**

This ordinance will amend Section 1-1510 of the Code of the City of Kearney to provide that mileage reimbursements for personal automobile usage shall be at the rate allowed by Section 81-1176 of the Nebraska Revised Statutes. Section 81-1176 provides that reimbursement on such requests shall be computed based on the rate established by the Nebraska Department of Administrative Services. The Department of Administrative Services has historically used the Internal Revenue Service standard mileage rate as the reimbursement rate. The standard mileage rate set by the Internal Revenue Service for 2011 is fifty-one cents. The mileage reimbursement to city employees for use of personal vehicles for city purposes will increase from 25.5 cents per mile to 51 cents per mile. City employees are encouraged to use city vehicles for travel when possible; therefore, the additional costs will only be incurred when personal vehicles are used for city purposes.

It also amends Section 1-1510 of the Code of the City of Kearney to remove the provision that long-term employees receive an I Bond based on the number of years of employment. Since eligible employees currently receive longevity pay once a year based on the number of years of employment, there is no need for this provision in the Code.

Council Member Lear introduced Ordinance No. 7626, being Subsection 1 of Agenda Item V amending Section 1-1510 "Purchasing" of Chapter 1 "Administration" of the Code of the City of Kearney to allow mileage at the then current rate allowed by Section 81-1176 of the Nebraska Revised Statutes and to delete the reference of providing I Bonds to employees reaching 25, 30, 35, 40, 45 years of employment, 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 Buschkoetter seconded the motion to suspend the rules. 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7626 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7626 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7626 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**

### **2009-2010 ANNUAL FINANCIAL REPORT**

Mayor Clouse opened for discussion the City of Kearney Annual Financial Report prepared by the accounting firm of McDermott & Miller.

Mary Kalb from McDermott & Miller presented this matter to the Council. This is the 8th year that they have presented the financial statements on GASBY which is making the City report like any other business with accruals and assets. She pulled percentages from that 8-year period. The average increase over the eight years in the net assets has been a 9.95 percent increase per year which is a remarkable percentage. Eight years ago it was \$94 million and as of September 30, 2010 it was \$165 million. The revenues have increased at an average of 6.9 percent over the 8-year period. Expenses have averaged a 5.4 percent increase. That 1.5 percent increase over the years have helped to increase the net assets and helped the City to remain stable and grow. The revenues have increased whereas the expenses have stayed even. These are all positives.

The property taxes averaged 4.7 percent of the total revenue which has decreased slightly over the past eight years. Other taxes averaged 24 percent of the revenue which has stayed pretty even while other revenues have been increasing. The other taxes have held their own which would be sales tax and some miscellaneous tax.

The City's current assets (cash, investments, receivables) are within ½ percent of the prior year ending or \$100,000; although there was a significant increase in the net assets over the last years. She believed that the fact that amount stayed even, although there was a large increase in the net assets is very positive.

The federal revenue was approximately \$3.8 million last year. In this 8-year period, they

actually had one year where it was slightly greater than that amount. That year consisted of a very large loan that had to be repaid. This year very little of the amount is a loan which is a pretty significant amount of federal revenue for Kearney to have. A couple of projects that were included in that amount were the East 39th Street project and The Buckle project.

Ms. Kalb commended Finance Director Wendell Wessels and his staff for an excellent job again this year. She did state that they still recommend the segregation of duties which was in their report and their governance letter. They want the City to be aware of this each year in their report.

Moved by Clouse seconded by Lammers to accept the City of Kearney Annual Financial Report prepared by the accounting firm of McDermott & Miller. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

### **ORDINANCE NO. 7627 – VACATE PORTION OF 3RD AVENUE NORTH OF 19TH STREET**

Mayor Clouse opened for discussion the petition to vacate a portion of 3rd Avenue lying north of 19th Street as it abuts part of Block 1 and all of Block 2, Kearney Land and Investment Company's First Addition.

For estate planning purposes, the applicant is requesting vacation of approximately 140 lineal feet of 3rd Avenue as it extends north from 19th Street and dead-ends at the railroad tracks. The portion to be vacated abuts part of Block 1 and all of Block 2, Kearney Land and Investment Company's First Addition. The property is zoned M-1, Limited Industrial District. According to state statutes, one half of the street will revert to B4 Grain, Inc. and the other half will revert to B & H Investments, Inc. (Culligan). If the street is vacated the applicant will not erect any structures on the vacated portion in the future because trucks need that area for maneuvering room to get to the scale. Access will be maintained to the east and west ends of the grain storage building.

There is a water main and a gas line in 3rd Avenue. Therefore, the City Utilities Department requests that the vacated street be maintained as a utility easement to provide access to these utilities.

Jerry Hellman was present to answer any questions. He stated they would not be constructing a building on this vacated street. It is being reserved as a utility easement.

Council Member Lammers introduced Ordinance No. 7627, being Subsection 3 of Agenda Item VI vacating a portion of 3rd Avenue lying north of 19th Street as it abuts part of Block 1 and all of Block 2, Kearney Land and Investment Company's First addition to 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 Lear seconded the motion to suspend the rules. 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, Lammers, Buschkoetter. Nay: None. Kearney 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. 7627 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7627 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7627 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.

**INTENT TO ANNEX KEARNEY RV PARK & CAMPGROUND; SOUTH OF 11TH STREET EAST OF AVENUE M**

Mayor Clouse opened for discussion Resolution No. 2011-2 on the intent to annex into the City limits a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M) and to set the public hearing date for January 25, 2011 at 5:00 p.m.

City Attorney Michael Tye presented this matter to the Council. The City Council granted a Conditional Use Permit to the proposed Kearney RV Park and this property should be annexed into the Kearney City limits as it is adjacent and contiguous to Kearney City limits and will be served by City services. The Kearney RV Park intends to connect to City sewer and water. This being the case, City staff put together an Annexation Agreement which was accepted by the Council on November 9, 2010.

Section 16-117 of the Nebraska Revised Statutes provides for the process of annexation. This matter was first considered at a public hearing before the Planning Commission at their meeting held on December 17, 2010 and was approved. The second action in this process is for the City Council to consider passing a resolution stating its intent to annex, approve an annexation plan, and to set a public hearing for comment on the proposed annexation before the City Council.

Moved by Buschkoetter seconded by Clouse to approve **Resolution No. 2011-2** on the intent to annex into the City limits a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M) and to set the public hearing date for January 25, 2011 at 5:00 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

**RESOLUTION NO. 2011-2**

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tract of land being part of Government Lot 3, part of Government Lot 4, and accretion land deriving from and adjacent to Government Lot 3 all in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the northwest corner of Government Lot 3 in Section 7 and assuming the west line of said Government Lot 3 in Section 7 as bearing S00°55'04"E and all bearings contained herein are relative thereto; thence S00°55'04"E and on the west of said Government Lot 3 in Section 7 a distance of 667.07 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S00°55'04"E and on the west of said Government Lot 3 in Section 7 a distance of 132.00 feet; thence leaving the west of said Government Lot 3 in Section 7, N89°55'29"E a distance of 410.70 feet; thence S00°04'31"E a distance of 402.56 feet to a point on the centerline of the existing channel of the North Channel of the Platte River; thence downstream and on the centerline of said existing channel of the North Channel of the Platte River the following courses and distances; S89°31'E a distance of 191.37 feet; thence N64°56'E a distance of 176.0 feet; thence N61°40'E a distance of 216.0 feet; thence N81°13'E a distance of 200.0 feet; thence N79°32'E a distance of 322.0 feet; thence S84°45'E a distance of 331.0 feet; thence N70°29'E a distance of 373.0 feet; thence leaving the centerline of said existing channel of the North Channel of the Platte River, N00°04'31"W a distance of 178.02 feet; thence S89°55'29"W a distance of 2149.50 feet to the place of beginning, excepting therefrom a tract of land conveyed to the City of Kearney as described on Microfilm Roll 121, Page 426 recorded on June 7, 1937, containing 15.08 acres, more or less, of which 0.06 acres, more or less, are presently being used for road purposes on the west side, all in Buffalo County, Nebraska; and

WHEREAS, the City Council will conduct a public hearing on January 25, 2011 at 5:00 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and maintained by the City of Kearney and no additional utility improvements will be required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 5:00 p.m. on January 25, 2011, or as soon thereafter as the matter may

be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 11TH DAY OF JANUARY, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**ORDINANCE NO. 7625 – ANNEXATION OF BROWN PROPERTIES, 1616 30TH AVENUE**

Mayor Clouse stated that Ordinance No. 7625 pertains to the annexation of the Brown Properties located at 1616 30th Avenue. Most generally, the City Council generally suspends the rules requiring the reading of ordinances on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." The first reading was held on December 28 and this is the second reading.

Council Member Clouse moved that Ordinance No. 7625, being Subsection 4 of Agenda Item VI annexing the following tract of land to be included within the corporate limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue), be placed on second reading by title and that the City Clerk be permitted to read Ordinance No. 7625 on its second reading. Council Member Lammers seconded the motion to place Ordinance No. 7625 on second reading. 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, Lammers. Nay: None. Kearney absent. City Clerk read Ordinance No. 7625 by title on second reading.

**CITY OF KEARNEY MISSION STATEMENT**

Mayor Clouse opened for discussion the Mission Statement of the City of Kearney.

City Manager Michael Morgan presented this matter to the Council. Several years ago, Department Heads and the City Manager adopted a mission statement for city employees. The statement was as follows: *We will effectively deliver public services with professional pride to all of our residents and visitors. The Kearney community deserves a high quality of life for all. The employees of the City of Kearney share a community pride and vision that helps us focus on solutions to our common problems. We believe we are partners in the process of community betterment.*

Staff recently reviewed the statement and agreed it needed to be revised. The new mission statement is as follows: *We provide services, solutions and opportunities for our community.*

This statement is simple but reflects the City's true mission which is to provide solutions to all groups. The statement will be placed on business cards, letterhead, emails, city web site and will be posted in all work areas.

Moved by Lammers seconded by Lear to adopt the Mission Statement of the City of Kearney – *We provide services, solutions, and opportunities for our community.* Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

**OPEN ACCOUNT CLAIMS: NPPD - \$299.81, PLATTE VALLEY STATE BANK - \$49,701.50, SCHOOL DISTRICT #7 - \$4,328.22, STAN CLOUSE - \$164.00**

Mayor Clouse stated with the absence of Councilman Kearney and the abstention of Councilmen Buschkoetter and Lammers, the claim to School District #7 will not be voted on at this meeting.

Moved by Lear seconded by Buschkoetter that Open Account Claims in the amount of \$299.81 payable to Nebraska Public Power District, and in the amount of \$164.00 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Kearney absent. Motion carried.

Moved by Clouse seconded by Buschkoetter that the Open Account Claim in the amount of \$49,701.50 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers. Nay: None. Lear abstained. Kearney absent. Motion carried.

## **VII. REPORTS**

### **JANUARY 25 COUNCIL MEETING**

Mayor Clouse reminded everyone that the next Council meeting scheduled for January 25 will begin at 5:00 p.m. instead of 7:00 p.m. for the reason the Chamber of Commerce Annual Meeting is also scheduled for that evening.

### **CHERRY AVENUE BYPASS TO BEGIN**

City Manager Michael Morgan stated the Cherry Avenue announcement was made earlier in the day that construction will begin on Phase 1 this Spring.

### **LISTENING SESSIONS SCHEDULED**

The listening session season is here and many of them have been scheduled. City Manager encouraged everyone to check the times and dates of these sessions in the

next few weeks.

### **IN-DEPTH ANALYSIS ON DEVELOPMENT IN THE COMMUNITY**

City Manager stated another project staff is working on is an in-depth analysis that shows the perspective of the development in the community. This would include data like how many lots within the community have infrastructure available and are ready to be built. He gave an example of when a new subdivision comes into the community there are certain requirements in the City Code for intersections, storm water, etc. where the City actually pays for oversizing. Over the years, the City has paid for significant improvements; however, some of these lots have remained undeveloped. If they do not develop, the return on some of these investments can be pretty slow and minimal at times, which affects the City's share of the property tax. The City is now at a point where it has a significant number of vacant lots that are already served. So the question is should the City be interested in continuing certain new subdivisions with that infrastructure at that cost. The City also has a significant amount of water and sewer connection fees due to the City when properties are connected. Another question is should the City further extend itself with the fairly consistent increases in rates which are due in part to the fact that the City does pay for some of those improvements.

Director of Utilities, Director of Public Works and their staffs can put together an in-depth analysis to visually look at. The Council would be surprised at the number of lots that are available in the community. This number of lots can be a good thing, but also an expensive thing. Some communities would like to be in the position of having this number of lots available at this time. The plan is to create a fake subdivision and show what the cost would be and what the return on the investment might be. This will provide some data for the Council to consider. This is a project City staff has wanted to do for some time.

Council member Lear requested that price ranges of available lots be included in the data so that there is a good mix. Mayor Clouse suggested checking with NPPD because they have the same situation with building infrastructure and if it is not built on there is no revenue generated. City Manager stated there will be a lot of policy decisions for the governing body based on oversizing, intersection improvements, street widths, etc. which the City staff needs to do a better job of identifying for Council and Planning Commission.

City Manager stated locations for parks are another issue. They had provisions at one time that hoped to recover funds and land from developers and set aside for parks. Legally that is not available. There could be discussions on that process, especially regarding northeast Kearney where there is no land to develop a park and would be pricey to acquire land in that area. A master plan for parks should be included as well.

There has been a lot of growth in many subdivisions, but it has slowed over the last year as far as new housing starts. This information will probably require a study session as there is a lot of information to be discussed.

Kearney will be using one the new snow blowers overnight to remove the snow from the recent storm that was piled in the center of the streets. Many cities do not remove these

center piles, but it is better to do so and prevent icing. The purchase of this new snow blower will lessen the time considerably to remove this snow and will not require as many man hours or outside contractors to assist with trucks. Kearney also has trained employees from other departments to help with snow removal which some other cities do not choose to do. The Kearney Airport also remained open due to our snow removal equipment there while many others closed.

**VIII. ADJOURN**

Moved by Lear seconded by Buschkoetter that Council adjourn at 7:26 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**