

*Kearney, Nebraska
August 14, 2012
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 August 14, 2012 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Shawna Erbsen, Administrative Services Director; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Mitch Humphrey, Andy Harter, Michelle Harter, Jonathan Nikkila, Richard Lush, Steve Altmaier from KGFW Radio, Mary Jane Skala 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

Pastor Mitch Ivey from Grace Fellowship provided the Invocation.

PLEDGE OF ALLEGIANCE

One Boy Scout 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 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

AMEND THE LAND USE MAP FOR 350 WEST HIGHWAY 40

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) and David Fleming (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Open to Rural Estates for property described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (350 West Highway 40) and consider Resolution No. 2012-126. Planning Commission recommended approval.

The applicant is requesting a building permit to reconstruct a garage on property located north of town in the Two-Mile Extraterritorial Zoning District near Glenwood Corners. The size of the property is 2.01 acres. The property takes access from Highway 40. This property has never been subdivided or rezoned and is zoned AG by default. In order for the Development Services Department to issue the required building permits, the property must be brought into conformance with City and State requirements. Since the parcel is less than 10 acres, a formal subdivision is required along with amending the Land Use Map and rezoning.

The Owner is requesting approval to rezone the 2.01 acre parcel from AG to RR-1, Rural Residential District (Rural Standards) even though the size of the property is less than the 3-acre minimum lot size for this district. Since it is a pre-existing parcel of record, the property size stands as is and the proper zoning based on use is RR-1. In order to rezone a parcel of property it must be in conformance with the Future Land Use Map of the City Comprehensive Development Plan, or the appropriate change to the Land Use Map must be considered prior to rezoning. In this case, the current land use designation for the subject property is "Agricultural/Open" and the designation corresponding to the applicant's zoning request is "Rural Estates."

A 1-lot subdivision to be known as "Fleming Estates" has been prepared and submitted. Both the Preliminary Plat and Final Plat consist of one lot. The Preliminary Plat was approved by Planning Commission on July 20, 2012. No Public Works Plan is required as this property cannot be served by city services. No Subdivision Agreement is required.

Mitch Humphrey from Buffalo Surveying was present to answer any questions.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and adopt **Resolution No. 2012-126** approving the Application submitted by Buffalo Surveying Corp. (Applicant) and David Fleming (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Open to Rural Estates for property described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M.,

Buffalo County, Nebraska (350 West Highway 40). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2012-126

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being a part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the northeast corner of the Southeast Quarter of Section 14 and assuming the north line of the Southeast Quarter of said Section 14 as bearing S89°37'45"W and all bearings contained herein are relative thereto; thence S89°37'45"W and on the north line of the Southeast Quarter of said Section 14 a distance of 760.80 feet; thence leaving the north line of the Southeast Quarter of said Section 14, S00°20'11"E a distance of 48.41 feet to the ACTUAL PLACE OF BEGINNING, said point being on the south right-of-way line of Nebraska State Highway No. 40; thence leaving the south right-of-way line of Nebraska State Highway No. 40 and continuing S00°20'11"E a distance of 332.84 feet to a point on the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned); thence S59°38'00"E and on the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned) a distance of 266.78 feet to the southwest corner of Nickman Subdivision, a subdivision of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence leaving the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned), and on the west line of said Nickman Subdivision N00°20'59"W a distance of 430.53 feet to a point on the south right-of-way line of Nebraska State Highway No. 40, said point also being the northwest corner of said Nickman Subdivision, and said point also being on a non-tangent 2944.29 foot radius curve, concave north; thence westerly on the south right-of-way line of Nebraska State Highway No. 40 and on said non-tangent curve forming a central angle of 00°54'04" an arc distance of 46.30 feet to a point of tangency, said point of tangency bears N81°09'13"W a chord distance of 46.30 feet from the previously described point; thence continuing on the south right-of-way line of Nebraska State Highway No. 40, N80°42'11"W a distance of 186.20 feet to the place of beginning, containing 2.01 acres, more or less, all in Buffalo County, Nebraska (350 West Highway 40) from Agricultural Open to Rural Estates, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Agricultural Open to Rural Estates the use classification for a tract of land being a part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the northeast corner of the Southeast Quarter of Section 14 and assuming the north line of the Southeast Quarter of said Section 14 as bearing S89°37'45"W and all bearings contained herein are relative

thereto; thence S89°37'45"W and on the north line of the Southeast Quarter of said Section 14 a distance of 760.80 feet; thence leaving the north line of the Southeast Quarter of said Section 14, S00°20'11"E a distance of 48.41 feet to the ACTUAL PLACE OF BEGINNING, said point being on the south right-of-way line of Nebraska State Highway No. 40; thence leaving the south right-of-way line of Nebraska State Highway No. 40 and continuing S00°20'11"E a distance of 332.84 feet to a point on the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned); thence S59°38'00"E and on the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned) a distance of 266.78 feet to the southwest corner of Nickman Subdivision, a subdivision of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence leaving the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned), and on the west line of said Nickman Subdivision N00°20'59"W a distance of 430.53 feet to a point on the south right-of-way line of Nebraska State Highway No. 40, said point also being the northwest corner of said Nickman Subdivision, and said point also being on a non-tangent 2944.29 foot radius curve, concave north; thence westerly on the south right-of-way line of Nebraska State Highway No. 40 and on said non-tangent curve forming a central angle of 00°54'04" an arc distance of 46.30 feet to a point of tangency, said point of tangency bears N81°09'13"W a chord distance of 46.30 feet from the previously described point; thence continuing on the south right-of-way line of Nebraska State Highway No. 40, N80°42'11"W a distance of 186.20 feet to the place of beginning, containing 2.01 acres, more or less, all in Buffalo County, Nebraska (350 West Highway 40).

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING PROPERTY LOCATED AT 350 WEST HIGHWAY 40

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) and David Fleming (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (350 West Highway 40) and to consider Ordinance No. 7734.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing and introduced Ordinance No. 7734 on the Application submitted by Buffalo Surveying Corp. (Applicant) and David Fleming (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (350 West Highway 40) 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 close the hearing and suspend the rules for Ordinance No. 7734. 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, Kearney, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7734 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7734 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7734 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR FLEMING ESTATES

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) and David Fleming (Owner) for the Final Plat for Fleming Estates, Buffalo County, Nebraska for property described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (750 feet west of Highway 10/40 on the south) and consider Resolution No. 2012-127.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2012-127** approving the Application submitted by Buffalo Surveying Corp. (Applicant) and David Fleming (Owner) for the Final Plat for Fleming Estates, Buffalo County, Nebraska for property described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (750 feet west of Highway 10/40 on the south). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

RESOLUTION NO. 2012-127

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fleming Estates of Buffalo County, Nebraska for a tract of land being a part of the Northeast Quarter of the Southeast Quarter of

Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the northeast corner of the Southeast Quarter of Section 14 and assuming the north line of the Southeast Quarter of said Section 14 as bearing S89°37'45"W and all bearings contained herein are relative thereto; thence S89°37'45"W and on the north line of the Southeast Quarter of said Section 14 a distance of 760.80 feet; thence leaving the north line of the Southeast Quarter of said Section 14, S00°20'11"E a distance of 48.41 feet to the ACTUAL PLACE OF BEGINNING, said point being on the south right-of-way line of Nebraska State Highway No. 40; thence leaving the south right-of-way line of Nebraska State Highway No. 40 and continuing S00°20'11"E a distance of 332.84 feet to a point on the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned); thence S59°38'00"E and on the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned) a distance of 266.78 feet to the southwest corner of Nickman Subdivision, a subdivision of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence leaving the north line of the Kearney and Black Hills Railroad right-of-way (now abandoned), and on the west line of said Nickman Subdivision N00°20'59"W a distance of 430.53 feet to a point on the south right-of-way line of Nebraska State Highway No. 40, said point also being the northwest corner of said Nickman Subdivision, and said point also being on a non-tangent 2944.29 foot radius curve, concave north; thence westerly on the south right-of-way line of Nebraska State Highway No. 40 and on said non-tangent curve forming a central angle of 00°54'04" an arc distance of 46.30 feet to a point of tangency, said point of tangency bears N81°09'13"W a chord distance of 46.30 feet from the previously described point; thence continuing on the south right-of-way line of Nebraska State Highway No. 40, N80°42'11"W a distance of 186.20 feet to the place of beginning, containing 2.01 acres, more or less, all in Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the 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 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Kearney to remove from the table Subsection 3 of Consent Agenda Item IV. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

Moved by Kearney seconded by Lammers that Subsections 1 through 20 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

1. Approve Minutes of Special Meetings held July 12, 2012 and July 18, 2012 and the Regular Meeting held July 24, 2012.

2. Approve the following Claims:

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

A-1 Refrigeration \$278.86 smcs; Aflac \$2,904.26 ps; Agri Coop \$134.29 smcs; Alamar Uniforms \$349.68 smcs; Alfred Benesch \$69.56 smcs; All Makes Auto Supply \$1,757.66 smcs; Amer Fence \$527.75 smcs; Amer First Aid \$301.30 smcs; Anderson Bros \$454.68 smcs; Ask Supply \$1,781.17 smcs; Associate Staffing \$39.00 smcs; Audio Go \$187.91 smcs; Baird Holm \$15,800.00 smcs; Baker & Taylor Books \$6,164.46 smcs; Bamford \$993.43 smcs; Baughman,J \$81.40 smcs; Benne,K \$35.00 smcs; Berke,N \$100.00 smcs; Blackstone Audiobooks \$247.50 smcs; Blessing \$165,445.24 co; Blevins,D \$480.00 smcs; Bluecross Blueshield \$64,232.52 smcs; Bonczynski,A \$41.17 smcs; Borer,K \$31.00 smcs; Bosselman \$4,566.42 smcs; Broadfoot's \$2,127.54 smcs,co; Bugay,B \$31.00 smcs; Buggy Bath Carwash \$2,000.00 smcs; Builders Warehouse \$869.62 co; Capital Business Systems \$295.10 smcs; Carquest \$1,092.71 smcs; Casey's \$184.87 smcs; Cash-Wa \$26,680.29 smcs; Center Point Large Print \$140.87 smcs; Central Dist Health Dept \$3,944.00 smcs; Central Fire & Safety \$328.00 smcs; Charter \$671.74 smcs; Chesterman \$2,717.10 smcs; CHS Agri Service \$10,072.11 smcs; City of Ky \$355,594.08 smcs,co,ps; Computer Pros \$5,491.98 co; Copycat Printing \$532.87 smcs; Crane River Theater \$2,276.25 smcs; Credit Management Services \$180.00 smcs; Culver,J \$35.00 smcs; Cummins Central Power \$1,186.61 smcs; Curb-It \$762.00 smcs; Dacruz,R \$89.55 smcs; Dandee Concrete \$450.00 smcs; Deeter Foundry \$619.00 smcs; Deterdings \$2,317.11 smcs; Dish Network \$137.40 smcs; Dowhy Towing \$675.00 smcs; DPC Industries \$18,979.17 smcs; Dugan Business Forms \$450.35 smcs; Dutton-Lainson \$48.76 smcs; E&D Enterprises \$456.00 smcs; Eakes \$2,679.02 smcs,co; Ecolab \$37.04 smcs; Eirich,T \$50.00 smcs; Ellison,P \$50.00 smcs; EMC Ins \$1,603.03 smcs; Eppley Express \$1,389.40 smcs; Erbsen,S \$93.00 smcs; Farmers Union Coop \$28.50 smcs; Feld Fire \$1,004.60 smcs; Fiddelke Heating \$4,492.00 smcs,co; Fletcher,J \$38.83 smcs; Fortune,J \$1.94 smcs; Fremont Dinner Train \$1,796.88 smcs; Frontier Comm \$26.00 smcs; Fulton,K \$134.00 smcs; FYR-TEK \$4,683.36 smcs; Gale \$294.08 smcs; Gear for Sports \$1,962.74 smcs; Gilbreath,M \$60.00 smcs; Glock Professional \$1,626.00 smcs; Goedert,J \$400.00 smcs; GFOA \$50.00 smcs; Great Plains One Call \$512.07 smcs; Green,J \$42.34 smcs; H&H Distributing \$2,680.69 smcs; Harley-Davidson \$569.60 smcs; Harrison,K \$55.00 smcs; Harshbarger,K \$728.50 smcs; HD Supply \$9,380.00 smcs; Heyden,B \$20.76 smcs; Hometown Leasing \$444.91 smcs,co; Horizon Designs \$2,450.00 smcs; Howell,L \$2.37 smcs; Hoyt,J \$35.00 smcs; Husker Auto Group \$23,997.77 co; ICMA RC \$7,783.11 ps; IRS \$243,437.43 ps; Isaac,C \$89.40 smcs; Jack Lederman \$125.54 smcs; JCB Enterprises \$114.50 smcs; John Deere Financial \$1,843.65 smcs; Johnson Service \$779.85 smcs; K&K Parts \$1,027.86 smcs; Kart-Man \$977.35 smcs; Ky Concrete \$2,593.60 co; Ky Crete & Block \$3,846.58 smcs,co; Ky Glass \$313.26 smcs; Ky Humane Society \$6,825.00 smcs; Ky Literacy Council

\$1,000.00 smcs; Ky Noon Rotary \$110.00 smcs; Ky Soccer Club \$2,500.00 smcs; Ky Towing \$900.00 smcs; Ky United Way \$655.74 ps; Kenny,B \$29.00 smcs; Kershaw,J \$20.11 smcs; Kirkham Michael \$21,345.63 co; Knutsen,D \$1.22 smcs; Kowalek,G \$13.34 smcs; Krueger,D \$363.00 smcs; Krull Ins \$1,950.00 smcs; Landanger,M \$90.00 smcs; Larue Distributing \$146.92 smcs; Lockmobile \$130.00 smcs; Logan Contractors \$14,637.80 smcs; Mac Tools \$70.76 smcs; Magic Cleaning \$690.00 smcs; Mail Express \$71.13 smcs; Malleck,J \$59.00 smcs; Marachi Zapata \$450.00 smcs; Matheson Tri-Gas \$90.11 smcs; Meister,K \$485.00 co; Menards \$38.99 co; Meseure,D \$528.81 co; Metlife \$7,366.78 ps; Microfilm Imaging \$2,050.00 co; Midlands Contracting \$64,905.53 co; Mid-NE Garage Doors \$177.00 smcs; Mid-State Units \$320.00 smcs; Miller & Associates \$37,331.43 smcs,co; Miller,T \$16.17 smcs; Miracle Recreation \$284.00 co; Moonlight Embroidery \$3,696.50 smcs; Municipal Supply \$3,503.13 smcs; Murphy Tractor \$750.64 smcs; NE Child Support \$4,943.18 ps; NE Dept of Revenue \$99,511.64 ps; NE DOL/Boiler Inspection \$36.00 smcs; NE Golf Assn \$504.00 smcs; NE Library Assn \$585.00 smcs; NE Library Commission \$2,749.64 smcs; NE Public Health \$1,212.00 smcs; NE Safety & Fire \$1,036.23 smcs; NE St Fair \$30.00 smcs; NE St Treasurer \$2,412.32 smcs; NE Supreme Court \$26.25 smcs; NE Truck Center \$350.00 co; NEland Distributors \$2,051.44 smcs; Nelson,C \$94.00 smcs; Nelson's Furniture \$521.10 co; Neopost \$6,000.00 smcs; New World Systems \$4,830.06 co; Norm's Plumbing \$2,499.36 co; Northwestern Energy \$2,162.05 smcs; O'Keefe Elevator \$367.97 smcs; O'Neil Wood Resources \$12,915.00 smcs; O'Reilly Automotive \$958.06 smcs; Otto Environmental \$24,778.32 smcs; Panowicz,K \$72.00 ps; Paramount Linen \$331.31 smcs; Payflex Systems \$527.00 smcs,ps; Pep Co \$53.66 smcs; Pet Pickups \$550.55 smcs; Pitney Bowes \$46.87 smcs; Platte Valley Medical Group \$398.00 smcs; Presto-X \$449.90 smcs; Pro-Quest \$355.00 smcs; Pulliam,R \$40.00 smcs; Quill \$116.98 smcs; Ready Mixed Concrete \$40,308.79 co; Recorded Books \$1,417.32 smcs; Reineke Enterprises \$150.00 smcs; Reineke,B \$363.00 smcs; Reinke's Heating \$1,878.38 smcs; Research Technology \$349.95 smcs; Resource Management \$2,415.36 smcs; Riverside Mfg \$474.50 ps; RNDC-Eagle Division \$391.60 smcs; RNDC-Falcon Division \$210.33 smcs; Russell's Appliance \$1,048.00 co; Sales,G \$1,200.00 smcs; Salina Blueprint \$60.16 smcs; Sanitation Products \$1,077.50 smcs; Sapp Bros \$37,423.88 smcs; Schnieders,M \$34.95 smcs; Shaffer,N \$21.74 smcs; Smith Signs \$135.00 smcs; Snow,T \$50.00 smcs; Sorensen Group \$507.42 co; SOS Portable Toilets \$105.00 smcs; Springer Roofing \$36,650.00 co; SPS VAR \$12,125.00 co; Starostka,T \$15.86 smcs; St of NE/AS Central \$4,441.92 smcs,co; Steinbrink Landscaping \$490.00 smcs; Steinbrook,S \$1,309.00 smcs; Sterling Distributing \$836.00 smcs; Stevenson,T \$21.74 smcs; Stewart,R \$484.54 co; Stone,W \$22.50 smcs; Sun Life Financial \$51,759.30 smcs; Super Seer \$1,842.80 co; Tappan,D \$17.50 smcs; Taylor,J \$378.75 smcs; Taylor,N \$17.90 smcs; Thome,B \$758.50 smcs; Tielke's Sandwiches \$200.93 smcs; Titleist \$4,346.17 smcs; Todd Valley Farms \$15,850.00 co; Tri-City BMX \$146.25 smcs; Trotter Fertilizer \$65.18 smcs; TruGreen ChemLawn \$192.00 smcs; Turfwerks \$600.26 smcs; Turner Body Shop \$650.00 smcs; Tye & Rademacher \$10,879.77 smcs; Ultra Chem \$497.20 smcs; Union Bank & Trust \$110,533.61 ps; VanZandt,A \$44.07 smcs; Verizon Wireless \$1,000.27 smcs; Video Service of America \$2,526.53 smcs; Village Uniform \$591.58 smcs; Votta,P \$1.25 smcs; Walters Electric \$1,816.67 smcs,co; Warren-T Plumbing \$121.50 smcs; Watchguard Video \$334.25 co; Weathercraft \$69.22 smcs; Weis Equipment \$1,690.00 smcs; West Central NE HBA \$360.00 smcs; Wiegand Security \$90.00 smcs; World Book \$1,903.00 smcs; World Trade Press \$800.00 smcs; Young,S \$39.04 smcs;

Zimmerman Printing \$45.05 smcs; Payroll Ending 7-28-2012 -- \$401,493.18. 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. **Postponed July 24, 2012.** Accept the bids received for the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center and adopt **Resolution No. 2012-119** awarding the bid.

RESOLUTION NO. 2012-119

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on July 19, 2012 at 2:00 p.m. for the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$87,500.00 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Masonry Construction of Bellevue, Nebraska in the sum of \$71,113.00 be accepted as the lowest responsible bid for Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Masonry Construction be and is the lowest responsible bidder for the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Masonry Construction in the sum of \$71,113.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$87,500.00 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 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

4. Adopt **Resolution No. 2012-128** approving T-Hangar A-3 between the City of Kearney and Jeffrey Mitchell for storage purposes at the Kearney Regional Airport.

RESOLUTION NO. 2012-128

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 T-Hangar A-3 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Jeffrey

Mitchell, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the request submitted by the University of Nebraska Kearney to conduct the Homecoming/Band Day Parade scheduled for September 22, 2012 beginning at 10:00 a.m. commencing in the MONA parking lot, south on Central Avenue to Railroad Street, west on Railroad Street to 3rd Avenue, north on 3rd Avenue to 21st Street, west on 21st Street to 8th Avenue, south on 8th Avenue to 20th Street and concluding in the West Company parking lot. The following streets will temporarily be closed for the line-up area: Avenues C, D and E from the south side of 25th Street to Railroad Street, 22nd, 23rd and 24th Streets from Avenue A to Avenue D.

6. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auction to be held on August 25, 2012 from 7:00 a.m. until 2:00 p.m.

7. Adopt **Resolution No. 2012-129** approving the Engineering Study conducted for a pedestrian activated signal study at the existing school crossing at Avenue N and 34th Street.

RESOLUTION NO. 2012-129

WHEREAS, a number of engineering studies have been performed on the existing pedestrian crossing located on Avenue N north of 34th Street for warrants associated with the installation of a traffic signal; and

WHEREAS, the City performed an engineering study, utilizing counts performed during the past school year, considering warrants for a pedestrian activated signal for the school crossing at said location; and

WHEREAS, the study indicated the need for a pedestrian activated signal at this location.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Engineering Study be and is hereby accepted. A copy of the Engineering Study, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that City staff be and is hereby authorized and directed to proceed with the installation of a pedestrian activated signal on Avenue N located approximately 110 feet north of 34th Street.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt **Resolution No. 2012-130** approving the Title VI Compliance Plan for the City of Kearney and appointing the Assistant City Manager as the Title VI Coordinator for the City of Kearney.

RESOLUTION NO. 2012-130

WHEREAS, Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 1001259 [S .557] March 22, 1988); and

WHEREAS, the City of Kearney is a Federal Aid recipient; and

WHEREAS, the Nebraska State Department of Roads has mandated that Federal Aid recipients comply with the above requirements by adopting a Title VI Non-Discrimination Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Title VI Non-Discrimination Agreement, which includes Appendix A, Appendix B, and Appendix C be and is hereby adopted.

BE IT FURTHER RESOLVED that the Assistant City Manager be and is hereby appointed to serve as the City of Kearney Title VI Coordinator.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2012-131** approving the Limited English Proficiency Assistance Plan for the City of Kearney.

RESOLUTION NO. 2012-131

WHEREAS, the Nebraska Department of Roads has described four factors that should be addressed in drafting a Limited English Proficiency Plan in compliance with Executive Order 12166; and

WHEREAS, the Assistant City Manager has been appointed to serve as the City’s Title VI Coordinator; and

WHEREAS, the City’s Title VI Coordinator has examined those factors defined by the Nebraska Department of Roads and the conclusions are reflected in the proposed Limited English Proficiency Assistance Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Limited English Proficiency Assistance Plan, marked as Exhibit “A”, attached hereto and made a part hereof, be and is hereby adopted and approved.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Accept the bids received for the 2012 Part 1 Improvements consisting of Paving Improvement District No. 2012-951, Water District No. 2012-563 and Sanitary Sewer District No. 2012-503 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac; Paving Improvement District No. 2012-952, Water District No. 2012-564 and Sanitary Sewer District No. 2012-504 for 12th Street Place from 17th Avenue to its terminus in a cul-de-sac and adopt **Resolution No. 2012-132** awarding the bid to Midlands Contracting in the amount of \$84,827.65 for Bid A (water and sanitary sewer) and to Dan Roeder Concrete in the amount of \$106,703.75 for Bid B (paving).

RESOLUTION NO. 2012-132

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 7, 2012 at 2:00 p.m. for the 2012 Part 1 Improvements consisting of Paving Improvement District No. 2012-951, Water District No. 2012-563 and Sanitary Sewer District No. 2012-503 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac; Paving Improvement District No. 2012-952, Water District No. 2012-564 and Sanitary Sewer District No. 2012-504 for 12th Street Place from 17th Avenue to its terminus in a cul-de-sac; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$100,717.00 for Bid A (water and sanitary sewer) and \$105,011.00 for Bid B (paving); and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the sum of \$84,827.65 be accepted as the lowest responsible bid for Bid A (water and sanitary sewer); and

WHEREAS, the said engineers have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the sum of \$106,703.75 be accepted as the lowest responsible bid for Bid B (paving).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the 2012 Part 1 Improvements – Bid A consisting of Water District No. 2012-563 and Sanitary Sewer District No. 2012-503 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac; and Water District No. 2012-564 and Sanitary Sewer District No. 2012-504 for 12th Street Place from 17th Avenue to its terminus in a cul-de-sac to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the sum of \$84,827.65 be and is hereby accepted.

BE IT FURTHER RESOLVED that the Engineers recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2012 Part 1 Improvements – Bid B consisting of Paving Improvement District No. 2012-951 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac, and Paving Improvement District No. 2012-952 for 12th Street Place from 17th Avenue to its terminus in a cul-de-sac to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the sum of \$106,703.75 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$100,717.00 for Bid A (water and sanitary sewer) and \$105,011.00 for Bid B (paving) 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 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Accept the bids received for AIP 3-31-0045-27 – Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport and adopt **Resolution No. 2012-133** awarding the bid to American Pavement Solutions in the amount of \$492,030.79 subject to approval by F.A.A. and the Nebraska Department of Aeronautics.

RESOLUTION NO. 2012-133

WHEREAS, Alfred Benesch & Company and the City of Kearney have reviewed the sealed bid which were opened on August 9, 2012, at 10:00 a.m. for AIP Project No. 3-31-0045-27 – Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost, including administrative fees and engineering fees was \$620,000.00; and

WHEREAS, the said engineers have recommended the bid offered by American Pavement Solutions, Inc. from Green Bay, Wisconsin in the sum of \$492,030.79 be accepted as the lowest responsible bid subject to approval by the F.A.A. and the Nebraska Department of Aeronautics.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Pavement Solutions, Inc. be and is the lowest responsible bidder for AIP Project No. 3-31-0045-27 – Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Pavement Solutions, Inc. in the sum of \$492,030.79 be and is hereby accepted subject to approval by the F.A.A. and the Nebraska Department of Aeronautics.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost, including administrative fees and engineering fees for the AIP Project No. 3-31-0045-27 – Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport in the amount of \$620,000.00 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 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the recommendation from the Utilities Department for the purchase of a Landfill Compactor to be used at the Kearney Area Solid Waste Agency Landfill on awarding the bid to Tri County Equipment Company in the amount of \$442,000.

13. Adopt **Resolution No. 2012-134** approving the final allocation of levy authority in the amount of \$147,900 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2012-2013 and the final allocation of levy authority in the amount of \$44,738.00 for Offstreet Parking District No. 1 for fiscal year 2012-2013.

RESOLUTION NO. 2012-134

WHEREAS, Section 77-3443.03 of the Nebraska Revised Statutes, as amended, requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on June 20, 2012, a preliminary request for levy allocation in the amount of \$147,900.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on June 21, 2012, a preliminary request for levy allocation in the amount of \$44,738.00; and

WHEREAS, Section 77-3443.04 of the Nebraska Revised Statutes, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-3443.04 of the Nebraska Revised Statutes, as amended, that a final allocation of levy authority of \$147,900.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2012 and a final allocation of levy authority of \$44,738.00 is hereby approved for Offstreet Parking District No. 1 for 2012.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-3443.04 of the Nebraska Revised Statutes, as amended, that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

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 September 1, 2012.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt **Resolution No. 2012-135** amending the City of Kearney, Nebraska Police Officers' Pension Plan and Trust to comply with the provisions of LB 1082.

RESOLUTION NO. 2012-135

Adoption of Amendment to the City of Kearney, Nebraska Police Officers' Pension Plan and Trust: BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the City shall amend and it hereby does adopt an Amendment to the City of Kearney, Nebraska Police Officers' Pension Plan and Trust (the "Plan") in the form of the Amendment document attached hereto and by this reference fully incorporated herein. The purpose of said Amendment is to adopt certain changes enacted under Nebraska Legislative Bill 1082.

Authorizations: BE IT FURTHER RESOLVED that the Mayor and other appropriate elected officials and officers of the City of Kearney shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt **Resolution No. 2012-136** approving the Consultant Agreement between the City of Kearney and Alfred Benesch & Company for the construction of an Aircraft Rescue and Fire Fighting (ARFF) Facility located at the Kearney Regional Airport.

RESOLUTION NO. 2012-136

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Consultant Agreement with Alfred Benesch & Company for design, bidding, construction and materials testing services for the construction of an Aircraft Rescue and Fire Fighting (ARFF) Facility at the Kearney Regional Airport being funded under the FAA Airport Improvement Program. The Consultant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the Museum of

Nebraska Art and in the garden area located on the east side of the building located at 2401 Central Avenue on August 25, 2012 from 6:30 p.m. until 11:00 p.m. for a dance.

17. Adopt **Resolution No. 2012-137** approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Jeremy Feusner, Joshua Geiselman, Michaela Middleswart, Kasey Potter and Kortni Shemat.

RESOLUTION NO. 2012-137

WHEREAS, Terry Eirich, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Eirich, 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 those 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 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

18. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 15, 2012 (alternate date is September 22, 2012) from 6:00 p.m. until 1:00 a.m. for a dance.

19. Approve the application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 1, 2012 from 3:00 p.m. until 12:00 a.m. for a reception.

20. Adopt **Resolution No. 2012-138** approving the Technical and Professional Services Contract, Community Development Block Grant between the City of Kearney and Miller & Associates as the Administrator for management and supervision services for planning downtown revitalization activities – Phase II.

RESOLUTION NO. 2012-138

WHEREAS, the City of Kearney has applied for a Community Development Block Grant (CDBG) for planning Downtown Revitalization – Phase II activities; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Project Administrator for management and supervision services under a Community Development Block Grant program; and

WHEREAS, City staff received one proposal and recommends pursuing a contract with Miller & Associates of Kearney to provide management and supervision services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under a Community Development Block Grant program for downtown revitalization – planning, Phase II, as set forth in the Contract. The said Contract, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF AUGUST, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7735 VACATING CUL-DE-SAC IN SCHROEDER ESTATES THIRD SUBDIVISION

Mayor Clouse opened for discussion the Application submitted by Andrew and Michelle Harter and Chadwick and Melissa Henning (Applicant and Owners) to vacate the platted cul-de-sac located between Lots 5, 6 and 7, Block 1, of Schroeder Estates Third Subdivision, a subdivision being part of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County Nebraska (north of 8115 6th Avenue) and to consider Ordinance No. 7735. Planning Commission recommended approval subject to having a minor subdivision created prior to the City Council meeting so there is no land-locked property after the street is vacated. The applicant has filed the Minor Subdivision with the Register of Deeds.

Property Owner Andy Harter presented this matter to the Council. They are requesting vacation of a platted cul-de-sac street that has never been constructed. The platted street location is between Lots 5, 6, and 7 of Schroeder Estates Third Subdivision. There are no utilities involved so retention of an easement is not necessary. When the cul-de-sac street is vacated it will landlock platted Lot 6 so staff has advised the applicant to prepare a Minor Subdivision wherein a new lot line will follow the centerline of the street proposed for vacation and also split existing Lot 6 into two pieces. The corresponding halves of the street and Lot 6 will revert back to the abutting lots so that Lot 5 and Lot 7 will "absorb" the street and Lot 6.

Council Member Lammers introduced Ordinance No. 7735, being Subsection 1 of Agenda Item VI to vacate the platted cul-de-sac located between Lots 5, 6 and 7, Block 1, of Schroeder Estates Third Subdivision, a subdivision being part of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County Nebraska (north of 8115 6th Avenue), 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, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7735 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7735 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7735 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.

OPEN ACCOUNT CLAIM: NPPD - \$18,647.50

Moved by Buschkoetter seconded by Kearney that the Open Account Claim in the amount of \$18,647.50 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Kearney, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

CHERRY AVENUE UPDATE

City Manager Michael Morgan stated he viewed the Cherry Avenue project and it is moving along in a timely manner.

BOYS LITTLE LEAGUE

Council member Lammers congratulated the Kearney Little League on advancing to the Championship and wished them luck.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:15 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**