

Kearney, Nebraska
March 11, 2014
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on March 11, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. 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; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Paul Younes, John Younes, Craig Bennett, Kent Cordes, Jerry Chramosta, Shirley Chramosta, 20 police officers, Kelsey Morgan, Steve Altmaier from KGFW Radio, Mike Konz and Ashley White 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/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

The Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

OATH OF OFFICE; POLICE OFFICERS SCOTT ANDERSON AND RYAN CHRAMOSTA

City Clerk administered the oath of office to Police Officers Scott Anderson and Ryan Chramosta.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS**VACATE PORTION OF ORIGINAL TOWN OF KEARNEY JUNCTION AND FINAL PLAT FOR BIG BOY ADDITION; SOUTH OF SOUTH RAILROAD BETWEEN AVENUE A AND AVENUE B**

Mayor Clouse opened the public hearing on the Applications submitted by Trenton Snow for Big Boy LLC for (1) to vacate Lots 688, 689, 690 and the north half of Lot 691, and the north half of Lot 712, and all of Lots 713 and 714 and the vacated alley lying between said lots, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the vacated west 10 feet of Avenue B abutting said Lots 688, 689, 690 and the north half of Lot 691 on the east, and together with the vacated east 10 feet of Avenue A abutting the north half of Lot 712, and all of Lots 713 and 714 on the west, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 7874; and (2) the Final Plat and Subdivision Agreement for Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described above and located south of South Railroad between Avenue A and Avenue B and consider Resolution No. 2014-49. Planning Commission recommend approval.

With the absence of any representative, Assistant City Manager/Development Services Director Suzanne Brodine presented this matter. The applicant is requesting approvals for a 3-lot industrial subdivision located south of the UP Railroad tracks, a block east of Central Avenue. The property is zoned M-1, Limited Industrial District. Property around it is similarly zoned. The land is currently platted as several lots in the Original Town of Kearney Junction (OTKJ), but the lots are narrow and they are oriented east-west. The applicant would like to vacate these lots and replat the land into lots that are oriented north-south with frontage on South Railroad Street. The proposed use of the property will be storage units with office space in the front.

Lots 688, 689, 690 and the north half of Lot 691, along with Lots 714, 713, and the north half of Lot 712, OTKJ are to be vacated. Part of the Avenue B right-of-way as it abuts these lots on the east and part of Avenue A as it abuts these lots on the west has been previously vacated and a midblock north-south alley that once abutted these lots on the interior has also been previously vacated. The vacation of these lots, streets and alley will allow the property to be replatted in a more useable fashion.

A Final Plat has been prepared for the proposed subdivision to be known as Big Boy Addition. The plat contains three lots on 0.23 acres that are oriented north/south so that each lot has frontage on South Railroad Street. There are utilities in place to serve the site; however, the water system needs to be extended north in Avenue A and looped in South Railroad Street between Avenue A and the existing water main in Avenue B to

provide domestic service and fire protection for not only this property but for property located on the north side of South Railroad Street. A Subdivision Agreement has been prepared to address construction and cost estimates for a water main in South Central from Central Avenue to Avenue C. A sanitary sewer line needs to be installed in the utility easement that is shown on the Final Plat between proposed Lots 2 and 3. An Infrastructure Feasibility Plan is not required.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing and introduced Ordinance No. 7874 vacating Lots 688, 689, 690 and the north half of Lot 691, and the north half of Lot 712, and all of Lots 713 and 714 and the vacated alley lying between said lots, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the vacated west 10 feet of Avenue B abutting said Lots 688, 689, 690 and the north half of Lot 691 on the east, and together with the vacated east 10 feet of Avenue A abutting the north half of Lot 712, and all of Lots 713 and 714 on the west, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 7874. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7874 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7874 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7874 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2014-49** approving the Final Plat and Subdivision Agreement for Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lots 688, 689, 690 and the north half of Lot 691, and the north half of Lot 712, and all of Lots 713 and 714 (to be vacated) and the vacated alley lying between said lots, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, together with the vacated west 10 feet of Avenue B abutting said Lots 688, 689, 690 and the north half of Lot 691 on the east, and together with the vacated east 10 feet of Avenue A abutting the north half of Lot 712, and all of Lots 713 and 714 on the west, Original Town of Kearney

Junction now the City of Kearney, Buffalo County, Nebraska (south of South Railroad between Avenue A and Avenue B). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2014-49

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska for all of Lots 688, 689, 690, the North Half of Lot 691, the North Half of Lot 712, and all of Lots 713 and 714 (now vacated) and the vacated alley lying between said Lots, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, together with the vacated West 10 feet of Avenue B abutting said Lots 688, 689, 690, the North Half of Lot 691 on the East, and together with the vacated East 10 feet of Avenue A abutting the North Half of Lot 712, and all of Lots 713 and 714 on the West, all located in the Southeast Quarter of the Northwest Quarter of Section 1, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VACATE EASEMENT AND PORTION OF LOTS IN INGALLS CROSSING FOURTH AND FINAL PLAT FOR INGALLS CROSSING SEVENTH ADDITION; NORTH OF 56TH STREET BETWEEN 1ST AVENUE AND 2ND AVENUE

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership for (1) to vacate the 5-foot wide utility easement located along the north line of Lot 2, Ingalls Crossing Fourth Addition and consider Ordinance No. 7875; (2) to vacate the south 28.29 feet of Lot 1, and all of the north tract of Lot 2, Ingalls Crossing Fourth Addition and consider

Ordinance No. 7876; and (3) the Final Plat for Ingalls Crossing Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street between 1st Avenue and 2nd Avenue) and consider Resolution No. 2014-50. Planning Commission recommended approval recognizing the requested deviation for the size of the building.

The applicant is requesting approvals to develop a specialty sandwich shop on property in the Ingalls Crossing development. The proposed lot is just north of the Taco Bell restaurant which is currently under construction and will be completed soon. The Taco Bell project used a Minor Subdivision to develop part of an existing platted lot. The sandwich shop is proposed for the remainder of that lot plus 28 feet of the platted lot to the north. Since a Minor Subdivision can only be performed once on any platted lot, a traditional subdivision is required to plat the property for the sandwich shop. In addition, an existing utility easement needs to be vacated as it is located in the midst of the development site. The property is zoned C-2/PD, Community Commercial District with a PD, Planned Development Overlay District. Therefore, Development Plans are also required.

An existing 5-foot wide utility easement was previously platted along the north line of Lot 2, Ingalls Crossing Fourth Addition. Since the sandwich shop plans on utilizing what remains of this lot and is also adding 28 additional feet to the north, the easement ends up cutting through the site 28 feet south of the new property line. By vacating this easement, a new utility easement can be dedicated on the final plat for the new subdivision in the proper location.

As previously mentioned, a Minor Subdivision was formerly used to split Lot 2 of Ingalls Crossing Fourth into two parcels. Taco Bell built on the south parcel but there was not enough room for the sandwich shop to fit on the remainder of the original lot (the north piece). Consequently, additional property is proposed to be added to the remainder of Lot 2 in the form of a 28-foot wide strip of land taken from Lot 1, Ingalls Crossing Fourth Addition. Therefore, the north tract of Lot 2 and the south 28 feet of Lot 1, both in Ingalls Crossing Fourth Addition, must be vacated so that the combined properties can be platted as one new lot.

A Final Plat has been prepared for the proposed subdivision to be known as Ingalls Crossing Seventh Addition. The plat contains 0.77 acres in a single lot. All public infrastructure is in place and the lot can be served. An Infrastructure Feasibility Plan is not required. A Subdivision Agreement is also not required.

The layout of this site is very similar to the Taco Bell development to the south. The entrance is from 1st Avenue with a driveway that wraps around the building returning to the entry point. A drive-thru window is located on the south side of the building and more than adequate vehicle stacking is provided for in the drive-thru lane. A second driving lane provides "run-around" access for vehicles that are not using the drive-thru lane. There are 28 parking spaces provided and 12 required. The trash enclosure is located in the northwest corner of the development. A 4-foot wide public sidewalk will be installed along the 2nd Avenue highway frontage once the ditch is filled in and the storm

sewer pipe is buried. A 1,375 square foot building is proposed. Brick veneer is proposed for all four sides of the building. A complete Landscape Plan has been provided.

Craig Bennett from Miller & Associates presented this matter to the Council. The property is located east of 2nd Avenue, north of Taco Bell and Applebee's on 56th Street and is currently zoned C-2/PD. They are not asking to rezone the parcel; they are here to plat it for new development for Jimmy John's. There is paving along the east side to the north boundary of what they are proposing to plat, the water, sanitary sewer and paving are in adjacent to this piece of property. There was a minor subdivision that split this lot in two so they are taking the north half and a portion of the lot that is adjacent to it and replatting it.

Because it is a Planned District, a development plan is required which shows the parking, landscaping and this particular circulation traffic will come in from 1st Avenue going west. They provided eight cars of staking at the reader board and four additional cars of staking from the reader board to the pick-up window. Also, in addition to the change that they did have at Planning Commission was in their original submittal they had a building that was 55 feet by 25 feet and since they submitted it the franchise building size had changed by two feet which brings it to 55 feet by 27 feet so again it does not exceed the maximum size or impervious area but they did need to note that since it was a Planned District.

Council Member Buschkoetter asked about inside eating area. Mr. Bennett stated there will be a small dining room area and they are looking at potentially having some outdoor seating as well. It looks like there are six booths kind of similar to the one north of 25th Street. Mr. Bennett stated they have more parking than what is required for this size and seating and the employees know it is a vehicle employee driven type of business as well.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing and introduced Ordinance No. 7875 vacating the 5-foot wide utility easement located along the north line of Lot 2, Ingalls Crossing Fourth Addition; and Ordinance No. 7876 vacating the south 28.29 feet of Lot 1, and all of the north tract of Lot 2, Ingalls Crossing Fourth Addition and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 7875 and 7876. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, 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 Nos. 7875 and 7876 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance Nos. 7875 and 7876 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 7875 and 7876 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2014-50** approving the Final Plat for Ingalls Crossing Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street between 1st Avenue and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2014-50

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Ingalls Crossing Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West, of the 6th. P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a 5/8" rebar on the Easterly Right-of-Way line of Nebraska State Highway No. 10 and the Southwest corner of Lot 2 Ingalls Crossing Fourth Addition to the City of Kearney, and assuming the East line of said Easterly Right-of-Way line as bearing N00°31'27"E and all bearings contained herein are relative thereto; thence N00°31'27"E on said Easterly Right-of-Way line a distance of 139.00 feet to a 5/8" rebar with cap and the POINT OF BEGINNING; thence N00°31'27"E continuing on said Easterly Right-of-Way line a distance of 52.31 feet to a 5/8" rebar with cap; thence N00°35'33"E continuing on said Easterly Right-of-Way line a distance of 39.65 feet; thence N00°34'13"E continuing on said Easterly Right-of-Way line a distance of 28.29 feet to a 5/8" rebar with cap; thence S89°25'21"E a distance of 263.52 feet to a 5/8" rebar on the Westerly Right-of-Way line of 1st Avenue, as platted in Ingalls Crossing Fourth Addition, to the City of Kearney; thence Southerly on said Westerly Right-of-Way line of 1st Avenue and on a non-tangent curve the Left having a central angle of 07°25'33", a radius of 230.00 feet, an arc length of 29.81 feet, and a chord bearing of S17°39'23"E a distance of 29.79 feet to a 5/8" rebar; thence Southerly continuing on said Westerly Right-of-Way line and on a tangent curve to the Left having a central angle of 09°27'15", a radius of 230.00 feet, an arc length of 37.95 feet and a chord bearing of S26°02'56"E a distance of 37.91 feet to a 5/8" rebar with cap; thence S30°49'44"E continuing on said Westerly Right-of-Way line a distance of 29.97 feet to a 5/8" rebar with cap; thence S60°00'42"W a distance of 63.60 feet to a 5/8" rebar; thence N89°27'26"W a distance of 250.64 feet to the Point of Beginning, containing 0.77 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and

become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

**DEVELOPMENT PLAN FOR CONSTRUCTION OF FAST FOOD RESTAURANT;
NORTH OF 56TH STREET BETWEEN 1ST AVENUE AND 2ND AVENUE**

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership for Planned District Development Plan Approval for the construction of a fast food restaurant on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street between 1st Avenue and 2nd Avenue) and consider Resolution No. 2014-51.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-51** approving the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership for Planned District Development Plan Approval for the construction of a fast food restaurant on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street between 1st Avenue and 2nd Avenue) granting the deviation for the size of the building being 1,375 square feet. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2014-51

WHEREAS, Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership have applied for Planned District Development Plan Approval for the construction of a fast food restaurant on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West, of the 6th. P.M., Buffalo County, Nebraska and more particularly described as

follows: Referring to a 5/8" rebar on the Easterly Right-of-Way line of Nebraska State Highway No. 10 and the Southwest corner of Lot 2 Ingalls Crossing Fourth Addition to the City of Kearney, and assuming the East line of said Easterly Right-of-Way line as bearing N00°31'27"E and all bearings contained herein are relative thereto; thence N00°31'27"E on said Easterly Right-of-Way line a distance of 139.00 feet to a 5/8" rebar with cap and the POINT OF BEGINNING; thence N00°31'27"E continuing on said Easterly Right-of-Way line a distance of 52.31 feet to a 5/8" rebar with cap; thence N00°35'33"E continuing on said Easterly Right-of-Way line a distance of 39.65 feet; thence N00°34'13"E continuing on said Easterly Right-of-Way line a distance of 28.29 feet to a 5/8" rebar with cap; thence S89°25'21"E a distance of 263.52 feet to a 5/8" rebar on the Westerly Right-of-Way line of 1st Avenue, as platted in Ingalls Crossing Fourth Addition, to the City of Kearney; thence Southerly on said Westerly Right-of-Way line of 1st Avenue and on a non-tangent curve the Left having a central angle of 07°25'33", a radius of 230.00 feet, an arc length of 29.81 feet, and a chord bearing of S17°39'23"E a distance of 29.79 feet to a 5/8" rebar; thence Southerly continuing on said Westerly Right-of-Way line and on a tangent curve to the Left having a central angle of 09°27'15", a radius of 230.00 feet, an arc length of 37.95 feet and a chord bearing of S26°02'56"E a distance of 37.91 feet to a 5/8" rebar with cap; thence S30°49'44"E continuing on said Westerly Right-of-Way line a distance of 29.97 feet to a 5/8" rebar with cap; thence S60°00'42"W a distance of 63.60 feet to a 5/8" rebar; thence N89°27'26"W a distance of 250.64 feet to the Point of Beginning, containing 0.77 acres, more or less, Buffalo County, Nebraska (north of 56th Street between 1st Avenue and 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership for Planned District Development Plan Approval for the construction of a fast food restaurant on property to be zoned District C-2/PD, Community Commercial/ Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West, of the 6th. P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a 5/8" rebar on the Easterly Right-of-Way line of Nebraska State Highway No. 10 and the Southwest corner of Lot 2 Ingalls Crossing Fourth Addition to the City of Kearney, and assuming the East line of said Easterly Right-of-Way line as bearing N00°31'27"E and all bearings contained herein are relative thereto; thence N00°31'27"E on said Easterly Right-of-Way line a distance of 139.00 feet to a 5/8" rebar with cap and the POINT OF BEGINNING; thence N00°31'27"E continuing on said Easterly Right-of-Way line a distance of 52.31 feet to a 5/8" rebar with cap; thence N00°35'33"E continuing on said Easterly Right-of-Way line a distance of 39.65 feet; thence N00°34'13"E continuing on said Easterly Right-of-Way line a distance of 28.29 feet to a 5/8" rebar with cap; thence S89°25'21"E a distance of 263.52 feet to a 5/8" rebar on the Westerly Right-of-Way line of 1st Avenue, as platted in Ingalls Crossing Fourth Addition, to the City of Kearney; thence Southerly on said Westerly Right-of-Way line of 1st Avenue and on a non-tangent curve the Left having a central angle of 07°25'33", a radius of 230.00 feet, an arc length of 29.81 feet, and a chord bearing of S17°39'23"E a distance of 29.79 feet to a 5/8" rebar; thence Southerly continuing on said Westerly Right-of-Way line and on a tangent curve to the Left having a central angle of 09°27'15", a radius of 230.00 feet, an arc length of 37.95 feet and a chord bearing of S26°02'56"E a distance of 37.91 feet to a 5/8" rebar with cap; thence S30°49'44"E continuing on said Westerly Right-of-Way line a distance of 29.97 feet to a

5/8" rebar with cap; thence S60°00'42"W a distance of 63.60 feet to a 5/8" rebar; thence N89°27'26"W a distance of 250.64 feet to the Point of Beginning, containing 0.77 acres, more or less, Buffalo County, Nebraska (north of 56th Street between 1st Avenue and 2nd Avenue) be approved granting the deviation for the size of the building being 1,375 square feet.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LAND USE MAP AMENDMENT: SOUTHEAST CORNER OF 30TH AVENUE AND 11TH STREET

Public Hearings 4, 5, 6, 7, 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 2, Low Density Residential, Medium Density Residential, and Conservation Reserve to Mixed Use 1 property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) and consider Resolution No. 2014-52. Planning Commission recommended approval subject to execution of the Subdivision Agreement and recognizing the requested deviation for the height of the performing arts building and future light poles. Planning Commission recommended the Subdivision Agreement include language that the location of the conservation easement is to be mutually determined between the City and Kearney Public Schools and is to be located south of the proposed hike/bike trail.

The applicant is requesting approval to develop a new campus for Kearney High School in the southwest area of town. The entire parcel consists of 138.52 acres, but not all of the property will be needed for the high school and associated facilities. Future uses for the remainder of the property have not been decided at this point. The property has frontage on two arterial streets; 11th Street and 30th Avenue. Ownership will extend south from 11th Street to the channel of Turkey Creek. This property needs to be rezoned and the rezoning requires an amendment to the Land Use Map. The property will also be placed in a one lot subdivision and annexed as "an Addition to the City of Kearney." The proposed rezoning is for a PD, Planned Development Overlay District. Therefore, Development Plans are also required.

The property is currently zoned Agricultural District by default as it has always been used as farm ground and never been rezoned to any higher use category. In the Unified Land Development Ordinance, high schools are categorized under the use type of "Secondary Educational Facilities." Secondary educational facilities require a PD Overlay for Planned District approval in all zoning districts in which they are permitted since they are comprised of many inter-related components in a campus type setting and they can produce major traffic impacts to the surrounding road network. A well-

executed set of Development Plans can help to moderate such external impacts to the immediate area and the community.

Secondary educational facilities are allowed under PD Overlay provisions in several zones: R-1, R-2, R-3, R-4, C-O, C-1, C-2, C-3 and BP. In meetings between the school district leaders and City officials the zoning category of C-O/PD, Office/Planned Development Overlay District, was selected as the best fit for this project and location. Anticipated land use designations for this area on the Future Land Use Map of the Comprehensive Development Plan have changed several times over the years. Because this property is located at the intersection of two arterials on the "beltway" around Kearney, it has long been anticipated that this property would develop into something substantial. The current version of the land use plan shows a mix of land use designations of "Conservation/Reserve", "Low Density Residential", "Medium Density Residential", and "Mixed-Use 2". The rezoning request from AG to C-O/PD causes the need to amend the Land Use Map to "Mixed Use 1". The surrounding lands are zoned AG except for the new hospital project which is zoned C-O/PD. Staff is in support of the Land Use Map Amendment and corresponding rezoning to C-O/PD.

A Final Plat has been prepared for the proposed subdivision to be known as Bearcat Corner, an Addition to the City of Kearney. The final plat consists of 138.52 acres but the preliminary plat depicts two lots while the final plat encompasses the entire parcel. The preliminary plat shows 27th Avenue right-of-way extended south from 11th Street to intersect 6th Street right-of-way which is extended west from the hospital site. Further extensions or future alignments of these roads are not shown at this time on the final plat because the preferred layout has not been determined. 27th Avenue right-of-way is only shown extending south approximately 850 feet from 11th Street on the final plat. This distance is far enough to reach the east driveway entrance into the school site. The west driveway entrance from 30th Avenue is approximately 1,000 feet south of 11th Street but the right-of-way for 30th Avenue at 50 feet from centerline (arterial standard 100-foot width) continues some 2,600 feet south on the final plat.

A 10-foot wide utility easement is shown on the final plat extending south on the east side of the lot from the terminus of paving for 27th Avenue, then east along the north line and then south again along the east line all the way to the creek. This easement will provide for any utilities that may need to be installed prior to the extension of road right-of-ways. An Infrastructure Feasibility Plan is provided. A Subdivision Agreement has been prepared to address improvement districts for paving, municipal water and sanitary sewer. The agreement provides estimated costs for these improvements including construction cost and assessable costs for each component. The agreement states that the owner cannot protest future improvement districts when the public streets and associated infrastructure is extended. The agreement also addresses provisions for student pedestrian foot traffic circulation. A 12-foot wide easement for a hike/bike trail is shown along Turkey Creek. The exact alignment of said easement has not been finalized. The final alignment will be coordinated in the field. Four-foot wide public sidewalks are shown along the streets; 30th Avenue, 27th Avenue and 11th Street. The agreement states that the City has the option to contribute to these sidewalks to widen them to eight feet in width if so desired.

Once public infrastructure is extended to the site, all public services can be connected. The site is contiguous to City limits at the hospital site and therefore can be annexed.

A site plan is included that depicts the location of major facilities such as the school building, athletic fields, parking and loading areas, the well field, etc. Some of these elements may be adjusted as the project continues to evolve. The facilities are concentrated towards the north side of the site. The 100-year and 500-year floodplain extend across the site and are shown on the drawings. Development can occur in these areas if the lowest finished floor of any building is at least 12-inches above the base flood elevation as determined by a licensed surveyor.

The school parking areas and loading/unloading zones have been split into separate areas to alleviate conflicts and congestion. The Development Team can speak to plans for on-site circulation, loading, and parking. Parking demand is somewhat difficult to calculate given the complex mix of activities and facilities on the proposed campus. The existing high school site has approximately 800 spaces and it is a shared campus with Horizon Middle School. There will be 1,000 parking spaces at the new high school with the first phase of construction. Plans have been prepared for an additional 400 spaces in the future.

Although there are many tree symbols shown on the plan, there is no official Landscape Plan at this time. The Development Team realizes that a Landscape Plan is a requirement for the PD Overlay District and one will be submitted in the future for Planning Commission and City Council review. In the interim, the tree symbols shown on the plan may be a starting point for talking through the landscape requirements, but the plan will certainly change before it reaches its final design.

Two existing irrigation wells will be relocated on the site.

Craig Bennett from Miller & Associates presented this matter to the Council. The drawing represents a one lot subdivision; essentially they have 138 acres there is about 62 acres of it, the remaining acreage is outside of the 138 acres are in the south area that they are not choosing to develop at this time. In the January meeting, the area to the east was annexed in and makes this parcel now contiguous to city limits so they are asking for annexation as well. The zoning is agricultural so they are asking it to be zoned C-O. The high school could be in a residential area and could also conform to a C-O. They looked at the differences between the zoning and that is why they are asking for a deviation on the height of the building; it best met the height that they are asking for the deviation from 45 feet to 50 feet. There are some other things that really benefited in the C-O as well. A preliminary plat is a requirement and for this preliminary plat they have shown 27th Avenue extending from 11th Street south and connecting up with what is future platted as 6th Street so when the hospital was proposed the preliminary plat showed 6th Street being extended west. It is undetermined if this is the exact route that it might make so when they looked at the final plat 27th Avenue comes from 11th Street and goes south and as they look at extending it, it leaves one lot basically on the north side. So the preliminary plat is two lots and final plat really only has one lot.

When looking at the final plat, 27th Avenue is being platted and stopping short of making it to the end but it just goes past the entrance. Again as they looked at 27th Avenue not knowing how the parcel to the east which is currently zoned agricultural and unplatted might want to connect to it, it left them with some availability to allow circulation to also connect to the parcel as well.

The infrastructure for this particular parcel has 21-inch sanitary sewer adjacent to the property and 11th Street has great infrastructure available and they will be looking at extending it down 30th Avenue and down 27th Avenue as well. There is a 16-inch water main sitting on the north side of 11th Street and will be able to extend that down 30th Avenue and 27th Avenue. There will be some inter-circulation that they have for both of those utilities throughout the site. The Development Plan they have primarily will have access that will come off of 11th Street and will enter going south along 27th Avenue this circulation will basically be a 2-lane in and a 2-lane out which will be a loading lane that will be adjacent to the sidewalk as you come into the site so cars can pull up which will still have a lane on the left of it that will allow traffic to be able to circulate in and out. If you are coming to drop off students you will be coming in on 27th Avenue and circulating back out and connecting back up to 11th Street.

There is a parking lot located east of the proposed complex. The proposed complex basically is broken into three quadrants: the northern quadrant being more academics, the middle with an open area and a cafeteria, and the southern quadrant more athletics and sports events. These are the three primary focuses so as they look at this particular area most of the faculty parking and circulation will occur in this northeast corner. There is also circulation when you come in off of 27th Avenue that you will be able to go through the parking lot and also circulate along to the west side of the campus. Primarily visitors that would come and park would park in that area as well. Primarily, students will be parking all along the west side. For example, if you are a student you will be coming down 11th Street or coming down 30th Avenue and you will be heading south on 30th Avenue you have two entrances and will be all student parking there. On the onset of this project they are providing 1,000 stalls with the ability to grow.

On 11th Street there will be a turning lane that will be there initially. It looks like from the traffic impact study that they have seen will provide if you are westbound you can pull over so it shows widening of 11th Street on both sides to make it uniform with the middle turn lane allowing two lanes to still continue east/west. It looks like at 30th Avenue there is currently a 36-foot wide paving that will be 48 feet wide paved 1,500 feet south of where 30th Avenue is on from 11th Street. It will be four lanes that will primarily only be used at this time by the school but there is some southerly traffic that does circulate on the gravel road so it will be paved.

Council Member Buschkoetter asked on 27th Avenue it seems to him that the entrance is very similar to how they use the horseshoe currently at the high school, how much longer is that; what is the stacking like compared to what they currently have. Mr. Bennett stated there is stacking on both sides of the horseshoe loop so approximately ½ mile of stacking. In terms of the number of vehicles he does not know that number. In comparing the two sites, this exceeds it. Which is really nice because they have a wide, broad area here that you can pick up students and will have a sidewalk all the way around it as they continue to refine there is also some additional parking that will be in the middle island. This will exceed what they have and will be really nice.

From the Development Plan as they look at the entire site some of the language seen in the Planning Commission notes made reference to a conservation reserve area for a trail mutually agreed upon between the City and the owner. The main thing there is to provide connectivity and access between Yanney Park and the circulation across from Yanney Park to the high school. There is a parcel in between which is the hospital

property which had a conservation reserve easement placed on that during that time so the language also identifies that the conservation reserve easement will be placed south of this trail so graphically this trail is shown to be along the north lines of the tree line that is along the creek. They have not platted an easement because that will be based on design at a future date.

On the south end of the trail, they are proposing two storm water detention cells that will be located in that area which fits well with the description of a conservation easement something that can fit in that which is similar to what was done just east on the property at the hospital. They are trying to keep that same look and feel. Basically, looking at the site from southeast looking northeasterly the deviation that they are talking about is the Performing Arts Center Complex which is kind of right in the center here which is at 50 feet. They also are proposing lights on the football field and track should budgeting allow it, they might consider it but wanted to make sure that it was in there so if they decided to put lights in at a future time they would not be coming back to City Council just for that deviation.

Essentially, you will see different elevations, the grand stands will have access to the two-story components of the building, the commons area where students will be able to enter into that horseshoe and come into the opened area with having visibility and lines of sight out to the football field from the commons area as well.

Council Member Lammers asked on the Performing Arts Center the differentiation between 45 feet and 50 feet is that basically to allow for balcony there in that Performing Arts Center. Mr. Bennett confirmed and stated it is basically because of the lighting and things that they have up there.

Kent Cordes from BD Construction stated it is actually due to the fly space above the stage where they can have some rigging to fly curtains, scenery or orchestra shell up and down and that height is needed mainly above the stage but will maintain that same elevation even over the house or the seating area and there will be a gallery or balcony level in there. It does not need to be 50 feet for that but for economy they will keep the same elevation across there.

Council Member Buschkoetter asked about the storm water detention cells; that is a pretty good size parking lot and building. When a good rain comes is there methodology to channel to those storm water detention cells or does the natural elevation just take care of that. Mr. Bennett stated there are two basins or two draining basins on the developed site meaning if they were to split 62 acres of developed area he would split it in an east/west, the east half of the building and associated parking lots are going to go more easterly and southerly to 27th Avenue and it will be using non-piped infrastructure such as an open ditch to get down to this and as 27th Avenue develops that ditch gets replaced by pipe. As they looked at the west side, it is basically the same concept. They will have inlets and pipe along the west or east side of 30th Avenue will be an open ditch which will also allow for development at future times to replace with pipe if needed. It will basically be two outfall conveyance systems and will be in the form of ditches that will get to the detention cells.

Council Member Lammers commented the southern portion of the lot is in the floodplain basically. Are there any plans or general ideas what they plan to do with the southern

portion of the lot. Mr. Bennett stated it is in the floodplain and he is not aware of any plans. There has been a lot of different things discussed whether it be athletics or other things but again it was in the floodplain.

Council Member Nikkila asked if there are sidewalks along the north or west side of the property. Mr. Bennett stated there currently is not as they look at the development plan there is sidewalk that will be along the west side, north side and along the west side of 27th Avenue. Council Member Nikkila asked why it was not on plan. Mr. Bennett stated it is shown on the plan, it is just hard to see it on the screen but on the actual submittal you can see that.

Council Member Nikkila stated he appreciates Mr. Bennett talking about the turn lanes on 11th Street and 30th Avenue but just to clarify when the Council votes tonight, the Council is not voting to make changes to 11th Street and 30th Avenue. The Council has not seen the study yet. City Manager Michael Morgan stated the Council is approving the development plan and he guesses conceptually the Council is approving then traffic though City Staff has completed the review with the traffic consultant on the suggested recommendations. Mayor Clouse stated but they have not done final design, the City Council is not approving any of that. City Manager stated he is not sure how it fits in the timing.

Mr. Bennett stated if he was to summarize why they are here at this stage and not designing 11th Street and 30th Avenue at this time is due to the constraints they currently have in trying to get the grading developed, they need to have a site plan in order to rezone and to annex it requires a development plan. The reason they are here is that they know there will be based on the results of the traffic impact study as finally approved which he does not know if it has been formally approved yet. City Manager stated it is referenced in the development plan so this would refer to the development plan and the traffic impact study and essentially if they adopt the development plan they are approving the traffic impact study on all of the proposed recommendations are consistent with the traffic impact study.

Council Member Nikkila stated he would like to hear what the summary was. Director of Public Works Rod Wiederspan stated as alluded to earlier, the 4-lane road on 30th Avenue south of 11th Street is part of the study. There will be some improvements to the intersection of 30th Avenue and 11th Street. They are anticipating a signal at that location. At 27th Avenue there would be the left turn lane off of 11th Street onto 27th Avenue. They still have concerns with 27th Avenue as it approaches traffic getting onto 11th Street and they are working with the traffic engineer still to determine exactly what the City needs to do there. In order to do a left or right turn lane off of 27th Avenue onto 11th Street to have it separate it needs to have a signal at that location so that is one of the items they are still working with on the traffic signal.

City Manager stated the City does not foresee the signal initially yet at 27th Avenue and 11th Street. Director of Public Works stated it is one of those things that if the City wanted to put it in they could but there are warrants that justify it with the high speed traffic the City has on 11th Street if the City would maintain that 45 mph traffic that the City has today then the City can justify by the manual because of the peak loads twice a day with the school coming and going. If it lowers the traffic on 11th Street then it does not necessarily justify a signal at that location but the City does have concerns with how

the City is going to get traffic out of the school area.

Council Member Lammers asked with 11th Street being an arterial street, would it not be safer to have all of the traffic coming off of 27th Avenue going north to turn to the right. Director of Public Works stated that would be the safest scenario; however, it is on a bypass, 11th Street and 30th Avenue. So if you want to get to north Kearney and all that traffic is going to turn right and go down 11th Street it has to either dump off on 5th Avenue or 2nd Avenue or go on across Avenue N which takes all that traffic then down through a residential neighborhood past another elementary school. The City is anticipating that a large amount of traffic is actually going to want to come out of there and go left to catch 30th Avenue to go north and catch Highway 30, 39th Street, 56th Street and then proceed over to the northeast part of town.

Council Member Nikkila asked would there be enough room in the future if needed to put a left turn lane in on 30th Avenue into the school so south of 11th Street into the parking lot. Director of Public Works stated the City has the 4-lane section there so you shuttle out bypass traffic going south, the City does not anticipate a lot of traffic will want to continue on south so that essentially gives you a left turn lane into the school but it also allows traffic to go on south.

Council Member Nikkila asked about putting a roundabout at 11th Street and 30th Avenue. Director of Public Works stated no the City did not. The City has not had a lot of experience with roundabouts and the City is a little leery about doing it at this location because of the high school traffic, the young drivers. The City was more comfortable with keeping the right turn shoofly in there which is currently the City's heaviest traffic flow and have a signalized intersection to control. The signal does not justify at the intersection because of the amount of traffic the City is taking out of the intersection with the right turn but the City believes it is better to leave that right shoofly in there as long as the City can in order to move that traffic and the City wants to continue to have the higher flow at the bypass.

City Manager recapped the financial standpoint for traffic signals. Generally, the City assumes the cost and the subdivision agreement before you reflects that although it does not reflect the traffic signal at 27th Avenue. Director of Public Works stated that just came up this afternoon. The City had a meeting with the traffic engineer and that was a recommendation they came up with. Either the City can lower the speed limit and not have a traffic signal at 27th Avenue or the City can leave the speed limit at 45 mph or above because there is a warrant in the manual that allows now peak hours to have a signal. That is one of those things the City needs to decide what the City wants to do at that location.

City Manager stated at \$250,000, the City will probably lower the speed limit for a while until the City can make a determination later. Further down the road it is going to require it anyway. Director of Public Works stated that was his concern as far as if the City lowers the speed limit now and then it installs a signal, then in the future it will be tough to raise that speed limit back up again.

Council Member Nikkila asked did the study show the traffic to be heavier on 30th Avenue coming out of the school or on 27th Avenue. Director of Public Works stated actually on 30th Avenue with the students there are parents that drop off students but a

lot of the kids ride with a student and so there is more student traffic than there is parent drop off.

Council Member Buschkoetter asked so basically the City will make five lanes on 11th Street from 27th Avenue to 30th Avenue, in a way the City will be adding a fifth lane that middle turn lane. Director of Public Works stated that was correct. Council Member Buschkoetter asked so there will be stacking of about a block and a half turning south into the school coming off of 11th Street and when you are going to school they will somewhat cross. Director of Public Works confirmed and there will be stacking left turn lanes on 11th Street coming onto 27th Avenue, 200 feet of stacking there and the tappers to get that widened out to a 5-lane section through there. 11th Street and 30th Avenue is a little different because it goes into a 2-lane section going west so the City does not necessarily need five lanes right there at that intersection but they are taking that right lane and shooflying them onto the north so that intersection takes a little bit different configuration but at 27th Avenue it will be 5-lane onto 11th Street.

City Manager stated the widening costs; the school district will bear that consistent with the development that the City does throughout the community and even though the City will be widening it still would fit in with the future traffic signal. Director of Public Works stated everything the City builds will be built for the future build out. Even when the City sets the signal poles on 11th Street and 30th Avenue, the City will build it for a future configuration if the City runs into problems where they can take out the right turn lane and have a full blown 5-lane intersection segment there.

Council Member Buschkoetter stated he thinks the City Council has a pretty good idea on what it is going to do. The City might as well build before it actually happens. Director of Public Works stated that is the City's concern. Council Member Buschkoetter stated the City has pretty good idea what kind of traffic will come in and out of the high school. Director of Public Works confirmed and that the City looks at what the City has today on 39th Street, there is traffic coming from four different directions basically into that school. Here the City will have two directions so the City is anticipating it is going to be a higher volume at those two locations.

Kent Cordes stated BD Construction is the owner's representative for the school. He did receive a call from Director of Utilities earlier today that there was clause in the subdivision agreement that was left out and he does not have the exact language but basically it says that the School District would agree not to protest districts in the future for 27th Avenue and 6th Street at such time as though come about. Those were originally in their discussions and what they were agreeing to and at some point that was somehow eliminated from the agreement that was actually presented to the School Board and signed last night but they would not oppose to having that added back in.

Mayor Clouse asked if it was not in the agreement that they signed. Mr. Cordes stated it was not in what they signed last night. They did not discover that was out until today so he thinks in his discussions with Director of Utilities, the Council can pass that with the recommendation of adding that back in and then he does not know if he will have to run that back through the School Board as an amendment to the agreement or something but he thinks they would be agreeable to that inclusion.

Mayor Clouse asked so that would be on the Council's motion on the subdivision agreement subject to the revision. City Attorney Michael Tye stated they can add "subject to the revision that the school will not object to the creation of districts in the future" and that provision is a standard provision the City has had in development agreements; it is fairly consistent.

Mr. Cordes stated he does have the exact language here if you want him to give to the City Clerk. Mayor Clouse stated you can just give to the City Clerk and what City Council will do is make a comment in the motion that it is subject to those terms.

Council Member Buschkoetter asked for the construction timeline. Mr. Cordes stated they will go out with an early grading package in May so hopefully by the end of May they will see some dirt work happening there. They are going to use the construction manager process in this so they will probably see some additional work starting later in summer early fall probably around September. There is a chance depending on how earthwork goes they might see footings happening August or something along those lines but the building itself should be under construction by September and then the plan is they will be in the building fall of 2016.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-52** approving the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 2, Low Density Residential, Medium Density Residential, and Conservation Reserve to Mixed Use 1 property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2014-52

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 consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said Lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at a chiseled "X" at the Northwest corner of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and assuming the North line of said Northwest Quarter as bearing N89°56'05"E and all bearings contained herein are relative there to; thence N89°56'05"E on said North line a distance of 1600.00 feet to a mag nail with washer; thence S00°03'55"E a distance of 1623.60 feet to a 5/8" rebar with cap; thence S88°55'21"E a distance of 1075.68 feet to a 5/8" rebar with cap on the East line of said Northwest Quarter and the East line of Government Lot 2; thence S00°17'43"W on said East line a distance of 1155.53 feet to a point on the centerline of the North Channel of the Platte River, also being the North line of Turkey Creek Second Subdivision; thence N88°50'47"W along said centerline (and all courses following are

along said centerline until otherwise described) a distance of 19.08 feet; thence S32°11'36"W a distance of 48.08 feet; thence S86°32'38"W a distance of 29.28 feet; thence N43°28'52"W a distance of 19.48 feet; thence N60°49'42"W a distance of 79.97 feet; thence N06°08'07"W a distance of 19.71 feet; thence N23°41'50"E a distance of 58.83 feet; thence N09°53'45"W a distance of 31.94 feet; thence N28°45'48"W a distance of 48.75 feet; thence N75°13'15"W a distance of 39.20 feet; thence S74°42'58"W a distance of 88.79 feet; thence N76°58'24"W a distance of 77.87 feet; thence S63°46'47"W a distance of 83.23 feet; thence S24°16'09"W a distance of 60.46 feet; thence S02°57'04"E a distance of 8.19 feet; thence S50°53'11"W a distance of 12.41 feet; thence S67°08'36"W a distance of 49.96 feet; thence S58°21'35"W a distance of 19.19 feet; thence S41°58'45"W a distance of 45.51 feet; thence S63°01'10"W a distance of 50.46 feet; thence N80°52'04"W a distance of 66.85 feet; thence S63°47'51"W a distance of 18.69 feet; thence S77°33'03"W a distance of 83.50 feet; thence N78°49'12"W a distance of 49.05 feet; thence S80°17'59"W a distance of 35.42 feet; thence N77°28'32"W a distance of 14.16 feet; thence N56°52'49"W a distance of 19.72 feet; thence N41°42'42"W a distance of 54.54 feet; thence N78°12'44"W a distance of 52.01 feet; thence S79°54'39"W a distance of 35.04 feet; thence N69°18'19"W a distance of 22.75 feet; thence N26°49'52"W a distance of 11.04 feet; thence N 12°17'46"E a distance of 53.00 feet; thence N53°44'07"W a distance of 18.66 feet; thence N69°29'17"W a distance of 21.83 feet; thence N87°07'08"W a distance of 28.72 feet; thence S69°38'16"W a distance of 20.32 feet; thence S46°35'32"W a distance of 38.49 feet; thence S34°46'15"W a distance of 39.20 feet; thence S42°36'30"W a distance of 61.13 feet; thence S52°28'25"W a distance of 45.81 feet; thence N74°09'18"W a distance of 43.83 feet; thence N69°38'39"W a distance of 65.54 feet; thence N65°50'22"W a distance of 31.36 feet; thence S75°57'32"W a distance of 63.56 feet; thence S67°28'33"W a distance of 30.15 feet; thence S26°48'18"W a distance of 57.63 feet; thence S28°48'38"E a distance of 80.71 feet; thence S07°37'09"W a distance of 24.72 feet; thence S68°31'32"W a distance of 54.38 feet; thence S26°00'37"W a distance of 55.46 feet; thence N79°25'16"W a distance of 64.73 feet; thence N23°39'24"W a distance of 55.33 feet; thence N63°04'10"W a distance of 23.94 feet; thence S74°48'46"W a distance of 40.22 feet; thence N58°08'16"W a distance of 12.66 feet; thence N17°43'27"W a distance of 35.90 feet; thence N43°34'42"W a distance of 13.86 feet; thence N80°14'11"W a distance of 32.24 feet; thence S52°10'59"W a distance of 43.04 feet; thence S38°12'09"W a distance of 23.96 feet; thence N63°28'20"W a distance of 38.44 feet; thence S61°58'30"W a distance of 28.30 feet; thence N85°30'45"W a distance of 36.06 feet; thence S55°17'50"W a distance of 16.68 feet; thence S01°33'06"E a distance of 57.48 feet; thence S60°29'33"E a distance of 44.86 feet; thence S18°33'55"E a distance of 29.37 feet; thence S16°10'24"W a distance of 10.71 feet; thence S71°53'58"W a distance of 48.13 feet; thence S54°42'20"W a distance of 55.20 feet; thence S72°01'31"W a distance of 19.25 feet; thence N74°45'39"W a distance of 60.31 feet; thence S48°08'49"W a distance of 62.23 feet; thence S88°15'14"W a distance of 122.71 feet; thence N65°59'22"W a distance of 44.09 feet; thence S59°44'49"W a distance of 72.79 feet; thence S30°12'06"W a distance of 22.52 feet; thence S19°37'01"W a distance of 94.95 feet; thence S74°43'19"W a distance of 37.93 feet; thence N72°32'18"W a distance of 106.03 feet; thence N68°48'38"W a distance of 58.03 feet; thence N60°34'54"W a distance of 49.05 feet; thence N49°22'49"W a distance of 32.96 feet; thence N34°55'57"W a distance of 22.99 feet; thence N04°21'52"W a distance of 77.66 feet; thence N12°27'29"W a distance of 25.99 feet; thence continuing N12°27'29"W a distance of 1.54 feet; thence N62°58'25"W a distance of 14.25 feet; thence

S89°47'02"W a distance of 37.00 feet to a mag nail with washer on the West line of the Southwest Quarter of said Section 10; thence leaving said centerline N00°11'46"W on said West line a distance of 431.54 feet to the Southwest corner of said Northwest Quarter; thence N00°12'55"W on the West line of said Northwest Quarter, a distance of 2633.29 feet to the Point of Beginning, containing 138.52 acres, more or less, Buffalo County, Nebraska from Mixed Use 2, Low Density Residential, Medium Density Residential, and Conservation Reserve to Mixed Use 1, 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 Mixed Use 2, Low Density Residential, Medium Density Residential, and Conservation Reserve to Mixed Use 1 the use classification for a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said Lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at a chiseled "X" at the Northwest corner of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and assuming the North line of said Northwest Quarter as bearing N89°56'05"E and all bearings contained herein are relative there to; thence N89°56'05"E on said North line a distance of 1600.00 feet to a mag nail with washer; thence S00°03'55"E a distance of 1623.60 feet to a 5/8" rebar with cap; thence S88°55'21"E a distance of 1075.68 feet to a 5/8" rebar with cap on the East line of said Northwest Quarter and the East line of Government Lot 2; thence S00°17'43"W on said East line a distance of 1155.53 feet to a point on the centerline of the North Channel of the Platte River, also being the North line of Turkey Creek Second Subdivision; thence N88°50'47"W along said centerline (and all courses following are along said centerline until otherwise described) a distance of 19.08 feet; thence S32°11'36"W a distance of 48.08 feet; thence S86°32'38"W a distance of 29.28 feet; thence N43°28'52"W a distance of 19.48 feet; thence N60°49'42"W a distance of 79.97 feet; thence N06°08'07"W a distance of 19.71 feet; thence N23°41'50"E a distance of 58.83 feet; thence N09°53'45"W a distance of 31.94 feet; thence N28°45'48"W a distance of 48.75 feet; thence N75°13'15"W a distance of 39.20 feet; thence S74°42'58"W a distance of 88.79 feet; thence N76°58'24"W a distance of 77.87 feet; thence S63°46'47"W a distance of 83.23 feet; thence S24°16'09"W a distance of 60.46 feet; thence S02°57'04"E a distance of 8.19 feet; thence S50°53'11"W a distance of 12.41 feet; thence S67°08'36"W a distance of 49.96 feet; thence S58°21'35"W a distance of 19.19 feet; thence S41°58'45"W a distance of 45.51 feet; thence S63°01'10"W a distance of 50.46 feet; thence N80°52'04"W a distance of 66.85 feet; thence S63°47'51"W a distance of 18.69 feet; thence S77°33'03"W a distance of 83.50 feet; thence N78°49'12"W a distance of 49.05 feet; thence S80°17'59"W a distance of 35.42 feet; thence N77°28'32"W a distance of 14.16 feet; thence N56°52'49"W a distance of 19.72 feet; thence N41°42'42"W a distance of 54.54 feet; thence N78°12'44"W a distance of 52.01 feet; thence S79°54'39"W a distance of 35.04 feet; thence N69°18'19"W a distance of 22.75 feet; thence N26°49'52"W a distance of 11.04 feet; thence N 12°17'46"E a distance of 53.00 feet; thence N53°44'07"W a distance of 18.66 feet;

thence N69°29'17"W a distance of 21.83 feet; thence N87°07'08"W a distance of 28.72 feet; thence S69°38'16"W a distance of 20.32 feet; thence S46°35'32"W a distance of 38.49 feet; thence S34°46'15"W a distance of 39.20 feet; thence S42°36'30"W a distance of 61.13 feet; thence S52°28'25"W a distance of 45.81 feet; thence N74°09'18"W a distance of 43.83 feet; thence N69°38'39"W a distance of 65.54 feet; thence N65°50'22"W a distance of 31.36 feet; thence S75°57'32"W a distance of 63.56 feet; thence S67°28'33"W a distance of 30.15 feet; thence S26°48'18"W a distance of 57.63 feet; thence S28°48'38"E a distance of 80.71 feet; thence S07°37'09"W a distance of 24.72 feet; thence S68°31'32"W a distance of 54.38 feet; thence S26°00'37"W a distance of 55.46 feet; thence N79°25'16"W a distance of 64.73 feet; thence N23°39'24"W a distance of 55.33 feet; thence N63°04'10"W a distance of 23.94 feet; thence S74°48'46"W a distance of 40.22 feet; thence N58°08'16"W a distance of 12.66 feet; thence N17°43'27"W a distance of 35.90 feet; thence N43°34'42"W a distance of 13.86 feet; thence N80°14'11"W a distance of 32.24 feet; thence S52°10'59"W a distance of 43.04 feet; thence S38°12'09"W a distance of 23.96 feet; thence N63°28'20"W a distance of 38.44 feet; thence S61°58'30"W a distance of 28.30 feet; thence N85°30'45"W a distance of 36.06 feet; thence S55°17'50"W a distance of 16.68 feet; thence S01°33'06"E a distance of 57.48 feet; thence S60°29'33"E a distance of 44.86 feet; thence S18°33'55"E a distance of 29.37 feet; thence S16°10'24"W a distance of 10.71 feet; thence S71°53'58"W a distance of 48.13 feet; thence S54°42'20"W a distance of 55.20 feet; thence S72°01'31"W a distance of 19.25 feet; thence N74°45'39"W a distance of 60.31 feet; thence S48°08'49"W a distance of 62.23 feet; thence S88°15'14"W a distance of 122.71 feet; thence N65°59'22"W a distance of 44.09 feet; thence S59°44'49"W a distance of 72.79 feet; thence S30°12'06"W a distance of 22.52 feet; thence S19°37'01"W a distance of 94.95 feet; thence S74°43'19"W a distance of 37.93 feet; thence N72°32'18"W a distance of 106.03 feet; thence N68°48'38"W a distance of 58.03 feet; thence N60°34'54"W a distance of 49.05 feet; thence N49°22'49"W a distance of 32.96 feet; thence N34°55'57"W a distance of 22.99 feet; thence N04°21'52"W a distance of 77.66 feet; thence N12°27'29"W a distance of 25.99 feet; thence continuing N12°27'29"W a distance of 1.54 feet; thence N62°58'25"W a distance of 14.25 feet; thence S89°47'02"W a distance of 37.00 feet to a mag nail with washer on the West line of the Southwest Quarter of said Section 10; thence leaving said centerline N00°11'46"W on said West line a distance of 431.54 feet to the Southwest corner of said Northwest Quarter; thence N00°12'55"W on the West line of said Northwest Quarter, a distance of 2633.29 feet to the Point of Beginning, containing 138.52 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING AT SOUTHEAST CORNER OF 30TH AVENUE AND 11TH STREET

Public Hearings 4, 5, 6, 7, 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) to rezone from District AG, Agricultural District to District C-O/PD, Office/Planned Development Overlay District property described as a tract of land consisting of all of

Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) and consider Ordinance No. 7877.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) to rezone from District AG, Agricultural District to District C-O/PD, Office/Planned Development Overlay District property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) and introduced Ordinance No. 7877 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 7877. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7877 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7877 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7877 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 BEARCAT CORNER

Public Hearings 4, 5, 6, 7, 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for the Final Plat and Subdivision Agreement for Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) and consider Resolution No. 2014-53.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-53** approving the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for the Final Plat and Subdivision Agreement for Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) subject to the inclusion of the paragraph in the Subdivision Agreement that Owner will not protest improvement districts in 27th Avenue and 6th Street. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2014-53

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said Lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at a chiseled "X" at the Northwest corner of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and assuming the North line of said Northwest Quarter as bearing N89°56'05"E and all bearings contained herein are relative there to; thence N89°56'05"E on said North line a distance of 1600.00 feet to a mag nail with washer; thence S00°03'55"E a distance of 1623.60 feet to a 5/8" rebar with cap; thence S88°55'21"E a distance of 1075.68 feet to a 5/8" rebar with cap on the East line of said Northwest Quarter and the East line of Government Lot 2; thence S00°17'43"W on said East line a distance of 1155.53 feet to a point on the centerline of the North Channel of the Platte River, also being the North line of Turkey Creek Second Subdivision; thence N88°50'47"W along said centerline (and all courses following are along said centerline until otherwise described) a distance of 19.08 feet; thence S32°11'36"W a distance of 48.08 feet; thence S86°32'38"W a distance of 29.28 feet; thence N43°28'52"W a distance of 19.48 feet; thence N60°49'42"W a distance of 79.97 feet; thence N06°08'07"W a distance of 19.71 feet; thence N23°41'50"E a distance of 58.83 feet; thence N09°53'45"W a distance of 31.94 feet; thence N28°45'48"W a distance of 48.75 feet; thence N75°13'15"W a distance of 39.20 feet; thence S74°42'58"W a distance of 88.79 feet; thence N76°58'24"W a distance of 77.87 feet; thence S63°46'47"W a distance of 83.23 feet; thence S24°16'09"W a distance of 60.46 feet; thence S02°57'04"E a distance of 8.19 feet; thence S50°53'11"W a distance of 12.41 feet; thence S67°08'36"W a distance of 49.96 feet; thence S58°21'35"W a distance of 19.19 feet; thence S41°58'45"W a distance of 45.51 feet; thence S63°01'10"W a distance of 50.46 feet; thence N80°52'04"W a distance of 66.85 feet; thence S63°47'51"W a distance of 18.69 feet; thence S77°33'03"W a distance of 83.50 feet; thence N78°49'12"W a distance of 49.05 feet; thence S80°17'59"W a distance of 35.42 feet; thence N77°28'32"W a distance of 14.16 feet; thence N56°52'49"W a distance of 19.72 feet; thence N41°42'42"W a distance of 54.54 feet; thence N78°12'44"W a distance of 52.01 feet; thence S79°54'39"W a distance of 35.04 feet; thence N69°18'19"W a distance of 22.75 feet; thence N26°49'52"W a distance of 11.04

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

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

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF BEARCAT CORNER

Public Hearings 4, 5, 6, 7, 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for the annexation of Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) and consider Resolution No. 2014-54.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-54** approving the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for the annexation of Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2014-54

WHEREAS, an Application has been submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for the inclusion of Bearcat Corner, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said Lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at a chiseled "X" at the Northwest corner of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and assuming the North line of said Northwest Quarter as bearing N89°56'05"E and all bearings contained herein are relative there to; thence N89°56'05"E on said North line a distance of 1600.00 feet to a mag nail with washer; thence S00°03'55"E a distance of 1623.60 feet to a 5/8" rebar with cap; thence S88°55'21"E a distance of 1075.68 feet to a 5/8" rebar with cap on the East line of said Northwest Quarter and the East line of Government Lot 2; thence S00°17'43"W on said

East line a distance of 1155.53 feet to a point on the centerline of the North Channel of the Platte River, also being the North line of Turkey Creek Second Subdivision; thence N88°50'47"W along said centerline (and all courses following are along said centerline until otherwise described) a distance of 19.08 feet; thence S32°11'36"W a distance of 48.08 feet; thence S86°32'38"W a distance of 29.28 feet; thence N43°28'52"W a distance of 19.48 feet; thence N60°49'42"W a distance of 79.97 feet; thence N06°08'07"W a distance of 19.71 feet; thence N23°41'50"E a distance of 58.83 feet; thence N09°53'45"W a distance of 31.94 feet; thence N28°45'48"W a distance of 48.75 feet; thence N75°13'15"W a distance of 39.20 feet; thence S74°42'58"W a distance of 88.79 feet; thence N76°58'24"W a distance of 77.87 feet; thence S63°46'47"W a distance of 83.23 feet; thence S24°16'09"W a distance of 60.46 feet; thence S02°57'04"E a distance of 8.19 feet; thence S50°53'11"W a distance of 12.41 feet; thence S67°08'36"W a distance of 49.96 feet; thence S58°21'35"W a distance of 19.19 feet; thence S41°58'45"W a distance of 45.51 feet; thence S63°01'10"W a distance of 50.46 feet; thence N80°52'04"W a distance of 66.85 feet; thence S63°47'51"W a distance of 18.69 feet; thence S77°33'03"W a distance of 83.50 feet; thence N78°49'12"W a distance of 49.05 feet; thence S80°17'59"W a distance of 35.42 feet; thence N77°28'32"W a distance of 14.16 feet; thence N56°52'49"W a distance of 19.72 feet; thence N41°42'42"W a distance of 54.54 feet; thence N78°12'44"W a distance of 52.01 feet; thence S79°54'39"W a distance of 35.04 feet; thence N69°18'19"W a distance of 22.75 feet; thence N26°49'52"W a distance of 11.04 feet; thence N 12°17'46"E a distance of 53.00 feet; thence N53°44'07"W a distance of 18.66 feet; thence N69°29'17"W a distance of 21.83 feet; thence N87°07'08"W a distance of 28.72 feet; thence S69°38'16"W a distance of 20.32 feet; thence S46°35'32"W a distance of 38.49 feet; thence S34°46'15"W a distance of 39.20 feet; thence S42°36'30"W a distance of 61.13 feet; thence S52°28'25"W a distance of 45.81 feet; thence N74°09'18"W a distance of 43.83 feet; thence N69°38'39"W a distance of 65.54 feet; thence N65°50'22"W a distance of 31.36 feet; thence S75°57'32"W a distance of 63.56 feet; thence S67°28'33"W a distance of 30.15 feet; thence S26°48'18"W a distance of 57.63 feet; thence S28°48'38"E a distance of 80.71 feet; thence S07°37'09"W a distance of 24.72 feet; thence S68°31'32"W a distance of 54.38 feet; thence S26°00'37"W a distance of 55.46 feet; thence N79°25'16"W a distance of 64.73 feet; thence N23°39'24"W a distance of 55.33 feet; thence N63°04'10"W a distance of 23.94 feet; thence S74°48'46"W a distance of 40.22 feet; thence N58°08'16"W a distance of 12.66 feet; thence N17°43'27"W a distance of 35.90 feet; thence N43°34'42"W a distance of 13.86 feet; thence N80°14'11"W a distance of 32.24 feet; thence S52°10'59"W a distance of 43.04 feet; thence S38°12'09"W a distance of 23.96 feet; thence N63°28'20"W a distance of 38.44 feet; thence S61°58'30"W a distance of 28.30 feet; thence N85°30'45"W a distance of 36.06 feet; thence S55°17'50"W a distance of 16.68 feet; thence S01°33'06"E a distance of 57.48 feet; thence S60°29'33"E a distance of 44.86 feet; thence S18°33'55"E a distance of 29.37 feet; thence S16°10'24"W a distance of 10.71 feet; thence S71°53'58"W a distance of 48.13 feet; thence S54°42'20"W a distance of 55.20 feet; thence S72°01'31"W a distance of 19.25 feet; thence N74°45'39"W a distance of 60.31 feet; thence S48°08'49"W a distance of 62.23 feet; thence S88°15'14"W a distance of 122.71 feet; thence N65°59'22"W a distance of 44.09 feet; thence S59°44'49"W a distance of 72.79 feet; thence S30°12'06"W a distance of 22.52 feet; thence S19°37'01"W a distance of 94.95 feet; thence S74°43'19"W a distance of 37.93 feet; thence N72°32'18"W a distance of 106.03 feet; thence N68°48'38"W a distance of 58.03 feet; thence N60°34'54"W a distance of 49.05 feet; thence N49°22'49"W a distance of 32.96 feet; thence N34°55'57"W a distance of

22.99 feet; thence N04°21'52"W a distance of 77.66 feet; thence N12°27'29"W a distance of 25.99 feet; thence continuing N12°27'29"W a distance of 1.54 feet; thence N62°58'25"W a distance of 14.25 feet; thence S89°47'02"W a distance of 37.00 feet to a mag nail with washer on the West line of the Southwest Quarter of said Section 10; thence leaving said centerline N00°11'46"W on said West line a distance of 431.54 feet to the Southwest corner of said Northwest Quarter; thence N00°12'55"W on the West line of said Northwest Quarter, a distance of 2633.29 feet to the Point of Beginning, containing 138.52 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on February 21, 2014 on the inclusion of Bearcat Corner within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Bearcat Corner, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on March 11, 2014 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Bearcat Corner shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Bearcat Corner within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR NEW PUBLIC HIGH SCHOOL

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for Planned District Development Plan Approval for the construction of the new public high school on property to be zoned District C-O/PD, Office/Planned Development Overlay District property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) and consider Resolution No. 2014-55.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-55** approving the Application submitted by Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for Planned District Development Plan Approval for the construction of the new public high school on property to be zoned District C-O/PD, Office/Planned Development Overlay District

property described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) granting the deviation for the height of the performing arts building and future light poles. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2014-55

WHEREAS, Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) have applied for Planned District Development Plan Approval for the construction of the new public high school on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said Lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at a chiseled "X" at the Northwest corner of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and assuming the North line of said Northwest Quarter as bearing N89°56'05"E and all bearings contained herein are relative there to; thence N89°56'05"E on said North line a distance of 1600.00 feet to a mag nail with washer; thence S00°03'55"E a distance of 1623.60 feet to a 5/8" rebar with cap; thence S88°55'21"E a distance of 1075.68 feet to a 5/8" rebar with cap on the East line of said Northwest Quarter and the East line of Government Lot 2; thence S00°17'43"W on said East line a distance of 1155.53 feet to a point on the centerline of the North Channel of the Platte River, also being the North line of Turkey Creek Second Subdivision; thence N88°50'47"W along said centerline (and all courses following are along said centerline until otherwise described) a distance of 19.08 feet; thence S32°11'36"W a distance of 48.08 feet; thence S86°32'38"W a distance of 29.28 feet; thence N43°28'52"W a distance of 19.48 feet; thence N60°49'42"W a distance of 79.97 feet; thence N06°08'07"W a distance of 19.71 feet; thence N23°41'50"E a distance of 58.83 feet; thence N09°53'45"W a distance of 31.94 feet; thence N28°45'48"W a distance of 48.75 feet; thence N75°13'15"W a distance of 39.20 feet; thence S74°42'58"W a distance of 88.79 feet; thence N76°58'24"W a distance of 77.87 feet; thence S63°46'47"W a distance of 83.23 feet; thence S24°16'09"W a distance of 60.46 feet; thence S02°57'04"E a distance of 8.19 feet; thence S50°53'11"W a distance of 12.41 feet; thence S67°08'36"W a distance of 49.96 feet; thence S58°21'35"W a distance of 19.19 feet; thence S41°58'45"W a distance of 45.51 feet; thence S63°01'10"W a distance of 50.46 feet; thence N80°52'04"W a distance of 66.85 feet; thence S63°47'51"W a distance of 18.69 feet; thence S77°33'03"W a distance of 83.50 feet; thence N78°49'12"W a distance of 49.05 feet; thence S80°17'59"W a distance of 35.42 feet; thence N77°28'32"W a distance of 14.16 feet; thence N56°52'49"W a distance of 19.72 feet; thence N41°42'42"W a distance of 54.54 feet; thence N78°12'44"W a distance of 52.01 feet; thence S79°54'39"W a distance of 35.04 feet; thence N69°18'19"W a distance of 22.75 feet; thence N26°49'52"W a distance of 11.04 feet; thence N 12°17'46"E a distance of 53.00 feet; thence N53°44'07"W a distance of 18.66 feet; thence N69°29'17"W a distance of 21.83 feet; thence N87°07'08"W a distance of 28.72 feet; thence S69°38'16"W a distance of 20.32 feet; thence S46°35'32"W a distance of 38.49 feet; thence S34°46'15"W a distance of 39.20 feet; thence S42°36'30"W a distance of 61.13 feet; thence S52°28'25"W a distance of 45.81 feet; thence N74°09'18"W a distance of 43.83 feet;

thence N69°38'39"W a distance of 65.54 feet; thence N65°50'22"W a distance of 31.36 feet; thence S75°57'32"W a distance of 63.56 feet; thence S67°28'33"W a distance of 30.15 feet; thence S26°48'18"W a distance of 57.63 feet; thence S28°48'38"E a distance of 80.71 feet; thence S07°37'09"W a distance of 24.72 feet; thence S68°31'32"W a distance of 54.38 feet; thence S26°00'37"W a distance of 55.46 feet; thence N79°25'16"W a distance of 64.73 feet; thence N23°39'24"W a distance of 55.33 feet; thence N63°04'10"W a distance of 23.94 feet; thence S74°48'46"W a distance of 40.22 feet; thence N58°08'16"W a distance of 12.66 feet; thence N17°43'27"W a distance of 35.90 feet; thence N43°34'42"W a distance of 13.86 feet; thence N80°14'11"W a distance of 32.24 feet; thence S52°10'59"W a distance of 43.04 feet; thence S38°12'09"W a distance of 23.96 feet; thence N63°28'20"W a distance of 38.44 feet; thence S61°58'30"W a distance of 28.30 feet; thence N85°30'45"W a distance of 36.06 feet; thence S55°17'50"W a distance of 16.68 feet; thence S01°33'06"E a distance of 57.48 feet; thence S60°29'33"E a distance of 44.86 feet; thence S18°33'55"E a distance of 29.37 feet; thence S16°10'24"W a distance of 10.71 feet; thence S71°53'58"W a distance of 48.13 feet; thence S54°42'20"W a distance of 55.20 feet; thence S72°01'31"W a distance of 19.25 feet; thence N74°45'39"W a distance of 60.31 feet; thence S48°08'49"W a distance of 62.23 feet; thence S88°15'14"W a distance of 122.71 feet; thence N65°59'22"W a distance of 44.09 feet; thence S59°44'49"W a distance of 72.79 feet; thence S30°12'06"W a distance of 22.52 feet; thence S19°37'01"W a distance of 94.95 feet; thence S74°43'19"W a distance of 37.93 feet; thence N72°32'18"W a distance of 106.03 feet; thence N68°48'38"W a distance of 58.03 feet; thence N60°34'54"W a distance of 49.05 feet; thence N49°22'49"W a distance of 32.96 feet; thence N34°55'57"W a distance of 22.99 feet; thence N04°21'52"W a distance of 77.66 feet; thence N12°27'29"W a distance of 25.99 feet; thence continuing N12°27'29"W a distance of 1.54 feet; thence N62°58'25"W a distance of 14.25 feet; thence S89°47'02"W a distance of 37.00 feet to a mag nail with washer on the West line of the Southwest Quarter of said Section 10; thence leaving said centerline N00°11'46"W on said West line a distance of 431.54 feet to the Southwest corner of said Northwest Quarter; thence N00°12'55"W on the West line of said Northwest Quarter, a distance of 2633.29 feet to the Point of Beginning, containing 138.52 acres, more or less, Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Buffalo County School District 10-0007 (Kearney Public Schools) for Planned District Development Plan Approval for the construction of the new public high school on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land consisting of all of Government Lot 1, part of Government Lot 2, the accretions to said Lots, and part of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at a chiseled "X" at the Northwest corner of the Northwest Quarter of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and assuming the North line of said Northwest Quarter as bearing N89°56'05"E and all bearings contained herein are relative there to; thence N89°56'05"E on said North line a distance of 1600.00 feet to a mag nail with washer; thence S00°03'55"E a distance of 1623.60 feet to a 5/8" rebar with cap; thence S88°55'21"E a distance of 1075.68 feet to a 5/8" rebar with cap on the East line of said Northwest Quarter and the East line of Government Lot 2; thence S00°17'43"W on said East line a distance of 1155.53 feet to a point on the centerline of the North Channel of

the Platte River, also being the North line of Turkey Creek Second Subdivision; thence N88°50'47"W along said centerline (and all courses following are along said centerline until otherwise described) a distance of 19.08 feet; thence S32°11'36"W a distance of 48.08 feet; thence S86°32'38"W a distance of 29.28 feet; thence N43°28'52"W a distance of 19.48 feet; thence N60°49'42"W a distance of 79.97 feet; thence N06°08'07"W a distance of 19.71 feet; thence N23°41'50"E a distance of 58.83 feet; thence N09°53'45"W a distance of 31.94 feet; thence N28°45'48"W a distance of 48.75 feet; thence N75°13'15"W a distance of 39.20 feet; thence S74°42'58"W a distance of 88.79 feet; thence N76°58'24"W a distance of 77.87 feet; thence S63°46'47"W a distance of 83.23 feet; thence S24°16'09"W a distance of 60.46 feet; thence S02°57'04"E a distance of 8.19 feet; thence S50°53'11"W a distance of 12.41 feet; thence S67°08'36"W a distance of 49.96 feet; thence S58°21'35"W a distance of 19.19 feet; thence S41°58'45"W a distance of 45.51 feet; thence S63°01'10"W a distance of 50.46 feet; thence N80°52'04"W a distance of 66.85 feet; thence S63°47'51"W a distance of 18.69 feet; thence S77°33'03"W a distance of 83.50 feet; thence N78°49'12"W a distance of 49.05 feet; thence S80°17'59"W a distance of 35.42 feet; thence N77°28'32"W a distance of 14.16 feet; thence N56°52'49"W a distance of 19.72 feet; thence N41°42'42"W a distance of 54.54 feet; thence N78°12'44"W a distance of 52.01 feet; thence S79°54'39"W a distance of 35.04 feet; thence N69°18'19"W a distance of 22.75 feet; thence N26°49'52"W a distance of 11.04 feet; thence N 12°17'46"E a distance of 53.00 feet; thence N53°44'07"W a distance of 18.66 feet; thence N69°29'17"W a distance of 21.83 feet; thence N87°07'08"W a distance of 28.72 feet; thence S69°38'16"W a distance of 20.32 feet; thence S46°35'32"W a distance of 38.49 feet; thence S34°46'15"W a distance of 39.20 feet; thence S42°36'30"W a distance of 61.13 feet; thence S52°28'25"W a distance of 45.81 feet; thence N74°09'18"W a distance of 43.83 feet; thence N69°38'39"W a distance of 65.54 feet; thence N65°50'22"W a distance of 31.36 feet; thence S75°57'32"W a distance of 63.56 feet; thence S67°28'33"W a distance of 30.15 feet; thence S26°48'18"W a distance of 57.63 feet; thence S28°48'38"E a distance of 80.71 feet; thence S07°37'09"W a distance of 24.72 feet; thence S68°31'32"W a distance of 54.38 feet; thence S26°00'37"W a distance of 55.46 feet; thence N79°25'16"W a distance of 64.73 feet; thence N23°39'24"W a distance of 55.33 feet; thence N63°04'10"W a distance of 23.94 feet; thence S74°48'46"W a distance of 40.22 feet; thence N58°08'16"W a distance of 12.66 feet; thence N17°43'27"W a distance of 35.90 feet; thence N43°34'42"W a distance of 13.86 feet; thence N80°14'11"W a distance of 32.24 feet; thence S52°10'59"W a distance of 43.04 feet; thence S38°12'09"W a distance of 23.96 feet; thence N63°28'20"W a distance of 38.44 feet; thence S61°58'30"W a distance of 28.30 feet; thence N85°30'45"W a distance of 36.06 feet; thence S55°17'50"W a distance of 16.68 feet; thence S01°33'06"E a distance of 57.48 feet; thence S60°29'33"E a distance of 44.86 feet; thence S18°33'55"E a distance of 29.37 feet; thence S16°10'24"W a distance of 10.71 feet; thence S71°53'58"W a distance of 48.13 feet; thence S54°42'20"W a distance of 55.20 feet; thence S72°01'31"W a distance of 19.25 feet; thence N74°45'39"W a distance of 60.31 feet; thence S48°08'49"W a distance of 62.23 feet; thence S88°15'14"W a distance of 122.71 feet; thence N65°59'22"W a distance of 44.09 feet; thence S59°44'49"W a distance of 72.79 feet; thence S30°12'06"W a distance of 22.52 feet; thence S19°37'01"W a distance of 94.95 feet; thence S74°43'19"W a distance of 37.93 feet; thence N72°32'18"W a distance of 106.03 feet; thence N68°48'38"W a distance of 58.03 feet; thence N60°34'54"W a distance of 49.05 feet; thence N49°22'49"W a distance of 32.96 feet; thence N34°55'57"W a distance of 22.99 feet; thence N04°21'52"W a distance of 77.66 feet; thence N12°27'29"W a

distance of 25.99 feet; thence continuing N12°27'29"W a distance of 1.54 feet; thence N62°58'25"W a distance of 14.25 feet; thence S89°47'02"W a distance of 37.00 feet to a mag nail with washer on the West line of the Southwest Quarter of said Section 10; thence leaving said centerline N00°11'46"W on said West line a distance of 431.54 feet to the Southwest corner of said Northwest Quarter; thence N00°12'55"W on the West line of said Northwest Quarter, a distance of 2633.29 feet to the Point of Beginning, containing 138.52 acres, more or less, Buffalo County, Nebraska (southeast corner of 30th Avenue and 11th Street) be approved granting the deviation for the height of the performing arts building and future light poles.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 9 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held February 25, 2014.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

2303 Center \$28.70 smcs; ABPA Region 12 \$75.00 smcs; Alamar Uniforms \$4,088.18 smcs,ps; Albrecht,H \$1,299.00 smcs; Amer Fence \$992.00 smcs; Amer First Aid \$168.98 smcs; Anderson Bros \$101.50 smcs; Antelope \$200.00 smcs; Antonides,B \$17,235.00 co; Arrow Striping \$2,853.00 smcs; Baird Holm \$99.00 smcs; Baker & Taylor \$7,103.25 smcs; Bamford \$439.96 smcs; Barney Abstract \$30.00 smcs; Blackstone Audiobooks \$430.80 smcs; Bluecross Blueshield \$45,676.36 smcs; Bosselman \$9,942.24 smcs; Briggs,M \$23.34 smcs; Broadfoot's \$180.00 smcs; Brown Transfer \$120.83 smcs; Buffalo Co Attorney \$18,750.00 smcs; Buffalo Reg of Deeds \$58.00 smcs; Builders \$2,363.63 smcs,co; Butler,B \$1,001.40 smcs; Candy,P \$690.00 smcs; Capital Business Systems \$297.37 smcs; Cash-Wa \$160.80 smcs; Center Point Large Print \$199.26 smcs; CFA Software \$2,995.00 smcs; Charter \$197.86 smcs; Chief Supply \$59.85 smcs; Circle D Boot & Saddle \$6.00 smcs; City of Ky \$350,258.94 co,smcs,ps; Compass Tools \$146.00 smcs; Computer Hardware \$7,677.85 smcs; Consolidated Management \$189.25 smcs; Control Yours \$1,754.96 smcs; Copycat Printing \$152.47 smcs; Dawson,K \$65.00 smcs; Demco \$614.46 smcs; DHHS Drinking Water \$80.00 smcs; DHHS Licensure Unit \$115.00 smcs; Dmilaco \$113.00 smcs; Dutton-Lainson \$153.41 smcs; Eakes \$73.68 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$1,012.40 smcs; Entenmann-Rovin \$177.50 smcs; ESRI \$6,900.00 smcs; Farmers Union \$1,073.00 smcs; Gale \$799.86 smcs; Galls \$640.78 smcs; GE Money Bank \$1,413.07 smcs; Gibbon Transmissions \$2,240.29 smcs; Grand West \$8,415.00

co; Gray,C \$337.50 smcs; Hart,J \$305.00 smcs; HD Supply \$2,107.90 smcs; Hearing Access Solutions \$1,479.00 smcs; Heartland Strategy Group \$5,000.00 smcs; HOA Solutions \$6,846.00 co; Hometown Leasing \$157.20 smcs; Hotsy Equipment \$581.68 smcs; ICMA RC \$4,109.48 ps; IRS \$126,775.63 ps; Jack Lederman \$2,700.24 smcs; Johnson Controls \$994.00 smcs; Johnson,B \$32.00 smcs; Ky Catholic High \$4,000.00 smcs; Ky United Way \$610.00 ps; Ky Winlectric \$859.13 smcs; Keough,J \$21.34 smcs; Koopman,K \$48.20 smcs; Krull Ins \$1,950.00 smcs; Kwik-N-Kleen \$4,475.00 smcs; Lammers,B \$245.00 smcs; Larachick,A \$21.72 smcs; Larue Distributing \$157.08 smcs; LCL Truck Equipment \$35.00 smcs; Leonard,R \$125.00 smcs; Linn,M \$14.88 smcs; Luke,D \$25.93 smcs; Magic Cleaning \$2,090.00 smcs; Mail Express \$5,984.81 smcs; Marten,D \$87.69 smcs; Matheson Tri-Gas \$31.45 smcs; Melton,L \$18.00 smcs; Metal Doors \$238.36 smcs; Metlife \$8,049.62 ps; Midlands Contracting \$252,217.20 co; Mid-NE Garage Doors \$486.00 smcs; Midwest Labs \$38.44 smcs; Miller & Associates \$46,051.77 smcs,co; Mindmixercom \$250.00 smcs; Moonlight Embroidery \$168.00 smcs; Morgan,M \$107.90 smcs; Mueller,J \$768.00 smcs; Municipal Emergency \$2,581.77 smcs,ps; NE Child Support \$2,284.66 ps; NE Dept of Revenue \$37,335.75 smcs,ps; NE DOL/Office of Safety \$61.00 smcs; NE Public Health \$2,638.00 smcs; NE Safety & Fire \$87.00 smcs; New World Systems \$600.00 smcs; Newell,B \$281.50 smcs; Northwestern Energy \$7,151.96 smcs; Olsson Associates \$23,885.00 smcs,co; Omaha World Herald \$91.00 smcs; One Call Concepts \$144.90 smcs; Overhead Door \$278.26 smcs; Paddle Wheeler \$4,782.32 co; Paramount Linen \$77.95 smcs; Payflex Systems \$561.00 smcs,ps; Pictomery Intelligent \$3,600.00 co; Platte Valley Comm \$566.92 smcs; Presto-X \$256.38 smcs; Putnam,A \$27.00 smcs; Random House \$367.75 smcs; Recorded Books \$4,342.66 smcs; Reinke's \$909.24 smcs; Resource Management \$1,237.44 smcs; Robinson,D \$350.00 smcs; Roper's Radiator \$95.00 smcs; Salter,J \$251.50 smcs; Sand,H \$490.00 smcs; Sapp Bros \$54,599.81 smcs; School District #7 \$2,668.10 smcs; See Clear Cleaning \$2,050.00 smcs; Sherwin Williams \$281.22 smcs,co; Sixel Construction \$3,403.67 smcs; Snap-On Tools \$105.60 smcs; Springer Roofing \$350.00 smcs; St of NE/AS Central \$3,785.66 smcs,co; Stull & Stull \$16,236.17 co; Sun Life Financial \$60,756.80 smcs; Tacha,J \$50.00 smcs; Thompson,K \$26.65 smcs; Toyne \$46.15 smcs; Tri-Cities Group \$20,245.00 smcs; Tye & Rademacher \$12,732.01 smcs; Union Bank \$62,164.93 ps; Vasquez,C \$40.00 smcs; Verizon Wireless \$1,080.59 smcs; Village Uniform \$163.20 smcs; Walsh,C \$31.46 smcs; Watchguard Video \$386.00 co; Weis Fire & Safety \$650.00 smcs; Wolfinger,J \$42.00 smcs; Payroll Ending 2-22-2014 -- \$356,583.75. 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 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 March 29, 2014 from 7:00 a.m. until 2:00 p.m.
4. Accept the bids received for the 2014 Part 5; University Drive Bridge Deck Rehabilitation Project and adopt **Resolution No. 2014-56** awarding the bid to Wilke Contracting in the amount of \$99,940.80.

RESOLUTION NO. 2014-56

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on March 4, 2014 at 2:00 p.m. for the 2014 Part 5; University Drive Bridge Deck

Rehabilitation Project; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$135,953.50 for the said project; and

WHEREAS, the City has recommended the bid offered by Wilke Contracting of Kearney, Nebraska in the amount of \$99,940.80 be accepted as the lowest responsible bid for the 2014 Part 5; University Drive Bridge Deck Rehabilitation Project.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Wilke Contracting be and is the lowest responsible bidder for the 2014 Part 5; University Drive Bridge Deck Rehabilitation Project to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Wilke Contracting in the amount of \$99,940.80 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for the 2014 Part 5; University Drive Bridge Deck Rehabilitation Project in the amount of \$135,953.50 be and is hereby accepted.

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

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Accept the bids received for the Yanney Park Cope Amphitheatre Trail/Driveway Addition and adopt **Resolution No. 2014-57** awarding the bid to GD Concrete in the amount of \$26,320.00.

RESOLUTION NO. 2014-57

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on March 4, 2014 at 2:00 p.m. for the Yanney Park Cope Amphitheatre Trail/Driveway Addition; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$34,185.00 for the said project; and

WHEREAS, the City has recommended the bid offered by GD Concrete Construction, Inc. of Overton, Nebraska in the amount of \$26,320.00 be accepted as the lowest responsible bid for the Yanney Park Cope Amphitheatre Trail/Driveway Addition.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that GD Concrete Construction, Inc. be and is the lowest responsible bidder for the Yanney Park Cope Amphitheatre Trail/Driveway Addition to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of GD Concrete Construction, Inc. in the amount of \$26,320.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for the Yanney Park Cope Amphitheatre Trail/Driveway Addition in the amount of \$34,185.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits inside a tent in the parking lot located north of the Museum of Nebraska Art and inside the Museum of Nebraska Art, 2401 Central Avenue on April 5, 2014 from 5:00 p.m. until 11:00 a.m. for a fund raiser.

7. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (Exposition Building alternate location) located at the Buffalo County Fairgrounds, 3807 Avenue N, on April 19, 2014 from 6:00 p.m. until 1:00 a.m. for a dance.

8. Adopt **Resolution No. 2014-58** approving Amendment No. 1 to 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. 2014-58

WHEREAS, on August 14, 2012 the City Council adopted Resolution No. 2012-136 approving 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; and

WHEREAS, the scope of work for Construction Observation has increased and Material Testing services has decreased making it necessary to amend the original agreement.

NOW, THEREFORE, 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 Amendment No. 1 to the Consultant Agreement with Alfred Benesch & Company increasing the work for Construction Observation and decreasing the Material Testing services in conjunction with the Aircraft Rescue and Fire Fighting (ARFF) Facility at the Kearney Regional Airport being funded under the FAA Airport Improvement Program. Amendment No. 1 of the Consultant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2014-59** approving Application and Certificate for Payment No. 1 in the amount of \$44,091.00 and Application and Certificate for Payment No. 2 in the amount of \$157,727.48 submitted by Midlands Contracting and approved by Brungardt Engineering for the 2013 Part 3 Improvements – Bid A consisting of Water District No. 2012-568 in Emerald Drive and its extension beginning at the East line of Winnipeg Road and terminating at a point 250 feet East of the centerline line of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Sanitary Sewer District No. 2012-507 in Emerald Drive and its extension beginning at the west line of Winnipeg Road and terminating at a point 250 feet east of the of the centerline of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating 349 feet southerly.

RESOLUTION NO. 2014-59

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2013 Part 3 Improvements – Bid A consisting of Water District No. 2012-568 in Emerald Drive and its extension beginning at the East line of Winnipeg Road and terminating at a point 250 feet East of the centerline line of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Sanitary Sewer District No. 2012-507 in Emerald Drive and its extension beginning at the west line of Winnipeg Road and terminating at a point 250 feet east of the of the centerline of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating 349 feet southerly, and the City's engineer, Brungardt Engineering, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$44,091.00 and Certificate for Payment No. 2 in the amount of \$157,727.48 as shown on Exhibits "A" and "B" attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | <u>\$366,415.00</u> |
| Contract Sum To Date | 366,415.00 |
| Gross Amount Due | 217,339.51 |
| Retainage (10%) | 15,521.03 |
| Amount Due to Date | 201,818.48 |
| Less Previous Certificates for Payment | <u>.00</u> |
| Current Payment Due | \$201,818.48 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment Nos. 1 and 2, as shown on Exhibits "A" and "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 11TH DAY OF MARCH, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7878 VACATING SETBACK IN ANDERSON PARK 5TH SUBDIVISION

The applicant is requesting approval to vacate a platted setback line along the north side of Highway 30 east of Avenue Q. This property is zoned M-1, Limited Industrial District and the default setback is less than the platted setback. The currently platted setback is 60 feet, while the minimum required setback along State and Federal highways is 50 feet. Vacation of a platted setback requires review and approval by Planning Commission and City Council. If the setback is vacated, the “new” setback will be based on the default setback of 50 feet. A setback of 50 feet allows the developer more flexibility in matching up with pre-existing buildings to the east, and would position a new structure further back than the existing structure, which is set back approximately 12 feet.

Council Member Clouse introduced Ordinance No. 7878 vacating the platted 60 foot front yard building setback on the south part of Lot 1, Anderson Park 5th Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska (northeast corner of Avenue Q and East 25th Street), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to 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, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7878 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7878 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7878 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

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$533.91 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 6:19 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**