

**Kearney, Nebraska**  
**October 14, 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 October 14, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, 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; and Dan Lynch, Chief of Police; were also present. Some of the citizens present in the audience included: Leland Skeen, Trenton Snow, Kent Cordes, Kyle Woller, Chandler Lynch, 2 UNK students, Steve Altmaier from KGFW Radio, 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 minister, the Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

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

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **VACATE LOTS 1 AND 2 OF BLOCK 1, G & K ADDITION TOGETHER WITH A PORTION OF 16TH AVENUE, G&K THIRD ADDITION AND AMEND THE LAND USE MAP NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE**

Mayor Clouse stated the developer has requested to postpone until October 28, 2014 the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for (1) the vacation of Lots 1 and 2 of Block 1, G & K Addition, together with a portion of 16th Avenue, G&K Third Addition; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Lammers seconded by Nikkila to postpone until October 28, 2014 the public hearing on the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for (1) the vacation of Lots 1 and 2 of Block 1, G & K Addition, together with a portion of 16th Avenue, G&K Third Addition; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

#### **REZONING PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE**

Mayor Clouse stated the developer has requested to postpone until October 28, 2014 the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1, Limited Industrial/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Lammers seconded by Nikkila to postpone until October 28, 2014 the public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1, Limited Industrial/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**FINAL PLAT FOR FULLER AND DALEY FIRST ADDITION**

Mayor Clouse stated the developer has requested to postpone until October 28, 2014 the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Lammers seconded by Nikkila to postpone until October 28, 2014 the public hearing on the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**DEVELOPMENT PLAN FOR PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE**

Mayor Clouse stated the developer has requested to postpone until October 28, 2014 the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for Planned District Development Plan Approval to construction of a duplex and a tri-plex on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue).

Moved by Lammers seconded by Nikkila to postpone until October 28, 2014 the public hearing on Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for Planned District Development Plan Approval to construction of a duplex and a tri-plex on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**REZONE PROPERTY LOCATED AT 1212 AND 1216 EAST 27TH STREET**

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Leland and Darla Skeen to rezone from District M-1, Limited Industrial District to District R-3, Urban Residential Multi-Family (Medium Density) District property described as Lots 11 and 12, Hartman and Drydens Subdivision to the City of Kearney, Buffalo County, Nebraska (1212 and 1216 East 27th Street) and consider Ordinance No. 7935.

There are two existing houses under common ownership that sit across two existing lots that are oriented east-west. The majority of the house structures are on the southerly lot but they appear to encroach into the north lot as well. The owner may sell 1212 East 27th Street (west house) to his brother and is in the process of pursuing a Minor Subdivision to split the lots in a north-south orientation with each house on its own lot.

At the same time it seems prudent to address the zoning of the property. The property is currently zoned M-1. The applicant would like to rezone to R-3 because the properties across the street and most to the north are zoned R-3. This property and the immediately adjacent lot to the north are the only M-1 properties on this side of the block. The Future Land Use Map of the Comprehensive Development Plan categorizes this area as "High Density Residential." The proposed rezoning is in conformance with this land use designation.

Trenton Snow presented this matter to the Council. Leland Skeen, owner of the property was also present. He stated there are currently two houses on the property and they sit opposite the way the actual lots run. Mr. Skeen owns both lots and his brother wants to purchase the house to the west. They are requesting to rezone the property to a residential zoning. The property is currently served with City sewer and water and all utilities are in place.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Trenton Snow for Leland and Darla Skeen to rezone from District M-1, Limited Industrial District to District R-3, Urban Residential Multi-Family (Medium Density) District property described as Lots 11 and 12, Hartman and Drydens Subdivision to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 7935 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7935. 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. 7935 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 Lear seconded by Buschkoetter that Ordinance No. 7935 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7935 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.

### **CONDITIONAL USE PERMIT GRANTED TO SBA GC TOWERS**

Mayor Clouse opened the public hearing on the Application submitted by SBA GC Towers for a Conditional Use Permit as provided in Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to continue the use of an existing telecommunications tower which was previously owned and operated by Midtown Communications on property zoned District AG, Agricultural District and described as part of the Southwest Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2811 West 39th Street) and to consider Ordinance No. 7936.

The applicant is requesting approval of a Conditional Use Permit (CUP) for an existing telecommunications tower located in AG, Agricultural zoning at 2811 West 39th Street. This tower was erected in the 1970's prior to requirements for a Conditional Use Permit. The ownership recently changed as SBA Towers from Florida purchased this tower from a local owner. A CUP is required to bring the tower into conformance with current zoning requirements. Because this CUP application is for an existing tower, the application is being expedited directly to the City Council without having to be heard by Planning Commission. This expedited review option is offered in the telecommunications section Chapter 46 of the City Code primarily as an incentive to encourage co-location instead of building additional towers. In this case, since the tower is existing, the ownership has changed, and the new owner is bringing the tower into compliance, Staff recommended the expedited approval process.

Staff requested and received the following documentation from the applicant in support of this CUP request. This documentation is included in the information packet.

- Cover letter outlining the proposed equipment change.
- CUP Application and fee.
- Zoning Exhibits.
- Copy of last deed of record.
- Site Plan
- Updated structural analysis prepared by a licensed structural engineer.

Kyle Woller presented this matter to the Council. He stated an inspection of the tower was performed in January of 2014. Pursuant to that inspection there were repairs conformed to the tower and a new report was issued in September of 2014 approving the repairs and updates.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by SBA GC Towers for a Conditional Use Permit as provided in Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to continue the use of an existing telecommunications tower which was previously owned and operated by Midtown Communications on property zoned District AG, Agricultural District and described as part of the Southwest Quarter of Section 27,

Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 7936 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. 7936. 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 No. 7936 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 No. 7936 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 No. 7936 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.

### **SANITARY SEWER EASEMENT FROM CONRAD AND JOAN SMITH**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Conrad and Joan Smith for a tract of land being the west 15 feet of Lot 10, all of Lots 11 and 12, and the east 4 feet of Lot 13, Riverside Addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2014-204.

Director of Utilities Kirk Stocker presented this matter to the Council. He stated at the September 23, 2014 Council meeting the Council awarded the bid for the 2014 Part 7 Improvements. The 2014 Part 7 Improvements include:

- The 8th Street Bridge Replacement and paving improvements between 2nd Avenue and 3rd Avenue.
- The South Sewer:
  1. Sanitary Sewer Connection District No. 2014-1 from Avenue M westward in proposed Landon Street, if extended, then northward to 4th Street and westward in 4th Street to Central Avenue.
  2. 4th Street Sanitary Sewer Rehabilitation in 4th Street from Central Avenue to 6th Avenue.
- 4th Street Paving Rehabilitation from Central Avenue to 2nd Avenue.
- 4th Street Paving Rehabilitation, Paving District No. 2014-968 from 3rd Avenue to 6th Avenue.



WHEREAS, Conrad I. Smith and Joan Smith, Husband and Wife have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement as follows:

PERMANENT SANITARY SEWER MAIN EASEMENT

A tract of land being the West 10.00 feet of Lot 11, and the East 10.00 feet of Lot 12, Riverside Addition to the City of Kearney, Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 20.00 feet in total width and contains 0.06 acres more or less, Buffalo County, Nebraska.

TEMPORARY SANITARY SEWER MAIN EASEMENT

A tract of land being the West 15.00 feet of Lot 10, all of Lots 11, and 12, and the East 4.00 feet of Lot 13, Riverside Addition to the City of Kearney, Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 69.00 feet in total width and contains 0.20 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement granted by Conrad I. Smith and Joan Smith, Husband and Wife to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT FROM BUFFALO COUNTY**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Buffalo County, Nebraska for a tract of land being the west 40 feet of Lot 2 and the east 40 feet of Lot 3, Block 2, Kreutz Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2014-205.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-205** approving the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Buffalo County, Nebraska for a tract of land being the west 40 feet of Lot 2 and the east 40 feet of Lot 3, Block 2, Kreutz Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse,

Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**RESOLUTION NO. 2014-205**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Buffalo County, Nebraska a body politic, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement as follows:

**PERMANENT SANITARY SEWER MAIN EASEMENT**

A tract of land being the West 10.00 feet of Lot 2, and the East 10.00 feet of Lot 3, Block 2 Kreutz Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 20.00 feet in total width and contains 0.08 acres more or less, Buffalo County, Nebraska.

**TEMPORARY SANITARY SEWER MAIN EASEMENT**

A tract of land being the West 40.00 feet of Lot 2, and the East 40.00 feet of Lot 3, Block 2, Kreutz Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 80.00 feet in total width and contains 0.31 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement granted by Buffalo County, Nebraska a body politic, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT FROM WASTELAND LLC**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Wasteland LLC for a tract of land

being part of Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2014-206.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-206** approving the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Wasteland LLC for a tract of land being part of Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2014-206**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Wasteland L.L.C., a Nebraska Limited Liability Company, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement as follows:

#### **PERMANENT SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 20.00 feet in total width and more particularly described as follows: BEGINNING at the Southeast corner of Lot 1 Fast Phil Second Addition to the City of Kearney, and assuming the South line of said Lot 1 as bearing S89°53'46"W and all bearings contained herein are relative thereto; thence S89°53'46"W on said South line a distance of 32.46 feet to the ACTUAL POINT OF BEGINNING; thence continuing S89°53'46"W on said South line a distance of 64.93 feet; thence N72°09'47"W a distance of 116.36 to the West line of said Lot 1; thence N02°23'26"E on said West line of Lot 1 a distance of 20.75 feet; thence S72°09'47"E a distance of 183.65 feet to the Point Of Beginning. Containing 0.01 acres more or less, Buffalo County, Nebraska.

#### **TEMPORARY SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Lot 1, Fast Phil Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 67.00 feet in total width and more particularly described as follows: BEGINNING at the Southeast corner of Lot 1 Fast Phil Second Addition to the City of Kearney, and assuming the South line of said Lot 1 as bearing S89°53'46"W and all bearings contained herein are relative thereto; thence S89°53'46"W on said South line a distance of 209.65 feet to the Southwest corner of said Lot 1; thence N02°23'26"E on the West line of said Lot 1 a distance of

67.00 feet; thence S72°09'47"E a distance of 217.30 feet to the Point Of Beginning. Containing 0.16 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement granted by Wasteland L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT FROM FMR ENTERPRISES LC**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Sanitary Sewer Easement granted by FMR Enterprises LC for a tract of land being part of Government Lot 4, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2014-207.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-207** approving the proposed acquisition of a Permanent Sanitary Sewer Easement granted by FMR Enterprises LC for a tract of land being part of Government Lot 4, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2014-207**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, FMR Enterprises L.C. an Iowa limited liability company, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement as follows:

**PERMANENT SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 4, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for sanitary sewer easement purposes, and more particularly described as follows: Referring to the Northeast Corner of Government Lot 4, and assuming the East line of said Government Lot 4 as bearing S00°35'48"W and all bearings contained herein are relative thereto; thence S89°51'48"W on the North line of said Government Lot 4 a distance of 90.02 feet; thence S00°35'48"W parallel with said East line of Government Lot 4 a distance of 12.14 feet to the ACTUAL POINT OF BEGINNING; thence continuing S00°35'48"W a distance of 59.05 feet; thence N68°21'36"W a distance of 197.20 feet to the South line of Fourth Street, in the City of Kearney; thence Southeasterly on said South line and on a non-tangent curve to the Left having a central angle of 17°32'39", a radius of 262.85 feet, an arc length of 80.48 feet, and a chord bearing of S 80°46'27" E a distance of 80.17 feet; thence S89°33'07"E continuing on said South line a distance of 104.78 feet to the Point Of Beginning. Containing 0.06 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easement granted by FMR Enterprises L.C. an Iowa limited liability company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT FROM ALEXANDER AND EULAH GANGWISH**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Alexander and Eulah Gangwish for a tract of land being part of Government Lot 3, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2014-208.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2014-208** approving the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by Alexander and Eulah Gangwish for a tract of land being part of Government Lot 3, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2014-208**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Alexander Gangwish aka Alex Gangwish and Eulah M. Gangwish, Husband and Wife, have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement as follows:

**PERMANENT SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 3, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 20.00 feet in total width and more particularly described as follows: Referring to the Northeast Corner of Government Lot 3, and assuming the East line of said Government Lot 3 as bearing S00°49'07"E and all bearings contained herein are relative thereto; thence S00°49'07"E on said East line a distance of 517.23 feet to the ACTUAL POINT OF BEGINNING; thence continuing S00°49'07"E a distance of 20.00 feet; thence S89°51'48"W parallel with the North line of said Government Lot 3 a distance of 915.40 feet to the East line of Lot 1, Gangwish Addition to the City of Kearney; thence N01°43'47"E on said East line extended a distance of 20.01 feet; thence N89°51'48"E parallel with said North line a distance of 914.51 feet to the Point Of Beginning. Containing 0.42 acres more or less, Buffalo County, Nebraska.

**TEMPORARY SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 3, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 100.00 feet in total width and more particularly described as follows: Referring to the Northeast Corner of Government Lot 3, and assuming the East line of said Government Lot 3 as bearing S00°49'07"E and all bearings contained herein are relative thereto; thence S00°49'07"E on said East line a distance of 452.22 feet to the ACTUAL POINT OF BEGINNING; thence continuing S00°49'07"E a distance of 150.01 feet; thence S89°51'48"W parallel with the North line of said Government Lot 3 a distance of 918.29 feet to the East line of Lot 1, Gangwish Addition to the City of Kearney; thence N01°43'47"E on said East line extended a distance of 105.04 feet; thence N88°16'13"W on the North right-of-way line of Landon Street, as platted in the City of Kearney, Buffalo County, Nebraska, a distance of 498.44 feet; thence N88°24'41"W continuing on said North right-of-way line a distance of 318.17 feet to the Southeast corner of Lot 1, Riverside Addition to the City of Kearney, Buffalo County, Nebraska; thence N00°48'54"E on the East line of said Lot 1, a distance of 45.04 feet; thence S88°24'41"E parallel with said North right-of-way line a distance of 318.84 feet; thence S88°16'13"E parallel with said North right-of-way line a distance of 498.50 feet; thence N89°51'48"E parallel with said North line a distance of

911.62 feet to the Point Of Beginning. Containing 4.00 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement granted by Alexander Gangwish aka Alex Gangwish and Eulah M. Gangwish, Husband and Wife, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT FROM TCSM, LLC**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by TCSM, LLC for a tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2014-209.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-209** approving the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by TCSM, LLC for a tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**RESOLUTION NO. 2014-209**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, TCSM, L.L.C., a Nebraska Limited Liability Company, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement as follows:

**PERMANENT SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 50.00 feet in total width more particularly described as follows: Referring to the Northwest Corner of Government Lot 3, and assuming the West line of said Government Lot 3 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said West line a distance of 667.07 feet; thence N89°59'25"E a distance of 211.25 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°59'25"E a distance of 50.00 feet; thence S00°10'08"E a distance of 131.98 feet; thence S89°59'25"W a distance of 50.00 feet; thence N00°10'08"W a distance of 131.98 feet to the Point of Beginning. Containing 0.15 acres more or less, Buffalo County, Nebraska.

**TEMPORARY SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 80.00 feet in total width more particularly described as follows: Referring to the Northwest Corner of Government Lot 1, and assuming the West line of said Government Lot 3 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said West line a distance of 667.07 feet; thence N89°59'25"E a distance of 206.25 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°59'25"E a distance of 80.01 feet; thence S00°10'08"E a distance of 131.98 feet; thence S89°59'25"W a distance of 80.01 feet; thence N00°10'08"W a distance of 131.98 feet to the Point of Beginning. Containing 0.24 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement granted by TCSM, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**SANITARY SEWER EASEMENT FROM O & O FARMS, INC.**

Public Hearings 7 through 13 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by O & O Farms Inc. for a tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of Government

Lot 4, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2014-210.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-210** approving the proposed acquisition of a Permanent and Temporary Sanitary Sewer Easement granted by O & O Farms Inc. for a tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska AND a tract of land being part of Government Lot 4, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2014-210**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisitions for a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement and voted in favor to proceed with the acquisitions; and

WHEREAS, O & O Farms Inc., a Nebraska Corporation, has granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Main Easement and a Temporary Sanitary Sewer Main Easement as follows:

#### **TRACT 1.**

##### **PERMANENT SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 20.00 feet in total width and more particularly described as follows: Referring to the Northwest Corner of Government Lot 3, and assuming the West line of said Government Lot 3 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said West line a distance of 517.23 feet; thence N89°51'47"E a distance of 33.0 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°51'47"E a distance of 203.24 feet; thence S00°55'01"E parallel with said West line a distance of 150.35 feet; thence S89°59'25"W a distance of 20.00 feet; thence N00°55'01"W parallel with said West line a distance of 130.31 feet; thence S89°51'47"W a distance of 183.23 feet; thence N00°55'01"W parallel with said West line a distance of 20.00 feet to the Point of Beginning. Containing 0.15 acres more or less, Buffalo County, Nebraska.

##### **TEMPORARY SANITARY SEWER MAIN EASEMENT**

A tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 150.00 feet in total width more particularly described as follows: Referring to the Northwest Corner of

Government Lot 3, and assuming the West line of said Government Lot 3 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said West line a distance of 467.23 feet; thence N89°51'47"E a distance of 33.0 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°51'47"E a distance of 268.24 feet; thence S00°55'01"E parallel with said West line a distance of 200.50 feet; thence S89°59'25"W a distance of 150.02 feet; thence N00°55'01"W parallel with said West line a distance of 50.16 feet; thence S89°51'48"W a distance of 118.23 feet; thence N00°55'01"W parallel with said West line a distance of 150.01 feet to the Point of Beginning. Containing 1.10 acres more or less, Buffalo County, Nebraska.

#### TRACT 2.

##### PERMANENT SANITARY SEWER MAIN EASEMENT

A tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 50.00 feet in total width and more particularly described as follows: Referring to the Northwest Corner of Government Lot 3, and assuming the West line of said Government Lot 3 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said West line a distance of 799.07 feet; thence N89°59'25"E a distance of 209.52 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°59'25"E a distance of 50.00 feet; thence S00°10'08"E a distance of 135.71 feet; thence S89°04'59"W a distance of 50.00 feet; thence N00°10'08"W a distance of 136.50 feet to the Point of Beginning. Containing 0.16 acres more or less, Buffalo County, Nebraska.

##### TEMPORARY SANITARY SEWER MAIN EASEMENT

A tract of land being part of Government Lot 3, Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 80.00 feet in total width more particularly described as follows: Referring to the Northwest Corner of Government Lot 3, and assuming the West line of said Government Lot 3 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said West line a distance of 799.07 feet; thence N89°59'25"E a distance of 204.52 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°59'25"E a distance of 80.01 feet; thence S00°10'08"E a distance of 135.31 feet; thence S89°04'59"W a distance of 80.01 feet; thence N00°10'08"W a distance of 136.58 feet to the Point of Beginning. Containing 0.25 acres more or less, Buffalo County, Nebraska.

#### TRACT 3.

##### PERMANENT SANITARY SEWER MAIN EASEMENT

A tract of land being part of Government Lot 4, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for permanent sanitary sewer easement purposes. Said permanent sanitary sewer easement to be 20.00 feet in total width and more particularly described as follows: Referring to the Northeast Corner of Government Lot 4, and assuming the East line of said Government Lot 4 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said East line a distance of 517.23 feet; thence S89°51'47"W parallel with the North line of said Government Lot 4 a distance of 33.00 feet to the ACTUAL POINT OF BEGINNING; thence S00°55'01"E a distance of 20.00 feet; thence

S89°51'47"W parallel with the North line of said Government Lot 4 a distance of 1302.84 feet to the West line of said Lot 4; thence N00°49'07"W on said West line a distance of 20.00 feet; thence N89°51'47"E parallel with said North line a distance of 1302.81 feet to the Point of Beginning. Containing 0.60 acres more or less, Buffalo County, Nebraska.

#### TEMPORARY SANITARY SEWER MAIN EASEMENT

A tract of land being part of Government Lot 4, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for temporary sanitary sewer easement purposes. Said temporary sanitary sewer easement to be 150.00 feet in total width more particularly described as follows: Referring to the Northeast Corner of Government Lot 4, and assuming the East line of said Government Lot 4 as bearing S00°55'01"E and all bearings contained herein are relative thereto; thence S00°55'01"E on said East line a distance of 452.22 feet; thence S89°51'47"W parallel with the North line of said Government Lot 4 a distance of 33.00 feet to the ACTUAL POINT OF BEGINNING; thence S00°55'01"E a distance of 150.01 feet; thence S89°51'47"W parallel with the North line of said Government Lot 4 a distance of 1302.96 feet to the West line of said Lot 4; thence N00°49'07"W on said West line a distance of 150.01 feet; thence N89°51'47"E parallel with said North line a distance of 1302.70 feet to the Point of Beginning. Containing 4.49 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Main Easements and a Temporary Sanitary Sewer Main Easements granted by O & O Farms Inc., a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

#### **IV. CONSENT AGENDA**

Mayor Clouse stated an amendment to the Park & Recreation Rules are on the Consent Agenda. It is important that citizens understand that the Council will not tolerate any criminal activity in the Parks. This amendment will give the Police Department some mechanism to enforce the expectations that they have with the Parks.

Moved by Lear seconded by Buschkoetter that Subsections 1 through 11 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 September 23, 2014 and Minutes of Special Meeting held October 3, 2014.

**2. Approve the following Claims:**

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

1000bulbs.com \$352.08 smcs; 888-409-7136.com \$49.95 smcs; Ace Hardware \$11.75 smcs; ACE USA \$4,713.00 smcs; Advance Auto Parts \$13.67 smcs; Agrium Advanced \$3,093.82 smcs; Air Filter \$95.23 smcs; Airport Revenue Fund \$2,000.00 smcs; Albrecht,H \$738.75 smcs; Alfred Benesch \$3,414.48 co; All Makes Auto \$1,433.95 smcs; Allied Electronics \$106.09 smcs; Amazon \$7,672.06 smcs,co; America \$646.20 smcs; Amer Fence \$2,456.00 smcs; Amer Filtration \$164.40 smcs; Ameri First Aid \$38.25 smcs; Amer Library \$313.00 smcs; Amsan \$798.92 smcs; Anderson,B \$40.00 smcs; Arbor Day Foundation \$35.00 smcs; Arby's \$10.00 smcs; Arctic Refrigeration \$686.43 smcs; Arizona Mfg \$337.47 smcs; Ask Supply \$392.42 smcs; Aurora Coop \$88.56 smcs; Aussie Hydraulics \$209.77 smcs; Baird Holm \$8,000.00 smcs; Baird,C \$31.00 smcs; Baker & Taylor Books \$10,788.36 smcs; Barnes,J \$386.00 smcs; Baymont Inn \$724.00 smcs; Beck,J \$350.00 smcs; Bell's Curb Grinding \$190.00 co; Berke,N \$31.00 smcs; Bickford,D \$100.80 smcs; Big Apple Fun Center \$829.40 smcs; Biltmore Estate \$602.95 smcs; Blackstone Audiobooks \$431.42 smcs; Blessing \$319,630.00 co; Blue26 Security \$4,769.90 co; Bluecross Blueshield \$204,912.82 smcs; Boogaarts \$5.32 smcs; Book Page \$720.00 smcs; Books Galore \$8,239.06 smcs; Bosselman \$10,521.05 smcs; Bowman,R \$69.00 smcs; Broadfoot's \$2,067.00 smcs; Brodart Co \$46.40 smcs; Browns Shoe Fit \$188.00 smcs; Buckle \$45.00 smcs; Buffalo Co Reg Deeds \$140.00 smcs; Buffalo Co Sheriff \$154,833.75 smcs; Buffalo Outdoor Power \$1,308.79 smcs; Builders \$3,139.36 smcs,co; Cabela's \$13,464.09 smcs; Capital Business Systems \$544.47 smcs; Carquest \$679.79 smcs; Cash Wa \$7,687.72 smcs,co; Castenada,D \$8.95 smcs; Cenex \$87.02 smcs; Central Comm College \$600.00 smcs; Central Contracting \$2,800.00 co; Central Hydraulic \$961.63 smcs; Central NE Bobcat \$790.00 smcs; Central NE Sod Supply \$2,166.00 co; Central Rest Products \$354.94 smcs; Charter \$182.20 smcs; Chem Search \$307.27 smcs; Chesterman \$495.61 smcs; Chicken Coop \$40.00 smcs; Chief Supply \$1,357.43 smcs; Chili's \$15.41 smcs; Chinook Medical Gear \$155.89 smcs; CHS Agri Service \$3,571.08 smcs; Cinatl,R \$100.80 smcs; Cintas \$44.21 smcs; City of Ky \$391,228.07 smcs, ps; Civic Plus \$6,377.14 smcs; Clinch,A \$9.54 smcs; Clipper Publishing \$70.00 smcs; CMH Interiors \$11,543.20 smcs; CNA Insurance \$80.00 smcs; Coast to Coast Compute \$434.00 smcs; Community Action Partner \$2,155.97 co; Compass Navigation \$3,975.00 smcs; Compasscom Software \$50.00 smcs; Consolidated Mgmt \$821.25 smcs; Construction Rental \$793.97 smcs,co; Cool Tech \$114.75 smcs; Cooperative Producers \$88.24 smcs; Copycat Printing \$337.07 smcs; CPS \$1,759.88 smcs; Crossroads Ford \$94.14 smcs; Culligan \$110.00 smcs; Cummins \$1,114.65 smcs; Cunningham,S \$73.20 smcs; D&M Security \$64.50 smcs; D&S Lighting \$62.76 smcs; Danko Emergency \$307.78 smcs; Davis Equipment \$2,474.36 smcs,co; Dawson PPD \$39,325.41 smcs; Daylight Donuts \$30.00 smcs; Delight Donuts \$43.39 smcs; Dell \$7,943.25 smcs,co; Demco \$404.11 smcs; Depository Trust \$44,851.25 ds; DHL Express \$38.05 smcs; Diamond Vogel Paint \$294.66 smcs; Dickey's \$210.00 smcs; Dish \$174.00 smcs; Divan,L \$133.26 smcs; Dollar-Thriftly \$156.72 smcs; Don's Hobby Guns \$1,080.36 smcs; Dreamstime.com \$34.99 smcs; Eakes \$2,906.57 smcs;

Earthgrains \$17.25 smcs; Economic Dev \$145,000.00 smcs; Eilenstine,T \$45.00 smcs; Eirich,D \$152.32 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$4,082.58 smcs; Emergency Services \$15.15 smcs; Environmental Express \$50.70 smcs; Express Parcs \$6.00 smcs; Express Sharpening \$148.00 smcs; Expression Wear \$927.00 smcs,ps; Fastenal \$1,341.28 smcs; Feusner,J \$41.92 smcs; Fiddelke \$124.00 smcs; Fireguard \$924.42 smcs; Fleetpride \$1,625.56 smcs; Foremost Promotions \$469.82 smcs; Frontier \$225.98 smcs; Gale \$776.56 smcs; Gangwish,A \$1,000.00 co; Garrett Tires \$7,643.95 smcs; Gas 'N Shop \$57.77 smcs; Gaylord Bros \$43.85 smcs; Gear for Sports \$2,354.30 smcs; Gempler \$767.00 smcs; General Traffic Controls \$259.74 smcs; Golf Course Superintendent \$185.00 smcs; Graffiti Solutions \$570.00 smcs; Graham Tire \$511.00 smcs; Grainger \$569.99 smcs; Gray,C \$52.50 smcs; Great Plains Safety \$225.00 smcs; Haase,R \$100.80 smcs; Hali-Brite \$478.75 smcs; Hawthorne Jewelry \$1,794.00 ps; Haymarket Garage \$6.00 smcs; HD Supply \$6,398.60 smcs; Heartland Strategy Group \$5,000.00 smcs; Hill,M \$73.20 smcs; HOA Solutions \$20,000.00 smcs; Hobby-Lobby \$1,394.59 smcs; Holmes Bionaire \$239.96 smcs; Holmes Plbg \$502.06 smcs,co; Hometown Leasing \$157.20 smcs; Hooker Bros \$435.43 smcs; Hoover Fence \$63.24 smcs; Hotz,B \$23.64 smcs; Hunan's \$15.73 smcs; ICMA RC \$4,092.83 ps; Infinisource \$2,487.12 smcs; IRS \$129,514.76 ps; IIMC \$195.00 smcs; Intoximeters \$188.86 smcs; Jack Lederman \$328.75 smcs; Jack's Uniform \$93.49 smcs; Jackson,L \$74.50 smcs; James,D \$50.00 smcs; Janssen,R \$145.00 smcs; Jensen,D \$600.00 co; Jerry's Sports Center \$368.95 smcs; Jimenez-Padilla,M \$23.48 smcs; John Deere Landscapes \$1,057.99 smcs; Johnsen Corrosion \$2,241.00 smcs; Johnson Service \$900.00 smcs; Jonathan Cyriaks Const \$459.00 smcs; JRs Western \$244.93 smcs; K&K Parts \$1,815.22 smcs; Kart Man \$999.01 smcs; Ky Chamber Comm \$25.00 smcs; Ky Clinic \$1,017.00 ps; Ky Concrete \$6,701.09 smcs,co; Ky Crete & Block \$431.90 co; Ky Glass \$429.24 smcs; Ky Hub \$4,982.65 smcs; Ky Investment \$203.87 ps; Ky Noon Rotary \$180.00 smcs; Ky United Way \$586.00 ps; Ky Visitors Bureau \$54,756.87 smcs; KVFD \$3,000.00 smcs; Ky Warehouse \$1,205.03 smcs; Ky Winlectric \$256.19 smcs; Ky Winnelson \$36.38 smcs; Ky/Buffalo Co CASA \$3,420.77 smcs; Kelly Supply \$61.56 smcs; Killion Motors \$69.13 smcs; Kimball Midwest \$329.80 smcs; Kingley Co \$47.00 smcs; Kofoed,L \$9.56 smcs; Konica Minolta \$312.78 smcs; Kovar,M \$403.20 smcs; Kowalek,G \$11.00 smcs; Krull Ins \$1,950.00 smcs; Kwik-N-Kleen \$1,175.00 smcs; Lakeshore Learning \$45.99 smcs; Landmark Implement \$592.93 smcs; Laure Distributing \$138.60 smcs; Lawn Builders \$600.00 co; Lawson Products \$667.00 smcs; League of NE Municipalities \$42,729.00 smcs; Lifeguard Store \$855.00 smcs; Lockmobile \$15.60 co; LS Training Co \$120.00 smcs; L-Tron \$752.10 smcs; Lundgren,J \$7.35 smcs; Mac Tools \$98.93 smcs; Magic Cleaning \$3,476.00 smcs; Mail Express \$6,356.44 smcs; Marriott \$283.22 smcs; Matheson \$221.61 smcs; Maul,E \$1,530.00 co; Maverick Books \$1,383.41 smcs; Mead Lumber \$37.58 smcs; Meadowlark Hills Golf \$249.61 smcs; Menards \$4,020.86 smcs,co; Merryman Performing Arts \$578.19 smcs; Metlife \$8,189.02 ps; Microfilm Imaging \$1,434.00 smcs; Microsoft Store \$213.98 co; Midlands Contracting \$139,953.53 smcs,co; Mid-State Units \$160.00 smcs; Midwest Turf \$107.69 smcs; Mike's Creative Carvings \$34.00 smcs; Miller & Associates \$67,008.86 smcs,co; Miller Signs \$300.00 smcs; Mindmixer.com \$250.00 smcs; Minitex \$1,014.00 smcs; Mirror Image \$434.00 smcs; Molina,M \$71.00 smcs; Moonlight Embroidery \$1,834.00 smcs; Morris Press \$221.25 smcs; Mueller,J \$576.00 smcs; Municipal Supply \$5,071.68 smcs,co; Napa Auto \$89.91 smcs; Navigator Motorcoaches \$1,216.00 smcs; NCL of Wisconsin \$779.85 smcs; NCS Equipment \$636.22 smcs,co; NE Central Seniors Golf \$39.00 smcs; NE Child Support

\$2,755.66 ps; NE Dept of Revenue \$101,428.31 smcs, ps; NE Golf Assn \$200.00 smcs; NE Humane Society \$25.00 smcs; NE Machinery \$2,321.66 smcs; NE Prairie Museum \$68.30 smcs; NE Professional Licensing \$134.82 smcs; NE Public Health \$37.00 smcs; NE Statewide Arboretum \$130.00 smcs; NE Truck Center \$226.65 smcs; NE-IAEI \$130.00 smcs; New Directions \$10,745.84 smcs; New Victorian Inn \$99.98 smcs; Newsbank \$1,128.40 smcs; NFPA \$25.45 smcs; Nilsen,H \$151.22 smcs; Northern Tool \$563.09 smcs; Northgate Veterinary \$237.00 smcs; Northwestern Energy \$354.10 smcs; NRG Media \$65.00 smcs; NWEA \$780.00 smcs; O&O Farms \$12,605.00 co; Office Max \$751.13 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; O'Keefe Elevator \$382.68 smcs; Omni Chicago \$904.44 smcs; One Call Concepts \$523.60 smcs; Optics Planet \$59.20 smcs; O'Reilly Automotive \$239.92 smcs; Oriental Trading \$24.99 smcs; Orscheln \$324.96 smcs; Otto Environmental \$25,602.00 smcs; Out of Print Clothing \$45.95 smcs; Outdoor Recreation \$23,320.00 co; Paramount \$297.56 smcs; Partstree.com \$75.38 smcs; Party America \$132.96 smcs; Pat's Plbg \$945.00 smcs; Payflex Systems \$565.25 smcs,ps; Paypal \$1,062.52 smcs,co; Peerless Machine \$9,671.90 smcs; Petersen,K \$77.07 smcs; Physio-Control \$110.50 smcs; Pictometry \$375.00 smcs; Piranha Disc \$101.00 smcs; Platte Valley Comm \$11,015.00 smcs; Platte Valley Labs \$62.50 smcs; Power & Telephone \$859.71 smcs; Pratt,C \$49.77 smcs; Provantage \$1,293.92 smcs; Pulliam,R \$504.40 smcs; Pure Platinum DJ Service \$195.00 smcs; Pureclean \$49.95 smcs; Qualified Hardware \$360.00 smcs; Quality Inn \$135.98 smcs; Quill \$145.44 smcs; Random House \$146.25 smcs; Rasmussen,N \$7.47 smcs; Ready Mixed Concrete \$828.18 smcs; Reams \$130.91 smcs; Recognition Unlimited \$293.65 smcs; Recorded Books \$3,073.69 smcs; Recreonics \$300.18 smcs; Redman's Shoes \$82.44 smcs; Reeder,L \$100.80 smcs; Reinkes Equipment \$91.15 smcs; Resource Management \$1,039.68 smcs; Rheome Tree \$3,100.00 smcs; Rivershore Reading Store \$393.00 smcs; Roesler,A \$58.85 smcs; Royle,K \$100.80 smcs; RR Donnelley \$400.49 smcs; Runza \$5.00 smcs; Sage,P \$26.92 smcs; Sahling Kenworth \$345.38 smcs; Salinas,E \$42.92 smcs; Sapp Bros \$50,009.35 smcs; Schneider,K \$32.00 smcs; Schwans \$144.09 smcs; Seams,B \$80.00 smcs; Sears \$499.99 smcs; See Clear Cleaning \$350.00 smcs; SEI \$62.69 smcs; Sharff's Septic Tank \$330.00 smcs; Sharp Shooter-Biltmore \$9.10 smcs; Sheldon,C \$127.00 smcs; Sherwin Williams \$911.31 smcs; Sherwood,A \$60.00 smcs; Sirchie Finger Print Lab \$847.85 smcs; Sirsi \$22,291.66 smcs; Sixel Consulting \$750.00 smcs; Skiles,C \$32.22 smcs; Slimdown \$49.95 smcs; Small,J \$19.94 smcs; Snap-On Tools \$108.85 smcs; SOS Portable Toilets \$105.00 smcs; Specialty Electric \$141.15 smcs; Stamps.com \$4.99 smcs; Staples \$224.49 smcs; Star Homes \$2.30 smcs; St of NE/As Central \$3,862.79 smcs,co; Steinbrink Landscaping \$1,413.91 smcs; Stewart,M \$47.55 smcs; Sullwold,J \$345.00 smcs; Sun Life Financial \$60,871.52 smcs; Sunmart \$141.12 smcs; Super Shine Auto Care \$139.00 smcs; Sutphen \$542.30 smcs; Tacha,J \$50.00 smcs; Target \$816.60 smcs; Taxicab Transportation \$48.59 smcs; Techsoup \$44.00 co; Tenorio,D \$100.80 smcs; Theis,J \$160.00 smcs; Thomas Reuters-West \$165.00 smcs; Thomas,T \$5.37 smcs; Thompson Co \$122.08 smcs; Thompson,J \$464.40 smcs; Tielke's Sandwiches \$62.00 smcs; Titan Machinery \$4,498.13 smcs; Titleist \$240.52 smcs; TM Sporting Goods \$38.48 smcs; Todd Valley Farms \$1,858.00 smcs; Tom Dinsdale Chevrolet \$353.10 smcs; Tool Doctor \$10.65 smcs; Tractor-Supply \$493.04 smcs; Traffix Devices \$1,878.33 smcs; Travres Hotel Room \$751.14 smcs; Trenton Snow \$95.00 smcs; TruGreen ChemLawn \$165.00 smcs; Tye Law Firm \$11,821.59 smcs, ps; Uldrich,M \$91.50 smcs; Ultimate Office Solutions \$216.48 smcs; Union Bank \$61,456.65 ps; Unique Management \$286.40 smcs; United Seeds \$515.17 smcs; UPS

\$1,605.62 smcs; USPS \$16.85 smcs; Valley Forklift \$352.44 smcs; Valv-Tect Petroleum \$3,560.98 smcs; Verizon \$1,587.99 smcs; Video Store Shopper \$1,040.32 smcs; Village Cleaners \$515.61 smcs; Vistaprint \$37.49 smcs; Wal-Mart \$1,684.25 smcs; Walters Electric \$435.18 smcs; Warren-T \$615.00 smcs; Watershed \$1,151.90 smcs; Whalen,J \$64.40 smcs; Whentowork \$100.00 smcs; Wiedel,G \$100.80 smcs; Wilke Contracting \$71,602.00 co; Wilke's True Value \$290.82 smcs; Wright,J \$500.00 smcs; Wyman,P \$55.00 smcs; Yanda's Music \$1,616.55 smcs, co; Young,M \$485.04 smcs; Zoro Tools \$81.82 smcs; Payroll Ending 9-20-2014 -- \$374,925.46; and payroll ending 10-4-2014 -- \$387,870.60. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

**3.** Adopt **Resolution No. 2014-211** rescheduling the regular Council meeting scheduled for November 11, 2014 at 5:30 p.m. to November 12, 2014 at 5:30 p.m. as required by Section 1-210 of the Kearney City Code.

### **RESOLUTION NO. 2014-211**

WHEREAS, Section 19-615 of the Nebraska Revised Statutes mandates that the council in cities of the first class shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month; and

WHEREAS, according to Section 1-210 of the Kearney City Code, the regular meetings of the Council shall be held on the second and fourth Tuesday of each month; and

WHEREAS, the first regularly scheduled meeting in November falls on November 11, 2014 which is Veterans Day; and

WHEREAS, Section 1-210 of the Kearney City Code also provides if the meeting falls upon a legal holiday, the meeting shall be held on the preceding or following day, as the Council determines appropriate.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the regularly meeting scheduled for Tuesday, November 11, 2014 shall be held on Wednesday, November 12, 2014 at 5:30 p.m. in the Council Chambers at City Hall.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**4.** Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 25, 2014 (alternate date is November 1, 2014) from 6:00 p.m. until 1:00 a.m. for a dance.

**5.** Accept the bids received for the 2014 Part 10 Improvements consisting of Paving Improvement District No. 2014-966, Water District No. 2014-576, and Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition and adopt **Resolution No. 2014-212** awarding the bid to

Midlands Contracting in the amount of \$119,030.00 for Bid A (water and sewer) and to Dan Roeder Concrete in the amount of \$203,669.00 for Bid B (paving).

### **RESOLUTION NO. 2014-212**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on September 16, 2014 at 2:00 p.m. for the 2010 Part 3 Improvements consisting of Paving Improvement District No. 2014-966, Water District No. 2014-576, and Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$139,435.00 for Bid A (Water and Sanitary Sewer) and \$224,152.00 for Bid B (Paving); and

WHEREAS, the City has recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$119,030.00 for Bid A (Water and Sanitary Sewer) be accepted as the lowest responsible bid for the 2014 Part 10 Improvements – Bid A consisting of consisting of Water District No. 2014-576 and Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition; and

WHEREAS, the City has recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$203,669.00 for Bid B (Paving) be accepted as the lowest responsible bid for the 2014 Part 10 Improvements – Bid B consisting of Paving Improvement District No. 2014-966 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt 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 Midlands Contracting be and is the lowest responsible bidder for the 2014 Part 10 Improvements – Bid A (Water and Sanitary Sewer) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$119,030.00 be and is hereby accepted.

BE IT FURTHER 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 Dan Roeder Concrete be and is the lowest responsible bidder for the 2014 Part 10 Improvements – Bid B (Paving) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$203,669.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost in the amount of \$139,435.00 for Bid A (Water and Sanitary Sewer) and \$224,152.00 for Bid B (Paving) be and is hereby accepted.

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

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Adopt **Resolution No. 2014-213** amending the Park Rules and Regulations as recommended by the Park & Recreation Advisory Board.

**RESOLUTION NO. 2014-213**

WHEREAS, on May 8, 1984 the City Council adopted Rules and Regulations for the Park & Recreation Department; and

WHEREAS, on September 13, 2011 the Council adopted Resolution No. 2011-115 approving the revised Rules and Regulations; and

WHEREAS, on June 10, 2014 the Council adopted Resolution No. 2014-107 approving the revised Rules and Regulations; and

WHEREAS, it has become apparent that the Rules and Regulations need to be updated.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska that the Park & Recreation Rules and Regulations be and are hereby revised and adopted. A copy of the Rules and Regulations, marked as Exhibit A is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that Resolution No. 2014-107 be and is hereby repealed.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Adopt **Resolution No. 2014-214** approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates for Community Development Block Grant Program CR Phase II (Grant No. 14-CR-004).

**RESOLUTION NO. 2014-214**

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds for a Community Development Program (CDBG No. 14-CR-004; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Project Administrator to assist in planning the activities conducted with grant funding and ensuring that proposed activities are in compliance with DED and Federal regulations under a Community Development Block Grant program; and

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

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator to assist in planning the activities conducted with grant funding and ensuring that proposed activities are in compliance with DED and Federal regulations with regard to Grant No. 14-CR-004, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**8.** Adopt **Resolution No. 2014-215** amending the Tenant Use and Operations Agreement between the City of Kearney and Aurora Coop Elevator Company, dba Buffalo Air Service.

**RESOLUTION NO. 2014-215**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Amendment to the Tenant Use and Operations Agreement at the Kearney Regional Airport on behalf of the City of Kearney, Nebraska, with Aurora Coop Elevator Company, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**9** Adopt **Resolution No. 2014-216** on the intent to issue tax exempt bonds of the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue.

**RESOLUTION NO. 2014-216**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

2014 Part 7 Improvements – 4th Street Paving Rehabilitation, 3rd Avenue to 6th Avenue

Paving Improvement District No. 2014-968                      \$800,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$800,000.00.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER, 2014.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**10.** Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 31, 2014 from 3:00 p.m. until 12:00 a.m. for a Monster Truck Show.

**11.** Approve the application for a Special Designated License submitted by Miletta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-07615 catering liquor license to dispense wine inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on November 8, 2014 from 9:00 a.m. until 4:00 p.m. for sampling/tasting.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 7912A AMENDING ORDINANCE NO. 7912**

On July 8, 2014, the City Council approved a \$4,705,000 State Revolving Loan to finance sanitary sewer mains for the South Sewer Project and the Bearcat Corner Project. Bids were awarded on August 12 for the Bearcat Corner Project and on September 23 for the South Sewer Project. The sewer portion of the South Sewer Project came in over the engineers estimate, therefore, the 2014D Combined Utilities Revenue Bonds need to be increased by \$750,000 to finance the sanitary sewer mains for the South Sewer Project and the Bearcat Corner Project. The following terms will apply to the loan:

- The total amount of the loan will now be \$5,455,000.00
- The term of the loan will be 20 years.
- The interest rate on the loan will be 1.5% with an additional 1% administrative fee.
- The semi-annual payment on the loan will be \$154,932.89 plus 1% on the outstanding balance for the administrative fee.

Council Member Buschkoetter introduced Ordinance No. 7912A amending Ordinance No. 7912 to provide for an increase in the authorized drawable principal amount for the borrowing from the Nebraska Department of Environmental Quality for the purpose of paying the costs of improvements to the City's sanitary sewer system; authorizing the issuance of Combined Utilities Revenue Bonds in the increased drawable principal amount of up to \$5,455,000 evidenced by a single amended and restated Promissory Note to NDEQ; approving the execution and delivery of Amendment No. 1 to Loan Contract and the delivery of an amended and restated Promissory Note to NDEQ; approving related documents with respect to said increased amount; confirming the terms of the original ordinance and specifically amending in who each of Sections 1 and 3 of the original ordinance; repealing original sections 1 and 3 of Ordinance No. 7912 and providing for publication of this ordinance in pamphlet form, and moved that the statutory rules requiring ordinances to be read by title on three different days be

suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7912A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7912A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7912A 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**

### **ORDINANCE NO. 7937 AMENDING SECTION 3-1304 AND 3-1306 AMENDING SUNDAY ALCOHOL SALES**

Council member Buschkoetter stated he was approached by someone associated with the bowling association for the state bowling tournament coming up in February. The first group starts bowling at 8:00 a.m. for three hours and then the next group comes in at 11:00 a.m. and asked about temporarily allowing alcohol at 11:00 a.m. instead of 12:00 noon. He gave an example that if an NFL game started at noon, it would be nice to have a burger and beer and not have to wait for kickoff to get a beer. That extra hour is not going to encourage more consumption. It makes logical sense that if they are going to be opened to allow people to come in and eat that those refreshments would be available.

Council member Lammers stated he was previously opposed to liquor sales on Sundays. Expanding the hours to begin at 11:00 a.m. seems hypocritical for him not to be opposed to it. To him, it is a religious day. Liquor is sold six other days during the week; there is plenty of liquor sales and plenty of opportunities to purchase liquor. He does not feel there is a need to expand the hours.

Council member Nikkila stated he believes it should be consistent every day of the week so people understand the rules and there is not any confusion from day to day. He is not opposed adding an additional hour. Lunch time generally begins at 11:00 a.m. on weekends or after church and believes it is legitimate.

Mayor Clouse stated he received one call in opposition to the additional hour. The person felt more comfortable for the on premise as opposed to carry out. Is there any value in changing it for on premises only. It is permissible to make the distinction between on sale only for 11:00 a.m. and the hours for off sale to 12:00 noon.

Council member Buschkoetter agreed that it would be better to be consistent now. It is somewhat ironic if you can drink at a bar for that hour but you could not take it home.

City Manager Michael Morgan stated several years ago there was a distinction between on premises and off sale. A group came forward and requested the Council be more consistent.

Council member Lear stated he agreed with the comments that have been stated.

Council Member Nikkila introduced Ordinance No. 7937 amending Section 3-1304 "Alcoholic Beverages; Hours of Operation" and Section 3-1306 "Alcoholic Beverages; Hours of Sale; New Year's Eve" of the City Code to allow for alcoholic beverages, including beer and wine, to be sold at retail and dispensed on Sunday from 11:00 a.m. until 12:00 a.m. (midnight), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: Lammers. 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. 7937 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, Buschkoetter. Nay: Lammers. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7937 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: Lammers. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7937 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$376.66 payable to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

## **VII. REPORTS**

City Manager stated the bike trail near Fountain Hills Park is open. Council member Lammers commended the City staff on the hard work on this park.

Council member Nikkila stated the ball park group that is advocating for the restaurant tax is having an event today at Harmon Park 7:00 p.m. and again on Saturday at 10:00 a.m. and encouraged citizens to attend and be informed.

Council members Lammers congratulated the City in obtaining a \$15,000 grant for The Archway.

Mayor Clouse stated the City did receive four bids for essential air service. Those bids will be evaluated to determine what is best for the community. Kearney is also moving forward with the Veterans Home. They are meeting with the State and architects and making some progress there.

Council member Nikkila stated Kearney now has the lowest municipal property tax rate in the State.

## **VIII. ADJOURN**

Moved by Lammers seconded by Nikkila that Council adjourn at 5:52 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**