

*Kearney, Nebraska*  
*July 14, 2015*  
*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 July 14, 2015, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, and Jonathan Nikkila. Absent: Bob Lammers. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; 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: Craig Bennett, Joe Sobotka, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, Brent Wiethorn from KKPR Radio.

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**

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.

### **ORAL COMMUNICATIONS**

Mayor Clouse and Council Members welcomed Paul Briseno as the new Assistant City Manager.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **AMEND LAND USE MAP ADJACENT TO THE NORTH AND SOUTH SIDE OF 3RD STREET EAST OF 6TH AVENUE**

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 1, 2, 3 and 4 for consideration. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from AG Preserve to Mixed Use 2 property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider Resolution No. 2015-119. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. The site is located in the southern part of Kearney just north of Talmadge Street one block and west of 2nd Avenue. The area is currently under the current land use map as being a Mixed-Used/Agricultural and they are asking to make it Mixed Use 2. The current zoning is M-1 and they are asking the rezoning of the parcel to be rezoned to C-2.

As required they have a Preliminary Plat of the area. There are three lots and Lot 1, Block One on the south side of what would be the future 3rd Street and on the east side of 6th Avenue. It is approximately .77 acres there is also another lot that will be developed which has two acres on it and the last lot which is Outlot A which is a regional detention cell for Younes Center Third and Fourth as well.

The final plat before Council is a 3-lot subdivision one of them being an outlot with the dedication of 3rd Street right-of-way and the extension of 6th Avenue right-of-way as well. The previous infrastructure feasibility plan showed water and sewer extending into 3rd Street of what would be the east side of the subdivision. As he looked at the new infrastructure feasibility plan they are going to continue the water and sanitary sewer along the north side and the plat would have the availability to pave the street, both 6th Avenue and 3rd Street.

Council Member Buschkoetter asked if the outlot was undevelopable. Mr. Bennett confirmed and stated the area is in a floodway. They can build a detention cell in a floodway but they cannot build any improvements in a floodway they cannot fill. It is a good area for a detention cell.

As part of the subdivision agreement the hike/bike trail would be relocated to the northerly line of what would be known as Lot 1, Block Two because it would currently cut right through the middle of Lot 1. Council Member Buschkoetter asked if that is something the developer would have to do. Mr. Bennett stated it is part of the subdivision agreement; it is a joint thing between the City and the developer as to the coordination, design and cost sharing.

City Manager Michael Morgan stated this project, as Council may recall is with the tax increment financing but also with the extension of Talmadge Road to 3rd Street all the way to Kea West. Mr. Bennett stated the area they are talking about for the plat is east of 6th Avenue.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-119** approving the Application submitted by Miller & Associates for Paul and Linda Younes for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from AG Preserve to Mixed Use 2 property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2015-119**

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of Government Lots 5, 6, 9, and accretions to Government Lots 5, 6, 9, all in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Government Lot 5, also the Southeast corner of Section 11, and assuming the East line of said Government Lot 5 as bearing N 00°37'12" E and all bearing contained herein are relative thereto; thence N 00°37'12" E on said East line a distance of 875.38 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska, extended Easterly; thence N 87°20'30" W on said North line of Talmadge Street a distance of 1469.18 feet to a 5/8" rebar with cap at the Southwest corner of Younes Center Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 02°39'30" E on the West line of said Younes Center Addition a distance of 366.09 feet to a 5/8" rebar with cap at the Northwest corner of said Younes Center Addition, and the ACTUAL POINT OF BEGINNING; thence continuing N 02°39'30" E a distance of 538.70 feet to a 5/8" rebar on the existing South high bank of the North Channel of the Platte River as shown on a survey by Mitchell W. Humphrey, dated March 3, 2006; thence N 49°10'13" E on said South high bank of the North Channel of the Platte River a distance of 161.07 feet to a 5/8" rebar; thence N 34°10'43" E continuing on said South high bank a distance of 127.52 feet to a 5/8" rebar; thence S 82°44'40" E continuing on said South high bank a distance of 111.73 feet to a 5/8" rebar; thence S 20°44'37" E continuing on said South high bank a distance of 272.67 feet to a 5/8" rebar at the most Northerly corner of Lot 1, Block 2 of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 65°03'43" W on the Northwesterly line of said Lot 1, Block 2 a distance of 74.52 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 1, Block 2; thence S 02°39'30" W on the West line of said Lot 1, Block Two a distance of 270.62 feet to a 5/8" rebar with cap on the North line of 3rd Street, as platted in said Younes Center Third Addition and the Southwest corner of said Lot 1, Block 2; thence N 87°20'30" W on said North line of 3rd Street a distance of 30.00 feet to a 5/8" rebar with cap on the West line of said

Younes Center Third Addition; thence S 02°39'30" W on said West line of Younes Center Third Addition a distance of 193.92 feet to a 5/8" rebar with cap on the North line of said Younes Center Addition; thence N 87°20'30" W on said North line of Younes Center Addition a distance of 307.15 feet to the Point of Beginning, containing 5.29 Acres, more or less, Buffalo County, Nebraska from AG Preserve to Mixed Use 2, 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 AG Preserve to Mixed Use 2 the use classification for a tract of land being part of Government Lots 5, 6, 9, and accretions to Government Lots 5, 6, 9, all in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Government Lot 5, also the Southeast corner of Section 11, and assuming the East line of said Government Lot 5 as bearing N 00°37'12" E and all bearing contained herein are relative thereto; thence N 00°37'12" E on said East line a distance of 875.38 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska, extended Easterly; thence N 87°20'30" W on said North line of Talmadge Street a distance of 1469.18 feet to a 5/8" rebar with cap at the Southwest corner of Younes Center Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 02°39'30" E on the West line of said Younes Center Addition a distance of 366.09 feet to a 5/8" rebar with cap at the Northwest corner of said Younes Center Addition, and the ACTUAL POINT OF BEGINNING; thence continuing N 02°39'30" E a distance of 538.70 feet to a 5/8" rebar on the existing South high bank of the North Channel of the Platte River as shown on a survey by Mitchell W. Humphrey, dated March 3, 2006; thence N 49°10'13" E on said South high bank of the North Channel of the Platte River a distance of 161.07 feet to a 5/8" rebar; thence N 34°10'43" E continuing on said South high bank a distance of 127.52 feet to a 5/8" rebar; thence S 82°44'40" E continuing on said South high bank a distance of 111.73 feet to a 5/8" rebar; thence S 20°44'37" E continuing on said South high bank a distance of 272.67 feet to a 5/8" rebar at the most Northerly corner of Lot 1, Block 2 of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 65°03'43" W on the Northwesterly line of said Lot 1, Block 2 a distance of 74.52 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 1, Block 2; thence S 02°39'30" W on the West line of said Lot 1, Block Two a distance of 270.62 feet to a 5/8" rebar with cap on the North line of 3rd Street, as platted in said Younes Center Third Addition and the Southwest corner of said Lot 1, Block 2; thence N 87°20'30" W on said North line of 3rd Street a distance of 30.00 feet to a 5/8" rebar with cap on the West line of said Younes Center Third Addition; thence S 02°39'30" W on said West line of Younes Center Third Addition a distance of 193.92 feet to a 5/8" rebar with cap on the North line of said Younes Center Addition; thence N 87°20'30" W on said North line of Younes Center Addition a distance of 307.15 feet to the Point of Beginning, containing 5.29 Acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**REZONING ADJACENT TO THE NORTH AND SOUTH SIDE OF 3RD STREET EAST  
OF 6TH AVENUE**

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 1, 2, 3 and 4 for consideration. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider Ordinance No. 8001. Planning Commission recommended approval.

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 Paul and Linda Younes to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 8001 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. 8001. 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. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8001 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8001 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8001 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 YOUNES CENTER FOURTH ADDITION**

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 1, 2, 3 and 4 for consideration. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat and Subdivision Agreement for Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider Resolution No. 2015-120. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2015-120** approving the Application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat and Subdivision Agreement for Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of 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, Buschkoetter. Nay: None. Lammers absent. Motion carried.

**RESOLUTION NO. 2015-120**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lots 5, 6, 9, and accretions to Government Lots 5, 6, 9, all in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Government Lot 5, also the Southeast corner of Section 11, and assuming the East line of said Government Lot 5 as bearing N 00°37'12" E and all bearing contained herein are relative thereto; thence N 00°37'12" E on said East line a distance of 875.38 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska, extended Easterly; thence N 87°20'30" W on said North line of Talmadge Street a distance of 1469.18 feet to a 5/8" rebar with cap at the Southwest corner of Younes Center Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 02°39'30" E on the West line of said Younes Center Addition a distance of 366.09 feet to a 5/8" rebar with cap at the Northwest corner of said Younes Center Addition, and the ACTUAL POINT OF BEGINNING; thence

continuing N 02°39'30" E a distance of 538.70 feet to a 5/8" rebar on the existing South high bank of the North Channel of the Platte River as shown on a survey by Mitchell W. Humphrey, dated March 3, 2006; thence N 49°10'13" E on said South high bank of the North Channel of the Platte River a distance of 161.07 feet to a 5/8" rebar; thence N 34°10'43" E continuing on said South high bank a distance of 127.52 feet to a 5/8" rebar; thence S 82°44'40" E continuing on said South high bank a distance of 111.73 feet to a 5/8" rebar; thence S 20°44'37" E continuing on said South high bank a distance of 272.67 feet to a 5/8" rebar at the most Northerly corner of Lot 1, Block 2 of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 65°03'43" W on the Northwesterly line of said Lot 1, Block 2 a distance of 74.52 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 1, Block 2; thence S 02°39'30" W on the West line of said Lot 1, Block Two a distance of 270.62 feet to a 5/8" rebar with cap on the North line of 3rd Street, as platted in said Younes Center Third Addition and the Southwest corner of said Lot 1, Block 2; thence N 87°20'30" W on said North line of 3rd Street a distance of 30.00 feet to a 5/8" rebar with cap on the West line of said Younes Center Third Addition; thence S 02°39'30" W on said West line of Younes Center Third Addition a distance of 193.92 feet to a 5/8" rebar with cap on the North line of said Younes Center Addition; thence N 87°20'30" W on said North line of Younes Center Addition a distance of 307.15 feet to the Point of Beginning, containing 5.29 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 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **ANNEXATION OF YOUNES CENTER FOURTH ADDITION**

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 1, 2, 3 and 4 for consideration. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the the Application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north and south side of 3rd Street east of 6th Avenue) and consider Resolution No. 2015-121. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-121** approving the the Application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lots 5, 6 and 9 and accretions to Government Lots 5, 6 and 9 all located in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

#### **RESOLUTION NO. 2015-121**

WHEREAS, an Application has been submitted by Miller & Associates for the inclusion of Younes Center Fourth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of Government Lots 5, 6, 9, and accretions to Government Lots 5, 6, 9, all in the Southeast Quarter of Section 11, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Government Lot 5, also the Southeast corner of Section 11, and assuming the East line of said Government Lot 5 as bearing N 00°37'12" E and all bearing contained herein are relative thereto; thence N 00°37'12" E on said East line a distance of 875.38 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska, extended Easterly; thence N 87°20'30" W on said North line of Talmadge Street a distance of 1469.18 feet to a 5/8" rebar with cap at the Southwest corner of Younes Center Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 02°39'30" E on the West line of said Younes Center Addition a distance of 366.09 feet to a 5/8" rebar with cap at the Northwest corner of said Younes Center Addition, and the ACTUAL POINT OF BEGINNING; thence continuing N 02°39'30" E a distance of 538.70 feet to a 5/8" rebar on the existing South high bank of the North Channel of the Platte River as shown on a survey by Mitchell W. Humphrey, dated March 3, 2006; thence N 49°10'13" E on said South high bank of the North Channel of the Platte River a distance of 161.07 feet to a 5/8" rebar; thence N 34°10'43" E continuing on said South high bank a distance of 127.52 feet to a 5/8" rebar; thence S 82°44'40" E continuing on said South high bank a distance of 111.73 feet to a 5/8" rebar; thence S 20°44'37" E continuing on said South high bank a distance of 272.67 feet to a 5/8" rebar at the most Northerly corner of Lot 1, Block 2 of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 65°03'43" W on the Northwesterly line of said Lot 1, Block 2 a distance of 74.52 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 1, Block 2; thence S 02°39'30" W on the West line of said Lot 1, Block Two a distance of 270.62 feet to a

5/8" rebar with cap on the North line of 3rd Street, as platted in said Younes Center Third Addition and the Southwest corner of said Lot 1, Block 2; thence N 87°20'30" W on said North line of 3rd Street a distance of 30.00 feet to a 5/8" rebar with cap on the West line of said Younes Center Third Addition; thence S 02°39'30" W on said West line of Younes Center Third Addition a distance of 193.92 feet to a 5/8" rebar with cap on the North line of said Younes Center Addition; thence N 87°20'30" W on said North line of Younes Center Addition a distance of 307.15 feet to the Point of Beginning, containing 5.29 Acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 15, 2015 on the inclusion of Younes Center Fourth Addition 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 Younes Center Fourth Addition, 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 July 14, 2015 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 Younes Center Fourth Addition 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 Younes Center Fourth Addition 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**VACATE PART OF G&K ADDITION AND REZONE PROPERTY LOCATED ONE HALF BLOCK NORTH OF 16TH STREET AT 17TH AVENUE**

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC to (1) vacate Lot 1 of Block Three, part of Lot 1 of Block Two, and part of 17th Avenue adjacent to Lot 1 of Block Two, all in G & K Addition and consider Ordinance No. 8007; and (2) rezone from District M-1, Limited Industrial District to District M-1/PD, Limited Industrial/Planned Development Overlay District property described as a tract of land being all of vacated Lot 1 of Block Three, part of Lot 1 of Block Two, and part of 17th Avenue adjacent to vacated Lot 1 of Block Two, all in G & K Addition located in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (one half block north of 16th Street at 17th Avenue) and consider Ordinance No. 8008. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. The location of the property is south of the railroad and north of 16th Street and currently there is a platted 17th Avenue that bisects a parcel so as part of the project because of the size and access of frontage it requires a PD so they are asking to rezone it from a M-1 to M-1/PD because the minimum lot width is 100 feet for a M-1 to a public right-of-way and when you see what they have planned here to have the right-of-way it would be 66 feet wide that would have access, the PD allows them to go around that and also to have an ingress/egress.

17th Avenue was originally platted and reserved for the potential of a future bypass or some other access that might go over the railroad tracks. There has currently been a storage facility built and constructed on the other side. As a part of the process they would vacate what was known as Lot 1, Block Three of G&K Addition as well as what is remaining of Lot 1, Block Two and the 17th Avenue right-of-way that is at the turn of the point of the half of block subdivision of 17th Avenue.

The preliminary plat shows the existing storage building, the paving is also extended on 17th Avenue to a point that is approximately 31 feet short of the right-of-way. They are also proposing there would be a 50-foot ingress/egress easement across it that would provide the access that they need for the PD component to provide public access to both Lots 1, 2 and 3 on the east.

The final plat replicates the same illustrations. As a component of the submittal process, Lot 1 since it is PD and one of the goals is to build another storage facility located there, they would bring the PD plan before Council at the same time. The goal, there is a little bit of a storage building located on the north end they would remove it and build another extension that would look similar to the looks and façade on the existing storage building as well as a new 28 foot by 144 foot building on the east side. The existing façade of the new buildings would look similar to what is out there right now.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Applications submitted by Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC for property located one half block north of 16th Street at 17th Avenue and introduced Ordinance No. 8007 vacating Lot 1 of Block Three, part of Lot 1 of Block Two, and part of 17th Avenue adjacent to Lot 1 of Block Two, all in G & K Addition, and Ordinance No. 8008 rezoning from District M-1, Limited Industrial District to District M-1/PD, Limited Industrial/Planned Development Overlay District property described as a tract of land being all of vacated Lot 1 of Block Three, part of Lot 1 of Block Two, and part of 17th Avenue adjacent to vacated Lot 1 of Block Two, all in G & K Addition located in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., 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 Clouse seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8007 and 8008. 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. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8007 and 8008 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. Nay: None. Lammers absent. Motion carried. Ordinances were read by number.

Moved by Clouse seconded by Nikkila that Ordinance Nos. 8007 and 8008 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8007 and 8008 are 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 SUN WEST FOURTH ADDITION**

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC for the Final Plat for Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of vacated Lot 1 of Block Three, part of vacated Lot 1 of Block Two, and a vacated part of 17th Avenue adjacent to vacated Lot 1 of Block Two, G & K Addition located in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (one half block north of 16th Street at 17th Avenue) and consider Resolution No. 2015-138. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2015-138** approving the Application submitted by Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC for the Final Plat for Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of vacated Lot 1 of Block Three, part of vacated Lot 1 of Block Two, and a vacated part of 17th Avenue adjacent to vacated Lot 1 of Block Two, G & K Addition located in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried.

### **RESOLUTION NO. 2015-138**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of vacated Lot 1, Block Three and part of vacated Lot 1, Block Two of G&K Addition, an addition to the

City of Kearney, and a vacated part of 17th Avenue adjacent to vacated Lot 1, Block Two of said G&K Addition in the Northwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the Sixth Principle Meridian, Buffalo County, Nebraska and more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 2 and assuming the West line of said Southwest Quarter as bearing S 00°53'07" W and all bearings contained herein are relative thereto; thence S 00°53'07" W on said West line a distance of 137.62 feet to a 5/8" rebar and the ACTUAL POINT OF BEGINNING; thence N 83°35'01" E a distance of 365.34 feet to a 5/8" rebar; thence S 06°21'14" E a distance of 100.34 feet to a 5/8" rebar; thence N 83°43'39" E a distance of 187.97 feet to a chiseled "X" in concrete on the West line of a Private Drive; thence S 06°14'10" E on the West line of said Private Drive a distance of 320.89 feet to a 5/8" rebar with cap on the North line of G&K Third Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°44'49" W on the North line of said G&K Third Addition a distance of 132.30 feet to a 5/8" rebar with cap; thence Westerly continuing on said North line of G&K Third Addition along a tangent curve to the Left having a central angle of 27°52'15", a radius of 548.00 feet, an arc length of 266.57 feet, a chord bearing of S 76°19'04" W a distance of 263.95 feet to a 5/8" rebar with cap; thence S 62°22'56" W continuing on said North line and the Southwesterly extension thereof a distance of 84.80 feet to a 5/8" rebar with cap on the Westerly line of 17th Avenue as platted in G&K Addition an addition to the City of Kearney, Buffalo County, Nebraska; thence S 27°42'34" E on said Westerly line of 17th Avenue a distance of 13.35 feet to a 5/8" rebar with cap at the Northeast corner of Lot 1, Block One of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°44'49" W on the North line of Lot 1 and Lot 2, Block One of said Sun West Third Addition a distance of 145.44 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 2, Block One of Sun West Third Addition and said West line of the Southwest Quarter; thence N 00°53'07" E on said West line of said Southwest Quarter a distance of 469.75 feet to the Point of Beginning, containing 5.33 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**DEVELOPOMENT PLANS FOR STORAGE BUILDING; ONE HALF BLOCK NORTH OF 16TH STREET AT 17TH AVENUE**

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC for Planned District Development Plan Approval to construct storage unit buildings on property to be zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as proposed Lot 1, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street at 17th Avenue) and consider Resolution No. 2015-139. Planning Commission recommended approval. Staff recommended approving the requested deviation in a PD overlay to allow the frontage for Lot 1 to be 15.90 feet instead of the required minimum lot width of 100 feet in an M-1 zoning district, and permitting a private 50-foot ingress/egress easement across Lot 2 that will provide access to Lot 3 of the proposed subdivision.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-139** approving the Application submitted by Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC for Planned District Development Plan Approval to construct storage unit buildings on property to be zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as proposed Lot 1, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, approving the requested deviation in a PD overlay to allow the frontage for Lot 1 to be 15.90 feet instead of the required minimum lot width of 100 feet in an M-1 zoning district, and permitting a private 50-foot ingress/egress easement across Lot 2 that will provide access to Lot 3 of the proposed subdivision. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

### **RESOLUTION NO. 2015-139**

WHEREAS, Miller & Associates for Sun Development, Inc. – Sunstorage Systems, LLC have applied for Planned District Development Plan Approval to construct storage unit buildings on property to zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as proposed Lot 1, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street at 17th 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 Sun Development, Inc. – Sunstorage Systems, LLC for Planned District Development Plan Approval to construct storage unit buildings on property zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as proposed Lot 1, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street at 17th Avenue) be approved subject to:

- Granting the requested deviation in a Planned Development Overlay District to allow the frontage for Lot 1 to be 15.90 feet instead of the required minimum lot width of 100 feet in an M-1 zoning district.
- Permit a private 50-foot ingress/egress easement across Lot 2 that will provide access to Lot 3, Sun West Fourth Addition.

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**REZONING ONE HALF BLOCK NORTH AND SOUTH OF 8TH STREET AND 17TH AVENUE**

Public Hearings 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (one half block north and south of 8th Street and 17th Avenue) and consider Ordinance No. 8009.

Craig Bennett from Miller & Associates presented this matter to the Council. This project is south of 11th Street and 17th Avenue would intersect the parcel as well as 8th Street. It is 5.79 acres and bordered on the west by the Tailrace Canal and Yanney Park. The proposed site would have 14 lots and adjacent to where 8th Street would connect as well. The zoning is agricultural and they are asking to rezone to single family which is consistent with what is adjacent to it on the north and east.

There is a pedestrian access that has been reserved as an easement on the extension of 8th Street to access a potential bridge that would happen at some point of time to cross over the Tailrace Canal which would require an easement to be provided and required for that parcel. It provides access not only to the residential areas but the school as well. The lots abutting it are equivalent of the 20 foot, each one is 10 foot wider and it does have some restrictions as to what can be built on there.

Council Member Nikkila asked how long before they construct the bridge over the canal. Mr. Bennett stated it has not been determined. There are some matters that need to be put in place, the right-of-way acquisition across the NPPD right-of-way and what the bridge will look like. There has been a component of it that they wanted to make it part of a memorial of some sort as well.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 8009 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. 8009. 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. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8009 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. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8009 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8009 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 PARK VIEW ESTATES EIGHTH ADDITION**

Public Hearings 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the Final Plat and Subdivision Agreement for Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (one half block north and south of 8th Street and 17th Avenue) and consider Resolution No. 2015-140.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-140** approving the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the Final Plat and Subdivision Agreement for Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 located in the Southwest Quarter of the Northwest Quarter of 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, Buschkoetter. Nay: None. Lammers absent. Motion carried.

### **RESOLUTION NO. 2015-140**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest

Quarter of the Northwest Quarter and Part of Government Lot One, located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a mag nail at the Northwest Corner of the Northwest Quarter of Section 11 and assuming the North line of said Northwest Quarter as Bearing N 89°20'53" E and all other bearings contained herein are relative thereto; thence N 89°20'53" E on said North line a distance of 64.99 feet; thence S 00°11'46" W a distance of 25.31 feet to a 5/8" rebar at the intersection of the South line of 11th Street as platted in the City of Kearney, Buffalo County, Nebraska and the East line of a tract of land deeded to Nebraska Public Power District as Instrument No. 2008-8834 recorded in the Buffalo County, Nebraska Register of Deed Office; thence N 82°09'52" E on said South line of 11th Street a distance of 430.74 feet to a 5/8" rebar with cap at the Northeast corner of Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska and the Northwest corner of Park View Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°40'27" W on the East line of said Park View Estates Seventh and the West line of said Park View Estates Sixth Addition a distance of 172.30 feet to a 5/8" rebar with cap; thence S 16°37'25" W continuing on said East and West lines a distance of 144.01 feet to a 5/8" rebar with cap; thence S 00°40'27" W continuing on said East and West lines a distance of 470.00 feet to a 5/8" rebar with cap at the Southeast corner of said Park View Estates Seventh and the ACTUAL POINT OF BEGINNING; thence continuing S 00°40'27" W on the West line of said Park View Estates Sixth Addition and it's Southerly extension a distance of 661.26 feet to a 5/8 inch rebar with cap on the extension of the South line of Block Three, Park View Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°19'33" W on the extension of said South line a distance of 374.92 feet to a 5/8" rebar with cap on the East line of said Nebraska Public Power District tract; thence N 00°11'46" E on said East line a distance of 676.28 feet to a 5/8" rebar with cap at the Southwest corner of said Park View Estates Seventh; thence S 89°19'33" E on the South line of said Park View Estates Seventh a distance of 159.57 feet to a 5/8" rebar with cap; thence S 00°40'27" W continuing on said South line a distance of 15.00 feet to a 5/8" rebar with cap; thence S 89°19'33" E continuing on said South line a distance of 221.00 feet to the Point of Beginning, containing 5.79 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 inhabits 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**ANNEXATION OF PARK VIEW ESTATES EIGHTH ADDITION**

Public Hearings 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the annexation of Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (one half block north and south of 8th Street and 17th Avenue) and consider Resolution No. 2015-141.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-141** approving the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the annexation of Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

**RESOLUTION NO. 2015-141**

WHEREAS, an Application has been submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the inclusion of Park View Estates Eighth, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and Part of Government Lot One, located in the Southwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a mag nail at the Northwest Corner of the Northwest Quarter of Section 11 and assuming the North line of said Northwest Quarter as Bearing N 89°20'53" E and all other bearings contained herein are relative thereto; thence N 89°20'53" E on said North line a distance of 64.99 feet; thence S 00°11'46" W a distance of 25.31 feet to a 5/8" rebar at the intersection of the South line of 11th Street as platted in the City of Kearney, Buffalo County, Nebraska and the East line of a tract of land deeded to Nebraska Public Power District as Instrument No. 2008-8834 recorded in the Buffalo County, Nebraska Register of Deed Office; thence N 82°09'52" E on said South line of 11th Street a distance of 430.74 feet to a 5/8" rebar with cap at the Northeast corner of Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska and the Northwest corner of Park View Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°40'27" W on the East line of said Park View Estates Seventh

and the West line of said Park View Estates Sixth Addition a distance of 172.30 feet to a 5/8" rebar with cap; thence S 16°37'25" W continuing on said East and West lines a distance of 144.01 feet to a 5/8" rebar with cap; thence S 00°40'27" W continuing on said East and West lines a distance of 470.00 feet to a 5/8" rebar with cap at the Southeast corner of said Park View Estates Seventh and the ACTUAL POINT OF BEGINNING; thence continuing S 00°40'27" W on the West line of said Park View Estates Sixth Addition and its Southerly extension a distance of 661.26 feet to a 5/8 inch rebar with cap on the extension of the South line of Block Three, Park View Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°19'33" W on the extension of said South line a distance of 374.92 feet to a 5/8" rebar with cap on the East line of said Nebraska Public Power District tract; thence N 00°11'46" E on said East line a distance of 676.28 feet to a 5/8" rebar with cap at the Southwest corner of said Park View Estates Seventh; thence S 89°19'33" E on the South line of said Park View Estates Seventh a distance of 159.57 feet to a 5/8" rebar with cap; thence S 00°40'27" W continuing on said South line a distance of 15.00 feet to a 5/8" rebar with cap; thence S 89°19'33" E continuing on said South line a distance of 221.00 feet to the Point of Beginning, containing 5.79 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 15, 2015 on the inclusion of Park View Estates Eighth 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 Park View Estates Eighth, 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 July 14, 2015 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 Park View Estates Eighth 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 Park View Estates Eighth 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

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

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

1. Approve Minutes of Regular Meeting held June 23, 2015.
2. Approve the following Claims:
 

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

2FA \$6,210.00 smcs; Ace Irrigation \$1,211.25 smcs,co; Acushnet \$18,646.16 smcs; Alamar \$915.25 smcs; Amazon \$2,195.71 smcs; Amer First Aid \$343.78 smcs; Anderson Bros \$1,392.33 smcs; Anderson,B \$40.00 smcs; Applegate,J \$500.00 co; Applied Industrial \$1,576.88 smcs; Arctic Refrigeration \$352.48 smcs; Around The Campus \$445.00 smcs; Ask Supply \$2,029.10 smcs; Attic \$852.00 smcs; Aurora Coop \$114.31 smcs; Bailey,A \$16.64 smcs; Baker & Taylor \$6,294.86 smcs; Baldwin Filters \$64,912.28 smcs; Bamford \$530.46 smcs; Beck,L \$67.00 smcs; Beck,T \$9.00 smcs; Big Red Auto Glass \$360.00 co; Blackstone Audiobooks \$560.92 smcs; Blessing \$469,046.96 co; Blevins,D \$240.00 smcs; BlueCross BlueShield \$414,263.29 smcs; Bosselman \$14,815.65 smcs; Bowman,K \$13.93 smcs; Broadfoot's \$390.00 smcs; Bruha,S \$1,040.00 smcs; Buffalo Co Reg Deeds \$112.00 smcs; Buffalo Co Treasurer \$30.00 co; Buffalo Surveying \$10,746.45 co; Builders \$240.94 smcs,co; Capital Business Systems \$250.01 smcs; Carnes,H \$433.50 smcs; Carquest \$1.70 smcs; Cash Wa \$7,027.46 smcs; Centerpoint Publishing \$72.06 smcs; Central Fire \$97.00 smcs; Charter Communications \$440.11 smcs; Chesterman \$1,878.25 smcs; Chief Construction \$7,089.00 smcs; Chief Supply \$21.09 smcs; CHS Agri Service \$1,577.94 smcs; City of Ky \$376,070.28 smcs,co,ps; Clark Enersen Partners \$28,438.85 co; Cochran,C \$25.21 smcs; Community Action Partner \$439.00 smcs; Community Health \$10.00 ps; Consec Life Ins \$19.00 ps; Consolidated Management \$176.50 smcs; Cooperative Producers \$150.40 smcs; Cornhusker Cleaning \$464.47 smcs; Curbit \$1,692.00 smcs; Cypress Info Services \$944.62 smcs; D&M Security \$64.50 smcs; Danko Emergency \$1,534.08 smcs; Dannull,K \$45.00 smcs; Dawson PPD \$2,784.48 smcs; Depository Trust \$276,282.50 ds; Dewey,M \$60.00 smcs; DPC Industries \$6,358.17 smcs; Dutton-Lainson \$248.59 smcs; Eakes \$2,214.97 smcs; Ebsco Publishing \$3,412.00 smcs; Ed M. Feld Equipment \$168.39 smcs; Elliott Equipment \$3,091.64 smcs; EMC Ins \$18,160.54 smcs; Emerson Network \$1,716.80 smcs; Eustis Body Shop \$5,206.70 smcs; Explore Theater \$1,593.75 smcs; Felsburg Holt & Ullevig \$1,320.93 smcs; Fiddelke Heating \$458.39 smcs; Flohr,J \$470.00 smcs; Flutterwheels \$180.00 smcs; Frontier \$9,597.23 smcs; Fulcrum Biometrics \$3,373.89 co; Galls \$278.89 smcs,ps; Gangwish Turf \$264.60 smcs; Gear for Sports \$458.84 smcs; Gillen,C \$22.36 smcs; Great Plains Safety \$650.00 smcs; H&H Distributing \$1,855.25 smcs; Harley-Davidson \$56.64 smcs; Hastings,C \$2.44 smcs; Hastreiter,M \$26.48 smcs; HD Supply \$13,589.59 smcs; Hometown Leasing \$157.20 smcs; Houck,H \$29.92 smcs; Hydro Tech \$304.00 smcs; Hy-Vee \$60.00 smcs; ICMA RC \$8,561.10 ps; IRS \$303,997.61 ps; Interstate All Battery \$135.60 smcs; Jack Lederman \$200.00 smcs; James,D \$290.00 smcs; Janzen,F \$490.00 smcs; JCB Enterprises \$14.00 smcs; Johnsen Corrosion \$4,880.00 smcs; Ka-Boomers \$200.00 smcs; Kart-Man \$1,997.00 smcs; Ky Area United Way \$549.00 ps; Ky Chamber Comm. \$90.00 smcs; Ky Clinic \$1,306.00 ps; Ky Health Mart \$92.32 smcs; Ky Hub \$1,993.57 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Noon Rotary \$120.00 smcs; Ky Visitors Bureau \$86,415.38 smcs; Kiatsimkul,P \$50.54 smcs; Konica Minolta \$372.05 smcs; Kowalek,G \$3.85 smcs;

Kreutzer,R \$500.21 co; Krizek,N \$42.44 smcs; Krull Ins \$2,194.75 smcs; Kwiatkowski,L \$60.00 smcs; Leach,C \$63.30 smcs; League of NE Municipalities \$317.00 smcs; Levander's \$765.30 smcs; Lewis,A \$1,000.00 smcs; Lincoln Winwater \$97.10 smcs; Lockmobile \$62.50 co; Loper Athletic Club \$760.00 smcs; Magic Cleaning \$5,140.00 smcs; Mail Express \$7,105.59 smcs; Malleck,J \$70.00 smcs; Marlow,J \$39.74 smcs; Matheson Tri-Gas \$36.70 smcs; Matt Friend Truck Equip. \$2,315.00 co; McMechan,K \$15.98 smcs; Mead Lumber \$239.73 smcs,co; Menards \$80.91 smcs; Metlife \$8,303.14 ps; Mid American Signal \$20,245.00 smcs; Middleton Electric \$37,070.00 smcs,co; Midlands Contracting \$713,239.95 co; Midwest Striping \$12,627.00 smcs; Midwest Turf \$3,731.53 co; Miller & Associates \$32,637.10 smcs,co; Miller Signs \$1,020.00 smcs; Miller,L \$92.90 smcs; Mindmixer.com \$250.00 smcs; Modlin,P \$70.00 smcs; Moonlight Embroidery \$1,062.75 smcs; Morgan,M \$47.15 smcs; Mueller,J \$528.00 smcs; Murphy Tractor \$197,291.55 smcs,co; Myers,L \$6.70 smcs; Navigator Motorcoaches \$358.00 smcs; NE Child Support \$4,998.56 ps; NE Dept of Rev \$42,142.18 ps; NE DOL/Boiler Inspection \$36.00 smcs; NE Golf Assn \$3,580.00 smcs; NE Law Enforcement \$576.00 smcs; NE Library Comm \$6,728.00 smcs; NE Public Health \$36.00 smcs; NE Safety & Fire \$87.00 smcs; NE Truck Center \$9.99 smcs; NEland Distributors \$2,305.45 smcs; Nelson's EZ Dock \$5,822.56 co; Nicolen,M \$50.00 smcs; Northwestern Energy \$7,055.76 smcs; Office Depot \$172.23 smcs; O'Keefe Elevator \$215.22 smcs; One Call Concepts \$535.35 smcs; Outdoor Recreation \$11,400.00 co; Panowicz,K \$30.00 ps; Paramount \$419.99 smcs; Payflex Systems \$573.75 smcs,ps; Pep Co \$86.34 smcs; Pitney Bowes \$934.34 smcs; Platte Valley Auto \$47.87 smcs; Platte Valley Comm \$31.25 smcs; Potthoff,D \$565.68 smcs; Potthoff,J \$131.44 smcs; Presto-X \$502.01 smcs; Proquest \$388.00 smcs; Prosocki,C \$82.50 smcs; Pulliam,R \$40.00 smcs; Quiet Zone Technologies \$3,482.25 smcs; Random House \$155.25 smcs; Recognition Unlimited \$45.30 smcs; Recorded Books \$1,239.55 smcs; Rheome Tree \$1,430.00 smcs; Rich,T \$50.00 smcs; RNDC Falcon \$237.21 smcs; Roberts,J \$2.48 smcs; Roy,A \$41.04 smcs; Ruby Tuesday \$339.45 smcs; Russell's Appliance \$1,199.00 co; Sam's Club \$1,725.29 smcs; Sapp Bros \$19,687.08 smcs; Saw,A \$578.92 co; Scheidies,T \$31.00 smcs; Schneider,B \$60.02 smcs; School District #7 \$1,053.90 smcs; Sensus Metering \$281.80 smcs; Simpson,A \$125.00 smcs; Stade,M \$23.79 smcs; St of NE/AS Central \$5,789.02 smcs,co; Steinbrook,S \$1,000.00 smcs; Sun Life Financial \$61,389.44 smcs; Sunbelt Rentals \$366.10 smcs; Swift,J \$29.00 smcs; Tacha,J \$50.00 smcs; Taylor,R \$31.00 smcs; Theis,J \$80.00 smcs; Thompson Co \$74.84 smcs; Tielke's \$374.94 smcs; Tighton Fastener \$18,637.00 co; Titan Machinery \$126.42 smcs; Trade Well Pallet \$2,980.00 smcs; Tri-County Glass \$226.50 smcs; Tye Law Firm \$11,910.91 smcs; Underground Construction \$682.66 smcs; Union Bank & Trust \$127,524.10 ps; UPRR \$196,000.00 co; US Treasury \$1,306.00 smcs; Univ of Missouri \$11,000.00 smcs; UNK \$3,000.00 smcs; USA Communications \$160.94 smcs; Valley Forklift \$535.88 smcs; Vault Self-Storage \$1,620.00 smcs; Verizon \$1,661.93 smcs; Village Uniforms \$517.66 smcs; Walter's Electric \$1,317.67 smcs; Walters,B \$35.52 smcs; Warren-T \$254.30 smcs; Weides,N \$45.19 smcs; Weiss Ratings \$233.05 smcs; Wells Fargo \$53,598.20 ds; Westerbeck,M \$65.00 smcs; Wick's Sterling Trucks \$1,957.79 smcs; World Theatre Foundation \$4,000.00 smcs; Wurtz,D \$7,792.12 co; Yalden,F \$24.59 smcs; Payroll Ending 6-27-2015 -- \$439,256.11. 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 Plans and Specifications for the 2015 Part 6 Improvements consisting of Water Connection District No. 2015-1 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition and Sanitary Sewer Connection District No. 2015-1 in Landon Street from Central Avenue east to the east line of Lot 71, Riverside Addition and set the bid opening date for August 4, 2015 at 2:00 p.m.
4. Approve the Request for Agricultural Deferral submitted by Alexander Gangwish with regard to Paving Improvement District No. 2015-975 for Landon Street from Central Avenue east to the east line of Lot 1, Gangwish Addition.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C liquor license application for Kenlos LLC, dba Nicks on the Bricks located at 15 East 24th Street and the manager application for Zachary Brown.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Berenice Bravo submitted by San Pedro Inc., dba San Pedro Mexican Restaurant in connection with their Class I-67018 liquor license located at 3907 Central Avenue.
7. Adopt **Resolution No. 2015-142** accepting the bid received for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue; approving Change Order No. 1 showing a decrease in the amount of \$43,652.50; and award the bid to Blessing, LLC in the new contract price of \$237,597.50.

**RESOLUTION NO. 2015-142**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bid which was opened on July 7, 2015 at 2:00 p.m. for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$237,597.50; and

WHEREAS, the said engineers have recommended the bid offered by Blessing LLC of Kearney, Nebraska in the amount of \$281,250.00 be accepted as the lowest responsible bid for the 2015 Part 7 Improvements; and

WHEREAS, the scope of the project was substantially higher than the City budgeted funds that City staff negotiated with Blessing, LLC to reduce the scope of the project down to the Engineer’s Opinion of Probable Construction Cost; and

WHEREAS, the Blessing, LLC and Miller & Associates have filed with the City Clerk Change Order No. 1 showing a decrease to the original contract sum in the amount of \$43,652.50, as shown on Exhibit “A”, attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$281,250.00
Change Order No. 1 (7-14-2015)	- <u>43,652.50</u>
New Contract Sum	\$237,597.50

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 Blessing, LLC be and is the lowest responsible bidder for the 2015 Part 7 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

BE IT FURTHER RESOLVED that the bid submitted by Blessing, LLC in the negotiated amount of \$237,597.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for the project of \$237,597.50 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**8.** Adopt **Resolution No. 2015-143** accepting the bids received for the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1 and award the bid to Ramos Construction in the amount of \$219,556.00.

**RESOLUTION NO. 2015-143**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on July 7, 2015 at 2:00 p.m. for the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$292,212.50; and

WHEREAS, the said engineers have recommended the bid offered by Ramos Construction of Shelton, Nebraska in the amount of \$219,556.00 be accepted as the lowest responsible bid for the 2015 Part 9 Improvements.

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 Ramos Construction be and is the lowest responsible bidder for the 2015 Part 9 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Ramos Construction in the amount of \$219,556.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for the project of \$292,212.50 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 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. 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 in The Archway located at 3060 East 1st Street on July 31, 2015 from 5:00 p.m. until 10:00 p.m. for a fund raiser.

10. 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 at the Museum of Nebraska Art, 2501 Central Avenue on August 27, 2015 from 5:00 p.m. until 9:00 p.m. for a reception.

11. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer and distilled spirits in Cope Stadium/Parking Lot 12 on UNK Campus located at 2708 12th Avenue on August 22, 2015 from 9:00 a.m. until 7:00 p.m. for football scrimmage tailgate event.

12. Adopt **Resolution No. 2015-144** to remove parking on the east side of Avenue A from 11th Street south a distance of 300 feet.

**RESOLUTION NO. 2015-144**

WHEREAS, the Public Works Department and the Police Department have reviewed the situation and found that there is an apparent safety concern with traffic and have recommended that the east side of Avenue A from 11th Street south a distance of 300 feet be designated as "No Parking" at any time.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the east side of Avenue A from 11th Street south a distance of 300 feet be and is hereby designated as "No Parking" at any time.

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating the area as directed by this Resolution.

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

13. Adopt **Resolution No. 2014-145** approving the Employment Agreement between the City of Kearney and Michael Morgan.

**RESOLUTION NO. 2015-145**

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager, pursuant to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager continue to be paid an annual salary of One Hundred Eighty-three Thousand One Hundred Eighty-one Dollars (\$183,181) effective July 1, 2015; said salary to be paid bi-weekly from any City funds in such proportionate amounts as the City Manager may determine.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the Employment Agreement.

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**14.** Approve the application to extend Conditional Use Permit No. 2013-03 submitted by Shannon Schmidt to locate a day care facility at 506 East 26th Street for a period of two years.

**15.** 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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on August 1, 2015 from 3:00 p.m. until 1:00 a.m. for a concert.

**16.** 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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on August 8, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

**17.** 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 in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on August 8, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

**18.** 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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on August 15, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

**19.** Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on August 22, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

**20.** 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 Ag Pavilion at the Buffalo County Fairgrounds, 3807 Avenue N on August 29, 2015 from 3:00 p.m.

until 1:00 a.m. for a reception.

## **V. CONSENT AGENDA ORDINANCES**

There are no Consent Agenda Ordinances.

## **VI. REGULAR AGENDA**

### **UPDATE ON ENPLANEMENTS WITH GREAT LAKES AIRLINES**

City Manager Michael Morgan updated the Council on the enplanements with Great Lakes. As stated in the past it was the City's intention to provide the report each month. Unfortunately, what they have seen is a significant decline from the prior months. They continue to communicate their concerns to Great Lakes.

### **Great Lakes Airlines (January 2014 through June 2015)**

	<b>Scheduled</b>	<b>Operated</b>	<b>Cancelled</b>	<b>1900</b>	<b>EMB</b>	<b>Total</b>	<b>Enplanements</b>
January, 2014	87	57	30	0	60	60	755
February, 2014	79	62	17	1	62	63	844
March, 2014	86	58	28	0	64	64	841
April, 2014	78	64	14	0	72	72	690
May, 2014	87	82	5	2	81	83	945
June, 2014	85	76	9	1	78	79	987
July, 2014	87	80	7	24	56	80	741
August, 2014	87	82	5	24	59	83	667
September, 2014	84	80	4	1	79	80	662
October, 2014	73	62	11	8	54	62	482
November, 2014	83	68	15	40	28	68	387
December, 2014	83	65	18	66	1	67	359
January, 2015	59	48	11	47	4	51	222
February, 2015	73	64	9	47	19	66	317
March, 2015	88	76	12	15	61	76	503
April, 2015	71	54	17	2	54	56	370
May, 2015	68	50	18	0	50	50	531
June, 2015	52	46	6	1	45	46	374
<b>Total</b>	<b>1,410</b>	<b>1,174</b>	<b>236</b>	<b>279</b>	<b>927</b>	<b>1,206</b>	<b>10,677</b>

City Manager stated there are no additional comments. Council Member Nikkila commented that they are flying a lot fewer flights. City Manager stated he was not sure why but the majority continue to be the Brasilia. Mayor Clouse stated that is the lowest amount scheduled. City Manager agreed and the number of flights as far as actual aircraft is low.

### **OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$92,737.87 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Buschkoetter. Nay: None. Clouse abstained. Lammers absent. Motion carried.

**VII. REPORTS**

City Manager Michael Morgan stated Dryden Park's splash ground is nearing completion. Earlier discussions were had on the extension of 3rd Street which has been a long time coming project in the community and it will be gravel initially.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**MICHAELLE E. TREMBLY  
CITY CLERK**