

Kearney, Nebraska
August 11, 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 August 11, 2015 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. 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 Mike Klaus, IT Manager were also present. Some of the citizens present in the audience included: Paul Brungardt, Eric Hellriegel, Tom McCarty, Joyce Lieske, Jackie Purdy, Jason Peck, representatives from Custer Federal State Bank, Steve Altmaier from KGFW Radio, Mike Konz and Amanda Brandt 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

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

ANNOUNCEMENT

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

RECOGNITION – OUTGOING BOARD MEMBERS

Mayor Clouse and Council Members recognized the following outgoing Board members by presenting them with a plaque: Ron Hendrickson for 27 years on the Airport Advisory Board; Tim Hughbanks for 8 years of service on the Golf Advisory Board; Gwen Traxler for 15 years on the Kearney Housing Agency; Jason Peck for 2 years of service on the Planning Commission; and Jackie Purdy for 6 years and Tim O'Dea for 5 years on the Senior Services Advisory Board.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT PLANS FOR 75 LA CROSSE DRIVE

Mayor Clouse opened the public hearing on the Application submitted by Brungardt Engineering for Kearney Plaza Villas, a Nebraska Limited Partnership for Revised Planned District Development Plan Approval for a 9 duplex development on property zoned District R-3/PD, Urban Residential Multi Family/Planned Development Overlay District and described as Lot 1, Kearney Plaza Villas, an addition to the City of Kearney, Buffalo County, Nebraska (75 La Crosse Drive) and consider Resolution No. 2015-161. Planning Commission recommended approval.

Paul Brungardt presented this matter to the Council. He is representing Matt Thomas from Dana Point Development out of California on what they are calling GD Meadows Development. It is located south of West Lincoln Parkway and east of 30th Avenue. To the east there are existing apartments, to the south they have an existing parking lot which is north of La Cross Drive.

The property is currently zoned R-3/PD. Across the street is R-3/PD, Urban Residential Multi Family/Planned Development. He believes another developer came in asking for 12 units on the site but the new developer is only looking for 9 units. This development is for elderly living so it will be slab on grade construction which for the site is very simple duplex designs.

The site includes public utilities coming in from La Crosse Drive. They have sanitary sewer coming up, two proposed driveways accessing each development. The water will come up off of La Crosse Drive. They have it set up that the west half of the storm sewer will drain towards curb inlets which will drain into the existing storm sewer system off of La Cross Drive. The east have would drain back into a proposed detention cell which would discharge into an existing storm sewer that is running from West Lincolnway Park down into La Cross Drive. The bottom half of the east drive would drain back into the storm drain system.

City Manager Michael Morgan asked if they resolved the situation on the shared drive. Mr. Brungardt stated currently what will happen is there will be an easement that goes through the site and Trenton Snow will be coming in next month to get the paperwork. The west drive does not access directly onto La Cross Drive there is an Outlot A that is owned by the City and as far as paperwork goes they are going to get that accounted for. City Manager stated they are trying to figure out a way to work with the developer where they could get the land back for exchange.

Council Member Lammers asked when they went from 24 units to 18 units was there a particular reason that they decided to do that with the different developer. Mr. Brungardt stated he believes the developer wanted to go with 18 units.

Council Member Nikkila asked about access to West Lincolnway playground; the new driveway may be their way to get to the park. City Manager stated Director of Park & Recreation has met with the neighborhood and they have proposed some items that have not made it on the list yet but they have had discussions about increasing the size and other amenities as well as the sidewalk.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-161** approving the Application submitted by Brungardt Engineering for Kearney Plaza Villas, a Nebraska Limited Partnership for Revised Planned District Development Plan Approval for a 9 duplex development on property zoned District R-3/PD, Urban Residential Multi Family/Planned Development Overlay District and described as Lot 1, Kearney Plaza Villas, an addition to the City of Kearney, Buffalo County, Nebraska (75 La Crosse Drive). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-161

WHEREAS, Brungardt Engineering for Kearney Plaza Villas, a Nebraska Limited Partnership has applied for Revised Planned District Development Plan Approval for a 9 duplex development on property zoned District R-3/PD, Urban Residential Multi Family/Planned Development Overlay District and described as Lot 1, Kearney Plaza Villas, an addition to the City of Kearney, Buffalo County, Nebraska (75 La Crosse Drive).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Brungardt Engineering for Kearney Plaza Villas, a Nebraska Limited Partnership for Revised Planned District Development Plan Approval for a 9 duplex development on property zoned District R-3/PD, Urban Residential Multi Family/Planned Development Overlay District and described as Lot 1, Kearney Plaza Villas, an addition to the City of Kearney, Buffalo County, Nebraska (75 La Crosse Drive) be approved.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING NORTH OF 60TH STREET BETWEEN 1ST AVENUE AND 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan Farm, a Limited Partnership to rezone from District MU, Mixed Use District to District C-2, Community Commercial District property described as Lot 1 of Block 2, Ingalls Crossing Third Addition, an addition to the City of Kearney, Buffalo County,

Nebraska (north of 60th Street between 1st Avenue and 2nd Avenue) and consider Ordinance No. 8010. Planning Commission recommended approval.

Eric Hellriegel from Miller & Associates presented this matter to the Council. He stated the property is located south of Menards and east of Town & Country Bank. There is access off of 2nd Avenue onto 60th Street. Proposed access to the site will come off of 1st Avenue.

The property is currently zoned MU and the proposed rezoning will be C-2. C-2 zoning is surrounding the property and some C-3 to the north. Water serves the site; there is a 12-inch water main to the south along 60th Street as well as 1st Avenue on the east. Sanitary sewer is served along the east end of the property along 1st Avenue. There are some inlets on the east side of 2nd Avenue as well as the northeast corner of the lot for storm water. There is storm water infrastructure within vicinity to see the lots developed.

The rezoning boundary for the entire property is just over three acres and it goes all the way up to the Northgate Addition. The idea is that the entire Lot 1 would be rezoned at this time.

Council Member Lammers asked stated there was some discussion with the Planning Commission about that being potentially zoned C-2/PD versus C-2 and he noticed the other properties were planned development.

Mr. Hellriegel stated there is a PD designation on three sites. In this particular case it did not make sense to go to a PD designation mainly because the site is very unique in nature. If the lot is split there will be street frontage really on three sides which is fairly unique for a commercial lot.

The only consideration that would be needed for a PD development would be if there was going to be a height allowance that would be needed for a 3-story facility. Typically, you do not see 3-story developments along the 2nd Avenue corridor so the discussion was had that everyone was content with a straight C-2 zoning for this particular property. Because of the street facing 3 sides of the lot it will fall within the character of the neighborhood without the PD designation at this time.

Tom McCarty from Coldwell Banker voiced his support for the rezoning.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan Farm, a Limited Partnership to rezone from District MU, Mixed Use District to District C-2, Community Commercial District property described as Lot 1 of Block 2, Ingalls Crossing Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 8010 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the

number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8010. 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. Nay: None. Lear 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. 8010 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. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8010 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8010 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.

AMEND LAND USE MAP AT SOUTHEAST CORNER OF 56TH STREET AND AVENUE N

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Corpus Christi Carmelites for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Mixed Use 1 property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of the intersection of 56th Street and Avenue N) and consider Resolution No. 2015-162. Planning Commission recommended approval.

Eric Hellriegel from Miller & Associates presented this matter to the Council. The property is located on 56th Street and Avenue N. The area is just over seven acres. There is an existing single family home and the rest of the lot is open to the east of the property. Currently it is zoned RR-1, some C-1 to the north and northwest; there is a mix of R-1 and RR-2 zoning that surrounds the property at this time.

There is a 16-inch water line along the north fringe of 56th Street and a 16-inch water line on the east side of Avenue N that could serve them from the west side of the property depending on how it is split and divided. There is sanitary sewer both on the west and north side of the property. There is currently storm water infrastructure in place in spots along the west and northern fringes. The infrastructure is all in place for the particular parcel to be split and developed moving forward.

The record survey shows the entire parcel is just over seven acres and approximately .84 acres of roads with Avenue N and 56th Street.

City Manager stated they had requested to install the pedestrian crosswalk and signal because of the increased development which they have done that would be consistent with other corridors in the community. With respect to serving the development, he believes the appropriate pedestrian crossing is there along with the traffic signals.

Tom McCarty from Coldwell Banker stated with the facility he believes it will be a lower impact business on the corner.

Mayor Clouse stated it might be a cleaner intersection because some of the trees will be cleared out and better visibility.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-162** approving the Application submitted by Miller & Associates for Corpus Christi Carmelites for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Mixed Use 1 property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-162

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 the Northwest Quarter of Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Northwest corner of Section 30 and assuming the North line of the Northwest Quarter of said Section 30 as bearing N 89°36'56" E and all bearing contained herein are relative thereto; thence N 89°36'56" E on said North line a distance of 701.04 feet to the Northwest corner of O'Brein Subdivision, a Subdivision of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence S 00°49'57" E on the West line of said O'Brien Subdivision a distance of 440.01 feet; thence S 89°36'56" W parallel with and 440.00 feet Southerly of the North line of said Northwest Quarter, measured at right angles, a distance of 705.00 feet to the West line of said Northwest Quarter; thence N 00°19'03" W on the West line of said Northwest Quarter a distance of 440.00 feet to the Point of Beginning, containing 7.10 acres, more or less, Buffalo County, Nebraska from Low Density Residential to Mixed Use 1, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby

amended to change from Low Density Residential to Mixed Use 1 the use classification for a tract of land being part of the Northwest Quarter of Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Northwest corner of Section 30 and assuming the North line of the Northwest Quarter of said Section 30 as bearing N 89°36'56" E and all bearing contained herein are relative thereto; thence N 89°36'56" E on said North line a distance of 701.04 feet to the Northwest corner of O'Brien Subdivision, a Subdivision of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence S 00°49'57" E on the West line of said O'Brien Subdivision a distance of 440.01 feet; thence S 89°36'56" W parallel with and 440.00 feet Southerly of the North line of said Northwest Quarter, measured at right angles, a distance of 705.00 feet to the West line of said Northwest Quarter; thence N 00°19'03" W on the West line of said Northwest Quarter a distance of 440.00 feet to the Point of Beginning, containing 7.10 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

REZONING SOUTHEAST CORNER OF 56TH STREET AND AVENUE N

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Corpus Christi Carmelites to rezone from District RR-1, Rural Residential District (Rural Standards) to District C-1, Limited Commercial District property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of the intersection of 56th Street and Avenue N) and consider Ordinance No. 8011. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for Corpus Christi Carmelites to rezone from District RR-1, Rural Residential District (Rural Standards) to District C-1, Limited Commercial District property described as a tract of land located in part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 8011 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. 8011. 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. Nay: None. Lear 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. 8011 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 8011 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8011 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.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held July 28, 2015 and Minutes of Special Meeting held July 29, 2015.

2. Approve the following Claims:

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

Adkins,H \$16.25 smcs; Affordable Plbg \$75.00 smcs; Alamar Uniforms \$6,252.82 smcs,ps; Alfred Benesch \$1,616.86 co; Amazon \$3,351.55 smcs; Anderson,B \$40.00 smcs; Anderson,K \$55.08 smcs; ARC Network \$175.00 smcs; Ask Supply \$1,174.05 smcs; Aurora Coop \$1,103.36 smcs; Auto Value Parts \$738.63 smcs; Baker & Taylor Books \$5,040.76 smcs; Bamford \$225.00 smcs; Beehive Industries \$1,800.00 smcs; Bike Shed \$2,110.98 smcs; Blackstone Audiobooks \$359.99 smcs; Blessing \$194,929.00 co; BlueCross BlueShield \$194,971.05 smcs; Books Galore \$387.15 smcs; Bosselman \$819.25 smcs; Broadfoot's \$2,626.50 smcs; Bruha,S \$80.00 smcs; Buffalo Co Register Deeds \$162.00 smcs; Buffalo Co Treasurer \$20.00 co; Buffalo Co Weed Control \$73.40 smcs; Builders \$195.66 smcs,co; Burns,C \$51.08 smcs; Capital Business Systems \$169.93 smcs; Cash-Wa \$1,423.01 smcs; Cellebrite \$3,098.99 smcs; Center Point Publishing \$72.06 smcs; Central NE Sod \$1,720.00 co; Charter \$34.79 smcs; Chase,B \$363.00 smcs; Chesterman \$3,846.73 smcs; Chief Supply \$154.35 smcs; Childs,L \$67.63 smcs; CHS Agri Service \$3,642.26 smcs; City of Ky \$518,177.95 ps,smcs,co; Clark Enersen \$49,465.60 co; Colling,G \$150.00 smcs; Community Action Partner \$328.91 smcs; Community Health Charity \$15.00 ps; Consolidated Management \$278.00 smcs; Consolidated Plastics \$155.64 smcs; Crop Production Services \$398.50 smcs; Cummins \$229.82 smcs; Curbit \$210.00 smcs; Danko Emergency \$278,294.00 co; Demco \$79.86 smcs; Dent Popper \$200.00 smcs;

DHHS \$110.00 smcs; Dish \$184.00 smcs; DPC Industries \$12,098.71 smcs; Dutton-Lainson \$768.69 smcs; Eakes \$7,281.95 smcs,co; Entenmann-Rovin \$539.50 smcs; Explore Theater \$1,672.50 smcs; Expression Wear \$432.00 ps; Fiddelke Heating \$60.00 smcs; Fireguard \$17.72 smcs; Gale \$801.23 smcs; Gangwish Turf \$90.38 smcs; Garrett Tires \$8,004.00 smcs; Gear for Sports \$73.50 smcs; Great Platte River Archway \$100.00 smcs; Grey House Publishing \$233.05 smcs; Gunderson,L \$33.04 smcs; H&H Distributing \$4,159.25 smcs; Harris,J \$65.00 smcs; HD Supply \$6,990.34 smcs; HOA Solutions \$64,656.02 smcs,co; Hoehner Turf \$198.00 smcs; Hometown Leasing \$157.20 smcs; Hotwood's \$3,499.00 co; Howe,C \$34.17 smcs; ICMA \$4,286.94 ps; IRS \$149,735.35 ps; Jack Lederman \$970.35 smcs; James,D \$280.00 smcs; JCB Enterprises \$46.75 smcs; Johnson Service \$7,560.00 smcs; Kart-Man \$998.27 smcs; Ky Area United Way \$823.50 ps; Ky Chamber Comm \$129.00 smcs; Ky Concrete \$503.25 co; Ky Visitors Bureau \$59,003.78 smcs; Krull Ins \$2,194.75 smcs; Larue Distributing \$36.90 smcs; Laser Technology \$373.00 co; Laudenklos,T \$105.00 smcs; Lawn Builders \$473.69 smcs; Lindner,S \$181.42 smcs; Littlejohn,J \$13.32 smcs; Lockmobile \$62.50 smcs; Lunbery,S \$363.00 smcs; Magic Cleaning \$4,740.00 smcs; Mail Express \$7,655.19 smcs; Marlatt Machine \$1,400.01 smcs; Marlow White \$5,972.70 smcs; Martensen,R \$78.76 smcs; Matheson \$23.33 smcs; McCarty,D \$384.00 smcs; McConville,J \$71.67 smcs; McKee,S \$194.00 smcs; McSweeney,J \$473.44 co; Menards \$29.97 smcs; Metlife \$12,086.29 ps; Microfilm Imaging \$11,036.00 smcs; Midlands Contracting \$788,078.99 co; Mid-NE Garage Doors \$100.00 smcs; Milco Environmental \$600.00 smcs; Miller & Associates \$13,862.80 smcs,co; Miller Signs \$2,333.00 smcs; Moonlight Embroidery \$1,325.50 smcs; Morgan,K \$45.00 smcs; Musco Lighting \$24,824.00 co; Navigator Motorcoaches \$560.00 smcs; NAVSEA \$1,800.00 smcs; NE Child Support \$2,522.36 ps; NE Community Energy \$1,500.00 smcs; NE Dept of Rev \$167,147.38 ps; NE Library Commission \$3,031.48 smcs; NE Peterbilt \$149,010.00 co; NE Public Health \$247.00 smcs; NE State Treasurer \$1,204.04 smcs; NEland Distributors \$5,318.25 smcs; NMC Exchange \$418.29 smcs; Noller Electric \$442.98 smcs; Northwestern Energy \$245.84 smcs; NRG Media \$67.50 smcs; OCLC \$607.10 smcs; Office Depot \$318.23 smcs; O'Keefe Elevator \$397.98 smcs; Overdrive \$1,500.00 smcs; Paramount \$371.95 smcs; Payflex Systems \$565.25 smcs,co; Peerless Machine \$1,490.88 co; Penworthy \$74.94 smcs; PEP Co \$86.34 smcs; Pitney Bowes \$70.98 smcs; Platte Valley Comm \$5,168.80 smcs; Potthoff,J \$60.00 smcs; Pracht,J \$825.00 co; Pulliam,R \$40.00 smcs; Quill \$193.86 smcs; Ramos Construction \$5,155.00 smcs,co; Random House \$608.99 smcs; Ready Mixed Concrete \$898.14 smcs; Reams \$3,673.85 smcs; Recorded Books \$2,772.60 smcs; Rheome Tree \$990.00 smcs; Rich,T \$50.00 smcs; RMV Construction \$51,013.80 co; RNDC Falcon \$896.26 smcs; Roth,K \$48.15 smcs; Russell's Appliance \$200.00 co; Sampson Construction \$7,773.00 co; Sapp Bros \$36,128.11 smcs; School District #7 \$462.65 smcs; Schrock Buggy Works \$321.36 smcs; Smith,B \$30.00 smcs; SOS Portable Toilets \$115.00 smcs; State of NE/AS Central \$5,805.60 smcs,co; Steinbrink Landscaping \$617.49 smcs; Sterling Distributing \$610.00 smcs; Suburban Fire \$24,938.00 smcs; Sun Life Financial \$60,153.12 smcs; Tacha,J \$50.00 smcs; Theis,J \$120.00 smcs; Thompson Co. \$74.84 smcs; Tielke's Sandwiches \$73.30 smcs; Tilley,K \$120.00 smcs; Titan Machinery \$4,157.87 smcs; Titleist \$444.40 smcs; Trojan Technologies \$10,077.79 co; Tye Law Firm \$11,875.21 smcs; Union Bank & Trust \$64,499.38 ps; UPRR \$2,388.10 er; UNMC-Human DNA Lab \$4,875.00 smcs; USA Communications \$150.95 smcs; Van Diest \$1,501.90 smcs; Verizon \$1,435.24 smcs; Village Cleaners \$381.97 smcs; Walton,T \$363.00 smcs; Weller,B \$384.00 smcs;

Willken,L \$23.46 smcs; World Book \$1,903.00 smcs; Payroll Ending 7-25-2015 - \$440,215.28. 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 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 Exposition Building (alternate location is Exhibit Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 5, 2015 from 3:00 p.m. until 1:00 a.m. for a dance.
- 4.** 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 Saturday, September 5, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
- 5.** 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 Sunday, September 6, 2015 from 3:00 p.m. until 12:00 a.m. for a reception.
- 6.** 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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Friday, September 11, 2015 from 3:00 p.m. until 12:00 a.m. for a class reunion.
- 7.** 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 Saturday, September 12, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.
- 8.** 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 parking lot located west of Cunningham Journal, 15 West 23rd Street on Friday, September 18, 2015 from 3:00 p.m. until 1:00 a.m. and Saturday, September 19, 2015 from 10:00 a.m. until 12:00 a.m. for Kearney BBQ on the Bricks event.
- 9.** Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 3, 2015 from 4:00 p.m. until 11:00 p.m. for a dance and sampling/tasting.
- 10.** Monthly enplanement report from Great Lakes Airlines.

11. Adopt **Resolution No. 2015-163** authorizing the Mayor to sign the Environmental Review Record for the Kearney Housing Agency 2015 Capital Funds Plan-Operations that is exempt from NEPA review requirements in accordance with 24 CFR 58.34 (a)(3) and the Environmental Review Record for the Kearney Housing Agency 2015 Capital Funds Plan-Maintenance and Equipment that is categorically excluded not subject to Section 58. 5 authorities in accordance with 24 CFR 58.35(b)(3).

RESOLUTION NO. 2015-163

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the Mayor be and is hereby authorized and directed to execute the Environmental Review Record for the Kearney Housing Agency 2015 Capital Funds Plan-Operations that is exempt from NEPA review requirements in accordance with 24 CFR 58.34 (a)(3) and the Environmental Review Record for the Kearney Housing Agency 2015 Capital Funds Plan-Maintenance and Equipment that is categorically excluded not subject to Section 58. 5 authorities in accordance with 24 CFR 58.35(b)(3). A copy of the documents are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D liquor application submitted by Bosselman Pump & Pantry, Inc., dba Pump & Pantry #41 located at 1212 East 56th Street and the manager application for Brian Fausch.

13. Accept the bids received 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 adopt **Resolution No. 2015-164** awarding the bid to Midlands Contracting in the amount of \$267,567.00.

RESOLUTION NO. 2015-164

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bid which was opened on August 4, 2015 at 2:00 p.m. 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

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$286,320.00; and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting from Kearney, Nebraska in the amount of \$267,567.00 be accepted as the lowest responsible bid for the 2015 Part 6 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 Midlands Contracting be and is the lowest responsible bidder for the 2015 Part 6 Improvements 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 \$267,567.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for the project of \$286,320.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the Plans and Specifications for the Parking Lot Construction at North Railroad Street and Central Avenue and set the bid opening date for September 1, 2015 at 2:00 p.m.

15. Approve the application for a Special Designated License submitted by Kearney Dawn Rotary to dispense beer and wine inside The Archway located at 3060 East 1st Street on Friday, September 10, 2015 from 5:00 p.m. until 10:00 p.m. for the Celebration Rotary Flag Project.

16. Adopt **Resolution No. 2015-165** approving the Developer Constructed Infrastructure Agreement for Younes Center Fourth Addition between the City of Kearney and Paul and Linda Younes for the construction of paving, water and sanitary sewer improvements for 6th Avenue and 3rd Street.

RESOLUTION NO. 2015-165

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Younes Center Fourth Addition" between the City of Kearney and Paul and Linda Younes, for paving, water, sanitary sewer and storm sewer improvements for 6th Avenue and 3rd Street in Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Adopt **Resolution No. 2015-166** approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

RESOLUTION NO. 2015-166

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

18. Adopt **Resolution No. 2015-167** amending Resolution No. 2000-97 and repealing in its entirety Resolution No. 2000-176.

RESOLUTION NO. 2015-167

WHEREAS, the City Council adopted Resolution No. 2000-97 on May 9, 2000 approving the plat for Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, one of the stipulations stated in Resolution No. 2000-97 was prohibiting vehicle access from the lots on the west side of 17th Avenue with the exception of Lot 4, Block Two, Sun West Third Addition; and

WHEREAS, the City Council adopted Resolution No. 2000-176 on August 22, 2000 reinforcing the restrictions of no vehicle access from lots along the west side of 17th Avenue from the south line of Sun West Third Addition, north to the north line of Sun West Third Addition, and that no driveways or entryways shall be permitted to access directly onto 17th Avenue from the said lots, which specifically includes Lot 1, Block 1; Lots 3, 5, 11, 12, 18, 19, and 25, all in Block 2, all in Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, it has been determined that these restrictions are no longer necessary and need to be retracted.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the stipulation stated in Resolution No. 2000-97 prohibiting vehicle access from the lots on the west side of 17th Avenue with the exception of Lot 4, Block Two, Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby removed.

BE IT FURTHER RESOLVED that except as amended by this resolution, all of the terms and conditions of original Resolution No. 2000-97 are hereby confirmed.

BE IT FURTHER RESOLVED that Resolution No. 2000-176 passed and approved on August 22, 2000 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8012 REPEALING ORDINANCE NO. 1401

City staff has recently discovered that an old Ordinance from 1958 was never filed of record with the Register of Deeds Office and was, therefore, not made a part of the real estate record. The Ordinance attempted to vacate an old street right-of-way for Avenue H south of 11th Street. Both City staff and developers in the area have planned on Avenue H going through south of 11th Street and so City staff thought it would be best to simply repeal the old Ordinance vacating the street since it was never made of record. The repeal of this Ordinance would clean up this situation and leave right-of-way for Avenue H in place.

Council Member Clouse introduced Ordinance No. 8012 repealing Ordinance No. 1401 vacating all of Avenue H from the south side of 11th Street to the south side of 8th Street in the City of Kearney, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear 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. 8012 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8012 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8012 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.

ORDINANCE NO. 8013 AMENDING THE SALARY ORDINANCE

For some time City staff has been evaluating the Park and Recreation Department workload and the need to add staff. The City has experienced steady growth in facilities, programming and participation. Further, required development and oversight of new projects such as new parks, trails and facilities will also demand additional staff.

Therefore, the salary ordinance is being amended to add an Assistant Park & Recreation Director and amend the pay plan to include this position at pay grade 34B.

Council Member Clouse introduced Ordinance No. 8013 repealing Ordinance No. 8003 and amending the Salary Ordinance, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear 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. 8013 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8013 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8013 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS

Moved by Nikkila seconded by Buschkoetter that the Open Account Claims in the amount of \$157.68 payable to Stan Clouse and \$94,404.74 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Nikkila. Nay: None. Clouse abstained and Lear absent. Motion carried.

VII. REPORTS

Council member Lammers thanked the Rotary Club of Kearney for the large flag program that they are installing at The Archway. They were commended for their hard work in raising funds for that, and should be very nice addition to the community.

City Manager Michael Morgan stated 56th Street opened Friday and that allows the use of Airport Road which has been paved for almost two years. We encourage citizens to take advantage of that, keep in mind until Cherry Avenue is complete there will be a small stretch that will be gravel. It will certainly make going eastbound quick and they will go ahead and clean up the entrance of Airport Road and that street for some landscaping that will occur this fall.

A press release from the Governor's office that Governor Ricketts has been evaluating a lot of departments and one question that was asked of him was to evaluate the reduction of what we call defederalizing dollars that come into the State for transportation purposes and then allocated to counties and cities. Previously, Nebraska had come to some agreement keeping 20 percent of the funds and returning 80 percent to the counties and cities.

He announced today that his office and new director of roads had reviewed that and made some changes and reduced that to 90 percent and 10 percent kept by the State for that program. That is an immediate \$60,000 impact annually to the City but more importantly it is nice to see that Nebraska is being more consistent with what other states have been doing in that same area. They are pleased to get that information.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 5:57 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**