

Kearney, Nebraska
September 8, 2015
5:30 p.m.

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 5:30 p.m. on September 8, 2015 in the Council Chambers at City Hall. This meeting adjourned at 5:34 p.m. A meeting of the City Council of Kearney, Nebraska, was then convened in open and public session at 5:35 p.m. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers. Absent: Jonathan Nikkila. 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: Joe Brayton, Dee Shriner, Tim Sorensen, Mark Andersen, Mike Andersen, Mitch Humphrey, Craig Bennett, Doug Lund, Trenton Snow, Tom Fuller, 5 UNK students, Steve Altmaier from KGFW Radio, 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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING 109-111 WEST 29TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Kearney Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density

District to District UC, Mixed Use Urban Corridor District property described as Lot 414, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (109-111 West 29th Street) and consider Ordinance No. 8026.

Kearney Federal Credit Union has acquired the duplex located at 109-111 West 29th Street and would like to rezone the property from R-2, Urban Residential Mixed-Density District to UC, Mixed Use Urban Corridor District in order to expand their business. The Future Land Use Map of the Comprehensive Development Plan shows the area from 2nd Avenue to 1st Avenue as "Mixed Use 1" which is in conformance with the rezoning request.

Urban Corridor zoning is intended to serve as a buffer between arterials and residential neighborhoods. This rezoning is a continuation of previous action by Planning Commission and City Council to allow redevelopment of older commercial and residential areas that abut 2nd Avenue in order to create commercial lots that are designed to lessen traffic congestion as well as protect residential blocks not adjacent to 2nd Avenue.

The property is adjacent to UC zoning to the north and to the west and R-2 zoning to the south; 105 West 29th Street, east of the lot the Credit Union is requesting to be rezoned to UC, is the only lot left on this block that is zoned R-2.

Dee Shriner presented this matter to the Council. She stated they acquired the land located at 109-111 West 29th Street and wanted to rezone the property to UC. They are wanting to extend their parking lot area.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Kearney Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lot 414, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (109-111 West 29th Street) and introduced Ordinance No. 8026 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. 8026. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila 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. 8026 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8026 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8026 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 FOR 1813 AVENUE K

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

Mayor Clouse opened the public hearing on the Application submitted by Sorensen Construction Company, Inc. and Christopher, Kirby and Mark Andersen for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Density Residential to Light Industrial property described as Lots 3, 4, 9, 10, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska (1813 Avenue K) and consider Resolution No. 2015-180.

Christopher, Kirby and Mark Andersen would like to rezone Lots 3, 4, 9 and 10, Henthorn's Subdivision from District R-2, Urban Residential Mixed-Density District to District M-1, Limited Industrial District in order to construct two mini-storage units and two RV/boat storage units. Before the rezoning can be considered the Future Land Use Map of the Comprehensive Development Plan must be amended from "Mixed Density Residential" to "Light Industrial".

The property to the north is also owned by the Andersen's and is zoned M-1 and the property to the east is zoned M-2 and is part of Andersen Wrecking's business; the lots to the south are zoned R-2. The development that is being proposed should provide a nice transition between the two zoning districts.

A 10 foot landscape strip is required adjacent to Avenue K and South Railroad Street and a 20 foot bufferyard is to be provided adjacent to the residential uses to the south.

Tim Sorensen presented this matter to the Council. He stated their request is to rezone the four small lots to put up a mini storage unit across the south lot line. This would provide a buffer zone to the residential homes to the south. It seemed like a natural fit to the property they wanted to expand the existing zoning to include the four lots.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt **Resolution No. 2015-180** approving the Application submitted by Sorensen Construction Company, Inc. and Christopher, Kirby and Mark Andersen for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Density Residential to Light Industrial property described as Lots 3, 4, 9, 10, Henthorn's Subdivision to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-180

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 property described as Lots 3, 4, 9, 10, Henthorn’s Subdivision to the City of Kearney, Buffalo County, Nebraska (1813 Avenue K) from Mixed Density Residential to Light Industrial, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Mixed Density Residential to Light Industrial the use classification for property described as Lots 3, 4, 9, 10, Henthorn’s Subdivision to the City of Kearney, Buffalo County, Nebraska (1813 Avenue K).

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING 1813 AVENUE K

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

Mayor Clouse opened the public hearing on the Application submitted by Sorensen Construction Company, Inc. and Christopher, Kirby and Mark Andersen to rezone from District R-2, Urban Residential Mixed-Density to District M-1, Limited Industrial District property described as Lots 3, 4, 9, 10, Henthorn’s Subdivision to the City of Kearney, Buffalo County, Nebraska (1813 Avenue K) and consider Ordinance No. 8027.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Sorensen Construction Company, Inc. and Christopher, Kirby and Mark Andersen to rezone from District R-2, Urban Residential Mixed-Density to District M-1, Limited Industrial District property described as Lots 3, 4, 9, 10, Henthorn’s Subdivision to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 8027 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. 8027. 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, Lammers. Nay: None. Nikkila 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. 8027 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, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8027 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8027 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.

REZONING 7265 17TH AVENUE

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Betty Lund Trustee under the Betty Lund Living Trust Agreement to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7265 17th Avenue) and consider Ordinance No. 8028.

Trenton Snow presented this matter to the Council. The Lund's have an existing home on the property of 19 acres and they are looking to sell the house and also want to sell five acres. Since it is less than 20 acres they need to rezone that to Rural Residential but the Final Plat will include the five acres that they own and there is a road and existing driveway going in off of 17th Avenue that both the Lund's and future owners will own together and they are dedicating that. There was an existing ingress/egress easement that was 60 feet wide and so they are widening that to 66 feet which would be 72nd Street.

The property is located south of Glenwood Estates so it is within the 2-mile jurisdiction but it is not within the City limits. It will be within the 2-mile jurisdiction so septic and water will be private, there will not be any City services.

Council Member Lammers asked about 72nd Street and whether it exists other than on paper. Mr. Snow stated it does not currently exist until the plat is approved. There is an existing drive-way there but it is not a road. For it to become a road they have to bring it up to standards.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Trenton Snow for Betty Lund Trustee under the Betty Lund Living Trust Agreement to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 8028 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 close the hearing and suspend the rules for Ordinance No. 8028. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 8028 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8028 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8028 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 LUND SUBDIVISION

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Betty Lund Trustee under the Betty Lund Living Trust Agreement and Myron and Lola Fougeron for the Final Plat for Lund Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7265 17th Avenue) and consider Resolution No. 2015-181.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-181** approving the Application submitted by Trenton Snow for Betty Lund Trustee under the Betty Lund Living Trust Agreement and Myron and Lola Fougeron for the Final Plat for Lund Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County,

Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-181

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Lund Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the South Half of the South Half of the Southwest Quarter of Section 14, Township 9 North, Range 16 West; thence easterly on and along the North line of the South Half of the South Half of the Southwest Quarter of said Section 14 a distance of 1398.1 feet to the ACTUAL PLACE OF BEGINNING; thence continuing easterly on the aforescribed North line a distance of 1250.5 feet to the Northeast corner of the South Half of the South Half of the Southwest Quarter; thence southerly on the East line of the Southwest Quarter a distance of 661.95 feet to the Southeast corner of the Southwest Quarter of said Section 14; thence westerly on the South line of the Southwest Quarter a distance of 1250.5 feet; thence northerly parallel with the West line of the Southwest Quarter a distance of 662.16 feet to the place of beginning, containing 19.006 acres, more or less Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING ADJACENT TO THE NORTH SIDE OF TALMADGE STREET SOUTH OF TURKEY CREEK

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District MU, Mixed Use District to District C-2, Community Commercial District property described as a tract of land being part of Government Lot 6, part of Government Lot 9 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north side of Talmadge Street south of Turkey Creek) and consider Ordinance No. 8029.

Craig Bennett from Miller & Associates presented this matter to the Council. The property is approximately 17 acres north of Talmadge and west of some current development that Younes owns. The parcel was purchased as a separate parcel and so the boundary is the same as what was purchased at one time and they are asking to

rezone it. The existing Land Use Map shows Agriculture Preserve and Mixed Use 2 and they would be proposing the Land Use Map to be amended to Mixed Use 2. The actual rezoning component of the parcel is asking to rezone from MU to C-2.

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 Paul and Linda Younes to rezone from District MU, Mixed Use District to District C-2, Community Commercial District property described as a tract of land being part of Government Lot 6, part of Government Lot 9 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 8029 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 close the hearing and suspend the rules for Ordinance No. 8029. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila 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. 8029 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8029 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8029 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.

VACATE PORTION OF G & K ADDITION AND AMEND LAND USE MAP FOR NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for BK Development, LLC (1) to vacate part of Lot 1 and all of Lot 2 of Block 1, G & K Addition and consider Ordinance No. 8030; and (2) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Resolution No. 2015-182.

Craig Bennett from Miller & Associates presented this matter to the Council. The area is adjacent to the southeast corner where there are four lots adjacent to 16th Street on the south side. The current Land Use Map for the property is Light Industrial and Industrial Park and they are proposing it to be Light Industrial and Medium Density Residential. The current zoning is R-2/PD and they are asking the property to the east to rezone that from M-1 to R-2/PD and because of the size of lots and access they have for the gravel versus paving on M-1 it would catapult that into a M-1/PD on the resultant portion so they are rezoning the eastern portion into R-2/PD and the northern part to add a PD on top of the M-1.

For the vacation portion, they are vacating what is left of Lot 1 of G & K Addition and Lot 2 of G & K Addition as well.

The Preliminary Plat off of 16th Street would be the public right-of-way that would go north one block to 17th Street Place. It would be circulated with M-1 lots on the north. The interior lots of the portion that would be R-2/PD would be individual lots that separate the duplexes that would be spread throughout the area.

The Final Plat encompasses platting the resultant of the entire parcel into M-1 lots and R-2 lots. With the development plans, there are duplexes or tri-plexes on the very west end. The ingress/egress easement is what circulates east/west between the residential homes and is a 40-foot wide ingress/egress easement. The exception they are seeking is that it does still provide the depth that is required for a normal drive-way but because the easement they have in there would be related off of the ingress/egress road it still provides adequate space and parking outside the garage but because of that they only have 16.5 feet to the easement line so it would appear to be a normal driveway.

In addition, the plan shows that they will be paving 14th Avenue going north/south from 16th Avenue, the exception they are asking for is that on 17th Street Place along the M-1 lots would be a gravel road surface. Lastly, the exception that the Planning Commission suggested that they agreed to was on the east side of the residential lots that buffers up against the existing four lots of M-1; they are required to provide a 20 foot screen yard there and they were asking for that to be a fence instead but agreed to allow that to be the landscape buffer.

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 BK Development, LLC for the vacation of part of Lot 1 and all of Lot 2 of Block 1, G & K Addition and introduced Ordinance No. 8030 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. 8030. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 8030 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8030 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8030 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lammers seconded by Lear to adopt **Resolution No. 2015-182** amending the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-182

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 property described as a tract of land being part of Lot 1, Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: Referring to a 5/8" rebar with cap at the Southwest corner of Lot 2, Block One, of said G & K Addition and assuming the South line of said G & K Addition as bearing N 89°16'35" E and all bearings contained herein are relative thereto; thence N 89°16'35" E on said South line of G & K Addition a distance of 814.46 feet to the Southeast corner of property currently zoned R-2/PD by Ordinance No. 7884; thence N 00°43'25" W on the East line of said property currently zoned R-2/PD a distance of 255.00 feet to the Northeast corner of said property currently zoned R-2/PD and the ACTUAL POINT OF BEGINNING; thence N 89°16'35" E parallel with and 255.00 feet Northerly of said South line of G & K Addition a distance of 73.83 feet; thence S 00°43'25" E a distance of 55.00 feet; thence N 89°16'35" E on the Westerly extension of the North line of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska, a distance of 67.69 feet to a 5/8" rebar with cap at the Northwest corner of said Fuller and Daley First Addition; thence S 00°43'25" E on the West line of said Fuller and Daley First Addition a distance of 200.00 feet to a 5/8" rebar with cap at the Southwest corner of said Fuller and Daley First Addition; thence S 89°16'35" W on the South line of said G & K Addition a distance of 141.53 to said Southeast corner of property currently zoned R-2/PD; thence N 00°43'25" W on the East line of said property currently zoned R-2/PD a distance of 255.00 feet to the Point of Beginning, containing 0.74 Acres, more or less, Buffalo County, Nebraska; AND a tract of land being part of Lot 1 and part of Lot 2, Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more

particularly described as follows: Referring to a 5/8" rebar with cap at the Southwest corner of Lot 2, Block One, of said G & K Addition and assuming the South line of said G & K Addition as bearing N 89°16'35" E and all bearings contained herein are relative thereto; thence N 89°16'35" E on said South line of G & K Addition a distance of 814.46 feet to the Southeast corner of property currently zoned R-2/PD by Ordinance No. 7884; thence N 00°43'25" W on the East line of said property currently zoned R-2/PD a distance of 255.00 feet to the Northeast corner of said property currently zoned R-2/PD and the ACTUAL POINT OF BEGINNING; thence N 89°16'35" E parallel with and 255.00 feet Northerly of said South line of G & K Addition a distance of 73.84 feet; thence S 00°43'25" E a distance of 55.00 feet; thence N 89°16'35" E on the North line, of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska, and the Westerly extension thereof a distance of 562.09 feet to a 5/8" rebar with cap at the Northeast corner of said Fuller and Daley First Addition; thence N 00°27'30" W on the East line of Lot 1, Block One of said G & K Addition a distance of 229.83 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 1, Block One; thence S 89°16'35" W on the North line of said Lot 1, Block One, a distance of 1014.39 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 1, Block 1; thence N 00°50'30" W on the East line of said Lot 2, Block One a distance of 163.87 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 2, Block One; thence S 82°43'18" W on the Northerly line of said Lot 2, Block One a distance of 319.33 feet to a 5/8" rebar; thence S 07°16'42" E continuing on said Northerly line of Lot 2 a distance of 100.00 feet to a 5/8" rebar; thence S 82°43'18" W continuing on said Northerly line of Lot 2 a distance of 188.13 feet to a Chiseled X in concrete at the Northwest corner of said Lot 2, Block One; thence S 07°13'20" E on the West line of said Lot 2, Block One a distance of 182.60 feet to the Northwest corner of said property currently zoned R-2/PD; thence N 89°16'35" E on the North line of said property currently zoned R-2/PD a distance of 849.79 feet to the Point of Beginning, containing 7.83 Acres, more or less, Buffalo County, Nebraska from Business Park to Medium Density Residential, 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 Business Park to Medium Density Residential the use classification for property described as a tract of land being part of Lot 1, Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: Referring to a 5/8" rebar with cap at the Southwest corner of Lot 2, Block One, of said G & K Addition and assuming the South line of said G & K Addition as bearing N 89°16'35" E and all bearings contained herein are relative thereto; thence N 89°16'35" E on said South line of G & K Addition a distance of 814.46 feet to the Southeast corner of property currently zoned R-2/PD by Ordinance No. 7884; thence N 00°43'25" W on the East line of said property currently zoned R-2/PD a distance of 255.00 feet to the Northeast corner of said property currently zoned R-2/PD and the ACTUAL POINT OF BEGINNING; thence N 89°16'35" E parallel with and 255.00 feet Northerly of said South line of G & K Addition a distance of 73.83 feet; thence S 00°43'25" E a distance of 55.00 feet; thence N 89°16'35" E on the Westerly

extension of the North line of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska, a distance of 67.69 feet to a 5/8" rebar with cap at the Northwest corner of said Fuller and Daley First Addition; thence S 00°43'25" E on the West line of said Fuller and Daley First Addition a distance of 200.00 feet to a 5/8" rebar with cap at the Southwest corner of said Fuller and Daley First Addition; thence S 89°16'35" W on the South line of said G & K Addition a distance of 141.53 to said Southeast corner of property currently zoned R-2/PD; thence N 00°43'25" W on the East line of said property currently zoned R-2/PD a distance of 255.00 feet to the Point of Beginning, containing 0.74 Acres, more or less, Buffalo County, Nebraska; AND a tract of land being part of Lot 1 and part of Lot 2, Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: Referring to a 5/8" rebar with cap at the Southwest corner of Lot 2, Block One, of said G & K Addition and assuming the South line of said G & K Addition as bearing N 89°16'35" E and all bearings contained herein are relative thereto; thence N 89°16'35" E on said South line of G & K Addition a distance of 814.46 feet to the Southeast corner of property currently zoned R-2/PD by Ordinance No. 7884; thence N 00°43'25" W on the East line of said property currently zoned R-2/PD a distance of 255.00 feet to the Northeast corner of said property currently zoned R-2/PD and the ACTUAL POINT OF BEGINNING; thence N 89°16'35" E parallel with and 255.00 feet Northerly of said South line of G & K Addition a distance of 73.84 feet; thence S 00°43'25" E a distance of 55.00 feet; thence N 89°16'35" E on the North line, of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska, and the Westerly extension thereof a distance of 562.09 feet to a 5/8" rebar with cap at the Northeast corner of said Fuller and Daley First Addition; thence N 00°27'30" W on the East line of Lot 1, Block One of said G & K Addition a distance of 229.83 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 1, Block One; thence S 89°16'35" W on the North line of said Lot 1, Block One, a distance of 1014.39 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 1, Block 1; thence N 00°50'30" W on the East line of said Lot 2, Block One a distance of 163.87 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 2, Block One; thence S 82°43'18" W on the Northerly line of said Lot 2, Block One a distance of 319.33 feet to a 5/8" rebar; thence S 07°16'42" E continuing on said Northerly line of Lot 2 a distance of 100.00 feet to a 5/8" rebar; thence S 82°43'18" W continuing on said Northerly line of Lot 2 a distance of 188.13 feet to a Chiseled X in concrete at the Northwest corner of said Lot 2, Block One; thence S 07°13'20" E on the West line of said Lot 2, Block One a distance of 182.60 feet to the Northwest corner of said property currently zoned R-2/PD; thence N 89°16'35" E on the North line of said property currently zoned R-2/PD a distance of 849.79 feet to the Point of Beginning, containing 7.83 Acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Public Hearings 7, 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 BK Development, LLC to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1/PD, Limited Industrial/Planned Development Overlay District property described as part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Ordinance No. 8031.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller & Associates for BK Development, LLC to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1/PD, Limited Industrial/Planned Development Overlay District property described as part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 8031 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. 8031. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 8031 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8031 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8031 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 FULLER AND DALEY SECOND ADDITION

Public Hearings 7, 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 BK Development, LLC for the Final Plat and Subdivision Agreement for Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of vacated Lot 1, all of vacated Lot 2 of Block One and vacated 16th Street adjacent to said Lot 2, G & K Addition to the City of

Kearney and located in the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Resolution No. 2015-183.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-183** approving the Application submitted by Miller & Associates for BK Development, LLC for the Final Plat and Subdivision Agreement for Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as part of vacated Lot 1, all of vacated Lot 2 of Block One and vacated 16th Street adjacent to said Lot 2, G & K Addition to the City of Kearney and located in the Northwest Quarter of the Southwest Quarter and the Northeast 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, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-183

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being a vacated part of Lot 1, all of vacated Lot 2, Block One, and part of vacated 16th Street adjacent to said Lot 2, G & K Addition to the City of Kearney, in the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a 3/4" iron pipe at the Northwest Corner of the Southwest Quarter of Section 2 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on said West line of the Southwest Quarter a distance of 608.03 feet to a 5/8" rebar at the Northwest Corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and on the Westerly Extension of the North line of 16th Street as platted in Sun West Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°16'35" E on the North line of said Sun West Third Addition and on said North line of 16th Street a distance of 628.31 feet to a chiseled X in concrete on the East line of a Private Drive, and the ACTUAL POINT OF BEGINNING; thence continuing N 89°16'35" E on said North line of 16th Street a distance of 974.12 feet to a 5/8" rebar with cap at the Southwest corner of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°43'25" W on the West line of said Fuller and Daley First Addition a distance of 200.00 feet to a 5/8" rebar with cap at the Northwest corner of said Fuller and Daley First Addition; thence N 89°16'35" E on the North line of said Fuller and Daley First Addition a distance of 494.40 feet to a 5/8" rebar with cap at the Northeast corner of said Fuller and Daley First Addition and the centerline of 11th Avenue, a street in the City of Kearney (now vacated); thence N 00°27'30" W on said centerline of vacated 11th Avenue a distance of 229.83 feet to 5/8" rebar with cap; thence S 89°16'35" W a distance of 1014.39 feet to a to 5/8" rebar with cap; thence N 00°50'30" W on a distance of 163.87 feet to to 5/8" rebar; thence S 82°43'18" W a distance of 319.33 feet to 5/8"

rebar; thence S 07°16'42" E a distance of 100.00 feet to 5/8" rebar; thence S 82°43'18" W a distance of 188.13 feet to a chiseled X in concrete on said East line of a Private Drive; thence S 07°13'20" E on said East line of a Private Drive and the Westerly line of vacated 16th Street as platted in G & K Third Addition, an Addition to the City of Kearney, Buffalo County, Nebraska a distance of 335.81 feet to a 5/8" rebar; thence S 00°38'51" E continuing on said Westerly line a distance of 102.77 feet to the Point of Beginning, containing 13.48 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 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Public Hearings 7, 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 BK Development, LLC for Planned District Development Plan Approval for the construction of multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as part of vacated Lot 1 and part of vacated Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue) and consider Resolution No. 2015-184.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt **Resolution No. 2015-184** approving the Application submitted by Miller & Associates for BK Development, LLC for Planned District Development Plan Approval for the construction of multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as part of vacated

Lot 1 and part of vacated Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska, Buffalo County, Nebraska and also (1) allowing the requested deviation for gravel for 17th Street Place in lieu of paving, and (2) allowing the requested deviation of the building setback along the east/west 40-foot ingress/egress easement to be 16.5 feet instead of the required 25 feet. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-184

WHEREAS, Miller & Associates for BK Development, LLC has applied for Planned District Development Plan Approval for the construction of multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being a vacated part of Lot 1, all of vacated Lot 2, Block One, and part of vacated 16th Street adjacent to said Lot 2, G & K Addition to the City of Kearney, in the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a 3/4" iron pipe at the Northwest Corner of the Southwest Quarter of Section 2 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on said West line of the Southwest Quarter a distance of 608.03 feet to a 5/8" rebar at the Northwest Corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and on the Westerly Extension of the North line of 16th Street as platted in Sun West Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°16'35" E on the North line of said Sun West Third Addition and on said North line of 16th Street a distance of 628.31 feet to a chiseled X in concrete on the East line of a Private Drive, and the ACTUAL POINT OF BEGINNING; thence continuing N 89°16'35" E on said North line of 16th Street a distance of 974.12 feet to a 5/8" rebar with cap at the Southwest corner of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°43'25" W on the West line of said Fuller and Daley First Addition a distance of 200.00 feet to a 5/8" rebar with cap at the Northwest corner of said Fuller and Daley First Addition; thence N 89°16'35" E on the North line of said Fuller and Daley First Addition a distance of 494.40 feet to a 5/8" rebar with cap at the Northeast corner of said Fuller and Daley First Addition and the centerline of 11th Avenue, a street in the City of Kearney (now vacated); thence N 00°27'30" W on said centerline of vacated 11th Avenue a distance of 229.83 feet to 5/8" rebar with cap; thence S 89°16'35" W a distance of 1014.39 feet to a to 5/8" rebar with cap; thence N 00°50'30" W on a distance of 163.87 feet to to 5/8" rebar; thence S 82°43'18" W a distance of 319.33 feet to 5/8" rebar; thence S 07°16'42" E a distance of 100.00 feet to 5/8" rebar; thence S 82°43'18" W a distance of 188.13 feet to a chiseled X in concrete on said East line of a Private Drive; thence S 07°13'20" E on said East line of a Private Drive and the Westerly line of vacated 16th Street as platted in G & K Third Addition, an Addition to the City of Kearney, Buffalo County, Nebraska a distance of 335.81 feet to a to 5/8" rebar; thence S 00°38'51" E continuing on said Westerly line a distance of 102.77 feet to the Point of Beginning, containing 13.48 acres more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for BK

Development, LLC for Planned District Development Plan Approval for the construction of multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being a vacated part of Lot 1, all of vacated Lot 2, Block One, and part of vacated 16th Street adjacent to said Lot 2, G & K Addition to the City of Kearney, in the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a 3/4" iron pipe at the Northwest Corner of the Southwest Quarter of Section 2 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on said West line of the Southwest Quarter a distance of 608.03 feet to a 5/8" rebar at the Northwest Corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and on the Westerly Extension of the North line of 16th Street as platted in Sun West Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°16'35" E on the North line of said Sun West Third Addition and on said North line of 16th Street a distance of 628.31 feet to a chiseled X in concrete on the East line of a Private Drive, and the ACTUAL POINT OF BEGINNING; thence continuing N 89°16'35" E on said North line of 16th Street a distance of 974.12 feet to a 5/8" rebar with cap at the Southwest corner of Fuller and Daley First Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°43'25" W on the West line of said Fuller and Daley First Addition a distance of 200.00 feet to a 5/8" rebar with cap at the Northwest corner of said Fuller and Daley First Addition; thence N 89°16'35" E on the North line of said Fuller and Daley First Addition a distance of 494.40 feet to a 5/8" rebar with cap at the Northeast corner of said Fuller and Daley First Addition and the centerline of 11th Avenue, a street in the City of Kearney (now vacated); thence N 00°27'30" W on said centerline of vacated 11th Avenue a distance of 229.83 feet to 5/8" rebar with cap; thence S 89°16'35" W a distance of 1014.39 feet to a to 5/8" rebar with cap; thence N 00°50'30" W on a distance of 163.87 feet to to 5/8" rebar; thence S 82°43'18" W a distance of 319.33 feet to 5/8" rebar; thence S 07°16'42" E a distance of 100.00 feet to 5/8" rebar; thence S 82°43'18" W a distance of 188.13 feet to a chiseled X in concrete on said East line of a Private Drive; thence S 07°13'20" E on said East line of a Private Drive and the Westerly line of vacated 16th Street as platted in G & K Third Addition, an Addition to the City of Kearney, Buffalo County, Nebraska a distance of 335.81 feet to a to 5/8" rebar; thence S 00°38'51" E continuing on said Westerly line a distance of 102.77 feet to the Point of Beginning, containing 13.48 acres more or less, Buffalo County, Nebraska be approved subject to (1) allowing the requested deviation for gravel for 17th Street Place in lieu of paving, and (2) allowing the requested deviation of the building setback along the east/west 40-foot ingress/egress easement to be 16.5 feet instead of the required 25 feet.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VACATE PORTION OF HEIDEN SECOND SUBDIVISION AND REZONING NORTH AND WEST OF 6640 2ND AVENUE AND INCLUDES 6830 2ND AVENUE

Public Hearings 11 and 12 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for Marlin and Cheryl Heiden, Co-Trustees (1) to vacate Lot 1, Block One, Heiden Second Subdivision and consider Ordinance No. 8032; and (2) to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north and west of 6640 2nd Avenue and includes 6830 2nd Avenue) and consider Ordinance No. 8033.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. It is located north of 66th Street which is the first public street that goes west past Menards on 2nd Avenue. The lot was created several years ago so that they could convey the lot on the west side as 3rd Avenue and this lot is a long, narrow lot that sits north and south with another tract of land abutting it to the east that the owners purchased from Sid Rodehorst.

They would like to vacate Lot 1, Block One of Heiden Second Subdivision and come back with a plat consisting of three lots known as Heiden Third Subdivision. The lots are located along the highway. The north two lots would be serviced with a shared driveway and there is an existing driveway that the State has granted access to for the original Rodehorst house site that does exist and the primary access would be via the shared driveway.

The zoning request is for RR-2, the land to the south and the west is Rural Residential but RR-2 would allow them to have a smaller lot which would be complimentary to what is to the south. The furthest south lot will be accessed off of 66th Street.

A Subdivision Agreement is required and the owners have signed the agreement. The City of Kearney cannot serve the site with public services and they are not sure specifically how the services may come to the site.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Buffalo Surveying for Marlin and Cheryl Heiden, Co-Trustees and introduced Ordinance No. 8032 vacating Lot 1, Block One, Heiden Second Subdivision and Ordinance No. 8033 rezoning from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 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

Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8032 and 8033. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 8032 and 8033 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 8032 and 8033 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8032 and 8033 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 HEIDEN THIRD SUBDIVISION

Public Hearings 11 and 12 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Marlin and Cheryl Heiden, Co-Trustees for the Final Plat and Subdivision Agreement for Heiden Third Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north and west of 6640 2nd Avenue and includes 6830 2nd Avenue) and consider Resolution No. 2015-185.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-185** approving the Application submitted by Buffalo Surveying for Marlin and Cheryl Heiden, Co-Trustees for the Final Plat and Subdivision Agreement for Heiden Third Subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-185

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Heiden Third Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract being inclusive of Lot 1, Block One, Heiden Second

Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, all more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 23 and assuming the South line of the Northeast Quarter of Section 23 as bearing S 89°13'06" W and all bearings contained herein are relative thereto; thence N 00°21'58" W and on the East line of the Northeast Quarter of Section 23 a distance of 961.69 feet to a point on the South line of a tract of land deeded to the State of Nebraska Department of Roads (if extended Easterly) with said tract of land being described on Warranty Deed filed at Instrument No. 1999-524, recorded on January 20, 1999 in the Office of the Buffalo County Register of Deeds; thence S 89°03'07" W and on the South line of said tract of land deeded to the State of Nebraska Department of Roads (if extended Easterly) a distance of 39.06 feet to a point being the Southeast Corner of said tract of land deeded to the State of Nebraska Department of Roads; thence continuing S 89°03'07" W and on the South line of said tract of land deeded to the State of Nebraska Department of Roads a distance of 39.95 feet to the Southwest Corner of said tract of land deeded to the State of Nebraska Department of Roads, said point also being on the East line of Austin Estates, a subdivision being part of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence N 00°23'07" W and on the West line of said tract of land deeded to the State of Nebraska Department of Roads and on the East line of said Austin Estates a distance of 6.0 feet to THE ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of said Austin Estates, said point also being on the North line of 66th Street, a street as shown and dedicated on the original plat of said Austin Estates; thence leaving the West line of said tract of land deeded to the State of Nebraska Department of Roads S 89°03'07" W and on the North line of said 66th Street a distance of 320.05 feet to a point intersecting on the East line of 3rd Avenue, a street as shown on the plat and dedication of said Heiden Second Subdivision; thence N 00°56'53" W on the East line of said 3rd Avenue a distance of 30.00 feet to a point of curvature; thence continuing on the East line of said 3rd Avenue and on a 430.00 foot radius curve to the left forming a central angle of 20°00'00" an arc distance of 150.10 feet to a point of tangency; thence continuing on the east line of said 3rd Avenue N 20°56'53" W a distance of 104.64 feet to a point of curvature; thence continuing on the East line of said 3rd Avenue and on a 270.00 foot radius curve to the right forming a central angle of 20°35'27" an arc distance of 97.03 feet to a point of tangency; thence continuing on the East line of said 3rd Avenue N 00°21'27" E a distance of 532.52 feet to the Northeast Corner of said 3rd Avenue, said point being on the North line of said Heiden Second Subdivision; thence leaving the East line of said 3rd Avenue and on the North line of said Lot 1, Block One, Heiden Second Subdivision and on the North line of a tract of land as described on Trustee's Deed filed at Instrument No. 2014-05217, recorded on August 8, 2014 in the office of the Buffalo County Register of Deeds, N 89°09'11" E a distance of 402.13 feet to the Northeast Corner of said tract of land as described on Trustee's Deed filed at Instrument No. 2014-052 17, said point also being the Northwest Corner of a tract of land deeded to the State of Nebraska Department of Roads as described on Warranty Deed filed at Instrument No. 1999-3184, recorded on April 19, 1999 in the office of the Buffalo County Register of Deeds; thence S 00°21'51" E on the East line of said tract of land as described on Trustee's Deed filed at Instrument No. 2014-05217 and on the West line said tract of land deeded to the State of Nebraska Department of Roads as described on Warranty Deed filed at Instrument No. 1999-3184 a distance of 478.76 feet to the

Southeast Corner of said tract of land as described on Trustee's Deed filed at Instrument No. 2014-05217, said point also being the Southwest Corner of said tract of land deeded to the State of Nebraska Department of Roads as described on Warranty Deed filed at Instrument No. 1999-3184, and said point also being on the North line of Lot 2, Heiden Addition, a subdivision being part of the East Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence S 89°10'49" W and on the South line of said tract of land as described on said Trustee's Deed filed at Instrument No. 2014-05217 and on the North line of said Lot 2, Heiden Addition, a distance of 209.88 feet to the Southwest Corner of said tract of land as described on Trustee's Deed filed at Instrument No. 2014-05217, and said point also being the Northwest Corner of Lot 2, Heiden Addition; thence S 00°32'39" E on the West line of said Lot 2, Heiden Addition a distance of 240.0 feet to the Southwest Corner of said Lot 2, Heiden Addition; thence on the South line of said Lot 2, Heiden Addition N 89°10'34" E a distance of 90.0 feet to the Northwest Corner of Lot 1 of said Heiden Addition; thence S 00°18'47" E and on the West line of said Lot 1, Heiden Addition a distance of 130.0 feet to the Southwest Corner of said Lot 1, Heiden Addition; thence N 89°03'07" E and on the South line of said Lot 1, Heiden Addition a distance of 120.02 feet to the Northwest Corner of a tract of land deeded to the State of Nebraska Department of Roads as described on Warranty Deed filed at Instrument No. 1999-524, recorded January 20, 1999 in the Office of the Buffalo County Register of Deeds; thence S 00°23'07" E and on the West line of said tract of land deeded to the State of Nebraska Department of Roads a distance of 54.0 feet to the place of beginning, containing 6.43 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the 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 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMENDMENTS TO CHAPTERS 13 AND 14 OF THE CITY CODE

Mayor Clouse opened the public hearing on the proposed amendment to Section 13-109 "Industrial Use Types" to remove Therapeutic Riding and to place it in Section 13-111 "Miscellaneous Use Types" of Chapter 13 "Use Types" of the City Code; to amend Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" of the City Code to allow Alternative Energy Production Devices under Miscellaneous Uses and they will be permitted in District AG, Agricultural District; District BP, Business Park District; District

M-1, Limited Industrial District; and District M-2, General Industrial District and consider Ordinance No. 8034.

Assistant City Manager Paul Briseno presented this matter to the Council. He stated the Therapeutic Riding was found in Section 13-109 "Industrial Use Types" and staff is recommending that they relocate that to Section 13-111 "Miscellaneous Use Types" in Chapter 13. It is also found in the "Use Matrix" under Chapter 14.

The other item for consideration is to add to the "Use Matrix" in Chapter 14 "Alternative Energy Production Devices". It is already noted in Chapter 13 but it was lacking within the "Use Matrix" under Chapter 14.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the proposed amendment to Section 13-109 "Industrial Use Types" to remove Therapeutic Riding and to place it in Section 13-111 "Miscellaneous Use Types" of Chapter 13 "Use Types" of the City Code; to amend Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" of the City Code to allow Alternative Energy Production Devices under Miscellaneous Uses and they will be permitted in District AG, Agricultural District; District BP, Business Park District; District M-1, Limited Industrial District; and District M-2, General Industrial District and introduced Ordinance No. 8034 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8034. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila 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. 8034 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8034 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8034 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.

ADOPT CITY OF KEARNEY 2015-2016 FISCAL YEAR BUDGET

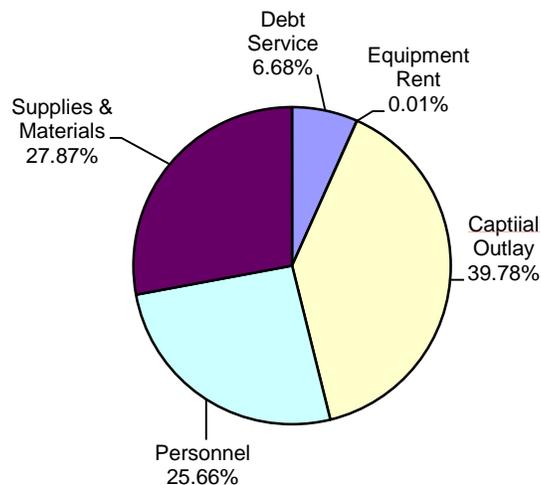
Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2015-2016 Fiscal Year and consider Ordinance No. 8035.

Director of Finance Wendell Wessels presented this matter to the Council. Pursuant to Section 13-506 of the Nebraska Revised Statutes, the City Council is required to conduct a public hearing on the City of Kearney proposed budget and the City of Kearney Offstreet Parking District No. 1 proposed budget for the 2015-2016 fiscal year. The public hearing is a process where the City Council hears support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Budget Document. After the Budget Document is reviewed and the public hearings are conducted, Ordinance No. 8035 should be passed and approved. Ordinance No. 8035 legally adopts the Budget Document and appropriates sums of money contained in the Budget Document for the necessary expenses and liabilities of the City of Kearney. The 2015-2016 budget has been created on conservative financial principals that reflect staff commitment to maintaining necessary services, improving the quality of the operation of the City, and keeping expenditures and taxes as low as possible.

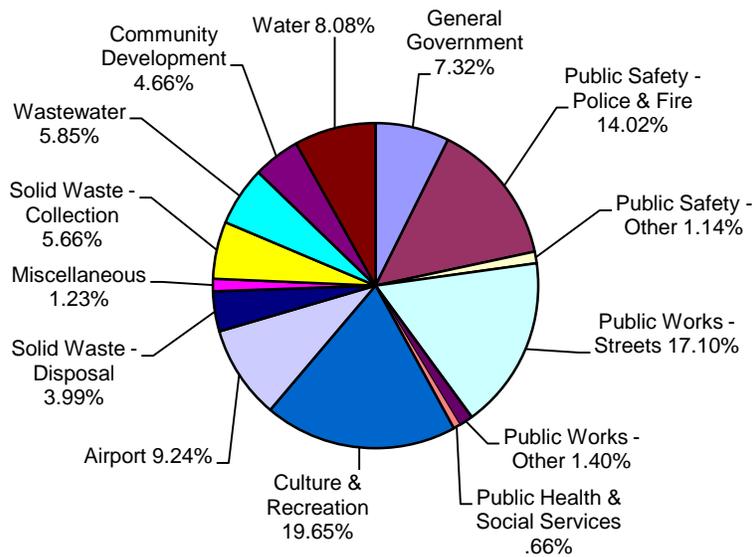
City of Kearney Proposed Expenditures

Expenditures:	<u>FY15</u>	<u>FY16</u>
▪ General Fund	\$21,510,717	\$22,575,144
▪ Special Revenue Funds	\$6,116,271	\$8,099,455
▪ Capital Project Funds	\$14,862,044	\$20,274,457
▪ Debt Service Funds	\$1,776,601	\$3,314,057
▪ Enterprise Funds	\$26,880,635	\$28,323,224
▪ Internal Service Funds	\$6,928,293	\$7,039,664
▪ Fiduciary Funds	\$566,237	\$616,237
<u>Total</u>	<u>\$78,640,798</u>	<u>\$90,242,238</u>

City of Kearney All Funds by Object



City of Kearney Budget by Function



City of Kearney Personnel

- 3% COLA – Governmental Funds \$313,000
- 3% COLA – Proprietary Funds \$137,000
- Total 3% COLA \$450,000
- Position additions/removals:
 - Remove full-time Admin. Assistant – Development Services
 - Add full-time Facilities Maintenance Worker – Park
 - Add two full-time Recycling Processors – Sanitation Collection
 - Add Utilities Maintenance Worker – Sanitary Sewer Collection
 - Add part-time Criminal Justice Advocate – Police Services

City of Kearney Capital Outlay

- General Fund \$1,476,650
- Special Revenue Funds \$567,000
- Capital Project Funds \$18,347,043
- Enterprise Funds \$14,054,599
- Internal Service Funds \$75,500
- Total \$34,520,792

City of Kearney Capital Outlay – Top Ten Projects (in value)

1.	Youth baseball/softball complex (bond)	\$7,095,000
2.	Primary runway 18/36 reconstruction (FAA)	\$6,000,000
3.	Central Ave, 12th St to 18th St (bond)	\$3,743,250
4.	Fox Creek Addition (paving, sewer, water)	\$1,046,199
5.	Landon St (paving, sewer, water)	\$1,028,103
6.	Fixed base meter reading upgrade (SRF)	\$750,000
7.	29th St, 6th to 9th Ave (paving, water) (bond)	\$601,682
8.	Project Kickstart (paving, sewer, water) (bond)	\$590,630
9.	Parkview Estates 7th (paving, sewer, water)	\$551,312
10.	Utilities Department vehicle storage building	\$500,000

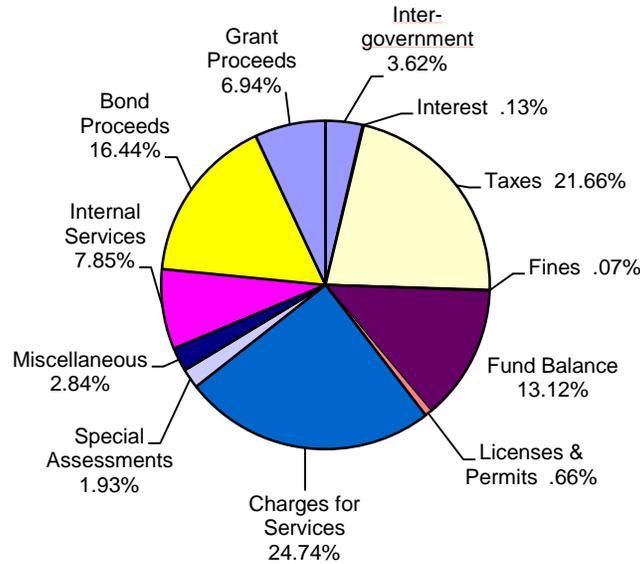
City of Kearney Debt Service (principal only)

	<u>Public Safety</u>	<u>Various Purpose</u>	<u>Revenue</u>	<u>Total</u>
Beginning	\$2,925,000	\$22,355,000	\$23,474,984	\$48,754,984
Paid off	(\$310,000)	(\$2,970,000)	(\$1,480,514)	(\$4,760,514)
New debt	\$0	\$13,484,281	\$1,350,000	\$14,834,281
Ending	\$2,615,000	\$32,869,281	\$23,344,470	\$58,828,751
Net change	(\$310,000)	\$10,514,281	(\$130,514)	\$10,073,767

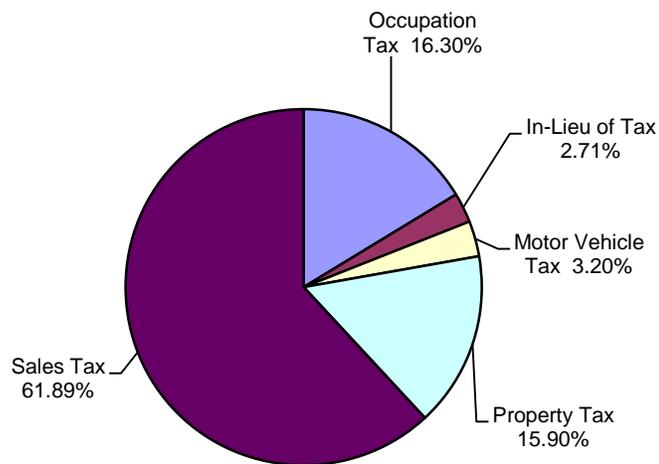
City of Kearney Proposed Revenues

Revenues:	<u>FY15</u>	<u>FY16</u>
▪ Taxes	\$17,765,773	\$19,552,028
▪ Licenses & permits	\$460,150	\$595,450
▪ Charges for services	\$21,417,088	\$22,330,883
▪ Fines	\$77,600	\$66,500
▪ Special assessments	\$845,500	\$1,741,456
▪ Interest	\$94,948	\$115,344
▪ Bond proceeds	\$15,029,302	\$14,834,281
▪ Grants	\$2,072,642	\$6,259,113
▪ Internal services	\$7,096,503	\$7,083,200
▪ Miscellaneous	\$2,358,072	\$2,558,882
▪ Intergovernmental – State	\$3,191,664	\$3,264,061
<u>Total</u>	<u>\$70,409,242</u>	<u>\$78,401,198</u>

City of Kearney All Funds by Source



City of Kearney Tax Revenues by Source



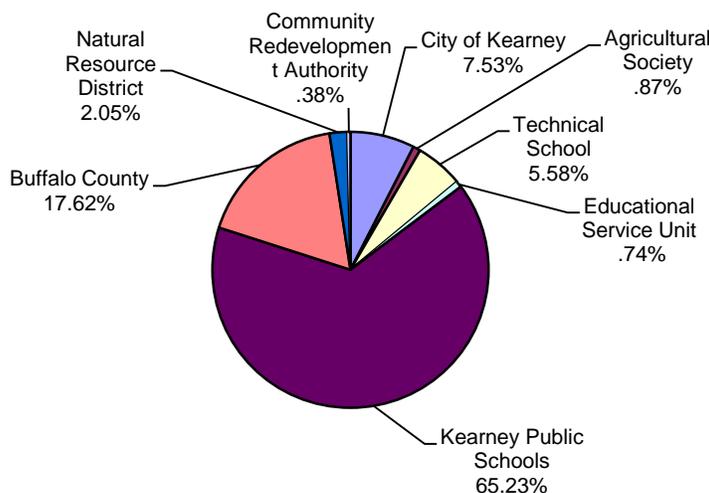
City of Kearney Proposed Property Tax Request

City of Kearney valuation (13.80% growth)	\$2,250,997,953
General Fund property tax requirement	\$2,722,863
Public Safety TAB Fund property tax requirement	<u>\$368,999</u>
Total property tax requirement	\$3,091,862
Total property tax levy (per \$100)	\$0.13736

Change over FY15:

Total property tax requirement (5% increase)	\$147,187
(\$62,064 (42%) will come from new construction/annexation and \$85,123 (58%) of will come from existing properties)	
Total property tax levy (per \$100) (7.74% decrease)	\$0.01152
Taxes on a \$169,500 home	\$232.85

City of Kearney Property Tax Distribution – 2014



City of Kearney Sales Tax Revenues

	Actual FY 14	Est. Actual FY 15	Proposed FY 16
One cent sales tax			
General Fund	\$6,266,096	\$6,453,334	\$6,453,334
Street Improvement Fund	\$1,161,578	\$1,195,480	\$1,613,333
Various Purpose Bond Fund	\$404,947	\$417,853	\$0
Subtotal	\$7,832,621	\$8,066,667	\$8,066,667
One-half cent sales tax	\$3,916,310	\$4,033,333	\$4,033,333
Total sales tax	\$11,748,931	\$12,100,000	\$12,100,000

City of Kearney Comprehensive Fee Schedule

- Park – Field rental rates added
- Solid Waste-Collection – Utility rates increased 5%
- Wastewater – Utility rates increased 3%
- Water – Utility rates increased 3%
- Airport – Agriculture land cash rents decreased

City of Kearney Fund Balance

The following Funds do not meet the current Fund Balance Policy:

- Golf Fund deficit - \$233,183 (target is 25% of operating expenses)
- Health Insurance Fund deficit - \$77,573 (target is 35% to 45% of operating expenses)

City of Kearney Other Notable Items

- Restaurant Occupation Tax Fund
- Project Honor funding source/use for FY16:
 - General Fund - \$1,500,000
 - (Physical Factors - \$300,000)
 - (Program Enhancements - \$1,200,000)
 - KASWA Fund - \$100,000
 - (Environmental Factors- \$100,000)
 - Water Fund - \$200,000
 - (Community Services - \$200,000)
 - Northwestern Energy Fund - \$100,000
 - (Environmental Factors- \$100,000)

Council Member Lammers wanted clarification that the total Property Tax Requirement Increase of five percent, approximately two percent of that is made up of the new construction that will occur. Finance Director confirmed. The City has had the one cent sales tax for 25 years and when that was approved 25 years ago by the voters it was supposed to be used for property tax relief. Twenty-five years ago the levy was about 50 cents so the levy is about 73 percent lower than it was 25 years ago. The levy compared to the next highest levy of first class cities from last year numbers for 2014 which would be comparing it to York were about 22 percent lower than the next levy. He expects that to be the same for 2015.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2015-2016 Fiscal Year and introduced Ordinance No. 8035 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. 8035. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 8035 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8035 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8035 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.

ADOPT 2015-2016 BUDGET FOR OFFSTREET PARKING DISTRICT NO. 1

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2015-2016 Fiscal Year and consider Resolution No. 2015-186.

Director of Finance Wendell Wessels presented this matter to the Council. He stated the proposed budget for 2015-2016 total expenditures is \$111,500. \$71,500 for Contractual Services with the majority of that going to the Kearney Chamber of Commerce for marketing, and \$40,000 Capital Outlay is the expenditure of funds received from the CRA for the downtown façade project.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2015-2016 Fiscal Year and adopted **Resolution No. 2015-186**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-186

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the City of Kearney Offstreet Parking District No. 1 presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2015 through September 30, 2016) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

2015 PROPERTY TAX LEVY

Mayor Clouse opened the public hearing setting the 2014 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and consider Resolution No. 2015-187.

Director of Finance Wendell Wessels presented this matter to the Council. He stated State statute requires the public hearing to set the 2015 property tax request if the request is going to be different than the 2014 property tax request. The 2015-2016 City of Kearney Budget includes a property tax requirement of \$2,722,863.04 for the General Fund, and a property tax requirement of \$368,999.46 for the Public Safety Tax Anticipation Bond Fund. The 2015 property tax requirements are different than the 2014 property tax requirements; therefore, a Special Public Hearing is required to set the 2015 property tax requirement.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing setting the 2014 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and adopted **Resolution No. 2015-187**. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2015-187

WHEREAS, Section 77-1601.02 of the Nebraska Revised Statutes authorizes the City Council to set the 2015 property tax request for the City of Kearney; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that a 2015 property tax request be set for the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes an All-Purpose Tax Request of \$2,722,863.04 is set for the fiscal year beginning the 1st day of October, 2015 and ending on the 30th day of September, 2016 for the purpose of equipping, maintaining and paying the departments of the City of Kearney.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes, a Special Tax Request of \$368,999.46 is set for the fiscal year beginning the 1st day of October, 2015 and ending the 30th day of September, 2016 for the purpose of paying off bonds authorized by Section 18-1202 of the Nebraska Revised Statutes.

BE IT FURTHER RESOLVED that the City Clerk is hereby ordered to certify said request to the Buffalo County Clerk in order that the same may be placed on the property tax rolls and be collected in the manner provided by law.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2015.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 19 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 25, 2015.

2. Approve the following Claims:

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

Advance Services \$180.00 smcs; Alfred Benesch \$3,254.00 co; Ally B Designs \$500.00 smcs; Amazon \$3,113.46 smcs; Amer First Aid \$434.59 smcs; Amer Library Assn \$246.00 smcs; Anderson,B \$112.07 smcs; Anderson,S \$212.75 smcs; Artisans Photography \$1,330.00 smcs; Ask Supply \$1,561.82 smcs; Aurora Coop \$47.68 smcs; Auto Value Parts \$589.10 smcs; Baker & Taylor \$8,968.22 smcs; Barco Municipal \$1,715.20 smcs; BBW Environmental \$210.00 smcs; Beatson,C \$0.47 smcs; Blackstone Audio Books \$442.48 smcs; Blessing \$271,120.56 co; BlueCross/BlueShield \$144,022.99 smcs; Bosselman \$169.33 smcs; Brabec,R \$1,722.75 co; Broadfoot's \$130.00 smcs; Bruha,S \$280.00 smcs; Buffalo Co Community \$1,500.00 smcs Builders \$1,471.89 smcs; Butler,B \$195.20 smcs; Capital Business Systems \$169.93 smcs; Cash-Wa \$3,471.09 smcs; Central Fire \$2,716.80 smcs; Central NE Bobcat \$598.39 smcs; Central NE Equipment \$473.25 smcs; Century 21 Midlands \$122.06 smcs; Charter Communications \$15.59 smcs; Chesterman \$3,575.67 smcs; City of Ky \$315,836.55 smcs,co,ps; Cleveland,E \$408.00 smcs; Cline,C \$52.60 smcs; Community Action Partner \$464.00 smcs; Community Health Charity \$10.00 ps; Consolidated Mgmt \$152.25 smcs; Cool-Tech \$96.50 smcs; Cooperative Producers \$150.40 smcs; CopyCat Printing \$247.74 smcs; Culligan \$115.10 smcs; Cummins \$714.36 smcs; Cutter & Buck \$278.04 smcs; Dan Roeder Concrete \$122,294.93 co; Danko Emergency \$1,466.13 smcs; Demco \$1,117.84 smcs; Dish \$84.00 smcs; DPC Industries \$6,314.33 smcs; Dultmeier \$3,944.00 smcs; Dutton Lainson \$132.46 smcs; Eakes \$3,866.00 smcs; Easy Picker Golf \$174.16 smcs; Elliott Equipment \$190.87 smcs; EMC Ins \$16,095.42 smcs; Emergency Apparatus \$3,791.82 smcs; Farmers Union \$26.50 smcs; FD Leatherworks \$2,272.00 smcs; Fiddelke Heating \$140.00 smcs; Finke,J \$58.68 smcs; Fisher,S \$100.00 smcs; Fort Ky Shooting \$6,750.00 smcs;

Frontier \$88.05 smcs; Fyr-Tek \$5,377.35 smcs; Gangwish Turf \$130.50 smcs; Garrett Tires \$5,489.01 smcs; GD Concrete Construction \$26,953.20 co; Gear For Sports \$2,613.33 smcs; Gentry,B \$62.92 smcs; Gold Coast Armory \$3,491.00 smcs; Golf Buddy \$481.96 smcs; Good Samaritan Hospital \$204.05 smcs; Government Finance \$50.00 smcs; Gray,C \$114.75 smcs; Grebe,J \$21.26 smcs; H&H Distributing \$1,535.15 smcs; Harrison,R \$161.00 smcs; Heiman Fire \$878.16 smcs; Hinrichs,S \$19.23 smcs; HOA Solutions \$53,719.78 co; Horst,R \$55.58 smcs; Hotsy Equipment \$453.88 smcs; Huerta's Upholstery \$420.00 smcs; IALEFI \$710.00 smcs; ICMA RC \$4,286.55 ps; IRS \$139,135.40 ps; Jack Lederman \$90.10 smcs,co; Jack's Uniforms \$4,913.47 smcs; James,D \$300.00 smcs; JCB Enterprises \$46.75 smcs; JEO Consulting \$40,067.99 smcs; JJ Keller \$765.00 smcs; KABA \$392.00 smcs; Ky Animal Shelter \$482.40 smcs; Ky Area United Way \$549.00 ps; Ky Chamber Comm \$261.75 smcs; Ky Concrete \$594.75 co; Ky Crete & Block \$123.00 smcs; Ky Visitors Bureau \$59,016.99 smcs; Konica Minolta \$363.27 smcs; Lincoln Winwater \$1,032.55 smcs; Logan Contractors \$241.91 smcs; Luedke,J \$272.00 smcs; Mackrill,R \$30.00 smcs; Magic Cleaning \$4,740.00 smcs; Marlatt Machine \$677.21 smcs; McCartney,M \$350.00 smcs; Metlife \$8,277.51 ps; Mid Amer Signals \$1,676.00 smcs; Middleton Electric \$275.00 smcs; Midlands Contracting \$427,049.16 co; Mid-NE Aggregate \$342.45 co; Mid-States Units \$420.00 smcs; Midwest Breathing \$201.38 smcs; Midwest Connect \$100.94 smcs; Midwest Laboratories \$299.50 smcs; Miller & Associates \$84,804.43 smcs,co; Miller Mechanical \$389.74 smcs; Miller,J \$55.98 smcs; Mitchell Repair \$1,728.00 smcs; Morris,L \$1.83 smcs; Mueller,J \$336.00 smcs; Municipal Supply \$2,391.89 smcs; NE Assn of Senior Centers \$90.00 smcs; NE Child Support \$2,504.82 ps; NE Dept of Rev \$103,945.12 smcs,ps; NE Dept Environmental \$7,500.00 smcs; NE Environmental Product \$1,001.94 smcs; NE Public Health \$171.00 smcs; NE Salt & Grain \$28,936.94 smcs; NE Forest Service \$160.00 smcs; NEland Distributors \$1,409.85 smcs; Nicolen,M \$150.00 smcs; NMC Exchange \$3,304.10 smcs; Northern Safety \$94.43 smcs; Northwestern Energy \$1,857.40 smcs; Olive Software \$4,500.00 smcs; Outdoor Recreation \$4,683.00 co; Paramount \$221.47 smcs; Payflex Systems \$561.00 smcs,ps; PCS Portable Computer \$4,859.16 co; Peck,S \$30.00 smcs; Peerless Machine \$9,819.60 smcs; Penworthy \$137.39 smcs; Pep Co \$86.34 smcs; Petroleum Testers \$200.00 smcs; Pioneer Mfg \$550.00 smcs; Pitney Bowes \$951.94 smcs; Platte Valley Comm \$4,360.00 smcs; Platte Valley Labs \$640.00 smcs; Premer,A \$11.23 smcs; Presto-X \$148.05 smcs; Randolph,J \$100.00 smcs; Random House \$63.75 smcs; Ready Mixed Concrete \$1,030.21 smcs; Recorded Books \$490.82 smcs; Red Willow Co \$1,620.00 smcs; Rheome Tree \$3,960.00 smcs; RNDC Falcon \$590.52 smcs; Russell's Appliance \$2,099.00 smcs; Safelite Glass \$411.94 smcs; Sapp Bros \$17,014.92 smcs; Schaub,M \$31.00 smcs; See Clear Cleaning \$1,700.00 smcs; Shotkoski Services \$300.00 smcs; SOS Portable Toilets \$250.00 smcs; Southern Exposure Mgmt \$350.00 smcs; St Troopers Assn of NE \$65.00 smcs; St of NE/AS Central \$6,122.06 smcs,co; Steinbrink Landscaping \$650.00 smcs; Sterling Distributing \$760.78 smcs; Sun Life Financial \$60,785.76 smcs; Sutphen \$2,800.00 smcs; Sutton Rentals LLC \$92.44 smcs; Theis,J \$120.00 smcs; Thompson,J \$112.07 smcs; Tielke's Sandwiches \$48.10 smcs; Tillotson,B \$0.91 smcs; Titleist \$627.04 smcs; Tumbleweed \$799.00 smcs; Tye Law Firm \$11,791.11 smcs; Union Bank & Trust \$64,075.33 ps; Van Diest \$922.01 smcs; Verizon \$1,532.52 smcs; Village Cleaners \$446.84 smcs; Walton,T \$12.07 smcs; Wilcox,E \$97.65 smcs; Young,J \$556.16 smcs; Payroll Ending 8-22-2015 -- \$399,438.93. The foregoing schedule of claims is published in accordance with

Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

- 3. Adopt Resolution No. 2015-188 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$129,262.15 which will be carried over to the 2015-2016 Budget as "Unused Budget Authority".

RESOLUTION NO. 2015-188

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2015.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.

- 5. Adopt Resolution No. 2015-189 repealing Resolution No. 2014-186 and adopt the 2015-2016 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2015-2016 year.

RESOLUTION NO. 2015-189

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2014-2015 fiscal year was adopted by Resolution No. 2014-186 on September 9, 2014 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2015-2016 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2015.

BE IT FURTHER RESOLVED that Resolution No. 2014-186 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Monthly enplanement report from Great Lakes Airlines.

7. Adopt Resolution No. 2015-190 approving the recommendation from the Advisory Board of Park & Recreation Commissioners on naming the 10-acre piece of ground donated by David and Lorma Weibe for land adjacent to Cottonmill Park to Lorma's Overlook.

RESOLUTION NO. 2015-190

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, on March 13, 2007 the City Council adopted the "City of Kearney Municipal Facilities Naming/Renaming Policy"; and

WHEREAS, the City received an application submitted by Park and Recreation Advisory Board for the naming of a 10-acre piece of ground owned by David and Lorma Weibe for property adjacent to Cottonmill Park and donated to the City of Kearney and Buffalo County to "Lorma's Overlook"; and

WHEREAS, the Park and Recreation Advisory Board met on August 20, 2015 and has forwarded the recommendation to the City Council for the naming of the dedicated 10-acre property to "Lorma's Overlook"; and

WHEREAS, the City Council considered the naming of this land at its meeting held on September 8, 2015 and determined it would be appropriate to name the dedicated 10-acre property to "Lorma's Overlook".

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the recommendation from the Park and Recreation Advisory Board.

BE IT FURTHER RESOLVED that the designation submitted for the dedicated 10-acre property to "Lorma's Overlook".

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Accept the bids received for the Parking Lot Construction at North Railroad Street and Central Avenue and adopt Resolution No. 2015-191 awarding the bid to Dan Roeder Concrete in the amount of \$100,218.50.

RESOLUTION NO. 2015-191

WHEREAS, the City of Kearney reviewed the sealed bids which was opened on September 1, 2015 at 2:00 p.m. for the Parking Lot Construction at North Railroad Street and Central Avenue; and

WHEREAS, the staff has recommended the bid offered by Dan Roeder Concrete from Kearney, Nebraska in the amount of \$100,218.50 be accepted as the lowest responsible bid for the Parking Lot Construction at North Railroad Street and Central Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the Parking Lot Construction at North Railroad Street and Central Avenue to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$100,218.50 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 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the Plans and Specifications for the 2015 Part 12 Improvements consisting of Paving Improvement District No. 2015-978, Water District No. 2015-580, Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac; Paving Improvement District No. 2015-979, Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau and set the bid opening date for October 6, 2015 at 2:00 p.m.

10. Adopt Resolution No. 2015-192 approving the Agreement between the City of Kearney and the Nebraska Department of Roads for the installation of left turn lanes on 2nd Avenue (Highway N-10) at 48th Street and at 56th Street.

RESOLUTION NO. 2015-192

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement between the City of Kearney and the Nebraska Department of Roads for the Left Turn Phase on Highway N-10 project in Kearney be and is hereby approved. A copy of said Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve the Special Event Permit submitted by the University of Nebraska Kearney to conduct the Homecoming/Band Day Parade scheduled for September 26, 2015 beginning at 10:00 a.m. commencing in the MONA parking lot, south on Central Avenue to Railroad Street, west on Railroad Street to 3rd Avenue, north on 3rd Avenue to 21st Street, west on 21st Street to 8th Avenue, south on 8th Avenue to 20th Street, west of 20th Street and concluding in the West Company parking lot. The following streets will temporarily be closed for the line-up area: Avenues B, C, D and E from the south side of 25th Street to Railroad Street, 22nd, 23rd and 24th Streets from Avenue A to Avenue D and to authorize the towing of any vehicles by the Kearney Police Department within the designated area and will be an expense to the owners of such vehicles.

12. 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 Saturday, October 3, 2015 from 3:00 p.m. until 12:00 a.m. for a fund raiser.

13. 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 Saturday, October 10, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

14. 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, October 10, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

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 Saturday, October 17, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, October 31, 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 Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, October 24, 2015 from 3:00 p.m. until 1:00 a.m. for a dance.

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 inside the United Way of Kearney Building located at 4009 6th Avenue, #19 Eagles Nest Plaza on Thursday, September 24, 2015 from 4:00 p.m. until 8:00 p.m. for Business After Hours.

19. Approve the request submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to amend the Special Designated License for September 10, 2015 to include both beer and wine for the Business After Hours event at Good Samaritan Medical Group located at 3219 Central Avenue.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8036 ADOPTING ANNUAL SALARY ORDINANCE

Council Member Clouse introduced Ordinance No. 8036 repealing Ordinance No. 8013 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, 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, Lear, Lammers, Buschkoetter. Nay: None. Nikkila 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. 8036 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8036 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8036 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

None.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:25 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**