

*Kearney, Nebraska
December 8, 2015
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on December 8, 2015 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. 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; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Jim Tacha, Terry Eirich, Kelly Hardin, Jason Whalen, Tony Rich, Dan Thompson, Gisel Theis, Dave Krueger, Shane Johnston, Aaron Jameson, Bryan Chase, Seth Lunbery, Ric Pulliam, Todd Walton, Jerry Thompson, Tim Pratt, Steven Brumbaugh, Shea Coakley, Austin Doyle, Mike Treadway, Craig Bennett, Mitch Humphrey, Heath Smallcomb, Tom McCarty, 8 UNK students, Steve Altmaier from KGFW Radio, Amanda Brandt from Kearney Hub, Brent Wiethort from KKPR Radio, Lauren Scharf from NTV.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Boy Scout Zach Schwartz from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Mayor Clouse and Council Members recognized the following volunteer firefighters: Nathan Staskal, Thom Schneider, Lonny Reeder, Dave Krueger, Shane Johnston,

Aaron Jameson, Bryan Chase, Seth Lunbery for 5 years of service; Ric Pulliam, Jerry Folck and Cindy Kendrick for 10 years of service; Jason Whalen, Sarah Isaac for 15 years of service; Todd Walton for 20 years of service; and Jerry Thompson, Tim Pratt and Gisel Theis for 25 years of service. Fire Chief Jim Tacha presented each with a Service Award.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I

Mayor Clouse and Council Members recognized the following volunteer firefighters for completing the Firefighter I Course: Steven Brumbaugh, Shea Coakley, Austin Doyle and Mike Treadway. Fire Chief Jim Tacha presented each with a plaque.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

LAND USE MAP AMENDMENT EAST OF 6430 EAST HIGHWAY 30 AND WEST OF IMPERIAL AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Melanie Johnson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Light Industrial property described as a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue) and consider Resolution No. 2015-253.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. The property is located south and east of the airport property. Imperial Avenue is located to the east side along the highway and the existing Master's site is located to the west. Presently, the zoning in the general area is M-1 and M-2. The Johnson-Bloom family own the farmland to the north and east of the property. They would like to partition off the 4-acre piece so it can be conveyed and to do that they need to rezone from Ag to M-1 and approve a final plat which will accommodate a total of four acres with the east 33 feet being dedicated for public road to be known as Hitchcock Avenue. The City cannot serve the site with public utilities because of the location of the infrastructure. The site will be served with individual well and septic systems.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-253** approving the Application submitted by Buffalo Surveying for Melanie Johnson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Light Industrial property described as a tract of land

being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-253

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the point of intersection of the East line of the Southeast Quarter of Section 27 and the North right-of-way line of the Union Pacific Railroad, with said point being 1656.62 feet, more or less, southerly from the Northeast Corner of the Southeast Quarter of said Section 27 and assuming the North right-of-way line of the Union Pacific Railroad as bearing S 73°08'00" W and all bearings contained herein are relative thereto; thence leaving the East line of the Southeast Quarter of said Section 27, S 73°08'00" W on the North right-of-way line of the Union Pacific Railroad a distance of 1410.30 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North right-of-way line of the Union Pacific Railroad S 73°08'00" W a distance of 357.72 feet to a point being 9.30 feet northeasterly from the Southeast Corner of Lot 1, Master's Business Park, a subdivision being part of Government Lot 2 and part of Government Lot 3 located in the South Half of the Southeast Quarter of Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence leaving the North right-of-way line of the Union Pacific Railroad N 00°01'06" E a distance of 325.89 feet; thence N 89°59'08" W a distance of 10.58 feet to the Northeast Corner of said Lot 1, Master's Business Park; thence continuing N 89°59'08" W and on the North line of said Lot 1, Master's Business Park a distance of 149.4 feet to the Southeasterly Corner of a tract of land as described on Trustees Deed filed at Instrument No. 2011-02689, recorded on April 14, 2011 in the Office of the Buffalo County Register of Deeds; thence leaving the North line of said Lot 1, Master's Business Park, N 00°03'34" W on the East line of said tract as described on said Trustees Deed filed at Instrument No. 2011-02689 a distance of 160.00 feet; thence leaving the East line of said tract of land as described on said Trustees Deed filed at Instrument No. 2011-02689, N 89°57'10" E a distance of 502.00 feet; thence S 00°02'50" E a distance of 382.61 feet to the place of beginning, containing 4.00 acres, more or less, Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue) from Civic 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 Civic to Light Industrial the use classification for a tract of land

being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the point of intersection of the East line of the Southeast Quarter of Section 27 and the North right-of-way line of the Union Pacific Railroad, with said point being 1656.62 feet, more or less, southerly from the Northeast Corner of the Southeast Quarter of said Section 27 and assuming the North right-of-way line of the Union Pacific Railroad as bearing S 73°08'00" W and all bearings contained herein are relative thereto; thence leaving the East line of the Southeast Quarter of said Section 27, S 73°08'00" W on the North right-of-way line of the Union Pacific Railroad a distance of 1410.30 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North right-of-way line of the Union Pacific Railroad S 73°08'00" W a distance of 357.72 feet to a point being 9.30 feet northeasterly from the Southeast Corner of Lot 1, Master's Business Park, a subdivision being part of Government Lot 2 and part of Government Lot 3 located in the South Half of the Southeast Quarter of Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence leaving the North right-of-way line of the Union Pacific Railroad N 00°01'06" E a distance of 325.89 feet; thence N 89°59'08" W a distance of 10.58 feet to the Northeast Corner of said Lot 1, Master's Business Park; thence continuing N 89°59'08" W and on the North line of said Lot 1, Master's Business Park a distance of 149.4 feet to the Southeasterly Corner of a tract of land as described on Trustees Deed filed at Instrument No. 2011-02689, recorded on April 14, 2011 in the Office of the Buffalo County Register of Deeds; thence leaving the North line of said Lot 1, Master's Business Park, N 00°03'34" W on the East line of said tract as described on said Trustees Deed filed at Instrument No. 2011-02689 a distance of 160.00 feet; thence leaving the East line of said tract of land as described on said Trustees Deed filed at Instrument No. 2011-02689, N 89°57'10" E a distance of 502.00 feet; thence S 00°02'50" E a distance of 382.61 feet to the place of beginning, containing 4.00 acres, more or less, Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue).

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING EAST OF 6430 EAST HIGHWAY 30 AND WEST OF IMPERIAL AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Melanie Johnson to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue) and consider Ordinance No. 8050.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Buffalo Surveying for Melanie Johnson to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue) and introduced Ordinance No. 8050 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. 8050. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8050 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8050 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8050 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 MASTER'S BUSINESS PARK SECOND SUBDIVISION

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Melanie Johnson for the Final Plat for Master's Business Park Second, a subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue) and consider Resolution No. 2015-254.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-254** approving the Application submitted by Buffalo Surveying for Melanie Johnson for the Final Plat for Master's Business Park Second, a subdivision of Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional

Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 6430 East Highway 30 and west of Imperial Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-254

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Master's Business Park Second, a subdivision being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter (SE1/4) of Fractional Section Twenty-Seven (27), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska for a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter of Fractional Section Twenty-Seven (27), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the point of intersection of the East line of the Southeast Quarter of Section 27 and the North right-of-way line of the Union Pacific Railroad, with said point being 1656.62 feet, more or less, southerly from the Northeast Corner of the Southeast Quarter of said Section 27 and assuming the North right-of-way line of the Union Pacific Railroad as bearing S 73°08'00" W and all bearings contained herein are relative thereto; thence leaving the East line of the Southeast Quarter of said Section 27, S 73°08'00" W on the North right-of-way line of the Union Pacific Railroad a distance of 1410.30 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North right-of-way line of the Union Pacific Railroad S 73°08'00" W a distance of 357.72 feet to a point being 9.30 feet northeasterly from the Southeast Corner of Lot One (1), Master's Business Park, a subdivision being part of Government Lot Two (2) and part of Government Lot Three (3) located in the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty Seven (27), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence leaving the North right-of-way line of the Union Pacific Railroad N 00°01'06" E a distance of 325.89 feet; thence N 89°59'08" W a distance of 10.58 feet to the Northeast Corner of said Lot 1, Master's Business Park; thence continuing N 89°59'08" W and on the North line of said Lot 1, Master's Business Park a distance of 149.94 feet to the Southeasterly Corner of a tract of land as described on Trustees Deed filed at Instrument No. 2011-02689, recorded on April 14, 2011 in the Office of the Buffalo County Register of Deeds; thence leaving the North line of said Lot 1, Master's Business Park, N 00°03'34" W on the East line of said tract as described on said Trustees Deed filed at Instrument No. 2011-02689 a distance of 160.00 feet; thence leaving the East line of said tract of land as described on said Trustees Deed filed at Instrument No. 2011-02689, N 89°57'10" E a distance of 502.00 feet; thence S 00°02'50" E a distance of 382.61 feet to the place of beginning, containing 4.00, 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 DECEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VACATE LOT 1, LUND SUBDIVISION AND FINAL PLAT FOR LUND SECOND SUBDIVISION

Mayor Clouse opened the public hearing on the Applications submitted by Trenton Snow for Betty Lund, Trustee, for (1) to vacate Lot 1, Lund Subdivision and consider Ordinance No. 8051; and (2) the Final Plat for Lund Second Subdivision of Buffalo County, Nebraska, for property described as a tract of land being Lot 1 (to be vacated), Lund Subdivision, a subdivision 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. 2015-255.

The request was to rezone and plat a 1-lot subdivision containing 4.51 acres in order for the owners to sell the house and keep approximately 14 acres for farming. There is a potential buyer for the house and the buyer would like to add more ground to the property so the plat will have to be vacated and replatted in order to add the extra ground. The original plat contained 4.51 acres and the new subdivision, to be known as Lund Second Subdivision, consists of one lot containing 6.40 acres for the existing house site. No Infrastructure Feasibility Plan or Subdivision Agreement is required.

Heath Smallcomb presented this matter to the Council. He stated this is something that City Council approved previously but they are adding 125' x 595' additional ground to it and re-platting it.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Applications submitted by Trenton Snow for Betty Lund, Trustee for the vacation of Lot 1, Lund Subdivision, a subdivision 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. 8051 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. 8051. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8051 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8051 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8051 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 Nikkila seconded by Lear to adopt **Resolution No. 2015-255** approving the Final Plat for Lund Second Subdivision of Buffalo County, Nebraska, for property described as a tract of land being Lot 1 (to be vacated), Lund Subdivision, a subdivision 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, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-255

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Lund Second Subdivision, a subdivision 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, being a tract of land being Lot 1 (now vacated), Lund Subdivision, a subdivision 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 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 said Section 14; thence easterly on the North line of said South Half of the South Half of the Southwest Quarter a distance of 1728.6 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of said Lund Subdivision; thence continuing easterly on the aforesaid North line a distance of 125.0 feet; thence southerly parallel with the West line of said Southwest Quarter a distance of 661.3 feet to a point on the South line of said Southwest Quarter; thence westerly on the aforesaid South line a distance of 455.0 feet to the Southwest Corner of Lot 1 (now vacated), Lund Subdivision; thence northerly on the west line of said lot and parallel with the aforesaid West line of said Southwest Quarter a distance of 594.89 feet to the Northwest Corner of said lot; thence easterly on the north line of said lot a distance of 330.0 feet to the Northeast Corner of said Lot; thence northerly parallel with the aforesaid West line a distance of 66.01 feet to the place of beginning, containing 6.40 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 DECEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

**DEVELOPMENT PLANS FOR OFFICE COMPLEX AT TECH ONE FIRST
SUBDIVISION**

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett for City of Kearney, Nebraska for Planned District Development Plan Approval for the proposed construction of an office complex development on property zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 2 of Block One, Tech One First Subdivision, a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 56th Street and Antelope Avenue) and consider Resolution No. 2015-256.

Craig Bennett from Miller & Associates presented this matter to the Council. The area is already zoned BP/PD and because of the PD component they are here to show the requirements of the development plans for the proposed lot. The area being considered is Lot 2 and it currently has water infrastructure available to it adjacent and contiguous to the north side and 56th Street. It has sanitary sewer available to serve the entire lot on the west side which is a 27-inch sanitary sewer main.

Mr. Bennett discussed the Development Plan. Tech One Boulevard accesses 56th Street and it will also access Antelope Avenue. Phase 1 is the southerly portion which would consist of one 2-story 10,000 square foot each level for a total of approximately 20,000 square feet for the whole building; the associated parking and access onto Global Drive.

Essentially they will bring infrastructure such as sanitary sewer in from the west along the easement that was platted and water will circulate through the subdivision within the right-of-way.

Phase 2 is primarily a mirror image of Phase 1. Before City Council tonight they are also showing the proposed phase because of a development plan to proceed forward and they would not have to come back through Planning Commission and Council as long as it met this objective. The primary access would be off of Global Drive and accessing the private road in both directions. Mr. Bennett discussed the landscaping of the property and the floor plan of the building.

Council Member Nikkila asked if Xpanxion owned the lot yet. Mr. Bennet stated he was not able to answer that question. City Manager Michael Morgan stated he did not believe so.

Discussion was held on the access of the entire lot.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-256** approving the Application submitted by Craig Bennett for City of Kearney, Nebraska for Planned District Development Plan Approval for the proposed construction of an office complex development on property zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 2 of Block One, Tech One First Subdivision, a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 56th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-256

WHEREAS, Miller & Associates for the City of Kearney have applied for Planned District Development Plan Approval for the proposed construction of an office complex development on property zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 2 of Block One, Tech One First Subdivision, a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 56th Street and Antelope Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for the City of Kearney for Planned District Development Plan Approval for the proposed construction of an office complex development on property zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 2 of Block One, Tech One First Subdivision, a tract of land being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 56th Street and Antelope Avenue) be approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-2, Community Commercial District property described as Lots 1, 2, 3, 4, 5, Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 60th Street between 1st Avenue and 2nd Avenue) and consider Ordinance No. 8052.

Craig Miller from Miller & Associates presented this matter to the Council. He stated this is a subdivision that came before City Council in the spring/summer as Lots 1 through 5 of Ingalls Crossing Eighth Addition. The property is east of 2nd Avenue and south of 60th Street and bordered on the east by 1st Avenue.

The area is the north five lots which are undeveloped. They are asking them to be rezoned from C-2/PD to C-2. What that does is allow the developer to be able to buy it and build on it as long as they are within the building regulations and not have to design a complete proposal that would go through Planning Commission and would extend their time period of the property.

Council Member Lammers asked about the Planning Commission members who voted against it and that they believed that it should remain as C-2/PD. Mr. Bennett stated the C-2 straight zoning that they have now affective looks a lot different than it did when they have a PD overlay. The ULD (Unified Land Development) Code basically has been modified to encompass the things that PD has and currently the PD overlay allows for a deviation such as building height, different coverages, etc.

Anyone who would build on the lots will have to meet the straight outright C-2 zoning regulations and because the regulations have happened it controls what will develop on the property. The other component about this particular site and the region is that the PD; when Menard was put in, it was disconnected from 56th Street. From a straight PD overlay, the outright zoning is going to control what it looks like.

Tom McCarty from Coldwell Banker represents the Corrigan Family and the sale of the property. When he gets potential clients that want to come in and build in Kearney, they may have looked at Kearney for two years in advance but when they are ready to go they want to get it built. Now this will hopefully expedite things. They have to deal with the Building Department and it usually works out fine.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-2, Community Commercial District property described as Lots 1, 2, 3, 4, 5, Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 60th Street between 1st Avenue and 2nd Avenue) and introduced Ordinance No. 8052 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. 8052. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8052 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8052 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8052 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 SOUTHEAST CORNER OF 60TH STREET AND 1ST AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-2, Community Commercial District property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 60th Street and 1st Avenue) and consider Ordinance No. 8053.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated this would be a 1-lot subdivision known as Ingalls Crossing Tenth. It is located at 60th Street east of 2nd Avenue and 1st Avenue. The property is adjacent and contiguous to the City limits so they would be asking to be annexed into the City.

The area they are talking about basically follows the same 2003 Preliminary Plat layout. The zoning that they are asking for is to be zoned straight C-2 on the lot which is a little over two acres which is half the required four acres of the PD requirement for C-2.

The parcel is one lot with 2.33 acres; 60th Street would be extended and dedicated as right-of-way as well on the rezoning map. The area is served by water along the west side of 1st Avenue and is served by sanitary sewer on the first side of west 1st Avenue. Discussion was held on the Infrastructure Feasibility Plan. Paving, Water and Sewer will be extended along 60th Street for approximately 270 feet.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-2, Community Commercial District property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 60th Street and 1st Avenue) and introduced Ordinance No. 8053 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila

seconded the motion to close the hearing and suspend the rules for Ordinance No. 8053. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8053 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8053 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8053 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 INGALLS CROSSING TENTH ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, for the Final Plat and Subdivision Agreement for Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 60th Street and 1st Avenue) and consider Resolution No. 2015-257.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-257** approving the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, for the Final Plat and Subdivision Agreement for Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 60th Street and 1st Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-257

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the West half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the

6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a corner box at the Southwest Corner of the Southwest Quarter of Section 24 and assuming the West line of said Southwest Quarter as bearing N 00°21'41" W and all bearings contained herein are relative thereto; thence N 00°21'41" W on said West line of the Southwest Quarter a distance of 59.68 feet; thence N 89°38'19" E perpendicular to said West line of the Southwest Quarter a distance of 59.05 feet to the Southwest corner of Lot 1, Ingalls Crossing Second Addition to the City of Kearney, Buffalo County, Nebraska, also being the intersection of the North Right-of-Way of 56th Street and the East Right-of-Way of Nebraska State Highway 10 (aka 2nd Avenue) as platted in the City of Kearney, Buffalo County, Nebraska; thence N 00°33'08" E on said East Right-of-Way a distance of 414.79 feet to a 5/8" rebar with cap; thence N 00°34'14" E continuing on said East Right-of-Way a distance of 424.25 feet to a 5/8" rebar with cap; thence N 00°18'08" W continuing on said East Right-of-Way a distance of 598.79 feet to a 5/8" rebar with cap on the South line of 60th Street as platted in Ingalls Crossing Third Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°39'47" E on said South line of 60th Street a distance of 408.84 feet to a 5/8" rebar with cap on the East line of 1st Avenue as platted in said Ingalls Crossing Third Addition, and the ACTUAL POINT OF BEGINNING; thence S 00°22'55" E on said East line of 1st Avenue as platted in Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 255.83 feet to a 5/8" rebar with cap; thence continuing on said East line of 1st Avenue on a tangent curve to the Right, having a central angle of 6°52'50", a radius of 330.00 feet, an arc length of 39.63 feet, a chord bearing of S 03°03'30" W a chord distance of 39.61 feet to a 5/8" rebar with cap; thence N 89°37'05" E a distance of 272.38 feet to a 5/8" rebar with cap; thence N 00°22'55" W a distance of 375.15 feet to a 5/8" rebar with cap on the Easterly extension of the North line of said 60th Street; thence S 89°39'47" W on said Easterly extension a distance of 270.00 feet to a 5/8" rebar with cap on said East line of 1st Avenue; thence S 00°22'55" E on said East line of 1st Avenue a distance of 80.00 feet to the Point of Beginning, containing 2.33 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 DECEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF INGALLS CROSSING TENTH ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, for the annexation of Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 60th Street and 1st Avenue) and consider Resolution No. 2015-258.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-258** approving the Application submitted by Miller & Associates for Roberta Corrigan, Trustee, for the annexation of Ingalls Crossing Tenth Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southeast corner of 60th Street and 1st Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-258

WHEREAS, an Application has been submitted by Miller & Associates for Roberta Corrigan, Trustee for the inclusion of Ingalls Crossing Tenth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the West half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a corner box at the Southwest Corner of the Southwest Quarter of Section 24 and assuming the West line of said Southwest Quarter as bearing N 00°21'41" W and all bearings contained herein are relative thereto; thence N 00°21'41" W on said West line of the Southwest Quarter a distance of 59.68 feet; thence N 89°38'19" E perpendicular to said West line of the Southwest Quarter a distance of 59.05 feet to the Southwest corner of Lot 1, Ingalls Crossing Second Addition to the City of Kearney, Buffalo County, Nebraska, also being the intersection of the North Right-of-Way of 56th Street and the East Right-of-Way of Nebraska State Highway 10 (aka 2nd Avenue) as platted in the City of Kearney, Buffalo County, Nebraska; thence N 00°33'08" E on said East Right-of-Way a distance of 414.79 feet to a 5/8" rebar with cap; thence N 00°34'14" E continuing on said East Right-of-Way a distance of 424.25 feet to a 5/8" rebar with cap; thence N 00°18'08" W continuing on said East Right-of-Way a distance of 598.79 feet to a 5/8" rebar with cap on the South line of 60th Street as platted in Ingalls Crossing Third Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°39'47" E on said South line of 60th Street a distance of 408.84 feet to a 5/8" rebar with cap on the East line of 1st Avenue as platted in said Ingalls Crossing Third Addition, and the ACTUAL POINT OF BEGINNING; thence S 00°22'55" E on said East line of 1st Avenue as platted in Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska a distance

of 255.83 feet to a 5/8" rebar with cap; thence continuing on said East line of 1st Avenue on a tangent curve to the Right, having a central angle of 6°52'50", a radius of 330.00 feet, an arc length of 39.63 feet, a chord bearing of S 03°03'30" W a chord distance of 39.61 feet to a 5/8" rebar with cap; thence N 89°37'05" E a distance of 272.38 feet to a 5/8" rebar with cap; thence N 00°22'55" W a distance of 375.15 feet to a 5/8" rebar with cap on the Easterly extension of the North line of said 60th Street; thence S 89°39'47" W on said Easterly extension a distance of 270.00 feet to a 5/8" rebar with cap on said East line of 1st Avenue; thence S 00°22'55" E on said East line of 1st Avenue a distance of 80.00 feet to the Point of Beginning, containing 2.33 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on November 20, 2015 on the inclusion of Ingalls Crossing Tenth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

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

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on December 8, 2015 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Lammers that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 24, 2015 and Minutes of Special Meeting held November 25, 2015.

2. Approve the following Claims:

PS Personnel Services
SMCS Supplies, Materials & Contractual Services

ER	Equipment Rental
CO	Capital Outlay
DS	Debt Service

AAA Party & Event Rent \$168.40 smcs; Ace Hardware \$7.47 smcs; Agri COOP \$1,783.09 smcs; Alamar Uniforms \$325.46 ps; AWWA \$1,738.00 smcs; Arctic Refrigeration \$251.56 smcs; Ask Supply \$283.67 smcs; Aurora Coop \$143.44 smcs; Baker & Taylor \$8,842.80 smcs; BD Construction \$1,304.97 smcs; Beesons Equipment \$5,386.00 smcs; Blessing \$731,300.92 co; BlueCross/BlueShield \$250,836.94 smcs; BlueGlobes \$2,869.72 smcs; Bosselman \$4,118.97 smcs; Broadfoot's \$972.00 smcs; Brown,K \$83.99 smcs; Buffalo Outdoor Power \$13,531.27 smcs; Builders \$169.85 smcs; Capital Business Systems \$169.93 smcs; Cash-Wa \$473.92 smcs; Center Point Publishing \$72.06 smcs; Central Fire & Safety \$105.00 smcs; Central NE Bobcat \$4,932.00 co; Central NE Sod Supply \$1,305.00 smcs; Charter \$15.74 smcs; City of Ky \$323,143.31 smcs,ps; Community Hlth Charities \$10.00 ps; Conner,D \$31.00 smcs; Construction Rental \$6,683.00 co; Credit Management \$34.97 ps; Dan Roeder Concrete \$170,931.34 co; Danko Emergency \$62.96 smcs; Dawson PPD \$25,437.63 smcs; Deadwood Gulch \$3,610.50 smcs; Demco \$137.56 smcs; Depository Trust \$88,883.75 ds; Dish \$184.00 smcs; Dmilaco \$1,676.56 smcs; Dobish,K \$12.81 smcs; Dutton-Lainson \$13.78 smcs; Eakes \$3,864.87 smcs; Ebsco Publishing \$1,575.00 smcs; Ed M. Feld Equipment \$1,671.95 smcs; Erickson,A \$36.46 smcs; Evers,B \$975.00 smcs; Farmers Union Coop \$23.00 smcs; Fiddelke Heating \$556.30 smcs; Garcia,R \$2,231.07 smcs; GD Concrete \$49,113.00 co; Gerdes,T \$276.00 smcs; H & H Distributing \$1,005.25 smcs; HD Supply \$2,464.88 smcs; HOA Solutions \$6,800.00 smcs; Hometown Leasing \$157.20 smcs; ICMA \$4,372.05 ps; IRS \$145,204.24 ps; Jack Lederman \$64.94 smcs; John Deere Landscapes \$4,432.40 smcs; Johnsen Corrosion \$2,308.00 smcs; Ky Chamber Comm \$1,854.55 smcs; Ky Concrete \$10,736.25 smcs; Ky United Way \$524.00 ps; Kelly Supply \$44.62 smcs; Konica Minolta \$188.51 smcs; Kowalek,G \$21.38 smcs; Krny Area Storytelling \$600.00 smcs; Krull Insurance \$2,194.75 smcs; Landmark Implement \$13,175.39 co; Lincoln Winwater Works \$809.60 smcs; Magic Cleaning \$2,140.00 smcs; Mail Express \$3,280.37 smcs; McLaughlin,P \$2,231.07 smcs; Metlife \$9,093.95 ps; Mid American Signal \$26,666.57 smcs; Middleton Electric \$55.00 smcs; Mid-Iowa Equipment \$88.86 smcs; Midlands Contracting \$310,664.23 co; Midwest Connect \$43.62 smcs; Miller & Associates \$25,396.15 smcs,co; Municipal Supply \$7,478.97 smcs; Nat'l Bus Furniture \$1,420.00 smcs; Navigator Motorcoaches \$1,875.00 smcs; NE Aviation Council \$190.00 smcs; NE Child Support \$2,233.89 ps; NE Dept of Revenue \$42,419.84 ps; NE Dept Environmental \$254,131.85 smcs,ds; NE DOL/Finance \$420.00 smcs; NE Golf Assn \$18.00 smcs; NE Public Health \$2,338.00 smcs; NEland Distributors \$600.90 smcs; Neff,P \$75.00 smcs; New World Systems \$93,653.00 smcs; Northwestern Energy \$1,213.34 smcs; Nova Fitness Equipment \$2,076.30 ps; Office Depot \$251.03 smcs; Paramount \$197.45 smcs; Payflex \$565.25 smcs,ps; Peerless Machine \$285.38 smcs; Platte Valley Labs \$167.50 smcs; Pot O' Gold \$1,435.00 smcs; Ramos Construction \$67,023.38 co; Recorded Books \$121.47 smcs; RW Sorensen Construction \$4,500.00 co; Sampson Construction \$5,000.00 co; Sapp Bros \$30,558.04 smcs; Sirsi Corp \$23,319.52 smcs; Sister Cities Int'l \$580.00 smcs; Smith Hill,P \$297.58 smcs; Snap-On Tools \$1,899.01 smcs; SOS Portable Toilets \$199.00 smcs; Steinbrink Landscaping \$300.00 smcs; Sutphen \$1,079.26 smcs; Thomson Reuters-West \$312.00 smcs; Trojan Technologies \$75,176.36 co; Turner Body Shop \$280.00 smcs; Tye Law Firm

\$12,726.64 smcs; Union Bank & Trust \$71,955.68 ps; Village Cleaners \$510.90 smcs; Ward Labs \$25.00 smcs; WasteCorp Pumps \$1,046.66 smcs; Payroll Ending 11-28-2015 -- \$399,534.91 and Longevity Payroll Ending 12-15-2015 -- \$63,095.48. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the application submitted by Terry Broadfoot to extend Conditional Use Permit No. 2000-03 to operate a gravel pumping operation located south of Turkey Creek Second Subdivision for a period of five years.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I liquor license application submitted by Felicia and Jason Alexander, dba A Flippin Sweet Burger Joint located at 3905 2nd Avenue, Suite 1.
5. Accept the bids received for the purchase of a four-wheel assist tractor with cab and mounted loader and bucket to be used in the Wastewater Treatment Plant and award the bid to Titan Machinery in the amount of \$30,080.00.
6. Adopt Resolution No. 2015-259 approving Application and Certificate for Payment No. 4 in the amount of \$109,615.50 submitted by RMV Construction and approved by Miller & Associates for the Household Hazardous Waste Collection Facility.

RESOLUTION NO. 2015-259

WHEREAS, RMV Construction Company of Kearney, Nebraska has performed services in connection with the Household Hazardous Waste Collection Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$109,615.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$525,227.56
Change Order No. 1 (9-22-15)	<u>- 3,672.00</u>
Contract Sum To Date	521,555.96
Gross Amount Due	332,235.00
Retainage (10%)	33,223.50
Amount Due to Date	299,011.50
Less Previous Certificates for Payment	<u>189,396.00</u>
Current Payment Due	\$109,615.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 4, as shown on Exhibit "A", be and is hereby accepted and approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt Resolution No. 2015-260 approving Change Order No. 3 showing a decrease in the amount of \$132,604.70, Application and Certificate for Payment No. 14-Final in the amount of \$581,974.94, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

RESOLUTION NO. 2015-260

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 showing a decrease to the contract sum in the amount of \$132,604.70 as shown on Exhibit "A" attached hereto and made a part hereof by reference and;

WHEREAS, Midlands Contracting and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 14-Final in the amount of \$581,974.94 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$5,513,218.10
Change Order No. 1 (5-12-2015)	+ \$36,900.00
Change Order No. 2 (5-12-2015)	+ \$4,814.00
Change Order No. 3 (12-8-2015)	<u>- \$132,604.70</u>
Contract Sum To Date	5,422,327.40
Gross Amount Due	5,422,327.40
Retainage (0%)	.00
Amount Due to Date	5,422,327.40
Less Previous Certificates for Payment	<u>4,840,352.46</u>
Current Payment Due	\$ 581,974.94

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 30, 2015, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown on Exhibit "A", Application and Certificate for Payment No. 14-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt Resolution No. 2015-261 approving Change Order No. 2 showing an increase in the amount of \$126,859.10, Application and Certificate for Payment No. 5 in the amount of \$79,795.97 submitted by Blessing LLC and approved by Olsson Associates for the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden’s Addition.

RESOLUTION NO. 2015-261

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden’s Addition, and the City's engineer, Olsson Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$126,859.10 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction and Olsson Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$79,795.97 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 872,819.97
Change Order No. 1 (9-22-2015)	+ 96,221.75
Change Order No. 2 (12-8-2015)	<u>+ 126,859.10</u>
Contract Sum To Date	1,095,900.82
Gross Amount Due	885,581.27
Retainage (5%)	44,279.06
Amount Due to Date	841,302.21
Less Previous Certificates for Payment	<u>761,506.24</u>
Current Payment Due	\$ 79,795.97

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit “A” and Application and Certificate for Payment No. 5, as shown on Exhibit “B”, be and is hereby accepted and approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the request submitted by the Buffalo County Board of Commissioners for parking restrictions as posted adjacent to the Buffalo County Courthouse as follows: 30 minutes on the west side of Central Avenue from 15th Street to 16th Street, and motorcycle parking only on the east side of 1st Avenue from 16th Street for

approximately 70 feet.

10. Adopt Resolution No. 2015-262 approving the Standard Specifications for Municipal Construction and the Standard Specifications for Private Construction Performed on Public Right-of-Way.

RESOLUTION NO. 2015-262

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the document entitled Standard Specifications for Municipal Construction and the Standard Specifications for Private Construction Performed on Public Right-of-Way be and is hereby adopted and approved as presented. A copy of said Standard Specifications for Municipal Construction and the Standard Specifications for Private Construction Performed on Public Right-of-Way, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. 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 liquor license to dispense beer, wine and distilled spirits inside Hello Beautiful located at Vista Point Plaza, 5012 3rd Avenue, #150, on Thursday, January 7, 2016 from 3:00 p.m. until 11:00 p.m. for a chamber event.

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 liquor license to dispense beer, wine and distilled spirits inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, January 22, 2016 from 3:00 p.m. until 1:00 a.m. for a concert.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8054 VACATING WEST 10 FEET OF AVENUE F FROM 19TH STREET TO RAILROAD STREET

The applicant is requesting to vacate the west 10 feet of Avenue F between 19th Street and South Railroad Street. Avenue F has 100 feet of right-of-way and the developer would like to vacate this portion of Avenue F in order to extend their fence further to the east. Section 53-104.B of the City Code allows rights-of-way in excess of 100 feet to be vacated to no less than 100 feet, 100-foot rights-of-way to be vacated to no less than 80 feet, 80-foot rights-of-way to be vacated to no less than 66 feet, and rights-of-way of 66 feet or less cannot be vacated. Both property owners to the north are in agreement with the vacation request and the utility companies have signed off on the consent form for vacation of street right-of-way.

Council Member Lammers introduced Ordinance No. 8054 vacating the west 10 feet of Avenue F from 19th Street to South Railroad Street as it abuts Lots 602, 603, 604 and 605, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (1908, 1916 and 1924 Avenue F), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8054 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8054 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8054 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8055 VACATING LOTS 9 THROUGH 24, LINCOLN WAY VILLA PLOTS

The applicant is requesting to vacate Lots 9 through 24, inclusive and the vacated street abutting Lots 16 and 17, all in Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska. Vacating the lots and the street will “clean the slate” and allow for future development of the parcel.

Council Member Lammers introduced Ordinance No. 8055 vacating all of Lots 9 through 24, inclusive and the vacated street abutting Lots 16 and 17, all in Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska (south of Highway 30 and west of University Drive), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8055 by number. Roll call of those in favor of

the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8055 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8055 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8056 VACATING ALL OF UNIVERSITY DRIVE FROM THE UNION PACIFIC RAILROAD TO U.S. HIGHWAY NO. 30

The applicant is requesting to vacate University Drive from the north right-of-way line of the Union Pacific Railroad to the south right-of-way line of U.S. Highway 30. University Drive will be re-platted with a new alignment in the future.

Council Member Lammers introduced Ordinance No. 8056 vacating all of University Drive as it exists from the north right-of-way line of the Union Pacific Railroad to the south right-of-way line of U.S. Highway No. 30, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8056 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8056 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8056 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$94,306.82 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

City Manager Michael Morgan stated they will continue to get more information on the runway project. The federal government is looking at some of the projects well in advance of what originally they had in 2018 date for the runway rehab; however there are a lot of factors they are still working through so they will know more and provide that information back to Council.

Council member Lammers thanked the Veterans for all of the sacrifices that they have made for our Country. That becomes painfully evident with all the activities that are going around the world today and reminded him when the firefighters were here of all the sacrifices that they make to make Kearney a better community. Without them, our property taxes will be significantly higher for the City so he wants to thank them for all their efforts.

Mayor Clouse stated Alex Wilford is the director of the Veterans Home. They are making presentations to different civic groups so if anyone wants a presentation of the plans for the Vets home and where they are at, staffing and will answer a lot of questions on the layout and design. He has seen some preliminary plans on the Veterans Memorial and that will be phenomenal.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:09 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**