

Kearney, Nebraska
June 14, 2016
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 June 14, 2016 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. Absent: Bob Lammers and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Shawna Erbsen, Administrative Services Director; and Jason Whalen, Fire Administrator were also present. Some of the citizens present in the audience included: Duane Ruh, Jenifer Sorensen, Kathy Ulrich, Jessica Kolesh from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT FOR 3012 WEST 24TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Khim H. Lim and Hong K. Lo and Smiling Faces Academy, Inc. for a Conditional Use Permit to operate a day care on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Bico's Addition, an addition to the City of Kearney, Buffalo County, Nebraska (3012 West 24th Street) and to consider Ordinance No. 8077. Planning Commission recommended approval subject to the conditions set forth in the ordinance.

Jenifer Sorensen presented this matter to the Council. She stated they want to use the Bico's building and change it into a daycare center since they are growing in Kearney.

Council Member Buschkoetter asked about the conditions and Ms. Sorensen stated they would comply with them.

There was no one present in opposition to this hearing.

Moved by Lear and seconded by Buschkoetter to close the public hearing on the Application submitted by Khim H. Lim and Hong K. Lo and Smiling Faces Academy, Inc. for a Conditional Use Permit to operate a day care on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Bico's Addition, an addition to the City of Kearney, Buffalo County, Nebraska (3012 West 24th Street), and introduced Ordinance No. 8077 and further moved that said Ordinance be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8077 on its first reading. 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, Buschkoetter. Nay: None. Lammers and Nikkila absent. City Clerk read Ordinance No. 8077 by title on first reading.

CONDITIONAL USE PERMIT FOR 516 WEST 11TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Arram Family Foundation, Weis Co. Properties, LLC and HeartPrint Home Care for a Conditional Use Permit to operate a licensed home health and adult day care agency on property zoned District C-1, Limited Commercial District and described as Unit 5 located on Lots 1 through 13 inclusive, Centennial Park Plaza Addition, an addition to the City of Kearney, Buffalo County, Nebraska (516 West 11th Street) and to consider Ordinance No. 8078. Planning Commission recommended approval subject to the conditions set forth in the ordinance.

Kathy Ulrich presented this matter to the Council. She stated they are hoping to get a Conditional Use Permit to open an adult daycare. They have had a home care company since 2002, they have been a licensed home health agency since 2005, and they are adding a licensed adult daycare center at a new location. They have 1600 square feet that is dedicated to that area and they believe that it is something that the City of Kearney needs.

Council Member Lear asked if they are comfortable with the conditions set forth in the ordinance and Ms. Ulrich stated she would comply.

There was no one present in opposition to this hearing.

Moved by Buschkoetter and seconded by Clouse to close the public hearing on the Application submitted by Arram Family Foundation, Weis Co. Properties, LLC and HeartPrint Home Care for a Conditional Use Permit to operate a licensed home health and adult day care agency on property zoned District C-1, Limited Commercial District and described as Unit 5 located on Lots 1 through 13 inclusive, Centennial Park Plaza Addition, an addition to the City of Kearney, Buffalo County, Nebraska (516 West 11th Street) and introduced Ordinance No. 8078 and further moved that said Ordinance be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8078 on its first reading. 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. Nay: None. Lammers and Nikkila absent. City Clerk read Ordinance No. 8078 by title on first reading.

AMEND LAND USE MAP FOR SOUTH OF 55TH STREET AND EAST OF 11TH AVENUE

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 28, 2016 Public Hearing 3 on the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Parks to Mixed Use 1 property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Clouse seconded by Lear to postpone until June 28, 2016 Public Hearing 3 on the Application submitted by Miller & Associates for Grand West, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential and Parks to Mixed Use 1 property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

REZONING SOUTH OF 55TH STREET AND EAST OF 11TH AVENUE

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 28, 2016 Public Hearing 4 on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District A, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Clouse seconded by Lear to postpone until June 28, 2016 Public Hearing 4 on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District A, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

FINAL PLAT FOR FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 28, 2016 Public Hearing 5 on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Clouse seconded by Lear to postpone until June 28, 2016 Public Hearing 5 on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

ANNEXATION OF FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 28, 2016 Public Hearing 6 on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Clouse seconded by Lear to postpone until June 28, 2016 Public Hearing 6 on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Fountain Hills Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

DEVELOPMENT PLANS SOUTH OF 55TH STREET AND EAST OF 11TH AVENUE

Mayor Clouse stated the City received notice that the developer has requested to postpone until June 28, 2016 Public Hearing 7 on the Application submitted by Miller & Associates for Grand West, LLC for Planned District Development Plan Approval for the construction of apartments, multi-family, duplexes and patio homes on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue).

Moved by Clouse seconded by Lear to postpone until June 28, 2016 Public Hearing 7 on the Application submitted by Miller & Associates for Grand West, LLC for Planned District Development Plan Approval for the construction of apartments, multi-family, duplexes and patio homes on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 55th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

REZONING 1404 EAST 39TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by Crossroads Center and the City of Kearney to rezone from District C-1/PD, Limited Commercial/Planned Development Overlay District to District C-1, Limited Commercial District property described as the west portion of part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1404 East 39th Street) and consider Ordinance No. 8080. Planning Commission recommended approval.

Assistant City Manager Paul Briseno presented this matter to the Council. He stated in 2006, Just for Ladies came before the Planning Commission and City Council to rezone from Commercial to Commercial Planned District. At that point of time they were approved, unfortunately they received the wrong legal description thus rezoning the adjacent property owner. Staff found this error and brought the matter forward to correct.

If City Council approves tonight it will rezone Just for Ladies to Commercial Planned Development District and Crossroads to Commercial and will have the correct legal description.

There was no one present in opposition to this hearing.

Moved by Lear and seconded by Buschkoetter to close the public hearing on the Application submitted by Crossroads Center and the City of Kearney to rezone from District C-1/PD, Limited Commercial/Planned Development Overlay District to District C-1, Limited Commercial District property described as the west portion of part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1404 East 39th Street) and introduced Ordinance No. 8080 and further moved that said Ordinance be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8080 on its first reading. 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, Buschkoetter. Nay: None. Lammers and Nikkila absent. City Clerk read Ordinance No. 8080 by title on first reading.

REZONING 1408 EAST 39TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by B&K Holl Family, LLC, dba Just for Ladies and the City of Kearney to rezone from District C-1, Limited Commercial District to District C-1/PD, Limited Commercial/Planned Development Overlay District property described as the east portion of part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1408 East 39th Street) and consider Ordinance No. 8081. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter and seconded by Clouse to close the public hearing on the Application submitted by B&K Holl Family, LLC, dba Just for Ladies and the City of Kearney to rezone from District C-1, Limited Commercial District to District C-1/PD, Limited Commercial/Planned Development Overlay District property described as the east portion of part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1408 East 39th Street), and introduced Ordinance No. 8081 and further moved that said Ordinance be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8081 on its first reading. 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. Nay: None. Lammers and Nikkila absent. City Clerk read Ordinance No. 8081 by title on first reading.

AMEND LEGAL DESCRIPTION FOR DEVELOPMENT PLANS FOR 1408 EAST 39TH STREET

Mayor Clouse opened the public hearing to amend Application For Planned District Development Plan Approval for File #2006-06 (Just for Ladies) for an expansion to a health club facility for property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and to correct the legal description to reflect the east portion of part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1408 East 39th Street) and consider Resolution

No. 2006-61A.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lear to close the public hearing and adopt Resolution No. 2006-61A amending Application For Planned District Development Plan Approval for File #2006-06 (Just for Ladies) for an expansion to a health club facility for property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and to correct the legal description to reflect the east portion of part of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1408 East 39th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: Lammers and Nikkila absent. Motion carried.

RESOLUTION NO. 2006-61A

WHEREAS, on the 9th day of May, 2006 the City Council approved Resolution No. 2006-61 for the Planned District Development Plan Approval for an expansion to a health club facility on property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District submitted by Chad Micek and Northwest Crossings, LLC; and

WHEREAS, it has been determined that the legal description is incorrect and needs to be revised to reflect the correct description as follows: all of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPT however that part of said Lot 2 being more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Grandview Estates Eighth Addition, and assuming the South line of Lot 2 as bearing EAST and all bearings contained herein are relative thereto; thence EAST on the South line of said Lot 2 a distance of 166.50 feet; thence N 00°05'40" W a distance of 350.00 feet to the Southeast Corner of Lot 1 of said Grandview Estates Eighth Addition; thence WEST on the line common to said Lot 1 and said Lot 2 a distance of 166.50 feet to the Northwesterly corner of said Lot 2, Grandview Estates Eighth Addition said point also being the Northeast corner of Lot 1, Casey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the line common to said Lot 1 and said Lot 2, Grandview Estates Eighth Addition, S 00°05'40" E and on the West line of said Lot 2, Grandview Estates Eighth Addition a distance of 350.00 feet to the place of beginning, Buffalo County, Nebraska (1408 East 39th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that Resolution No. 2006-61 is hereby amended to reflect the correct legal description as follows: all of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPT however that part of said Lot 2 being more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Grandview Estates Eighth Addition, and assuming the South line of Lot 2 as bearing EAST and all bearings contained herein are relative thereto; thence EAST on the South line of said Lot 2 a distance of 166.50 feet; thence N 00°05'40" W a distance of 350.00 feet to the Southeast Corner of Lot 1 of said Grandview Estates Eighth Addition; thence WEST on the line common to said Lot 1 and said Lot 2 a distance of 166.50 feet to the Northwesterly corner of said Lot 2, Grandview Estates Eighth Addition said point also being the Northeast corner of Lot 1, Casey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving

the line common to said Lot 1 and said Lot 2, Grandview Estates Eighth Addition, S 00°05'40" E and on the West line of said Lot 2, Grandview Estates Eighth Addition a distance of 350.00 feet to the place of beginning, Buffalo County, Nebraska (1408 East 39th Street).

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 24 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Absent: Lammers and Nikkila. Motion carried.

1. Approve Minutes of Regular Meeting held May 24, 2016.

2. Approve the following Claims:

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

Ace Irrigation \$374.38 smcs; Alamar \$4,990.24 smcs,ps; Alfred Benesch \$5,455.56 co; All Makes Auto \$3,967.09 smcs; Amazon \$1,830.09 smcs; Amer First Aid \$431.74 smcs; Amer Red Cross \$455.00 smcs; Anderson Bros \$13,856.00 smcs; Artisans \$450.00 smcs; Ask Supply \$1,723.81 smcs; Aurora Coop \$24.48 smcs; Baker & Taylor \$6,964.25 smcs; Bamford \$950.00 smcs; Barney Abstract \$1,560.00 smcs; Beacon Athletics \$699.00 smcs; Beehive Industries \$5,773.00 smcs; Behle,C \$12.00 smcs; Bellairs,J \$24.00 smcs; Beuhler,M \$110.25 smcs; Blackstone Audio \$45.00 smcs; Blessing \$479,104.14 co; BlueCross BlueShield \$161,834.74 smcs; Bollig,J \$43.16 smcs; Bosselman \$9,925.88 smcs; Bosshamer,B \$1.03 smcs; Briseno,P \$760.00 smcs; Broadfoots \$1,107.00 smcs; Bruha,S \$720.00 smcs; Buffalo Co Atty \$18,750.00 smcs; Buffalo Co Historical \$591.73 smcs; Buffalo Co Reg Deeds \$80.00 smcs; Buffalo Co Treasurer \$16.00 co; Buffalo Surveying \$2,216.95 smcs; Builders \$43.28 smcs,co; Butler,D \$31.00 smcs; Callahan,L \$19.82 smcs; Capital Business Systems \$169.93 smcs; Casey's General Store \$38.24 smcs; Cash-Wa \$1,289.55 smcs; Center Point Publishing \$74.01 smcs; Central NE Rehabilitation \$75.00 smcs; Central NE Sod Supply \$4,015.00 smcs; Central States Wire \$208.20 smcs; Charron,L \$19.73 smcs; Charter \$116.29 smcs; Chesterman \$313.90 smcs; Christensen,A \$30.40 smcs; City of Ky \$422,863.04 smcs, ps; City of Stromsburg \$12.68 smcs; Clark Enersen \$1,758.18 co; Classic Country Cloggers \$75.00 smcs; Comm Health Charities \$4.00 ps; Consec Life \$19.00 ps; Cool Tech \$79.75 smcs; Cooperative Producers \$418.35 smcs; Copp,T \$10.89 smcs; Cornhusker Cleaning \$463.84 smcs; Crop Production \$1,501.68 smcs; Danko Emergency \$620.09 smcs; DAS State Accounting \$6,057.70 smcs,co; Dawson PPD \$2,037.40 smcs; Depository Trust \$548,883.75 ds; Deterding's \$20,071.64 smcs; Dish \$201.00 smcs; Downey Drilling \$133,377.25 co; Doyle,A \$11.98 smcs; Ducker,A

\$0.47 smcs; Dultmeier Sales \$4,173.51 smcs; Dutton Lainson \$8,311.23 smcs,co; Eagle Distributing \$3,110.85 smcs; Eakes \$2,363.75 smcs; Elliott Equipment \$169.19 smcs; EMC Ins \$11,626.39 smcs; Empire Chemical \$289.32 smcs; Ensley Electrical \$30,439.50 co; Eustis Body Shop \$1,328.43 smcs; Family Advocacy Network \$2,000.00 smcs; Felsburg Holt & Ullevig \$4,344.45 smcs; Fiddelke \$2,255.00 smcs; Fireguard \$879.00 smcs; Foster,D \$54.57 smcs; Freburg-Hoffmeister \$146.86 smcs; Frontier \$78.12 smcs; Fuller,J \$207.00 smcs; Fyr-Tek \$2,596.86 smcs; Gale \$1,861.57 smcs; GameTime \$644.83 co; Garrett Tires \$1,374.40 smcs; GD Construction \$33,314.00 co; Gould,D \$5.82 smcs; Great Plains Safety \$350.00 smcs; Gydesen,S \$7.84 smcs; HD Supply \$7,964.59 smcs; HOA Solutions \$16,000.00 co; Holiday Inn \$50.00 smcs; Hometown Leasing \$157.20 smcs; Horizon Middle School \$650.00 smcs; ICMA \$9,976.77 smcs,ps; Ikeda,Y \$20.00 smcs; IMLA \$625.00 smcs; IPMA \$393.00 smcs; IRS \$299,868.09 ps; J. Gardner & Assoc. \$305.00 smcs; Jack Lederman \$360.85 smcs; Jackson,S \$27.52 smcs; Jacobsen Orr \$58.05 smcs; James,D \$250.00 smcs; Johnson Service \$25,343.00 smcs; Kart-Mart \$998.60 smcs; Ky Area United Way \$614.50 ps; Ky Chamber Comm \$35,000.00 smcs; Ky Clinic \$400.00 ps; Ky Crete & Block \$133.87 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Towing \$300.00 smcs; Ky Visitors Bureau \$98,316.33 smcs; Kelly Supply \$21.38 smcs; Kidwell \$27,507.86 smcs; Klimek,H \$31.00 smcs; KOLN \$1,185.00 smcs; Kratzer,B \$31.00 smcs; Krull Ins \$2,195.00 smcs; KRVN \$120.00 smcs; Landmark Implement \$2,000.70 smcs; Larue Distributing \$54.63 smcs; Laser Art Design \$298.45 smcs; League of NE Municipalities \$100.00 smcs; Lebsock,A \$9.50 smcs; LECC \$130.00 smcs; Lindly,D \$26.99 smcs; Long,E \$12.15 smcs; Magic Cleaning \$4,740.00 smcs; Mail Express \$38.95 smcs; Maris,J \$3.29 smcs; Martin,T \$40.00 smcs; Matheson \$54.29 smcs; McNeilus Truck \$1,061.58 smcs; Menards \$8.49 smcs; Merryman \$83.69 smcs; Metlife \$9,069.83 ps; Mid American Signal \$1,170.00 smcs; Midwest Connect \$5,537.23 smcs; Midwest Turf \$2,299.89 smcs; Milco Environmental \$1,327.40 smcs; Miller & Associates \$19,914.65 smcs,co; Moonlight Embroidery \$1,138.00 smcs; Mott,E \$25.44 smcs; Municipal Supply \$9,960.12 smcs; NE Child Support \$4,657.94 ps; NE Dept of Revenue \$84,346.35 smcs,ps; NE Environmental \$5,804.47 smcs,co; NE Fire & Safety \$195.00 smcs; NE Library Comm \$850.00 smcs; NE Machinery \$2,791.90 smcs; NE Public Health \$1,728.00 smcs; NE Safety \$480.00 smcs; NE Salt & Grain \$6,215.01 smcs; NEland Distributing \$3,926.60 smcs; Newsbank \$1,222.00 smcs; Norquest,J \$290.00 smcs; North Amer Rescue \$1,813.90 smcs; Northwestern \$3,030.74 smcs; NRG Media \$67.50 smcs; Obermiller,M \$30.31 smcs; Ohri,R \$27.00 smcs; One Call Concepts \$607.32 smcs; Paramount \$261.39 smcs; Payflex \$578.00 smcs,ps; Peerless Machine \$6,609.14 smcs; Penworthy \$244.08 smcs; Peterson,S \$43.50 smcs; Physio-Control \$12,528.38 co; Pitney Bowes \$93.48 smcs; Platt,S \$34.41 smcs; Platte Valley Auto \$807.00 smcs; Platte Valley Comm \$70.00 smcs; Plautz,C \$45.00 smcs; Poe,D \$40.14 smcs; Pofahl,T \$140.00 smcs; Pohlman,G \$41.89 smcs; Postmaster \$298.00 smcs; Prairie Sound \$100.00 smcs; Presto-X \$85.00 smcs; Pulliam,R \$40.00 smcs; Random House \$329.99 smcs; Rasmussen,D \$8.33 smcs; Rauch,K \$30.00 smcs; RDG Planning \$4,000.00 co; Ready Mixed \$108.34 smcs; Recorded Books \$478.58 smcs; Red Willow Co \$1,620.00 smcs; Reed,C \$31.00 smcs; Reifschneider,S \$14.82 smcs; Resource Management \$2,106.24 smcs; Rheome Tree \$1,320.00 smcs; Rich,T \$50.00 smcs; Roeder,M \$31.54 smcs; Russell,S \$28.54 smcs; Salina Blueprint \$155.90 smcs; Salter,J \$21.37 smcs; Sampson Construction \$886,015.00 co; Sapp Bros \$32,623.81 smcs; Schindler Elevator \$802.68 smcs; Schmidt,R \$12.71 smcs; School District #7 \$2,443.20 smcs; See Clear Cleaning \$2,050.00 smcs; Sherwin Williams \$3,789.22

smcs; SHRM \$190.00 smcs; Sign Center \$530.00 smcs; Silverstone Group \$4,580.00 smcs; Snap On Tools \$883.97 smcs; SOS Portable \$175.00 smcs; Sponenburgh,B \$13.12 smcs; Stair,P \$44.01 smcs; Steinbrinks Landscaping \$7,499.90 smcs; Stitch 3 \$18.00 ps; Storf,A \$381.18 smcs; Strategic Insights \$675.00 smcs; Suburban Fire \$2,214.50 ps; Suchsland,T \$50.00 smcs; Suleiman,K \$8.45 smcs; Sun Life Financial \$69,747.39 smcs; Sungard \$98,159.00 smcs; Supplyworks \$448.00 smcs; Tacha,J \$50.00 smcs; Taillon,R \$10.41 smcs; Theis,J \$120.00 smcs; Titan Machinery \$1,585.75 smcs; Trade Well Pallet \$1,000.00 smcs; Tri-Co Glass \$75.00 smcs; Troyer,A \$15.62 smcs; Tye Law Firm \$13,478.95 smcs; Uerling,M \$53.63 smcs; Union Bank \$139,022.23 ps; University of Missouri \$11,000.00 smcs; UNK \$129.68 ps; V The Gypsy Cowbelle \$650.00 smcs; Van Diest \$982.52 smcs; Verizon \$1,560.39 smcs; Video Service \$1,755.37 smcs; Village Cleaners \$520.66 smcs; Vontz,H \$27.62 smcs; Walters Electric \$490.00 smcs; Walton,T \$40.00 smcs; Warren-T \$262.74 smcs; Weller,B \$111.67 smcs; Wessels,W \$145.80 smcs; Whalen,J \$42.97 smcs; Willis,M \$25.00 smcs; Wolf,R \$23.47 smcs; WPCI \$424.50 ps; Payroll Ending 5-28-2016 -- \$437,312.10. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-118115 liquor license application submitted by Sozo American Cuisine, LLC, dba Sozo American Cuisine located at 110 2nd Avenue.

4. Approve the application for a Special Designated License submitted by Chug-A-Lug Sports Bar Inc., dba Chug A Lug Sports Bar in connection with their Class C-042049 liquor license to dispense beer and distilled spirits in a 32'x54' fenced area located south of their licensed beer garden located at 1115 East 25th Street on Sunday, July 17, 2016 (alternate date is July 18, 2016) from 1:00 p.m. until 11:30 p.m. for a beer garden, fish fry and dance.

5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:

a) Dobberstein Re-Roofing Project will use the alley lying south of 21st Street as it abuts 2020 and 2022 Central Avenue from June 15 through June 29.

b) Hear Nebraska; Good Living Tour will use the parking lot located north of the Museum of Nebraska Art on July 22.

c) Nebraska Senior Games Cycling will use East 1st Street from The Archway to Avenue M, north on Avenue M to 11th Street, east on 11th Street to Cherry Avenue, south on Cherry Avenue to East 11st Street to The Archway on August 6 and 7.

d) Destination Downtown to use Central Avenue from Railroad Street to 24th Street on August 25.

e) Kearney BBQ on the Bricks will use Central Avenue from 25th Street to 23rd Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from Central Avenue to 1st Avenue, 1st Avenue from 23rd Street to 24th Street, and the parking lot located north of the Museum of Nebraska Art on August 26 and 27.

f) UNK Band Day will use 3rd Avenue from 21st Street to 22nd Street, 20th Street from 8th Avenue to 9th Avenue, 21st Street from 3rd Avenue to 8th Avenue, 8th Avenue from 21st Street to 22nd Street on September 17.

6. Adopt Resolution No. 2016-97 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Johnson Imperial Home Company for Lots 3 through 14 of Block Four, Windsor Estates Seventh Addition.

RESOLUTION NO. 2016-97

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Developer Constructed Infrastructure Agreement for Windsor Estates Seventh Addition" between the City of Kearney and Johnson Imperial Home Company to serve Lots 3 through 14 of Block Four, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt Resolution No. 2016-98 requesting the Department of Economic Development to extend the completion date of CDBG Grant 15-CR-004 to October 1, 2017 for the construction of the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street.

RESOLUTION NO. 2016-98

WHEREAS, the City of Kearney was awarded a CDBG CR Phase III grant in the amount of \$221,192 for the construction of the 2015 Part 14 Improvements; Avenue E from 25th Street to 27th Street project; and

WHEREAS, the base bid for the project included a completion date of August 19, 2016, and no bids were received for this bid schedule; and

WHEREAS, the alternate bid included a completion date of August 11, 2017 with the City receiving two bids, therefore, these improvements will require additional construction time and will be necessary to request an extension on the grant from August 11, 2017 to October 1, 2017 to allow adequate time to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City request from the Nebraska Department of Economic Development an extension to complete the project for CDBG Grant 15-CR-004 from August 11, 2017 until October 1, 2017 and that the Mayor be authorized and directed to proceed with the formulation of any and all contracts and documents between City of Kearney and the Nebraska Department of Economic Development.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve the application submitted by Terry Broadfoot from Broadfoot Sand & Gravel to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.
9. Approve the recommendation from the Development Services Division on the annual renewal for manufactured home court licenses to Cornhusker Mobile Home Park, 1115 Avenue C and Valley View Mobile Home Court, 2701 and 2801 Grand Avenue until May 31, 2017.
10. Approve the recommendation from the Development Services Division on extending the current licenses for Countryside Mobile Park, 1920 15th Avenue and L & M Mobile Home Park, 1110 Central Avenue an additional 60 days to correct the deficiencies.
11. Approve soliciting Requests for Proposals for the design of a playground, splash pad and shelter in northeast Kearney in the Eastbrooke Subdivision.
12. Adopt Resolution No. 2016-99 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

RESOLUTION NO. 2016-99

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

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Approve the recommendation from the Downtown Improvement Board on accepting the updated Downtown Streetscape Plan.
14. Accept the bids received for the 2016 Part 1 Improvements; 39th Street and 30th Avenue Traffic Signals and adopt Resolution No. 2016-100 awarding the bid to IES Commercial in the amount of \$89,583.00.

RESOLUTION NO. 2016-100

WHEREAS, Olsson Associates and the City of Kearney have reviewed the sealed bids which were opened on June 7, 2016 at 2:00 p.m. for the 2016 Part 1 Improvements; 39th Street and 30th Avenue Traffic Signals; and

WHEREAS, the Engineer's Estimate for the 2016 Part 1 Improvements was \$114,944.00; and

WHEREAS, the said engineers have recommended the bid offered by IES Commercial of Holdrege, Nebraska in the amount of \$89,583.00 be accepted as the lowest responsible bid for the 2016 Part 1 Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that IES Commercial be and is the lowest responsible bidder for the 2016 Part 1 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of IES Commercial in the amount of \$89,583.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2016 Part 1 Improvements was \$114,944.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Approve the application for a Special Designated License submitted by Hi-Brand Kearney LLC, dba Old Chicago in connection with their Class IK-066969 liquor license to dispense beer in a 60'x60' fenced area located in their parking lot east of the building located at 115 East 2nd Avenue East on Thursday, June 29, 2016 from 6:00 p.m. until 10:00 p.m. for a beer garden.

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 inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, July 2, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

17. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exposition Building and inside an outdoor 200'x150' fenced area located in the parking lot adjacent to the building as shown on the diagram located at the Buffalo County Fairgrounds, 3807 Avenue N on Monday, July 4, 2016 from 2:00 p.m. until 1:00 a.m. for an employee and customer appreciation event and a beer garden.

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 Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, July 9, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

19. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311

catering liquor license to dispense beer, wine and distilled spirits inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Friday, July 15, 2016 from 3:00 p.m. until 1:00 a.m. for a car auction.

20. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, July 16, 2016 from 3:00 p.m. until 1:00 a.m. for a reception.

21. 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 outdoor area measuring 150'x80' and designated as the Outdoor Arena adjacent to the Exposition Building as shown on the diagram at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, July 17, 2016 from 12:00 p.m. until 9:00 p.m. for a fund raiser.

22. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits inside the Exposition Building and an outdoor area measuring 200'x150' adjacent to the building as shown on the diagram all located at the Buffalo County Fairgrounds, 3807 Avenue N on July 27, 28, 29, 30, 2016 from 3:00 p.m. until 1:00 a.m. and July 31, 2016 from 3:00 p.m. until 12:00 a.m. for the Buffalo County Fair.

23. 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 outdoor area measuring 400'x200' and designated as the Demo Pit adjacent to the Exposition Building as shown on the diagram at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, July 31, 2016 from 2:00 p.m. until 11:00 p.m. for the Buffalo County Fair.

24. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-118141 liquor license application submitted by Los Magueyes LLC, dba Los Magueyes located at 320 3rd Avenue.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8082 VACATING 50-FOOT SETBACK AT 5510 EAST SADDLE HORSE DRIVE

The property is .52 acres and is zoned RR-2, Rural Residential District (Intermediate Standards). A 50-foot front yard setback was required by Planning Commission and City Council when the subdivision was created in April of 1971. Current City Code requires a 40-foot front yard setback in RR-2 zoning districts. Board of Adjustment granted a variance to the front yard setback for the house early in 2016. The applicant would like to build a garage in the future and is requesting vacation of the entire 50-foot front yard platted setback so he can place his garage closer to the setback of his house.

The vacation of the platted 50-foot front yard setback will allow the current Code requirements for front yard setbacks in RR-2 zoning districts to apply to this lot.

Council Member Buschkoetter introduced Ordinance No. 8082 vacating the 50-foot platted setback on property described as Lot 2, Block 2, O'Brien Subdivision, a subdivision of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, excepting however, the north 4.0 feet of the east 10.0 feet of said tract (5510 East Saddle Horse Drive) and moved that Ordinance No. 8082 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 8082 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 8082 on first reading. 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. Nay: None. Lammers and Nikkila absent. City Clerk read Ordinance No. 8082 by title on first reading.

VI. REGULAR AGENDA

None.

VII. REPORTS

None

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 5:43 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Lammers and Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**