

*Kearney, Nebraska
July 12, 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 July 12, 2016 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle 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; Tony Jelinek, Interim Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator; Coelette Gruber, City Planner were also present. Some of the citizens present in the audience included: Bruce Lefler, Amy Schweitzer, Trent Snow, Duane Ruh, Jessica Kokesh.

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

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 July 26, 2016 Public Hearing 1 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 Lammers seconded by Nikkila to postpone until July 26, 2016 Public Hearing 1 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, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. 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 July 26, 2016 Public Hearing 2 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 Lammers seconded by Nikkila to postpone until July 26, 2016 Public Hearing 2 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, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

FINAL PLAT FOR FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 26, 2016 Public Hearing 3 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 Lammers seconded by Nikkila to postpone until July 26, 2016 Public Hearing 3 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, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ANNEXATION OF FOUNTAIN HILLS NINTH ADDITION

Mayor Clouse stated the City received notice that the developer has requested to postpone until July 26, 2016 Public Hearing 4 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 Lammers seconded by Nikkila to postpone until July 26, 2016 Public Hearing 4 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, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. 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 July 26, 2016 Public Hearing 5 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 Lammers seconded by Nikkila to postpone until July 26, 2016 Public Hearing 5 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, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

REZONING 5205 BISON RUN

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Stephen and Amy Schweitzer to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the east half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5205 Bison Run) and consider Ordinance No. 8088.

Trenton Snow presented this matter to the Council. The property is south of 56th Street and east of Cottonmill Avenue. There have been a couple other subdivisions in this area that have come before City Council since this property is less than ten acres because of State Statute and subdivision regulations. If they plan on doing anything or changing any part of the land they have to come through the process.

It is outside of City limits. There will be private well and septic to it. With Bison Run being an easement, there will be no dedication of street; it is just an easement that goes back to it.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Trenton Snow for Stephen and Amy Schweitzer to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the east half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5205 Bison Run) and introduced Ordinance No. 8088 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. 8088. 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. 8088 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. 8088 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. 8088 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 SCHWEITZER SUBDIVISION

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Stephen and Amy Schweitzer for the Final Plat for Schweitzer Subdivision, a subdivision of a tract of land being part of the east half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5205 Bison Run) and consider Resolution No. 2016-111.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2016-111** approving the Application submitted by Trenton Snow for Stephen and Amy Schweitzer for the Final Plat for Schweitzer Subdivision, a subdivision of a tract of land being part of the east half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5205 Bison Run). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2016-111

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Schweitzer Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the East Half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 29 and assuming the North line of said Northwest Quarter as bearing N 89°54' W and all bearings contained herein are relative thereto; thence N 89°54' W on the aforesaid North line a distance of 39.0 feet; thence S 00°12'54.4" E a distance of 1329.85 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°12'54.4" E a distance of 30.0 feet; thence S 68°38'42" W a distance of 478.3 feet; thence N 06°42'29" E a distance of 382.74 feet; thence S 66°17'27" E a distance of 437.58 feet to the place of beginning, containing 2.00 acres, more or less, all in 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 12TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMENDMENTS TO CITY CODE

Mayor Clouse opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Chapter 13, "Use Types" to add clarification of selected use types; Table 14-1, "Commercial Use Types" to add language to "Restricted Business"; Chapter 19, "District R-1, Urban Residential Single-Family District (Low Density) to delete "lots with individual wastewater systems"; Chapter 21, "District R-3, Urban Residential Multi-Family District (Medium-Density)" and Chapter 22, "District R-4, Urban Residential Multi-Family District (High-Density)" to amend "minimum bufferyard adjacent to residential uses in R-1 and R-2 districts"; Chapter 24, "District UC, Mixed Use Urban Corridor District" and Chapter 25, "District C O, Office District" to amend "minimum bufferyard to be provided by multi-family and non-residential uses adjacent to other non-multi-family residential uses"; Chapter 26, District C-1, Limited Commercial District" to amend "minimum bufferyard to be provided adjacent to residential uses or vacant land in RR-1 through R-4 and RM zoning districts" and add Section 26-107, "Supplemental Design Standards for Office and Commercial Uses in C-1 Districts"; Chapter 27, "District C-2, Community Commercial District", Chapter 29, District C-3, General Commercial District" and Chapter 30, "District BP, Business Park District" to amend "minimum bufferyard to be provided adjacent to residential uses or vacant land in RR-1 through R-4 and RM zoning districts"; Chapter 31, "District M-1, Limited Industrial District", Chapter 32, "District M-2, General Industrial District" to amend "minimum bufferyard to be provided adjacent to residential uses or vacant land in RR-1 through R-4, RM, UC, C-O, C-1 and C-1(N) zoning districts"; Chapter 46, "Supplemental Use Regulations" to add clarification to certain supplemental commercial use regulations and to delete in its entirety Section 46-106, "Supplemental Design Standards for Office and Commercial Uses in C-1 Districts; Amend Section 48-105, "Bufferyard Provisions" to require bufferyards of less than 10 feet wide to install a 6-foot high fence, Section 48-106, "Screening Standards" to provide when a street separates adjacent zoning districts the height of the screen reduced at the discretion of City staff, Section 48-107, "Parking Lot Landscaping" to clarify the requirements for landscaping for parking lots of Chapter 48, "Landscaping and Screening Standards" of the Kearney City Code; Chapter 49, "Off-Street Parking" to amend "Public Works Planning Staff" to "Development Services Staff"; Chapter 56, "Public Improvements and Infrastructure" to delete Section 56-106.1, "Park Dedication" and consider Ordinance No. 8089.

City Planner Coelette Gruber presented this matter to the Council. City staff have reviewed the amendments to City Code over the past months; it is the first round of code housekeeping. The purpose of these amendments is to make the code complete, up to date and easier to use. There are five categories: code clarifications, minimum

bufferyard requirements, landscaping and screening standards, supplemental use regulations and park dedication.

In code clarifications they looked at additions and subtractions to mostly definitions. They also removed some conflicting statements. They also had some departmental changes. It is important to understand that these amendments by no means prohibit the development of restricted adult entertainment within the Kearney city limits. This is a permitted use in M-1 and M-2 districts.

Everywhere in code where restricted adult entertainment business was referenced in a variety of ways it has now become restricted adult entertainment business. They also added residential uses to residential districts in Chapter 46 making the code more aligned with other sections of code.

The last thing they did in this area of code was to exclude restricted adult entertainment business use types from being defined as social club use types.

Council Member Nikkila asked if there was a loop hole that they could have gotten a club put in a different zoning area then they really intend for them to be. City Planner stated it is to keep them in one use type.

City Council has considered bufferyard deviations and that was mostly in smaller infilled lots and the reason for that is because they have a set bufferyard of 20 feet. Now the code amendment is using a ratio that allows for better infilled development and greater utilization of its existing infrastructure. This would allow certain things not to be deviated from in code. Staff had it come up on different occasions and when that is the case it is usually the code not working, not the development.

Moving onto landscaping and screening standards that reduced the bufferyard which might have reduced the ability of the bufferyard to protect a lesser use from a more intense use and because of that they made code amendments to provide additional screening requirements for the reduced bufferyards.

They also added residential uses to residential districts to protect less intensive zoning from more intense zoning. There were code amendments in there that gives staff the ability to regulate height of screening but only in limited situations. They increased the tree requirement in the bufferyard area and they allowed bufferyards to be integrated into the depth of landscaping.

After reviewing codes from other cities, they protected landscape materials that were in parking lot islands through design.

Amendments to supplemental use regulations are really looking at code relocation or as a guide. This places relevant code in the appropriate district chapter. They moved the supplemental C-1 district design standards to the C-1 district and took it out of the supplemental use regulations. They also, in supplemental use regulations, provided bed and breakfast a guide to the parking chapter that would show the requirement for parking.

Lastly, the removal of the requirement for park dedication by a subdivider is found in Chapter 56. This is being removed because a city of the first class according to State statute is not allowed to do this.

Council Member Lammers asked was there much discussion about smaller lots where you went to a percentage figuring out what the deviation should be. City Planner stated they looked at ten different lots and how the bufferyard would change with those lots. So on the larger lots you are still going to have the more than adequate 20 feet of bufferyard there but on the smaller lots they thought when they got to ten feet they were not going to be able to provide enough plant material to make the bufferyards sustainable so that is why the fencing requirement went in. When you go down to a bufferyard that was less than seven feet that does not give you a lot of root growth area.

Council Member Buschkoetter asked how many of these are things that developers, that you have run into and how much of it was caught in more the theoretical aspect of you finding stuff in the code that did not make sense. City Planner stated her first two months at the City; she did a lot of reading of the Code to understand it. Chief Building Inspector, Max Richardson quizzed her so as they went through looking at things some of them came up they were having conflicts and how to make them clearer and easier to implement.

Other things have come forward with the buffer just from use. There was no way for them to change it as staff and so they were having to send people all the way through the process to get the deviations and they would rather not have deviations because you have more uniformity with code if it can be applied the same to everyone.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the proposed amendments and introduced Ordinance No. 8089 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. 8089. 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. 8089 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. 8089 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. 8089 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.

BOARD OF EQUALIZATION

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to determine a connection fee in the amount of special benefits accruing to the property in Sanitary Sewer Connection District Nos. 2014-1 and 2015-1 and Water Connection District No. 2015-1 and consider Resolution No. 2016-112.

Sanitary Sewer Connection District No. 2014-1 – On August 26, 2014 the City Council adopted Ordinance No. 7927 creating 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.

Sanitary Sewer Connection District No. 2015-1 and Water Connection District No. 2015-1 – Properties along Landon Street from Central Avenue east to the east line of Riverside Addition have been in the City limits since Riverside Addition was platted in 1888. In December of 2004 Landon Street was extended with the platting of Gangwish Addition from Riverside Addition to the east line of Gangwish Addition. Some properties along Landon Street would like to develop or expand. However, under the 2006 Fire Code those properties cannot get a building permit until City water mains are in place that would provide fire protection.

After completion of the construction project, the City hired a title company to complete property abstracts so that the City could notify the property owners. Since completing the construction of the water and sanitary sewer mains, City staff has calculated the benefit to the abutting properties included in the districts and arrived at a connection fee for the districts.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing for the Council to meet as the Board of Equalization and adopt **Resolution No. 2016-112** approving the connection fee in the amount of special benefits accruing to the properties in Sanitary Sewer Connection District Nos. 2014-1 and 2015-1 and Water Connection District No. 2015-1. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2016-112

WHEREAS, on the 26th day of August, 2014, the City Council of the City of Kearney, Nebraska, passed and approved Ordinance No. 7927 creating Sanitary Sewer Connection District No. 2014-1, the said sanitary sewer main has been constructed in

accordance with said Sanitary Sewer Connection District No. 2014-1 and the costs thereof have been reported to the City Council; and

WHEREAS, on the 23rd day of June, 2015, the City Council of the City of Kearney, Nebraska, passed and approved Ordinance No. 8005 creating Water Connection District No. 2015-1 and Ordinance No. 8006 creating Sanitary Sewer Connection District No. 2015-1, the said sanitary sewer and water mains have been constructed in accordance with said Water Connection District No. 2015-1 and Sanitary Sewer Connection District No. 2015-1 and the costs thereof have been reported to the City Council; and

WHEREAS, the City Council, sitting as a Board of Equalization, has determined the benefits to abutting property in the Districts to be shown on the Schedule, marked Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, Section 16-6,103 of the Nebraska Revised Statutes provides that the special benefits determined by the Board of Equalization shall not be levied as special assessments against the property within the Districts, but shall be certified to the Register of Deeds of the County.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the benefits to abutting property in Sanitary Sewer Connection District Nos. 2014-1 and 2015-1 and Water Connection District No. 2015-1 are as found and determined by the Council, sitting as a Board of Equalization, as shown and set forth on Exhibit "A".

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file a certified copy of this Resolution in the Office of the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that a connection fee equal to the amount of the benefit accruing to the property as set by the benefit schedule (Exhibit "A") shall be paid to the City at the time the respective properties are connected to the sewer main constructed in Sanitary Sewer Connection District Nos. 2014-1 and 2015-1 and Water Connection District No. 2015-1 and that no property thus benefited by said main improvements shall be connected to the sewer main until said connection fee is paid.

BE IT FURTHER RESOLVED that upon payment by abutting owners of the connection fee, the City shall notify the Buffalo County Register of Deeds that the individual connection fees have been paid and satisfied.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 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 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 28, 2016.
2. Approve the following Claims:

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

Amazon \$4,155.04 smcs; Amer First Aid \$316.82 smcs; Ask Supply \$480.10 smcs; Aurora Coop \$100.16 smcs; Auto Value \$1,849.24 smcs; Awards Unlimited \$188.09 smcs; Baker & Taylor \$2,916.09 smcs; Bamford \$225.00 smcs; Bartek,J \$6.01 smcs; Bauer Underground \$722.50 smcs,co; Blackstone Audio Books \$131.25 smcs; Blessing \$398,168.11 co; BlueCross BlueShield \$181,722.14 smcs; Bosselman \$1,286.93 smcs; Bowman,R \$12.38 smcs; Boyll,T \$51.00 smcs; Broadfoot's \$2,321.50 smcs; Brownell \$2,131.03 smcs; Bruha,S \$340.00 smcs; Buffalo Co Treasurer \$15.00 smcs; Buffalo Outdoor Power \$261.19 smcs; Builders \$750.65 smcs,co; Burchell,D \$10.84 smcs; Bushnell,R \$52.46 smcs; Capital Business Systems \$169.93 smcs; Carlson,K \$16.00 smcs; Carson,C \$1.35 smcs; Cash-Wa \$3,857.35 smcs; Center Point Publishing \$74.01 smcs; Charter \$356.35 smcs; Chemsearch \$305.00 smcs; Chesterman \$3,694.05 smcs; Chief Supply \$12.60 smcs; City of Ky \$11,383.24 ps,co; City of Ky \$47,536.65 smcs; Clinch Enterprises \$63.56 smcs; Comfy Bowl \$50.00 smcs; Conseco Life Ins \$19.00 ps; Copycat Printing \$207.06 smcs; Cornerstone Berean Church \$270.35 co; Cummins \$874.33 smcs; Cutter & Buck \$956.18 smcs; D&M Security \$64.50 smcs; Dan Roeder Concrete \$454,274.10 co; Danko Emergency \$183.89 smcs; DAS State Accounting \$5,810.62 smcs; Dell \$14,231.58 co; Demco \$91.15 smcs; Depository Trust \$270,592.50 ds; Dish \$201.00 smcs; DPC Industries \$5,757.49 smcs; Dutton-Lainson \$156.63 smcs; Eagle Distribution \$1,693.70 smcs; Eakes \$149.96 smcs; Elliott Equipment \$3,159.63 smcs; EMC Ins \$11,875.75 smcs; Emerson Network Power \$1,733.82 smcs; Ensley Electrical \$1,404.29 smcs; Ericson,B \$16.00 smcs; Farmers Union \$14.00 smcs; Felsburg Holt & Ullevig \$3,200.83 smcs; Fiddelke \$520.00 smcs; Fireguard \$462.39 smcs; Fry & Associates \$101,250.00 smcs; Gale \$973.68 smcs; Gangwish Turf \$99.75 co; Garrett Tires \$36.62 smcs; George,A \$14.29 smcs; Global ARFF \$182.66 smcs; Great Plains Safety \$416.95 smcs; Grombacher,K \$750.00 smcs; Gydesen,S \$7.84 smcs; Habitat for Humanity \$298.50 smcs; Hanshaw,J \$46.39 smcs; HD Supply \$3,417.52 smcs; Hoehner Turf \$142.55 smcs; Hometown Leasing \$157.20 smcs; Hostetler,B \$180.00 smcs; HR Direct \$934.00 smcs; ICMA \$4,662.91 ps; Instawares \$8,945.45 smcs; IRS \$162,634.63 ps; Jack Lederman \$15.39 smcs; James,D \$100.00 smcs; Johnson,C \$345.00 smcs; J-Spot Services \$220.00 smcs; Ky Concrete \$13,534.05 co; Ky Crete & Block \$5,396.16 smcs,co; Ky Hub \$3,537.17 smcs; Klaus,M \$369.98 smcs; Kowalek,G \$11.11 smcs; Krull Ins \$2,195.00 smcs; Lambert,C \$5.91 smcs; Land,J \$84.49 smcs; Larue Distributing \$89.00 smcs; Laser Link Golf \$173.00 smcs; Lawson,T \$6.11 smcs; League of NE Municipalities \$348.00 smcs; Lee,M \$22.74 smcs; Leininger,L \$153.63 smcs; Magic Cleaning \$4,740.00 smcs; Mail Express \$55.42 smcs; Marlatt Machine \$120.00 smcs; Matheson-Linweld \$23.80 smcs; McLaughlin,P \$36.07 smcs; Mefferd,E \$779.00 smcs; Menards \$69.39 smcs; Midlands Contracting \$112,847.96 co; Midwest Striping \$17,293.50 smcs; Milco Environmental \$600.00 smcs; Miller & Associates \$940.40 co; Miller,J \$44.98 smcs; Muenster,A \$41.99 smcs; Municipal Emergency \$275.73 smcs; NE Child Support \$2,328.97 ps; NE Crane \$87.50 smcs; NE Dept of Rev \$45,091.01 smcs; NE Machinery \$6,061.83 smcs; NE Public Health \$1,010.00 smcs; NE Salt & Grain \$3,158.35 smcs; NE Softball Assn

\$2,200.00 smcs; NE State Library \$19.25 smcs; NEland Distributing \$1,782.44 smcs; North Amer Rescue \$310.20 smcs; Northwestern Energy \$2,822.85 smcs; Novus \$35.00 smcs; Office Depot \$100.28 smcs; O'Hara Lindsay \$2,000.00 smcs; O'Keefe Elevator \$464.91 smcs; Old Hardware Store \$55.00 smcs; Oliver,T \$2,093.00 smcs; Olsson Associates \$2,193.50 co; Ostrander,R \$31.00 smcs; Paramount \$297.48 smcs; Parron,S \$250.00 smcs; Payflex \$8.50 smcs; Penguin Random House \$166.50 smcs; Penworthy \$542.28 smcs; Philadelphia Mixers \$1,440.61 smcs; Platte Valley Auto \$18,116.00 co; Platte Valley Labs \$62.50 smcs; Presto-X \$113.52 smcs; Prososki,C \$71.28 smcs; Pulliam,R \$40.00 smcs; Quinn,J \$400.00 smcs; Ready Mixed Concrete \$7,561.62 smcs,co; Recorded Books \$5,511.25 smcs; Republic Natl \$922.39 smcs; Rheome Tree \$1,870.00 smcs; Rich,T \$50.00 smcs; Roseberry,D \$120.00 smcs; Sapp Bros \$30,092.75 smcs; Schmeits,J \$16.27 smcs; School District #7 \$1,109.10 smcs; Schukar,R \$70.00 smcs; Sewing for You \$5.00 smcs; Shea, John \$13.51 smcs; Shotkoski Services \$599.00 smcs; Sorensen Group \$26,729.00 co; SOS Portable Toilets \$490.00 smcs; Southern Distributing \$622.00 smcs; Springer,M \$51.12 smcs; Staab,J \$1,326.00 smcs; Steinbrink Landscaping \$394.72 smcs; Sun Life Financial \$69,589.87 smcs; Sutton,S \$300.00 smcs; Tacha,J \$50.00 smcs; Taillon,R \$16.80 smcs; Theis,J \$40.00 smcs; Thompson Co, \$113.01 smcs; Tielke's Sandwiches \$75.45 smcs; Titleist \$2,049.98 smcs; Tourney,T \$75.00 smcs; Trade Well Pallet \$5,500.00 smcs; Tri Co Equipment \$443,500.00 co; Tri State Oil Reclaimers \$90.90 smcs; TruGreen ChemLawn \$340.00 smcs; Turcios,Y \$28.00 smcs; Tye Law Firm \$14,472.65 smcs; Union Bank & Trust \$69,817.24 ps; UNK \$1,000,000.00 co; USA Communications \$155.95 smcs; V The Gypsy Cowbell \$100.00 smcs; Vanwall Equipment \$2,259.56 smcs; Verizon \$1,624.33 smcs; Village Cleaners \$383.00 smcs; Walton,T \$40.00 smcs; Wasson,J \$22.08 smcs; WasteCorp Pumps \$8,095.68 smcs; Weedcope \$1,600.00 smcs; Wells Fargo Equipment \$53,598.20 ds; Young,M \$86.85 smcs; Payroll Ending 6-25-2016 -- \$471,249.10. 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 manager application for Brandon Hamilton submitted by Hi-Brand Kearney, LLC, dba Old Chicago located at 115 South 2nd Avenue East in connection with their Class IK-066969 liquor license.

4. Adopt Resolution No. 2016-113 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and WeisCo Properties, LLC for water and sanitary sewer improvements to serve Lot 5, Ingersoll Subdivision.

RESOLUTION NO. 2016-113

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 5, Ingersoll Subdivision" between the City of Kearney and WeisCo Properties, LLC for water and sanitary sewer improvements to serve Lot 5, Ingersoll Subdivision, 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 12TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt Resolution No. 2016-114 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Castle Ridge Fifth Addition.

RESOLUTION NO. 2016-114

WHEREAS, on the 10th day of March, 2013 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2015-48 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Castle Ridge Fifth Addition, for the construction of water, sanitary sewer and concrete pavement and storm sewer to serve Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for water, sanitary sewer and concrete pavement and storm sewer to serve Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt Resolution No. 2016-115 approving the Employment Agreement between the City of Kearney and Michael Morgan.

RESOLUTION NO. 2016-115

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager,

pursuant to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager continue to be paid an annual salary of One Hundred Eighty-eight Thousand Six Hundred Seventy-Six Dollars (\$188,676); said salary to be paid bi-weekly from any City funds in such proportionate amounts as the City Manager may determine.

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

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve submitting the question to the Planning Commission for their review and recommendations whether Redevelopment Area #11 is substandard and blighted.
8. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 17, 2016 from 6:00 p.m. until 1:00 a.m. for a dance (alternate location is Exhibit Building and alternate date is September 24, 2016).
9. Approve the recommendation from the Development Services Division on approving the current licenses for Countryside Mobile Park, 1920 15th Avenue and L & M Mobile Home Park, 1110 Central Avenue.
10. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer, wine and distilled spirits inside Credit Management, 416 West 48th Street, Suite 1 on Thursday, July 28, 2016 from 2:00 p.m. until 10:00 p.m. for business after hours.
11. Approve the plans and specifications for the purchase and installation of 8 scoreboards for the youth baseball and softball complexes at Patriot Park and set the bid opening date for July 29, 2016 at 2:00 p.m.
12. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for the Chapman/Bruning Wedding using the parking lot located north of the Museum of Nebraska Art and the parking stalls on the west side of Central Avenue from 23rd Street to 24th Street on August 6.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 8090 ISSUING 2016 VARIOUS PURPOSE BONDS

The City has completed construction, made final payments, and assessed the costs according to benefits derived, if any, on the Central Avenue from 26th Street to 31st Street Project. Prior to the construction of paving and stormwater improvements for the above project, Series 2014 Bond Anticipation Notes were approved by the City Council to provide short-term financing to pay contractors and engineers. The Series 2014 BAN's, which are dated August 12, 2014, mature on August 15, 2016. The total amount of the outstanding 2014 BAN's is \$1,490,000. The total amount of the Series 2016 Various Purpose General Obligation Bonds will be \$1,510,000.

Bruce Lefler from Ameritas Investment presented this matter to the Council. These various purpose bonds are issued to take out bond anticipation notes previously issued by the City for the various projects as indicated. They are here today with a commitment within the ordinance to provide the underwriting of the bonds in the amount of \$1,510,000 with an all in interest expense on the bonds of being 2.32 percent.

Council Member Buschkoetter introduced Ordinance No. 8090 authorizing the issuance of General Obligation Various Purpose Bonds, Series 2016, of the City of Kearney, Nebraska, in the principal amount of \$1,510,000 for the purpose of paying the costs of improving streets and intersections in Paving Improvement District No. 2014-964, including payment of interim financing related to said street improvement; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, 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 suspend the rules for Ordinance No. 8090. 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. 8090 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 Clouse seconded by Lammers that Ordinance No. 8090 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. 8090 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.

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$69,896.19 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council members wished everyone a safe weekend since it is Cruise Nite.

VIII. ADJOURN

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

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**