

*Kearney, Nebraska  
December 13, 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 December 13, 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, 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; Lauren Brandt, Deputy City Clerk; Tony Jelinek, 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: Craig Bennett, Kevin Duncan, Trenton Snow, Terry Eirich, Kelly Hardin, Tony Rich, Eddy Baer, Jerry Thompson, Gisel Theis, Jason Whalen, Dave Krueger, Brad Isaac, Ric Pulliam, George Wiedel, Emmett Maul, Eric Van Horn, Kevin Royle, Mathew Begnoche, Tyler Vlasin, Danny Baer.

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**

Two Boy Scouts 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.

### **APPROVE MINUTES**

Moved by Lammers seconded by Nikkila that the Minutes of Regular Council Meeting of November 22, 2016, and the Minutes of the Kearney Area Solid Waste Agency Meeting of September 13, 2014 be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**CERTIFICATE OF VOTE**

City Clerk read the following Certificate of Vote from the November 8, 2016 General Election for Kearney City Council by the Buffalo County Election Commissioner's Office:

Stanley Clouse	8,624
Jonathan Nikkila	7,767
Bruce Lear	7,610
Duane Ruh	3,627

Lisa Poff  
Buffalo County Election Commissioner's Office

Moved by Nikkila seconded by Lear to accept the Certificate of Vote from the Buffalo County Election Commissioner's Office. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**ADMINISTER THE OATH OF OFFICE**

City Clerk administered the Oath of Office to Council Members Stanley Clouse, Bruce Lear and Jonathan Nikkila.

**NOMINATION FOR PRESIDENT/MAYOR**

City Clerk stated that nominations would be received for President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Council Member Lear nominated Stanley Clouse for this position and Council Member Buschkoetter seconded the nomination. Hearing no other nominations, nominations were closed. Stanley Clouse was nominated President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Roll call for those in favor of Stanley Clouse for President of the Council: Lammers, Buschkoetter, Lear, Nikkila. Clouse abstained. City Clerk stated the ayes have it and Stanley Clouse is elected President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency.

**NOMINATION FOR VICE-PRESIDENT**

Mayor Clouse stated that nominations would be received for Vice-President of the Council. Mayor Clouse nominated Randy Buschkoetter for this position and Council member Lammers seconded the nomination. Hearing no other nominations, nominations were closed. Randy Buschkoetter was nominated Vice-President of the Council. Roll call for those in favor of Randy Buschkoetter for Vice-President of the Council: Clouse, Lear, Nikkila, Lammers. Buschkoetter abstained. Mayor Clouse stated the ayes have it and Randy Buschkoetter is elected Vice-President of the Council.

**REAPPOINTMENT OF MICHAELLE TREMBLY AS CITY CLERK**

Moved by Buschkoetter seconded by Clouse to reappoint Michaelle Trembly as City Clerk. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

**RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS**

Mayor Clouse and Council Members recognized the following volunteer firefighters: Kevin Royle for 5 years of service; Jim Tacha and George Wiedel for 15 years of service; Eddy Baer and Brad Isaac for 25 years of service; and Emmett Maul for 40 years of service. Assistant Fire Chief Kelly Hardin presented each with Service Awards.

**RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I**

Mayor Clouse and Council Members recognized volunteer firefighters Mathew Begnoche and Tyler Vlasin for completing the Firefighter I Course. Assistant Fire Chief Kelly Hardin presented each with a plaque.

**II. UNFINISHED BUSINESS**

There was no Unfinished Business.

**III. PUBLIC HEARINGS****REZONE LOT 1, FOUNTAIN HILLS SEVENTH; SOUTH OF 56TH STREET AND EAST OF 11TH AVENUE**

Mayor Clouse stated the City was notified by the developer to postpone until December 20, 2016 the public hearing on the Application submitted by Miller & Associates for Grand West to rezone from District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila seconded to postpone until December 20, 2016 the Application submitted by Miller & Associates for Grand West to rezone from District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

**REVISED DEVELOPMENT PLANS FOR SOUTH OF 56TH STREET AND EAST OF 11TH AVENUE**

Mayor Clouse stated the City was notified by the developer to postpone until December 20, 2016 the public hearing on the Application submitted by Miller & Associates for Grand West and TSK 14 for Revised Planned District Development Plan Approval for the construction of an apartment complex on property to be zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until December 20, 2016 the Application submitted by Miller & Associates for Grand West and TSK 14 for Revised Planned District Development Plan Approval for the construction of an apartment complex on property to be zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **DEVELOPMENT OF HILLTOP MALL SECOND**

Mayor Clouse stated the City was notified by the developer to postpone until January 10, 2017 the public hearing on the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers to (1) vacate Lot 1, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue).

Moved by Nikkila seconded by Lear to postpone until January 10, 2017 the public hearing on the Applications submitted by Miller & Associates for MFP Mid-America Shopping Centers to (1) vacate Lot 1, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; and (2) the Final Plat for Hilltop Mall Second, an addition to the City of Kearney for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

### **DEVELOPMENT PLANS FOR NORTHEAST OF 2ND AVENUE AND 48TH STREET, WEST OF HERBERGERS**

Mayor Clouse stated the City was notified by the developer to postpone until January 10, 2017 the public hearing on the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers).

Moved by Nikkila seconded by Lear to postpone until January 10, 2017 the Application submitted by Miller & Associates for MFP Mid-America Shopping Centers for Planned District Development Plan Approval for the construction of a commercial building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lot 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street, west of Herbergers). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

**REZONING 1770 WEST HIGHWAY 40**

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Allen and Patricia Deets to rezone from District AG, Agricultural District to District C-3/PD General Commercial/Planned Development Overlay District property described as Lot 2, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40) and to consider Ordinance No. 8121. Planning Commission recommended.

Trenton Snow presented this matter to the Council. He stated this project was presented one month ago when a new subdivision vacated Lot 1 of Paquin & Deets and replatted it into Lots 1 and 2 of Deets Subdivision. There was a little triangle that was not an original part of Paquin & Deets, which was still agriculture zoning. So to include it into Lot 2 of Deets Subdivision and have the zoning remain the same throughout the whole lot, they are rezoning that from Agricultural to C3PD.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Trenton Snow for Allen and Patricia Deets to rezone from District AG, Agricultural District to District C-3/PD General Commercial/Planned Development Overlay District property described as Lot 2, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40) and introduced Ordinance No. 8121 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8121. 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. 8121 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 Buschkoetter seconded by Clouse that Ordinance No. 8121 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. 8121 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.

### **DEVELOPMENT PLANS FOR 1770 WEST HIGHWAY 40**

Mayor Clouse opened the public hearing on the Application submitted by Duncan Theis Construction for Allen and Patricia Deets for Planned District Development Plan Approval for the construction of an office building with security fencing on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40) and to consider Resolution No. 2016-204. Planning Commission recommended approval subject to the following conditions: (1) within 10 years the south portion of the property adjacent to the proposed office containing 15,572 square feet shall be paved with the exception of the portion of land that is required for utilities services such as well and/or septic as determined by the Department of Environmental Quality; (2) the developer shall install the required landscaping as development occurs and maintain the undeveloped land as well kept grass without any storage; (3) the developer shall install sidewalk when it is required by the City Council in the future.

Kevin Duncan with Duncan Theis Construction presented this matter to the Council. He stated that on the previous item, this is the same parcel of land. There is an existing building on the parcel in the northeast corner. Adjacent to that building, to the south and to the west, they are proposing a new office building. The existing building will remain as a shop for equipment and vehicle storage and then there will be a new office building. The handwritten marks on the drawing were completed by Mid-Nebraska Digging as proposed septic and leach field systems which was previously mentioned in the articles provided. With the exception of the area in which the utilities will be located, they agree to pave the balance of that over a 10-year period. The existing leach field has been there some 25 plus years and it may not have much life left so the intent is to install a new one for the shop building and a new one for the office building. By law they have to reserve an area located as well which is why the diagram shows the four systems there. Mayor Clouse asked Mr. Duncan if they agreed to all of the conditions listed and Kevin affirmed.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2016-204 approving the Application submitted by Duncan Theis Construction for Allen and Patricia Deets for Planned District Development Plan Approval for the construction of an office building with security fencing on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40) subject to the following conditions: (1) within 10 years the south portion of the property adjacent to the proposed office containing

15,572 square feet shall be paved with the exception of the portion of land that is required for utilities services such as well and/or septic as determined by the Department of Environmental Quality; (2) the developer shall install the required landscaping as development occurs and maintain the undeveloped land as well kept grass without any storage; (3) the developer shall install sidewalk when it is required by the City Council in the future.. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2016-204**

WHEREAS, Duncan Theis Construction for Allen and Patricia Deets have applied for Planned District Development Plan Approval for the construction of an office building with security fencing on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Duncan Theis Construction for Allen and Patricia Deets for Planned District Development Plan Approval for the construction of an office building with security fencing on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1770 West Highway 40) be approved with the following terms and conditions:

1. Within 10 years the south portion of the property adjacent to the proposed office containing 15,572 square feet shall be paved with the exception of the portion of land that is required for utilities services such as well and/or septic as determined by the Department of Environmental Quality;
2. The developer shall install the required landscaping as development occurs and maintain the undeveloped land as well kept grass without any storage;
3. The developer shall install sidewalk when it is required by the City Council in the future.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **VACATE LOT 1, HENNING SUBDIVISION, WEST 85TH STREET , UTILITY EASEMENT AND 6TH AVENUE**

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Chadwick and Melissa Henning and Thomas and Mary Henning to (1) vacate 6th Avenue from 82nd Street to 85th Street, reserving a 60-foot wide ingress/egress and utility easement and to consider Ordinance No. 8122; (2) vacate Lot

1 of Henning Subdivision, together with all of West 85th Street as platted on Henning Subdivision, together with all of the 10 foot wide Utility Easement in Lot 1 of Henning Subdivision, and contiguous to West 85th Street as platted on said Henning Subdivision and to consider Ordinance No. 8123; (3) rezone from District RR-1, Rural Residential District (Rural Standards) to District AG, Agricultural District and from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as Lot 1, Henning Subdivision, a subdivision being part of the South Half of the Southeast Quarter of Section 11 and Lot 4 of Block One (to be vacated), Schroeder Estates Third Subdivision, a subdivision being part of the Northeast Quarter of Section 14, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (500 feet north of 82nd Street and 6th Avenue) and to consider Ordinance No. 8124. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. This subdivision uses almost every application available except for a Planned Development District. The Hennings want to build an accessory building and the property they have been using was their parents ground. Where they fenced it, they had to vacate some ground and rezone it. The property is located within the 2-mile ETJ but just north of Highway 40 and west of 2nd Avenue. Mr. Bennet provided a drawing indicating the boundary that represents the property currently known as Lot 1, Henning Subdivision and the outlying area around it is also Tom and Mary's property which is unplatted and is also part of this subdivision. The property owned by Chad and Melissa Henning has a fenced in area but the actual platted lot line is different from what they using.

Chad and Melissa Henning wanted to build an accessory building outside of the platted property. They are vacating some portions of land, rezoning, and replatting. It is currently zoned R-1 although they are going to rezone it back to Agriculture and then move the R-1 back over. It will still remain R-1 for the new lot and the new subdivision. There is currently a street right-of-way known as 85th Street that is also being vacated as well as a utility easement that was platted with the original plat and they are releasing that easement as well. The new final plat looks about the same. They are including ingress/egress easement that will allow access of what used to be 6th Avenue through the old right-of-way so that this unplatted ground still has access. They have a vacation of that lot, the right-of-way, an easement and they are rezoning that to R-1. Both property owners are agreeing to vacate this street because it would longer serve them and would have to have a cul-de-sac if they vacated 85th Street. Since there is an existing driveway and utilities, they are retaining a 60-foot ingress/egress easement and a 10-foot utilities easement through there.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Miller & Associates for Chadwick and Melissa Henning and Thomas and Mary Henning and introduced Ordinance No. 8122 vacating 6th Avenue from 82nd Street to 85th Street, reserving a 60-foot wide ingress/egress and utility easement; Ordinance No. 8123 vacating Lot 1 of Henning Subdivision, together with all of West 85th Street as platted on Henning Subdivision, together with all of the 10 foot wide Utility Easement in Lot 1 of Henning Subdivision, and contiguous to West 85th Street as platted on said Henning Subdivision; and Ordinance No. 8124 rezoning from District RR-1, Rural Residential

District (Rural Standards) to District AG, Agricultural District and from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as Lot 1, Henning Subdivision 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 Nos. 8122, 8123 and 8124. 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 Nos. 8122, 8123 and 8124 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 Nikkila seconded by Lear that Ordinance Nos. 8122, 8123 and 8124 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 Nos. 8122, 8123 and 8124 are 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 HENNING SECOND SUBDIVISION**

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Chadwick and Melissa Henning and Thomas and Mary Henning for the Final Plat for Henning Second Subdivision, a subdivision being a part of the Southeast Quarter of the Southeast Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 11, a part of West 85th Street (to be vacated) and part of Lot 1 (to be vacated), Henning Subdivision, a subdivision to Buffalo County, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (500 feet north of 82nd Street and 6th Avenue) and to consider Resolution No. 2016-205.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2016-205 approving the Application submitted by Miller & Associates for Chadwick and Melissa Henning and Thomas and Mary Henning for the Final Plat for Henning Second Subdivision, a subdivision being a part of the Southeast Quarter of the Southeast Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 11, a part of West 85th Street (to be vacated) and part of Lot 1 (to be vacated), Henning Subdivision, a subdivision to Buffalo County, all in Township 9 North, Range

16 West of the 6th P.M., Buffalo County, Nebraska (500 feet north of 82nd Street and 6th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

**RESOLUTION NO. 2016-205**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Henning Second Subdivision, a subdivision being a part of the Southeast Quarter of the Southeast Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 11, and a part of West 85th Street (now vacated) and a part of Lot 1 (now vacated) of Henning Subdivision, a subdivision to Buffalo County, all in Township 9 North, Range 16 West of the 6th P.M., and more particularly described as follows: Referring to the Southwest corner of the Southeast Quarter of Section 11 and assuming the South line of said Southeast Quarter as bearing N 89°43'28" E and all bearings contained herein are relative thereto; thence N 89°43'28" E on said South line a distance of 1139.05 feet to a 5/8" rebar with cap at the ACTUAL POINT OF BEGINNING; thence continuing N 89°43'28" E on said South line a distance of 482.26 feet to a 5/8" rebar with cap; thence N 04°07'13" W a distance of 454.31 feet to a 5/8" rebar with cap; thence S 85°44'08" W a distance of 343.13 feet to a 5/8" rebar with cap; thence S 14°01'49" W a distance of 443.17 feet to the Point of Beginning, containing 4.17 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 13TH DAY OF DECEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**IV. CONSENT AGENDA**

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 22, 2016.
2. Approve the following Claims:
  - PS Personnel Services
  - SMCS Supplies, Materials & Contractual Services
  - ER Equipment Rental
  - CO Capital Outlay
  - DS Debt Service

Air Travel Group \$6,810.00 smcs; Alamar Uniforms \$55.54 smcs; Alfred Benesch \$18,741.01 co; Ally B Designs \$650.00 smcs; Amer First Aid \$246.13 smcs; Antelope Newspaper \$80.00 smcs; Archway \$75,000.00 smcs; Arctic Refrigeration \$178.56 smcs; Around Campus Group \$540.00 smcs; Arrow Stage Lines \$715.00 smcs; Ask Supply \$620.27 smcs; Associated Bag \$858.75 smcs; Aurora Coop \$1,853.08 smcs; Baker & Taylor \$6,741.84 smcs; Ballou,B \$9,000.00 co; Baltzell,G \$36.07 smcs; Bamford \$5,584.00 smcs; Bindel-Zuerlein,P \$205.00 smcs; Blackstone Audio \$759.85 smcs; Blessing \$598,078.36 co; BC/BS \$301,930.76 smcs; Blueglobes \$234.55 smcs; Books Galore \$6,797.54 smcs; Bosselman \$4,720.55 smcs; Brown,R \$6.84 smcs; Broadfoots \$1,763.96 smcs; Buffalo Co Election \$514.41 smcs; Buffalo Co Reg Deeds \$130.00 smcs; Buffalo Co Treasurer \$95.14 smcs; Buffalo Co Weed \$46.36 smcs; Builders \$262.60 co; Butler,B \$1,553.90 smcs; Buxton \$5,000.00 smcs; Cantu,B \$7.11 smcs; Capital Business Systems \$302.15 smcs; Capstone Press \$6,465.33 smcs; Cash-Wa \$179.65 smcs; Cengage Learning \$83.25 smcs; Center Point Publishing \$74.01 smcs; Central Fire & Safety \$65.00 smcs; Central States Wire \$208.50 smcs; Certified Power \$912.04 smcs; Charter \$267.05 smcs; ChemSearch \$1,516.04 smcs; Citizenserve \$29,500.00 smcs; City Glass \$225.40 smcs; City of Chadron \$375.00 smcs; City of Ky \$421,350.64 smcs,ps; CivicPlus \$5,777.00 co; Comcate \$356.85 smcs; Community Health Char \$4.00 ps; Consec Life \$19.00 ps; Construction Rental \$6,683.00 co; Copycat \$330.90 smcs; Crane River Theater \$2,903.98 smcs; C-Tech Restoration \$4,059.79 smcs; Dan Roeder Concrete \$160,777.09 co; DAS State Accounting \$6,276.65 smcs,co; Dawson PPD \$31,865.26 smcs; Delight Donuts \$102.00 smcs; Depository Trust \$84,983.75 Ds; Design Matters \$209.33 co; Dish \$201.06 smcs; DPC Industries \$6,789.16 smcs; Dutton-Lainson \$500.82 smcs,co; Eagle Distributing \$557.95 smcs; Eakes \$4,513.33 smcs; Electric Pump \$738.28 smcs; Elliott Equipment \$1,444.15 smcs; EMC Ins \$5,233.23 smcs; Emerson Mfg \$2,650.00 smcs; Enforcement Video \$1,032.00 co; Ensley Electrical \$10,575.00 co; EVO Salon \$500.00 smcs; Expression Wear \$3,323.20 smcs,ps; FAA-Aeronautical Center \$110,119.59 co; Farmers Union \$23.00 smcs; FBI Natl Academy \$250.00 smcs; Felsburg, Holt & Ullevig \$2,662.50 smcs; Fowler,B \$155.00 smcs; Fraber,G \$21.23 smcs; Frontier \$96.93 smcs; Fyr-Tek \$460.00 smcs; Galls \$159.98 smcs; Gangwish Turf \$15.75 smcs; Gargan,J \$23.13 smcs; Gurule,A \$21.88 smcs; Hasselbalch,N \$7.69 smcs; Hawthorne Jewelry \$1,406.00 ps; HD Supply \$37,800.00 co; Hometown Leasing \$423.12 smcs; Huff,M \$785.00 co; Huryta,K \$155.00 smcs; Hy-Vee \$50.00 smcs; ICMA \$9,463.49 ps; Infogroup \$2,968.00 smcs; IRS \$319,487.45 ps; Island Supply Welding \$88.60 smcs; Jack Lederman \$55.80 smcs; Johnson Service \$26,007.50 smcs; Ky Animal Shelter \$9,505.53 smcs; Ky Area United Way \$574.50 ps; Ky Chamber Commerce \$1,475.00 smcs; Ky Hub \$2,955.87 smcs; Ky Storytelling \$300.00 smcs; Ky Visitors Bureau \$104,850.45 smcs; KVFD \$1,400.00 ps; Kendrick,C \$16.87 smcs; King,G \$459.00 smcs; Knapp,J \$415.10 co; Konica Minolta \$85.73 smcs; Kowalek,G \$29.31 smcs; Lawn Builders \$350.00 smcs; League of NE Municipalities \$990.00 smcs; Lerner Group \$3,824.51 smcs; Librarica \$907.35 smcs; Lillis,D \$132.19 smcs; LinkedIn Corp \$6,890.80 smcs; Mac Tools \$31.61 smcs; Magic Cleaning \$4,740.00 smcs; Matheson \$209.79 smcs; McCall,B \$25.32 smcs; Medicap \$9,800.00 ps; Menards \$393.16 smcs; Merryman Performing Arts \$78.19 smcs; Metlife \$7,776.87 ps; Mid Amer Signal \$12,720.00 smcs; Midlands Contracting \$14,850.00 smcs; Mid-NE Garage Doors \$100.00 smcs; Midwest Connect \$7,016.84 smcs; Midwest Pump \$3,167.50 smcs; Midwest Service \$1,572.40 smcs; Midwest Turf \$33.38 smcs; Miller & Associates

\$29.60 co; Mirror Image \$395.00 smcs; Municipal Emergency \$285.00 smcs; Navigator Motorcoaches \$660.00 smcs; NE Child Support \$4,376.40 ps; NE Dept Environmental \$150.00 smcs; NE Dept of Rev \$99,487.19 smcs,ps; NE Machinery \$2,359.30 smcs; NE Public Health \$889.40 smcs; NE Safety & Fire \$550.00 smcs; NE Sec of State \$30.00 smcs; NE State Library \$137.50 smcs; NEland Distributors \$879.50 smcs; Norm's Plbg \$1,299.09 smcs; Northwestern Energy \$2,475.36 smcs; Nova Fitness \$4,868.00 ps; Nuttelman Fencing \$152.92 smcs; O'Hara Lindsay \$2,000.00 smcs; O'Keefe Elevator \$581.89 smcs; Olson Associates \$4,910.00 co; Outdoor Recreation \$32,170.00 co; Paramount \$179.25 smcs; Payflex Systems \$573.75 smcs,ps; Penguin Random House \$178.50 smcs; Penworthy \$354.58 smcs; Piranha Disc Sales \$36.00 smcs; Pitney Bowes \$60.00 smcs; Platinum Awards \$651.90 ps; Platte Valley Comm \$9,447.05 smcs,co; Platte Valley Labs \$62.50 smcs; Pot O' Gold \$155.00 smcs; Prairie Land Construction \$17,158.00 co; Presto-X \$417.01 smcs; Pro-Tint \$75.00 smcs; Pulliam,R \$40.00 smcs; Pure Platinum DJ Service \$195.00 smcs; RDO Truck Center \$44,475.04 smcs; Recorded Books \$506.25 smcs; Rheome Tree \$1,100.00 smcs; Rich,T \$50.00 smcs; Roesler,A \$10.69 smcs; Ropers Radiator \$1,550.00 smcs; Sapp Bros \$26,071.59 smcs; School District 7 \$4,703.10 smcs; See Clear Cleaning \$2,050.00 smcs; Sign Center \$4,588.79 co; Silverstone Group \$9,160.00 smcs; Sorensen Group \$23,076.00 co; SOS Portable Toilets \$220.00 smcs; St. John Baptist Church \$1,100.00 smcs; Steinbrink's \$7,208.00 smcs; Sun Life \$70,885.77 smcs; Tacha,J \$50.00 smcs; Thomson Reuters-West \$360.00 smcs; Tri Co. Glass \$236.25 smcs; Tri State Oil Reclaimers \$135.50 smcs; Tye Law Firm \$12,990.17 smcs; Tyler Technologies \$600.00 smcs; Union Bank \$151,259.49 ps; United Industries \$4,787.50 co; USPS \$102.00 smcs; Verizon \$1,621.68 smcs; Vermont Systems \$4,230.00 smcs; Village Uniform \$317.94 smcs; Walters Electric \$2,310.00 co; Walton,T \$40.00 smcs; Warminster Fiberglass \$29,500.00 co; Wilken,MI \$10,000.00 co; Yellow Van \$907.70 smcs; Payroll Ending 11/26/2016 -- \$420,921.23; Longevity Pay for 2016--\$66,233.78. 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 Dana Wright submitted by Event Operations LLC, dba Tri City Events Center located at 609 Platte Road in connection with their Class CK-084864 liquor license.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Ross Eickhoff submitted by Kearney Country Club located at 2800 19th Avenue in connection with their Class C-009051 liquor license.
5. Adopt Resolution No. 2016-206 approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2017 until December 31, 2017: B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres); David Fleming (364.36 non-irrigated acres and 276 irrigated acres); Gary Henderson (38 irrigated acres); Don Hendrickson (193.5 irrigated acres); Ron Hendrickson (75 dry land hay acres); and Lee Potter (62 irrigated acres).

**RESOLUTION NO. 2016-206**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2017 until December 31, 2017:

- B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres) – annual cash rent is \$41,971
- David R. Fleming (364.36 non-irrigated acres) – annual cash rent is \$34,979;
- David R. Fleming (276.12 irrigated acres) – annual cash rent is \$69,762;
- Gary Henderson (38 irrigated acres) – annual cash rent is \$8,740;
- Don Hendrickson, dba Agrident, Inc. (193.5 irrigated acres) – annual cash rent is \$44,505;
- Ron Hendrickson, dba Agrident, Inc. (75 acres dry land hay) – annual cash rent is \$4,650;
- Lee Potter (62 irrigated acres) – annual cash rent is \$14,260;

A copy of the Agreements, marked Exhibits "1", "2", "3", "4", "5", "6", "7" are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**6.** Adopt Resolution No. 2016-207 repealing Resolution No. 2016-152 and adopt the 2016-2017 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2016-2017 year.

**RESOLUTION NO. 2016-207**

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

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2016-2017 fiscal year was adopted by Resolution No. 2016-152 on September 13, 2016 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2016-2017 fiscal year; and

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

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

BE IT FURTHER RESOLVED that Resolution No. 2016-152 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve the Plans and Specifications for the 2016 Part 2 Improvements consisting of Paving Improvement District No. 2016-982 for Avenue A from the north lot line of Lot 27, thence south to the south lot line of Lot 558, all in Southwest Quarter School Section Addition; AND 31st Street from Avenue A to Avenue D and set the bid opening date for January 3, 2017 at 2:00 p.m.

8. Adopt Resolution No. 2016-208 approving the Non-Federal Reimbursable Agreement (AJW-FN-CSA-17-CE-000841) between the City of Kearney and the Federal Aviation Administration for the engineering review, construction oversight, and flight check of FAA facilities due to Runway 18/36 Width Reduction Project at the Kearney Regional Airport.

**RESOLUTION NO. 2016-208**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Agreement No. AJW-FN-CSA-17-CE-000841 between the Federal Aviation Administration (FAA) and the City of Kearney to provide the FAA engineering, environmental, construction, and flight inspection support for the Kearney Municipal Airport's planned project to reconstruct Runway 18/36 by reducing the width from existing 150 feet to 100 feet be and is hereby approved. A copy of the agreement marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. Adopt Resolution No. 2016-209 approving Application and Certificate for Payment No. 1 in the amount of \$153,497.88 submitted by Prairie Land Construction and approved by Miller & Associates for the Archway Trail; Phase III from Sweetwater Avenue to Fort Kearny Trailhead.

**RESOLUTION NO. 2016-209**

WHEREAS, Prairie Land Construction of Looms, Nebraska has performed services in connection with the Archway Trail; Phase III from Sweetwater Avenue to Fort Kearny Trailhead, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$153,497.88 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$289,923.78</u>
Contract Sum To Date	289,923.78
Gross Amount Due	170,553.20
Retainage (10%)	17,055.32
Amount Due to Date	153,497.88
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$153,497.88

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2016.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

10. Approve the Plans and Specifications for the Hike/Bike Trail; Phase II project and set the bid opening date for January 17, 2017 at 2:00 p.m.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

None.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Lammers that Council adjourn at 5:56 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

\_\_\_\_\_  
MICHAELLE E. TREMBLY  
CITY CLERK