

**Kearney, Nebraska**  
**May 13, 2008**  
**7:00 p.m.**

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on May 13, 2008, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance and Administration; Dan Lynch, Chief of Police; Rod Wiederspan, Director of Public Works; and Luke Olson, Management Assistant were also present. Some of the citizens present in the audience included: Chris Riha, Mitch Humphrey, Don Deitemeyer, Tim Sorensen, Gene Freeze, Neil Miller, Sara Giboney from Kearney Hub, Steve Altmaier from KGFW Radio.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION**

Father Torpey fro St. James Catholic Church provided the Invocation.

### **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 towards the back of the Council Chambers.

### **ORAL COMMUNICATIONS**

City Manager stated that Mayor Clouse and he attended a meeting with Governor Heineman and John Craig, the Director of the Nebraska Department of Roads in Lincoln today. They did reach a funding agreement for the first phase of Cherry Avenue. The first phase is about \$15 million with a 20 percent match required which is \$3 million. It is possible that the project amount will go up by the time it gets bid and the work is completed. The Governor announced a compromise position paying for 50 percent of that 20 percent share which is approximately \$1.5 million which is great news for our

community. If the project is more than \$3 million, we will receive 50 percent of the actual total amount.

Funding for roads across Nebraska is at a premium right now and there are a lot of challenges. The recent legislation that was passed at the end of the session provided \$15 million to help fund the required 20 percent shared leverage. The federal funds were of great assistance and were the chief reason these funds became available and allowed us to move forward with this project. City staff will come back to the City Council at the next meeting and present funding options for the \$1.5 million. This \$1.5 million makes the job easier than trying to find the entire \$3 million.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **REZONING SOUTH OF 52ND STREET AND WEST OF 3RD AVENUE**

Mayor Clouse stated the City received a letter from the developer withdrawing this matter from the agenda. Therefore, no action was taken.

### **FINAL PLAT – SORENSEN PARK FIFTH ADDITION**

Mayor Clouse stated the City received a letter from the developer withdrawing this matter from the agenda. Therefore, no action was taken.

### **ANNEXATION OF SORENSEN PARK FIFTH ADDITION**

Mayor Clouse stated the City received a letter from the developer withdrawing this matter from the agenda. Therefore, no action was taken.

### **REZONING 3816 CENTRAL AVENUE**

Mayor Clouse opened the public hearing on the Application submitted by Tim Sorensen (Applicant) for Teamwon, LLC and D-R-G-T Limited Partnership (Owner) to rezone from “District R-3, Urban Residential Multi-Family District (Medium Density)” to “District C-2, Community Commercial District” property described as Lots 1, 2, 3, Bakers Subdivision of Lot 60, Northwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (3816 Central Avenue).

The applicant is requesting approval to rezone three existing lots from Urban Residential Multi-Family District to Community Commercial District to build a commercial building. Directly abutting this property to the west is an NPPD substation, also zoned Urban Residential Multi-Family District. The existing zoning west of the NPPD property and also to the northwest is Community Commercial District; Limited Commercial zoning to the north and to the east. The proposed zoning is in conformance with the Future Land Use Map of the City of Kearney Comprehensive Development Plan.

The NPPD substation to the west is zoned Urban Residential Multi-Family District. Code requires a 20-foot wide landscaped buffer yard when the abutting property is zoned residential or used for residential purposes. At the Planning Commission meeting last month, staff advised Mr. Sorensen that he had some options to pursue in regards to the bufferyard as follows:

Option A. Provide the bufferyard.

Option B. Work with NPPD to rezone the substation to Community Commercial District and no bufferyard will be required.

Option C. Amend the rezoning request to a planned district for Community Commercial District, and request relief from the bufferyard requirement from Planning Commission and City Council, based on the use of the property.

In staff's opinion, Option B would be best if NPPD is willing to participate. Option C could be a fallback option, and in the worst case scenario the bufferyard would be required if Options B and C are not feasible. The City would prefer not to be left with an "island" of Urban Residential Multi-Family zoning at the NPPD station. The applicant indicated that he has been working with NPPD representatives to rezone the substation to commercial, but has not been able to come to a final agreement. It is likely that the NPPD property will come before the Council in the future for rezoning. If not, the applicant has been advised of alternative options.

Tim Sorensen presented this matter to the Council. He made this application because it better suits the surrounding zoning. Council member Lammers asked if the work with NPPD to rezone the substation with no required bufferyard was completed. Mayor Clouse stated NPPD is working on it with them. NPPD is exempted and not required to do any of the zoning. Currently, that is how it is and so the current zoning affects the adjacent property owners more than NPPD. NPPD's land management people have been working with Mr. Sorenson to get an understanding of what the impact is on all sides of the substation before they agree to the rezoning.

Mr. Sorensen stated that it was discussed at the Planning Commission that even without the NPPD rezoning their substation to C-2, he has the appropriate setbacks from that property with the knowledge they could possibly apply for a variance because that is obviously not going to be a residential district. It would give NPPD the bufferyard they need around the rest of the perimeter. Mayor Clouse added that NPPD does not have a problem with this particular development, but are trying to look at all the potential applications surrounding those particular substations.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the Application submitted by Tim Sorensen (Applicant) for Teamwon, LLC and D-R-G-T Limited Partnership (Owner) to rezone from "District R-3, Urban Residential Multi-Family District (Medium Density)" to "District C-2, Community Commercial District" property described as Lots 1, 2, 3, Bakers Subdivision of Lot 60, Northwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (3816 Central Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

**DEVELOPMENT PLAN FOR RV & BOAT STORAGE; 3112 ANTELOPE AVENUE**

Mayor Clouse opened the public hearing on the Application submitted by Rovar Park, LLC (Applicant) for Gene Freeze (Owner) for Planned District Development Plan Approval for the construction of an RV and Boat Storage Facility on property zoned "District M-1/PD, Limited Industrial District/Planned Development Overlay District" and described as a tract of land being part of Lot 11, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (3112 Antelope Avenue) and to consider approval of Resolution No. 2008-71.

The applicant is requesting approval of development plans for an outside storage facility for recreational vehicles (RV's), boats, trailers, and similar items. The property is zoned Limited Industrial/Planned Development Overlay District. The existing building will remain and be used for office space. A concrete drive will extend from Antelope Avenue to an electronic gate with access controlled by a keypad. An area west of the existing building will be reserved for a potential future building. The rest of the site will be fenced with a solid fence, eight feet tall along Antelope Avenue, and six feet tall on the other sides. The fence will be topped with barbed wire.

The storage area will be surfaced with gravel, crushed rock or crushed concrete. Within the main fenced area the owner proposes individual fenced areas constructed from chain-link panels so that clients can lock their own gate for security. The storage areas vary in size; some may be "pull through" spaces that eliminate the need to back the RV into the enclosure. Some ship-to-shore storage containers are also proposed on the site. All storage areas will be contained within the solid fence.

A detention cell is shown along Antelope Avenue. The applicant must submit stormwater calculations to the City Engineer and have them approved before any building permits will be issued. The site plan shows five street trees at 2½ inch caliper along Antelope Avenue and a 20-foot wide bufferyard on the west side of the project where it abuts residential zoning. There are seven pine trees shown in the bufferyard.

A 20-foot wide sanitary sewer easement crosses the site. The owner is not locating any buildings or other permanent structures over the easement. The Utilities Department will have the access code to get in the gate if necessary.

Gene Freeze, 17 Red Fox Lane, presented this matter to the Council. They will be installing a solid fence which will be eight foot in the front along Antelope Road and six foot on the remaining property. Within that would be chain link, lockable storage units for the RV, boats, etc. Customers will have 24-hour access with a key pad to unlock their own gate to remove their RV and can leave their vehicle for the weekend.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the Application submitted by Rovar Park, LLC (Applicant) for Gene Freeze (Owner) for Planned District Development Plan Approval for the construction of an RV and Boat Storage Facility on property zoned "District M-1/PD, Limited Industrial District/Planned Development

Overlay District” and described as a tract of land being part of Lot 11, St. Luke’s Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (3112 Antelope Avenue) and approve **Resolution No. 2008-71**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2008-71**

WHEREAS, Rovar Park, LLC (Applicant) for Gene Freeze (Owner) have applied for Planned District Development Plan Approval for the construction of an RV and boat storage facility on property zoned “District M-1/PD, Limited Industrial/Planned Development Overlay District” and described as being part of Lot 11, St. Luke’s Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska, being more particularly described as follows: beginning at the southeast corner of Lot 11 and assuming the east line of Lot 11 as bearing north and all bearings contained herein are relative thereto; thence north on the east line of Lot 11 a distance of 452.1 feet to the northeast corner of said Lot 11; thence N89°48’30”W and on the north line of Lot 11 and a distance of 487.8 feet to the northeast corner of Lot 3 in said St. Luke’s Good Samaritan Village; thence S01°11’30”W and on the east line of said Lot 3 (if extended southerly) a distance of 453.4 feet to a point on the south line of Lot 11; thence S88°55’30”E and on the south line of said Lot 11 a distance of 497.4 feet to the place of beginning, all in Buffalo County, Nebraska (3112 Antelope Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Rovar Park, LLC (Applicant) for Gene Freeze (Owner) for Planned District Development Plan Approval for the construction of an RV and boat storage facility on property zoned “District M-1/PD, Limited Industrial/Planned Development Overlay District” and described as being part of Lot 11, St. Luke’s Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska, being more particularly described as follows: beginning at the southeast corner of Lot 11 and assuming the east line of Lot 11 as bearing north and all bearings contained herein are relative thereto; thence north on the east line of Lot 11 a distance of 452.1 feet to the northeast corner of said Lot 11; thence N89°48’30”W and on the north line of Lot 11 and a distance of 487.8 feet to the northeast corner of Lot 3 in said St. Luke’s Good Samaritan Village; thence S01°11’30”W and on the east line of said Lot 3 (if extended southerly) a distance of 453.4 feet to a point on the south line of Lot 11; thence S88°55’30”E and on the south line of said Lot 11 a distance of 497.4 feet to the place of beginning, all in Buffalo County, Nebraska (3112 Antelope Avenue).

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**FINAL PLAT FOR NEW VIAERO ADDITION**

Mayor Clouse opened the public hearing on the Application submitted by Chris Riha (Applicant) for NE Colorado Cellular, Inc., dba Viaero Wireless (Owner) for the Final Plat for “New Viaero Addition”, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 7 and 8 (to be vacated) and part of the vacated street abutting Lot 8 on the west, all in Lincoln Way Villa Plots, an addition to the City of

Kearney, Buffalo County, Nebraska (1918 and 1920 West 24th Street) and to consider approval of Resolution No. 2008-72.

The applicant is requesting approval to vacate and replat a tract of land that is approximately 1.07 acres to add a parcel purchased from the University of Nebraska. The property is located across the street from UNK and was formerly the home of Parker Engineering and Little People's World Daycare. This property is zoned Community Commercial.

Lots 7 and 8, and part of a street abutting Lot 8 on the west, all in Lincoln Way Villa Plots must be vacated in order to replat the property as New Viaero Addition.

The applicant proposes a one-lot subdivision to be known as New Viaero Addition. This property was previously split with a Minor Subdivision so it must now be replatted. The Preliminary Plat for New Viaero Addition was approved by Planning Commission on April 18, 2008. A landlocked piece of property was recently acquired from the University. That parcel, combined with the land previously purchased by Viaero, are being combined to form this 1.07 acre subdivision. This site will contain a Viaero retail store and a 195-foot tall telecommunications tower that was previously approved. A Subdivision Agreement is not required, nor is a Public Works Plan.

Chris Riha, 1512 South Locust Street, Grand Island, presented this matter to the Council. Viareo Wireless entered into an exchange agreement with UNK to acquire an abandon poolside area. The first reason is to square up their property so they have an agreement to purchase this property once this new subdivision is approved by City Council. The second reason is that the agreement states they will move their lattice tower from the west abutting property line to the rear of the building. They are in process of removing debris and getting all of it cleaned up. The third reason is just to beautify the area by replacing some of the landscape. It was recommended by the City Planner to clean up the legal description of the sites that US Wireless and the University have submitted. This includes the property applications which are a partial abandonment, preliminary plat and this final plat. The supporting documentation was submitted (prepared by Miller & Associates) to DRT, presented to Planning Commission and received approval on April 18, 2008. Once the final plat is approved by Council, a real estate closing will take place with Viareo Wireless and the University.

Chief of Police Dan Lynch and Sheriff Neil Miller wanted to thank the Council for their assistance with working with Viareo to establish the GPS signal and system throughout the community. He also acknowledged Viareo's hard work in getting it done. It works (as do the other cell phone companies) and it is truly a community service. All the wireless carriers, wire like carriers and the one voice over IT carrier across the board are in operation. They have location technology on all the telephone lines that come into the 911 Center.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the Application submitted by Chris Riha (Applicant) for NE Colorado Cellular, Inc., dba Viareo Wireless (Owner) for the Final Plat for "New Viaero Addition", an addition to the

City of Kearney, Buffalo County, Nebraska for property described as Lots 7 and 8 (to be vacated) and part of the vacated street abutting Lot 8 on the west, all in Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska (1918 and 1920 West 24th Street) and approve **Resolution No. 2008-72**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2008-72**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "NEW VIAERO ADDITION" an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Lots 7 and 8 (now vacated) and part of the vacated street abutting Lot 8 on the west, all in Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: beginning at the northwest corner of Lot 7 in said Lincoln Way Villa Plots; thence N89°35'44"E (an assumed bearing) on the north line of said Lot 7 a distance of 41.5 feet; thence S00°30'50"E a distance of 243.23 feet; thence S89°35'19"W a distance of 13.5 feet; thence S00°25'13"E a distance of 66.39 feet; thence S89°31'55"W a distance of 60.35 feet; thence N00°29'34"W a distance of 66.50 feet; thence S89°03'41"W a distance of 107.67 feet to the west line of said vacated street; thence N06°06'30"E along said west line a distance of 233.03 feet to the south line of right-of-way of U.S. Highway 30 (said line lying 10 feet southerly and parallel with the north line of said Lot 8); thence N89°30'24"E along said south line a distance of 139.29 feet to the west line of said Lot 7; thence N88°41'16"E along said west line a distance of 10.0 feet to the place of beginning, containing 1.07 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 provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **FINAL PLAT FOR INGALLS CROSSING FOURTH ADDITION**

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

Mayor Clouse opened the public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the Final Plat for "Ingalls Crossing Fourth Addition" to

the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 3.05 acres, more or less (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue) and to consider approval of Resolution No. 2008-73.

The applicant is requesting approval to adjust a lot line on a previously approved Preliminary Plat in the Ingalls Crossing development. The property was preliminary platted in October 2001 and final platted in March 2002. Now it will be replatted and annexed. This property is currently zoned Community Commercial/Planned Development Overlay District which means that review and approval of development plans by Planning Commission and City Council will be required in the future when the property is ready to be built upon.

Lot 3 of Ingalls Crossing Second Addition must be vacated to allow the lot line adjustment and to replat the land as Ingalls Crossing Fourth Addition.

The applicant proposes a two-lot subdivision to be known as Ingalls Crossing Fourth Addition. This land will contain a freestanding commercial strip mall and associated parking and landscaping. A Subdivision Agreement is not required. The Public Works Plan was previously submitted in 2002. When Lot 1 develops, the paving and any other required improvements must be extended to the north line of the lot.

This property is contiguous to the current City limit line and can be served by municipal water and sanitary sewer. Therefore, the subdivision shall be annexed into the corporate boundary of the City of Kearney.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. In 2002 a project for a projected preliminary concept of the entire quarter section on which this small portion of this next phase is located. This phase will be just north of the Applebee's Restaurant site at the corner of 56th Street and 2nd Avenue. They are following the concept of the preliminary plat that was submitted. Upon their review, the developer and the prospective buyers decided they need more area on the easterly/westerly line. Their plan allows the lots to be squared up by adding one lot into the City annexation line to accommodate future development. The frontage road will be extended so that, as planned, it will wind back around behind the planned commercial development a few hundred feet to the north so they can eventually make that much needed link up to 60th Street and into the Menards site. There are no public works issues and the utilities are installed. Upon development of the north lot (Lot 1) they will have to install a little bit of paving.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and approve the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the Final Plat for "Ingalls Crossing Fourth Addition" to the City of Kearney, Buffalo County, Nebraska

for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 3.05 acres, more or less (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue) and approve **Resolution No. 2008-73**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

### **RESOLUTION NO. 2008-73**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "INGALLS CROSSING FOURTH ADDITION" an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the southwest corner of Section 24 and assuming the west line of the Southwest Quarter of Section 24 as bearing  $N00^{\circ}14'59''E$  and all bearings contained herein are relative thereto; thence  $N00^{\circ}14'59''E$  and on the west line of the Southwest Quarter of Section 24 a distance of 59.68 feet; thence  $S89^{\circ}45'01''E$  a distance of 59.05 feet to the southwest corner of Lot 1, Ingalls Crossing Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being on the north right-of-way line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska, and said point also being on the east right-of-way line of Nebraska State Highway No. 10 / 2nd Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska; thence  $N01^{\circ}09'48''E$  and on the west line of said Lot 1, Ingalls Crossing Second Addition, and on the east line of said Nebraska State Highway No. 10 / 2nd Avenue, a distance of 223.46 feet to the Actual Place of Beginning, said point being the northwest corner of said Lot 1, Ingalls Crossing Second Addition, and said point also being the southwest corner of Lot 3 (now vacated) of said Ingalls Crossing Second Addition; thence continuing  $N01^{\circ}09'48''E$  and on the east line of said Nebraska State Highway No. 10/2nd Avenue and the west line of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 191.41 feet to the northwest corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence  $N01^{\circ}13'12''E$  and continuing on the east right-of-way line of said Nebraska State Highway No. 10 / 2nd Avenue a distance of 235.56 feet; thence leaving said east right-of-way line of Nebraska State Highway No. 10 / 2nd Avenue,  $S89^{\circ}36'03''E$  a distance of 314.43 feet; thence  $S00^{\circ}23'57''W$  a distance of 131.00 feet to a point of curvature; thence on a 170.0 foot radius curve to the left forming a central angle  $13^{\circ}39'40''$ , an arc distance of 40.53 feet to a point of non-tangency, said point being the northeasterly corner of 1st Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska, as dedicated and shown on the plat of Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska; thence  $S76^{\circ}44'17''W$  and on the northerly line of said 1st Avenue a distance of 60.00 feet to a point of non-tangency, said point also being on the westerly line of said 1st Avenue and said point also being on the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence southeasterly on a 230.0 foot radius curve, concave northeasterly, forming a central angle of  $16^{\circ}52'31''$  and continuing on the westerly line of said 1st Avenue and the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, an arc distance of 67.74 feet to a point of tangency, said point being  $S21^{\circ}41'58''E$  a chord distance of 67.50 feet from the previously described point; thence  $S30^{\circ}08'13''E$  and continuing on the westerly line of

said 1st Avenue and the easterly of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 109.5 feet to the southeasterly corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition, said point also being the northerly corner of Lot 2 of said Ingalls Crossing Second Addition; thence leaving the westerly line of said 1st Avenue, S60°37'06"W and on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition and on the northerly line of said Lot 2, Ingalls Crossing Second Addition a distance of 79.06 feet to a point of curvature; thence on a 100.0 foot radius curve to the left forming a central angle of 46°15'12" and continuing on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and the northerly line of said Lot 2, Ingalls Crossing Second Addition, an arc distance of 80.73 feet to a point of non-tangency said point being the northwesterly corner of said Lot 2, Ingalls Crossing Second Addition and said point also being on the north line of said Lot 1, Ingalls Crossing Second Addition; thence N88°50'12"W and on the south line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and on the north line of said Lot 1, Ingalls Crossing Second Addition a distance of 232.12 feet to the place of beginning, containing 3.50 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 provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **ANNEXATION OF INGALLS CROSSING FOURTH ADDITION**

Mayor Clouse opened the public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the annexation of "Ingalls Crossing Fourth Addition" to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 3.05 acres, more or less (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue) and to consider approval of Resolution No. 2008-74.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Kearney to close the hearing and approve the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for

Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the annexation of "Ingalls Crossing Fourth Addition" to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 3.05 acres, more or less (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue) and approve **Resolution No. 2008-74**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2008-74**

WHEREAS, an Application has been submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the inclusion of "INGALLS CROSSING FOURTH ADDITION" an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the southwest corner of Section 24 and assuming the west line of the Southwest Quarter of Section 24 as bearing N00°14'59"E and all bearings contained herein are relative thereto; thence N00°14'59"E and on the west line of the Southwest Quarter of Section 24 a distance of 59.68 feet; thence S89°45'01"E a distance of 59.05 feet to the southwest corner of Lot 1, Ingalls Crossing Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being on the north right-of-way line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska, and said point also being on the east right-of-way line of Nebraska State Highway No. 10 / 2nd Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska; thence N01°09'48"E and on the west line of said Lot 1, Ingalls Crossing Second Addition, and on the east line of said Nebraska State Highway No. 10 / 2nd Avenue, a distance of 223.46 feet to the Actual Place of Beginning, said point being the northwest corner of said Lot 1, Ingalls Crossing Second Addition, and said point also being the southwest corner of Lot 3 (now vacated) of said Ingalls Crossing Second Addition; thence continuing N01°09'48"E and on the east line of said Nebraska State Highway No. 10/2nd Avenue and the west line of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 191.41 feet to the northwest corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence N01°13'12"E and continuing on the east right-of-way line of said Nebraska State Highway No. 10 / 2nd Avenue a distance of 235.56 feet; thence leaving said east right-of-way line of Nebraska State Highway No. 10 / 2nd Avenue, S89°36'03"E a distance of 314.43 feet; thence S00°23'57"W a distance of 131.00 feet to a point of curvature; thence on a 170.0 foot radius curve to the left forming a central angle 13°39'40", an arc distance of 40.53 feet to a point of non-tangency, said point being the northeasterly corner of 1st Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska, as dedicated and shown on the plat of Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska; thence S76°44'17"W and on the northerly line of said 1st Avenue a distance of 60.00 feet to a point of non-tangency, said point also being on the westerly line of said 1st Avenue and said point also being on the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence southeasterly on a 230.0

foot radius curve, concave northeasterly, forming a central angle of 16°52'31" and continuing on the westerly line of said 1st Avenue and the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, an arc distance of 67.74 feet to a point of tangency, said point being S21°41'58"E a chord distance of 67.50 feet from the previously described point; thence S30°08'13"E and continuing on the westerly line of said 1st Avenue and the easterly of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 109.5 feet to the southeasterly corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition, said point also being the northerly corner of Lot 2 of said Ingalls Crossing Second Addition; thence leaving the westerly line of said 1st Avenue, S60°37'06"W and on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition and on the northerly line of said Lot 2, Ingalls Crossing Second Addition a distance of 79.06 feet to a point of curvature; thence on a 100.0 foot radius curve to the left forming a central angle of 46°15'12" and continuing on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and the northerly line of said Lot 2, Ingalls Crossing Second Addition, an arc distance of 80.73 feet to a point of non-tangency said point being the northwesterly corner of said Lot 2, Ingalls Crossing Second Addition and said point also being on the north line of said Lot 1, Ingalls Crossing Second Addition; thence N88°50'12"W and on the south line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and on the north line of said Lot 1, Ingalls Crossing Second Addition a distance of 232.12 feet to the place of beginning, containing 3.50 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 18, 2008 on the inclusion of "INGALLS CROSSING FOURTH ADDITION" within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as "INGALLS CROSSING FOURTH ADDITION" an addition to the City of Kearney, Buffalo County, Nebraska;

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on May 13, 2008 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

BE IT FURTHER RESOLVED that the inclusion of "INGALLS CROSSING FOURTH ADDITION" within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**LAMAR OUTDOOR ADVERTISING BILLBOARD SIGN**

Mayor Clouse opened the public hearing on the Application submitted by Lamar Outdoor Advertising (Applicant and Owner) to relocate and replace an existing double-stack, back-to-back billboard sign located approximately 800 feet north of 60th Street from its present location, and to replace the existing billboard with a back-to-back monopole with an Electronic Changeable Message Sign (ECMS) facing north and a standard billboard poster facing south and to consider approval of Resolution No. 2008-75.

The applicant is requesting permission to relocate and replace an existing billboard sign on North 2nd Avenue just north of Young Motor Company. The existing sign is double-stacked, back to back and is located such that future extension of the frontage road north would require the sign to be moved or removed. The property north of the end of the frontage road is for sale and is zoned Limited Industrial District. The City would like to extend the frontage road someday. The applicant proposes to move the sign location approximately 30 feet further from the frontage road right-of-way and replace it with a back-to-back monopole sign in Community Commercial District zoning. The north face is proposed as an electronic changeable message sign (ECMS) and the south face is proposed as a traditional poster panel.

In recent amendments to Chapter 50 of the City Code which regulates signs, language was added that allows a sign to be moved up to 150 feet from its present location in the event of a local, state or federal project. The Planning Commission and City Council have the authority to approve the new location of the sign. In this case, the ability to move the sign at this time provides the following benefits to the City:

(1) Extension of the frontage road in the future will require the sign go away by some method. Most likely the City would have to purchase the sign or condemn it which would cost money. If Lamar voluntarily moves the sign, this expense is avoided.

(2) The new sign will be smaller with only two faces instead of four, and will feature the ECMS technology on the north facing sign.

Don Deitemeyer, 3870 North Skypark Road, Grand Island, presented this matter to the Council. They have an existing double stack billboard at 6204 North 2nd Avenue. They are requesting to replace that board with a single back-to-back sign approximately 30 feet to the west which will be further from the right-of-way. Instead of having four faces, it will have two faces back-to-back.

Council member Lammers asked since it will be an electronic sign on one side and a regular face on the other, could they develop that into another electronic sign on the other side. Mr. Deitemeyer responded they could as long as someone else does not permit it within the 5,000-foot spacing requirement. Currently, they are only going to do the north face and this is not a full digit. It will be a price rate display. After working with the motel, it will probably be a fixed price rate display.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Kearney to close the hearing and approve the Application submitted by Lamar Outdoor Advertising (Applicant and Owner) to relocate

and replace an existing double-stack, back-to-back billboard sign located approximately 800 feet north of 60th Street from its present location, and to replace the existing billboard with a back-to-back monopole with an Electronic Changeable Message Sign (ECMS) facing north and a standard billboard poster facing south and approve **Resolution No. 2008-75**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2008-75**

WHEREAS, Lamar Outdoor Advertising (Applicant and Owner) has applied for the relocation and replacement of an existing double-stacked, back-to-back billboard sign located approximately 800 feet north of 60th Street from its present location, and to replace the existing billboard with a back-to-back monopole with an Electronic Changeable Message Sign (ECMS) facing north and a standard billboard poster facing south; and

WHEREAS, on April 18, 2008 the Kearney City Planning Commission has received and recommended the Kearney City Council approve said application as presented; and

WHEREAS, said application has been presented to the President and Council of the City of Kearney, Nebraska who deemed said application to be advantageous to and in the interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Lamar Outdoor Advertising (Applicant and Owner) for the relocation and replacement of an existing double-stacked, back-to-back billboard sign located approximately 800 feet north of 60th Street from its present location, and to replace the existing billboard with a back-to-back monopole with an Electronic Changeable Message Sign (ECMS) facing north and a standard billboard poster facing south be approved.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **PROPOSED AMENDMENTS TO CITY CODE PERTAINING TO RECREATIONAL VEHICLES**

Mayor Clouse stated that the City Administration has requested this matter to be tabled to further review the matter.

Moved by Kearney seconded by Lammers to table until May 27, 2008 the public hearing on the Application submitted by the City of Kearney for the proposed amendments to the following sections of the Kearney City Code pertaining to parking of Recreational Vehicles: Section 8-301 "Definitions", Section 8-918 "Forty-Eight Hour Parking Prohibited" and Section 8-919 "Recreational Vehicles" all in Chapter 8 "Police"; to amend Section 9-901 "Definitions", Section 9-906 "Where Trailers Permitted; Camping Vehicles" and Section 9-907 "Where Trailers Permitted; Hauling Trailers" all in Chapter 9 "Public Works", and to amend Section 49-110 "Parking for Personal and Recreational Vehicles" all in Chapter 49 "Off-Street Parking". Roll call resulted as follows: Aye:

Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

#### IV. CONSENT AGENDA

Moved by Lammers seconded by Lear that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held April 22, 2008.

2. Approve the following Claims:

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

3M \$17,827.50 smcs; Ace Hardware \$90.96 smcs; Advanced Auto Parts \$43.39 smcs; Aervoe Industries \$660.45 smcs; Agro \$479.57 smcs; Air Delights \$1,215.82 co; Alamar Uniforms \$131.25 ps; Alertshirt \$368.94 smcs; Alley Rose \$46.02 smcs; Alltel \$2,425.41 smcs; Amazon \$213.05 smcs; Amer Electric \$301.93 smcs; Amer Legion \$119.65 smcs; Amsan \$1,355.54 smcs; Andersen,B \$55.00 smcs; Anderson Ford \$25,590.00 co; Anderson,S \$97.59 smcs; APA Memberships \$417.00 smcs; Ashworth \$886.24 smcs; Ask Supply \$58.43 smcs; Aurora Cooperative \$1,180.66 smcs; Austin Hardware \$51.26 smcs; Auto Glass Center \$373.99 smcs; B&H Photo \$29.90 co; Baird Holm \$160.00 smcs; Baker & Taylor Books \$6,292.45 smcs; BBC Audiobooks \$240.60 smcs; Beacon Athletics \$2,728.62 smcs; Beckenhauer,T \$6.61 smcs; Bennett,T \$855.00 smcs; Benson,J \$24.47 smcs; Best Buy \$86.01 smcs; Blessing \$55,868.91 smcs,co; Bluecross Blueshield \$176,697.75 smcs; Bob's Super Store \$62.30 smcs; Bosselman \$60,425.57 smcs; Bowers,B \$16.29 smcs; Bowman,R \$16.95 smcs; Breiner,D \$13.74 smcs; Brite-Way \$461.35 smcs; Broadfoot's \$1,602.00 smcs; Brodart Co \$157.80 smcs; Buffalo Co Court \$225.76 ps; Buffalo Co Reg Deeds \$30.50 smcs; Buffalo Co Treasurer \$1,600.04 smcs; Buggy Bath \$20.50 smcs; Builders Warehouse \$1,950.41 smcs,co; Bult,D \$29.64 smcs; Burrows,R \$36.00 smcs; Business Computer Design \$25,985.00 co; Byrne,D \$458.16 smcs; Cabela's \$59.98 smcs; Carquest \$1,451.06 smcs; Carrot-Top Industries \$704.35 smcs; Carter,P \$10.25 smcs; Casarino,Christman & Shalk \$5,000.00 smcs; Cash-Wa \$140.45 smcs; CDW Gov't \$1,343.97 co; Centaur Enterprises \$10.67 co; Central District Health \$2,604.00 smcs; Central Fire \$44.50 smcs; Central Hydraulic Systems \$1,385.93 smcs; Central NE Bobcat \$893.65 smcs; CH Diagnostic & Consulting \$870.00 smcs; Charter \$617.38 smcs; CISEC \$205.00 smcs; City of Ky \$50,953.71 smcs,co,ds,ps; City of Omaha Public Works \$480.00 smcs; Click-N-Ship \$5.30 smcs; College Savings Plan of NE \$75.00 ps; Commercial Turf \$1,525.00 smcs; Commontime \$129.60 smcs; Construction Rental \$38.50 smcs; Cook,S \$40.00 smcs; Copycat Printing \$253.16 smcs; Cornhusker Cleaning \$345.32 smcs; Creative Teacher \$33.95 smcs; Crossroads Ford \$486.30 smcs; CRVS Store \$30.21 smcs; Cubby's Green \$30.00 smcs; Cudaback,N \$10.21 smcs; Cullen,M \$18.72 smcs; Culligan \$558.50 smcs; Cummins Central Power \$792.79 smcs; D&D Industries \$160.00 smcs; DANKO Emergency \$382.32 smcs; Dawson Co PPD \$1,659.72 smcs; Defense Technology \$895.00 smcs; Dell \$2,829.28 smcs,co; Demco \$599.97 smcs; Dept of the Treasury \$46.79 ps; Diamond Vogel \$95.19 smcs; Digital Intelligence

\$37.00 smcs; Dmilaco Sports \$820.00 smcs; Double M Farms \$2,000.00 smcs; DPC Industries \$4,727.30 smcs; Drummond \$166.30 smcs; Dultmeier Sales \$363.76 smcs; Dutton-Lainson \$27.88 smcs; Eakes \$6,531.72 smcs,co; Ecolab \$30.00 smcs; Edco Distributing \$51.17 smcs; EDM Equipment \$309.48 smcs; Educational Service Unit \$375.00 co; Eirich,T \$50.00 smcs; Elite Title \$98,750.69 co; Enterprise \$107.65 smcs; Fairbanks Int'l \$722.33 smcs; Fastenal \$2,009.64 smcs; Fireguard \$528.00 smcs; Footjoy \$77.40 smcs; Fort Ky Shooting \$34,000.00 smcs; Frame Shop \$389.76 smcs; Frontier \$238.50 smcs; FYR-TEK \$669.00 smcs; Gale \$311.48 smcs; Galls \$1,472.73 smcs; Gangwish Turf \$4.50 smcs; Garrett Tires \$1,416.43 smcs; Gaylord Brothers \$74.10 smcs; GE Money Bank \$599.08 smcs; Glazier,R \$269.50 smcs; Godaddycom \$76.40 smcs; Gordon's Small Engine \$55.00 smcs; Graham Tire \$121.68 smcs; Grainger \$4,127.24 smcs,co; Grand Central IGA \$16.95 smcs; Great Lakes \$227.50 smcs; Great Plains \$69.90 smcs; Great Plains Safety \$300.00 smcs; Grimes,S \$59.00 smcs; H&H Distributing \$2,000.56 smcs; Hach \$131.45 smcs; Harshbarger,K \$408.16 smcs; Hastings \$75.00 smcs; HD Supply \$477.50 smcs; Hobby-Lobby \$7.98 smcs; Hoehner Turf \$150.00 smcs; Holiday \$134.72 smcs; Holiday Inn \$541.70 smcs; Holmes Plumbing \$365.72 smcs,co; Hometown Leasing \$248.23 smcs; Hotsy Equipment \$220.20 smcs; Hydro Tech \$36.00 smcs; Hydrologic \$589.00 smcs; ICMA \$169.10 smcs; ICMA RC \$2,530.02 ps; Intellicom \$312.00 smcs; IRS \$101,690.63 ps; Interstate All Battery \$17.76 smcs; Investment Property Exchange \$1,000.00 co; Iteris \$410.00 smcs; J&J Construction \$1,250.00 smcs; Jack Lederman \$152.98 smcs; Jack's Small Engines \$19.45 smcs; Johnson Controls \$39.90 smcs; Johnson Hardware \$609.00 smcs; Johnson,S \$50.00 smcs; JRs Western \$83.97 smcs; K&K Parts \$428.20 smcs; Ky Chamber Comm \$5,000.00 smcs; Ky Clinic \$850.00 ps; Ky Community Found. \$16,402.50 smcs; Ky Glass \$12.95 smcs; Ky Hub \$1,249.40 smcs; Ky Implement \$2,331.98 smcs; Ky Towing \$150.00 smcs; Ky Visitors Bureau \$26,660.89 smcs; Ky Warehouse \$1,205.30 smcs; Ky Winnelson \$395.50 smcs; Ky Yamaha \$99.95 smcs; KHGI/KWNB \$2,340.00 smcs; Killion Motors \$26.38 smcs; Kirkham Michael \$7,740.85 co; Konica Minolta \$135.79 smcs; Krajewski,R \$26.35 smcs; Kropp,J \$15.13 smcs; Lang,L \$200.00 smcs; Laurent,A \$18.72 smcs; Lawson Products \$535.68 smcs; LECC Conference \$285.00 smcs; Lincoln Winwater Works \$5,630.51 smcs; Linda's Upholstery \$131.85 smcs; Lindner,S \$6.00 smcs; Linweld \$704.46 smcs; Loebig,P \$818.73 smcs; Mac Tools \$50.00 smcs; Magic Cleaning \$250.00 smcs; Mail Express \$66.07 smcs; Mak,D \$15.66 smcs; Marlatt Machine Shop \$1,980.10 smcs; Marriott \$789.25 smcs; Maverick Books \$18.00 smcs; McMaster-Carr \$181.73 smcs; McNeilus Truck \$28.36 smcs; Menards \$1,471.16 smcs,co; Meteorlogix \$2,583.00 smcs,er; Middleton Electric \$1,376.32 smcs; Midlands Contracting \$4,478.00 smcs; Midwest \$173.03 smcs; Midwest Turf \$389.89 smcs; Miller & Associates \$51,426.92 co; Miller Signs \$300.00 smcs; Mirror Image \$50.00 smcs; Moonlight Embroidery \$1,015.00 smcs; Morris Press \$615.36 smcs; Moss & Barnett \$448.00 smcs; Napa All Makes \$759.10 smcs; NE Business Banking \$59,336.73 ds; NE Child Support \$2,720.98 ps; NE Dept of Aeronautics \$995.00 ds; NE Dept of Agriculture \$270.00 smcs; NE Dept of Environmental \$12,078.00 smcs; NE Dept of Revenue \$30,967.75 smcs; NE Health & Human Services \$441.81 co; NE Law Enforcement \$150.00 smcs; NE Licensed Beverage \$180.00 smcs; NE Plastics Fence \$27.26 smcs; NE Rural Water Ass'n \$50.00 smcs; NE Section PGA \$50.00 smcs; NE St Historical Society \$1,716.50 co; NE Truck Center \$224.33 smcs; NEland Distributors \$1,791.20 smcs; Neon Design \$256.00 smcs; Neopost \$9,095.13 smcs; Network Solutions \$34.99 smcs; New World \$299.20 smcs; Newegg \$199.98 co; Nicklasson,B \$59.00 smcs; Nielsen,K \$5.55 smcs;

NMC \$42.50 smcs; Norm's Plumbing \$87.05 smcs; Northern Tool \$249.46 co; Northwest Electric \$5,530.77 smcs; Northwestern Electric \$18.14 smcs; Northwestern Energy \$16,006.07 smcs; NSG Galeton Gloves \$67.29 smcs; NSVFA \$155.00 smcs; Office Depot \$155.75 smcs; Office Max \$1,249.28 smcs,co; Officenet \$382.80 smcs; O'Reilly Auto \$980.45 smcs; Orscheln \$1,471.16 smcs; Otto Environmental \$19,645.76 smcs; Overhead Door \$766.00 smcs; Overleese,C \$30.68 smcs; Owl Systems \$315.82 smcs; Paramount Linen \$231.91 smcs; Patterson,B \$132.00 smcs; Penn State Ag Sciences \$35.00 smcs; Peterson,R \$59.00 smcs; Petroleum Equipment \$1,038.50 smcs; Ping \$294.89 smcs; Pioneer Door \$220.00 smcs; Platte Valley Comm \$914.38 smcs; Police Officer Ass'n of NE \$282.75 smcs; Prestige Flag \$374.64 smcs; Presto-X \$134.00 smcs; Public Agency Training \$75.00 smcs; QA Balances \$75.00 smcs; Quill \$95.00 smcs; Radioshack \$369.21 smcs; Random House \$248.80 smcs; Ready Mixed Concrete \$153.00 smcs; Recognition Unltd \$119.10 smcs; Recorded Books \$522.74 smcs; Reeder,B \$8.71 smcs; Rose Equipment \$100.00 smcs; Royal Inter-web \$13.85 smcs; Sahling Kenworth \$61.60 smcs; Sams Internet \$35.00 smcs; Schmidt,A \$59.00 smcs; Schmidt Engineering \$283.12 smcs; Sears \$99.99 smcs; See Clear Cleaning \$4,500.00 smcs; Segelke,R \$10.64 smcs; Sherwin Williams \$48.25 smcs; Shop EZ \$42.80 smcs; Sid Dillion \$22,429.00 co; Sign Center \$641.78 smcs; Signature Fencing \$303.40 co; Sixth Street Self Storage \$82.50 smcs; Skeeter Barnes \$4,316.20 smcs; Sloan,B \$20.00 smcs; Snap-On Tools \$3,064.95 smcs,co; Softchoice \$213.44 smcs; Solid Waste Agency \$6,848.79 smcs; Stagecoadh \$33.00 smcs; St of NE/AS Central \$4,873.22 smcs; St of NE/DAS Comm. \$18.40 smcs; St of NE/HHS Laboratory \$1,606.00 smcs; Steinbrink Brock \$35.00 smcs; Story,G \$79.20 smcs; Sun Life Financial \$24,113.68 smcs; Sunset \$333.75 smcs; Sure Cure Gift Shop \$29.98 smcs; Sydow,J \$40.00 smcs; Tactical Technologies \$231.50 smcs; Talbitzer,R \$35.00 smcs; Target \$51.12 smcs; Technical Maintenance \$195,882.30 co; Telephone Systems of NE \$22.46 smcs; Theis,G \$37.97 smcs; Theis,J \$60.00 smcs; Titleist \$8,763.76 smcs; Tractor-Supply \$986.69 smcs; Trampe,S \$55.00 smcs; Transit Works \$175.00 smcs; Travel Guard \$10.95 smcs; Treat Amer Food \$2,170.56 smcs; Tri City Outdoor Power \$202.62 smcs; TruGreen \$152.00 smcs; Tye & Rademacher \$10,880.04 smcs; UNK Residential Life \$30.00 smcs; UNK-Human Resources \$90.75 ps; UPS Store \$62.72 smcs; US Bank \$311,235.00 ds; USPS \$93.69 smcs; Van Diest \$5,215.46 smcs; Van Wall \$1,116.82 smcs; Village Uniform \$478.22 smcs; Wagner,T \$175.00 smcs; Wagon Wheel \$36.00 smcs; Wal-Mart \$1,874.64 smcs; Walsh,C \$26.00 smcs; Walter's Electric \$13,089.24 smcs; Wellness Works \$62.00 ps; Wells Fargo Bank \$78,850.00 smcs; Wells Fargo Equipment \$33,780.11 ds,co; Wicks Sterling Trucks \$34.87 smcs; Wilke Donovan's \$234.07 smcs,co; Wilkins Hinrichs Stober \$10,264.74 co; Williams,M \$94.15 smcs; Yanda's \$24.85 smcs; Zimmerman Printers \$227.88 smcs; Zubrod,D \$59.00 smcs; Payroll Ending 4-26-2008 -- \$297,423.69. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Approve the Agreement between the City of Kearney and the Nebraska Department of Roads for Project No. MISC-30-4(1044) in connection with the relocation of Airport Road and approve **Resolution No. 2008-76**.

**RESOLUTION NO. 2008-76**

WHEREAS, the City of Kearney and the Nebraska Department of Roads want to relocate Airport Road at the intersection of East Highway 30 to the east and add a westbound right turn lane; and

WHEREAS, the said improvements is within the designated urban area of Kearney and funds administered by the Nebraska Department of Roads have been made available for the construction of said improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Agreement from Project No. MISC-30-4(1044) on behalf of the City of Kearney. A copy of said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

4. Approve the request submitted by Cheryl Schroeder to transfer Conditional Use Permit No. 1998-05 to locate a Bed and Breakfast at 2915 5th Avenue for a period of one year.

5. Approve the application for a Special Designated License submitted by Grandpa's Steakhouse to dispense beer, wine and distilled spirits in connection with their Class CK-09022 liquor license in Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 31, 2008 from 3:00 p.m. until 12:00 a.m. for a dance/reception.

6. Approve the application to extend Conditional Use Permit No. 1986-04 submitted by Art Pierce to locate a calligraphy studio at 2202 Avenue B, Unit 3 for a period of two years.

7. Approve the request submitted by Tiffanie Bullock to block off ten parking spaces on the north side of Railroad Street between Avenue A and Avenue B on May 17, 2008 for a motorcycle poker run for Relay for Life fund raising event.

8. Approve the request submitted by the Kearney Volunteer Fire Department to temporarily block off Avenue A between 22nd Street and 23rd Street and the parking lot located at the southwest corner of 23rd Street and Avenue A on July 12, 2008 from 6:00 a.m. until 5:00 p.m. for their Q125 Celebration.

9. Approve Change Order No. 6 showing a decrease in the amount of \$33,248.05, Application and Certificate for Payment No. 13-Final in the amount of \$178,408.15, and the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2007 Part II Improvements – 39th Street from 2nd Avenue to Pony Express Road consisting of Paving Improvement District No. 2006-908 for 39th Street from Pony Express Road west to the east lot line of Lot 1, Block 1, Windsor Estates Fifth Addition and approve **Resolution No. 2008-77**.

**RESOLUTION NO. 2008-77**

WHEREAS, Blessing LLC of Kearney, Nebraska has performed services in connection with the 2007 Part II Improvements – 39th Street from 2nd Avenue to Pony Express Road (Paving Improvement District No. 2006-908), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 6 showing a decrease to the contract sum in the amount of \$33,248.05 as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Application and Certificate for Payment No. 13-Final in the amount of \$178,408.15 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,977,660.96
Change Order No. 1 (6-26-2007)	+ 61,459.75
Change Order No. 2 (7-24-2007)	+ 4,853.68
Change Order No. 3 (10-23-2007)	+ 6,451.99
Change Order No. 4 (11-27-2007)	+ 22,983.33
Change Order No. 5 (2-26-2008)	+ 16,438.74
Change Order No. 6 (5-13-2008)	- <u>33,248.05</u>
Contract Sum to Date	\$2,056,600.40
Gross Amount Due	2,056,600.40
Retainage	0.00
Amount Due to Date	2,056,600.40
Less Previous Certificates for Payment	<u>1,878,192.25</u>
Current Payment Due	\$ 178,408.15

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 17, 2008, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 6, as shown on Exhibit "A", Application and Certificate for Payment No. 13-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2008.

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 2007 Part V Improvements (bridge work on 4th Street between 2nd Avenue and 3rd Avenue) and set the bid opening date for June 3, 2008 at 2:00 p.m.

**11.** Approve the application for a Special Designated License submitted by KEARNEY BBQ CO., dba "Skeeter Barnes" in connection with their Class I-55865 liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street on June 7, 2008 from 4:00 p.m. until 12:00 a.m. for a wedding reception.

12. Approve the application for a Special Designated License submitted by KEARNEY BBQ CO., dba "Skeeter Barnes" in connection with their Class I-55865 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on July 12, 2008 from 4:00 p.m. until 12:00 a.m. for a wedding reception.

13. Approve the request submitted by Karla's Kreations to block off three parking stalls in front of her business located at 9 West 23rd Street on June 10, 2008 from 6:00 p.m. until 8:00 p.m. for a grilling class for Central Community College.

14. Approve the Recreational Trails Program Project Agreement between the City of Kearney and the Nebraska Game and Parks Commission for the completion of the hike-bike concrete trail that starts in Lighthouse Point and goes east through Ted Baldwin Park and adjacent to a senior care facility and Richard Young Hospital and approve **Resolution No. 2008-78.**

**RESOLUTION NO. 2008-78**

WHEREAS, the City of Kearney desires to construct a public recreation trail project that starts in Lighthouse Point and goes east through Ted Baldwin Park and adjacent to a senior care facility and Richard Young Hospital; and

WHEREAS, the City of Kearney and the Nebraska Game and Parks Commission will enter into an Agreement for construction, development, and maintenance of said recreational trail and that said trail will be operated and maintained by the City of Kearney for public outdoor recreation use.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Recreational Trails Program (RTP) Project Agreement on behalf of the City of Kearney for the construction, development, and maintenance of a public recreation trail project that starts in Lighthouse Point and goes east through Ted Baldwin Park and adjacent to a senior care facility and Richard Young Hospital. A copy of said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

15. Approve the Delivery Order issued to Miller & Associates for the design and construction management of the hike-bike trail that starts in Lighthouse Point and goes east through Ted Baldwin Park and adjacent to a senior care facility and Richard Young Hospital and approve **Resolution No. 2008-79.**

**RESOLUTION NO. 2008-79**

WHEREAS, the City of Kearney and the Nebraska Game and Parks Commission desire to enter into a Recreational Trails Program Project Agreement for the completion of a hike-bike concrete trail in Lighthouse Point; and

WHEREAS, in order for the City to submit a grant application to the Nebraska Game and Parks Commission, design documents must be submitted with said application.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Delivery Order on behalf of the City of Kearney for the design and construction management of the hike-bike trail that starts in Lighthouse Point, goes east through Ted Baldwin Park and adjacent to a senior care facility and Richard Young Hospital.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2007.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by CHICKEN BONES OF KEARNEY, INC., dba "Chicken Coop Sports Bar & Grill in connection with their Class I-54354 liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on June 13, 2008 from 12:00 p.m. until 1:00 a.m. for a concert.

#### **V. CONSENT AGENDA ORDINANCES**

##### **ORDINANCE NO. 7430 – SELL A PORTION OF AIRPORT PROPERTY TO BALDWIN FILTERS**

Baldwin Filters is expanding its Kearney plant by adding a warehouse addition of approximately 378,500 square feet. This proposed addition to their plant is being built to the east of the existing plant necessitating the moving of Airport Road as well as the City water main that is situated adjacent to that roadway. Baldwin Filters also need to acquire approximately 20.36 acres of property from the Kearney Regional Airport as a part of this expansion.

Baldwin Filters will pay \$102,000 for the purchase of the land from the Kearney Regional Airport. The \$102,000 is based upon an appraisal of that property which has been provided to the City. The FAA requires that the \$102,000 be used for aviation related projects within the Airport property.

Council Member Lear introduced Ordinance No. 7430, being Subsection 1 of Agenda Item V to sell a tract of land located in the North Half of Section 33, Township 9 North, Range 15 East of the 6th P.M., containing 20.39 acres, more or less, Buffalo County, Nebraska to Baldwin Filters, Inc. in the amount of \$102,000.00, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as

follows: Aye: Clouse, Lammers, Kearney, 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. 7430 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7430 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7430 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **ORDINANCE NO. 7428 – REZONING SOUTH OF 52ND STREET AND WEST OF 3RD AVENUE (PERTAINS TO PUBLIC HEARING 1)**

Mayor Clouse stated the City received a letter from the developer withdrawing this matter from the agenda. Therefore, no action was taken.

### **ORDINANCE NO. 7431 – REZONING 3816 CENTRAL AVENUE (PERTAINS TO PUBLIC HEARING 4)**

Council Member Clouse introduced Ordinance No. 7431, being Subsection 2 of Agenda Item VI to rezone from “District R-3, Urban Residential Multi-Family District (Medium Density)” to “District C-2, Community Commercial District” property described as Lots 1, 2, 3, Bakers Subdivision of Lot 60, Northwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (3816 Central Avenue), 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 Kearney seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. 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. 7431 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7431 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7431 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 7432 – VACATE PART OF LINCOLN WAY VILLA PLOTS (PERTAINS TO PUBLIC HEARING 6)**

Council Member Clouse introduced Ordinance No. 7432, being Subsection 3 of Agenda Item VI to vacate part of Lots 7, 8 and part of the vacated street abutting Lot 8 on the west, Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska (1918 and 1920 West 24th Street), 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 Kearney seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. 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. 7432 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7432 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7432 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 7433 – VACATE PART OF INGALLS CROSSING SECOND ADDITION (PERTAINS TO PUBLIC HEARING 7)**

Council Member Clouse introduced Ordinance No. 7433, being Subsection 4 of Agenda Item VI to vacate Lot 3, Ingalls Crossing Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue), 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 Kearney seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was

interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. 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. 7433 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7433 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7433 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 CLAIMS: PLATTE VALLEY STATE BANK - \$45,368.48, NPPD - \$55,152.37, SCHOOL DISTRICT #7 - \$9,344.65**

Moved by Lammers seconded by Buschkoetter that Open Account Claims in the amount of \$45,368.48 payable to Platte Valley State Bank, and in the amount of \$55,152.37 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Kearney, Buschkoetter. Nay: None. Clouse and Lear abstained. Motion carried.

Moved by Lear seconded by Clouse that Open Account Claims in the amount of \$9,344.65 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Kearney, Lear. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

## **VII. REPORTS**

### **GRAVEL STREET IN SOUTHEAST AND SOUTHWEST KEARNEY**

City Manager Michael Morgan stated that graveling of roads in southeast and southwest Kearney is currently in process which is an exciting project. They have not had any additional requests to partially fund the 50-50 gravel street program except for the first three.

### **SOUTH 2ND AVENUE**

By the next Council meeting, he hoped that City staff would be converging on South 2nd Avenue to finish the landscaping once the State vacates the area. They are excited about getting that project cleaned up.

### **RECREATIONAL VEHICLE STUDY SESSION**

City Manager stated they have discussed scheduling an RV study session.

**1/2 CENT SALES TAX**

City Manager stated they are working on a couple items that they have gotten a lot of feedback on and would like to revisit regarding the 1/2 cent sales tax. There were no decisions to be made at this meeting, but he wanted to know where the interest is so staff can put together some follow up reports for the Council.

**CURBS IN OLDE TOWN**

City Manager stated he thinks there might be a compromise that can be reached which would be acceptable to all the parties in the area regarding curbs. The proposed base project would improve the drainage, sidewalks and lower the curb heights which are somewhat of a safety concern. There are some funds from the CRA that they could apply toward that project. They will be receiving some revised cost estimates on that project and would like to bring those back and see if they can work this out.

**ASPHALT OVERLAY ON 5TH AVENUE**

City Manager stated they are evaluating 5th Avenue from 14th Street to 29th Street on which is an asphalt street. We have not done a lot of asphalt street replacements for approximately ten years. They do have funds starting in October for asphalt streets, but probably not enough to do the entire length of that street. All of it needs to be done because it is in poor shape, but at least repair it to 25th Street. They are looking at a white topping that is kind of a slurry seal which is applied after grinding down the surface. They will be receiving some formal estimates for that work.

Director of Public Works Rod Wiederspan stated the life of the slurry seal would be approximately 14 years, but the City has not done any of that type yet. The closest thing we have used is the sidewalk on the overpass and he did not believe that one worked out very well.

City Manager stated it is more than a traditional slurry seal project and there is a lot of prep work that must be done to do it right. He believed for the dollar it gives a good cost versus life expectancy. The one concern we have is with petroleum and oil costs which directly affects asphalt. Their thought is to do some more analysis on that street to see if this slurry seal is an option. They might look at few examples where it has been done. This would be done next year, but requires moving some things around in next year's 1/2 cent sales tax program.

**SENIOR ACTIVITY CENTER**

City Manager stated there are groups that are working diligently behind the scenes on the Peterson Senior Activity Center. These groups are working on the most cost effective ways of providing meals at the Center. They are working with others in the community that provide meal programs to see what they can learn or perhaps combine services with them in the future.

**AMPHITHEATER AT YANNEY PARK**

City Manager stated the new cover over the amphitheater at Yanney Park is now completed. It is very attractive and should not have the wind issues as the previous one did.

**UNDERAGE DRINKING**

Mayor Clouse stated he had the opportunity to attend the meeting on underage drinking and some of the issues that we deal with in our community. He provided some handouts he received with some good information.

**COFFEE CONNECTION**

Mayor Clouse stated the Coffee Connection is an effort being made by the Chamber to increase awareness of what is going on in the community with different folks. He and Council member Kearney would be doing the session on May 14th, but they want a couple of different Council members to participate in the future months. This will be similar to what they do on the radio. There will also be some County Supervisors and School Board members at their sessions. Each session will include a variety of community members.

**VIII. ADJOURN**

Moved by Kearney seconded by Lammers that Council adjourn at 7:37 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

**ATTEST:**

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

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