

*Kearney, Nebraska
June 8, 2010
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 June 8, 2010, 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; Suzanne Brodine, Assistant to the City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Mark Andersen, Kirby Andersen, Chris Andersen, Gary Roubicek, Jerry Thompson, Barb Thompson, Ken Tracy, Alishia Tracy, Kent Cordes, Ben Hirschfeld, Mitch Humphrey, Steve Altmaier from KGFW Radio, Kevin Hervert from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION

Father Joseph Hannappel from 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.

RECOGNITION – FIREFIGHTERS SERVICE AWARDS

Mayor Clouse and Council Members recognized the volunteer firefighters who have given many hours of their time in responding to fire/rescue emergencies, firefighter training, assisting with public fire prevention and safety education programs, serving as fire department officers, and serving on various types of committees. Each of the following volunteers is being recognized: Dave Pratt 20 years, Tim Pratt 20 years, Dan Steinhauser 20 years, Ryan Smith 10 years, Jerry Folck 5 years, Dan Thompson 5

years. Fire Chief Terry Eirich presented the firefighters with the awards.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT

Mayor Clouse and Council Members recognized the Kearney Volunteer Fire Department on recently receiving the Outstanding Fire Prevention Work in Nebraska award from the Nebraska State Volunteer Firefighters Association and Ball Insurance. The KVFD provided 766 total manhours to fire prevention and safety activities reaching preschoolers to senior citizens. Over 13,295 citizens received the message that fires need to be stopped before they start.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMEND LAND USE MAP AT 2,750 FEET SOUTH OF THE INTERSECTION OF HIGHWAY 44 AND HIGHWAY 50A

Public Hearings 1, 2 and 3 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 Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Light Industrial for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A) and to consider Resolution No. 2010-108. Planning Commission recommended approval.

The applicant is requesting approval to improve the existing automobile salvage yard located approximately 2,750 feet south of Ft. Kearney Road (Highway 50A) on the west side of Highway 44. The property is located outside of city limits in the two-mile extraterritorial jurisdiction (ETJ). The owners would like to convert the operation of the salvage yard from a full service yard to a self service operation where clients would remove parts from the cars. The owners are proposing several improvements to the property including buildings, screening walls, improved access and landscaping. These improvements will be constructed in a phased approach. The project requires an amendment to the land use map, rezoning, and subdivision plat.

The parcel is currently zoned AG, Agricultural District. The Future Land Use Map of the City of Kearney Comprehensive Development Plan shows this area designated as "Agricultural/ Open." The proper zoning for the existing use is M-1, Limited Industrial District and the corresponding land use designation is "Light Industrial."

A minimum lot size of 20 acres is required for all uses in M-1 zoning. This property is only 15.07 acres but is an established use. Therefore, staff has requested that this property be formally subdivided in order for the owner to obtain building permits. The Preliminary and Final Plat for this tract consists of a single lot to be known as Andersen Auto Subdivision. The Preliminary Plat was approved by Planning Commission on May 21, 2010. A Public Works Plan is not required.

When the owners apply for building permits there are several code requirements for site improvements tied to the M-1 zoning and the use of the land. Opaque fencing to screen the cars is required along with some landscaping. The owners plan to construct a 75 foot x 30 foot auto prep building this summer along with 1,300 lineal feet of opaque fencing along the south side of the property similar in appearance to the fencing at the main facility in town. An additional 500 lineal feet of fencing will be installed on the east side of the property and a 40 foot x 70 foot office/sales building will also be erected this summer. The existing buildings will be removed. A large gravel parking lot will be constructed along with a 30 foot x 90 foot concrete parking pad east of the office building.

In the spring of 2011 the owners propose an additional 1,225 lineal feet of opaque fencing on the north side of the property and 500 lineal feet of fencing on the west side. The north entrance/exit and the south entrance/exit will be upgraded. Landscaping will be installed north and east of the parking lot.

A plan indicating the location and time frame for each phase of the fencing project shall be submitted with the building permit application.

Street trees are required along the highway, minimum size 2-inch caliper, one tree for each 50 lineal feet of highway frontage. The owners indicated that they will submit a landscape plan similar to what they have done at their main facility in town. Said plan and timeline for planting will be submitted as part of the building permit application.

Nebraska Department of Roads (NDOR) must approve any access improvements off of the state highway. M-1 zoning requires all approaches from public streets to be paved the depth of the right-of-way plus ten additional feet. One paved handicap parking stall shall also be required.

The work that is proposed with these site improvements will upgrade the appearance of this property significantly.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. This project is simple in and will change the southern appearance of this community. For a number of years, there has been an auto salvage yard located there. The parties that owned the salvage yard prior to the Andersen family were rather successful, but it was outside the City limits at the time. It grew to be a large business with lots of vehicles, but there was not a need to have a lot of requirements for upgrading, screening, etc. Since the Andersens acquired the property a few years ago, they want to move into the next phase of their business. They want to enhance this property with some new buildings and approximately 3,500 linear feet of opaque fencing which will be very similar to the 9-foot high fencing they have at their current location. This will satisfy the City's

requirements of screening and landscaping in order to get a building permit. The second phase is to change the zoning, amend the land use map and do some platting for the building permit so they can move forward with the demolition of the existing building and the reconstruction of several buildings so they can stage and provide the services they want. The existing building that is located on this site is almost sitting on the highway right-of-way line. The new building and the parking will be pushed further to the west to provide more space to the front so that there will be better access and sidelines.

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 Mitch Humphrey from Buffalo Surveying (Applicant) for Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Light Industrial for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A) and approve **Resolution No. 2010-108**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2010-108

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the North Half of the Southeast Quarter of Section 26 in Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska, more particularly described as follows: Referring to the northeast corner of the Southeast Quarter of said Section 26; thence westerly on the north line of said Southeast Quarter a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the west right-of-way line of Nebraska State Highway No. 44; thence westerly on the north line of said Southeast Quarter a distance of 1350.75 feet; thence southerly a distance of 489.81 feet; thence easterly a distance of 1335.75 feet to a point on the west right-of-way line of Nebraska State Highway No. 44; thence northerly on the aforesaid west right-of-way line a distance of 301.59 feet; thence easterly at right angles a distance of 15.0 feet; thence northerly at right angles a distance of 188.3 feet to the place of beginning, containing 15.07 acres, more or less, all in Kearney County, Nebraska from Agricultural/Open to Light Industrial, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Agricultural/Open to Light Industrial the use classification for a tract of land being part of the North Half of the Southeast Quarter of Section 26 in Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska, more

particularly described as follows: Referring to the northeast corner of the Southeast Quarter of said Section 26; thence westerly on the north line of said Southeast Quarter a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the west right-of-way line of Nebraska State Highway No. 44; thence westerly on the north line of said Southeast Quarter a distance of 1350.75 feet; thence southerly a distance of 489.81 feet; thence easterly a distance of 1335.75 feet to a point on the west right-of-way line of Nebraska State Highway No. 44; thence northerly on the aforesaid west right-of-way line a distance of 301.59 feet; thence easterly at right angles a distance of 15.0 feet; thence northerly at right angles a distance of 188.3 feet to the place of beginning, containing 15.07 acres, more or less, all in Kearney County, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING AT 2,750 FEET SOUTH OF THE INTERSECTION OF HIGHWAY 44 AND HIGHWAY 50A

Public Hearings 1, 2 and 3 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 Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A). Planning Commission recommended approval.

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 Mitch Humphrey from Buffalo Surveying (Applicant) for Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A). Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

FINAL PLAT FOR ANDERSEN AUTO SUBDIVISION; 2,750 FEET SOUTH OF THE INTERSECTION OF HIGHWAY 44 AND HIGHWAY 50A

Public Hearings 1, 2 and 3 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 Kirby Andersen, Christopher Andersen

and Mark Andersen (Owner) for the Final Plat for Andersen Auto Subdivision, a subdivision of Kearney County, Nebraska for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A) and to consider Resolution No. 2010-109. Planning Commission recommended approval.

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 Mitch Humphrey from Buffalo Surveying (Applicant) for Kirby Andersen, Christopher Andersen and Mark Andersen (Owner) for the Final Plat for Andersen Auto Subdivision, a subdivision of Kearney County, Nebraska for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A) and approve **Resolution No. 2010-109**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2010-109

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "Andersen Auto Subdivision" of Kearney County, Nebraska for a tract of land being part of the North Half of the Southeast Quarter of Section 26, in Township 8 North, Range 16 West of the 6th P.M., Kearney, County, Nebraska, more particularly described as follows: Referring to the northeast corner of the Southeast Quarter of said Section 26; thence westerly on the north line of said Southeast Quarter a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the west right-of-way line of Nebraska State Highway No. 44; thence westerly on the north line of said Southeast Quarter a distance of 1350.75 feet; thence southerly a distance of 489.81 feet; thence easterly a distance of 1335.75 feet to a point on the west right-of-way line of Nebraska State Highway No. 44; thence northerly on the aforesaid west right-of-way line a distance of 301.59 feet; thence easterly at right angles a distance of 15.0 feet; thence northerly at right angles a distance of 188.3 feet to the place of beginning, containing 15.07 acres, more or less, all in Kearney 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, Kearney County, Nebraska.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMEND LAND USE MAP AT 1/2 MILE EAST OF THE INTERSECTION OF CHERRY

AVENUE AND COAL CHUTE ROAD

Public Hearings 4, 5 and 6 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 Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Preserve to Rural Estates for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road) and to consider Resolution No. 2010-110. Planning Commission recommended approval.

The applicant is requesting approval to plat a one-lot subdivision for a rural residence on the south side of Coal Chute Road approximately one-half mile east of Cherry Avenue. The property is located outside of city limits in the two-mile extraterritorial jurisdiction (ETJ). The project requires an amendment to the land use map, rezoning and subdivision plats.

The parcel is currently zoned AG, Agricultural District. The Future Land Use Map of the City of Kearney Comprehensive Development Plan shows this area designated as "Agricultural Preserve." The proper zoning for the proposed use is RR-1, Rural Residential District (Rural Standards) and the corresponding land use designation is "Rural Estates."

The Preliminary and Final Plat for this tract consists of a single lot approximately 3.47 acres in size to be known as Wolford Subdivision. The Preliminary Plat was approved at the May 21, 2010 Planning Commission meeting. The southwest corner of the lot is cut at an angle to accommodate a future center pivot for irrigation in case the current or future owner of the quarter section to the south decides to install one. The requirement to show contours on the Preliminary Plat has been waived. A Public Works Plan is not required. The house will be served by individual well and septic systems. No subdivision agreement is required. Seventeen feet of additional right-of-way is dedicated on the south side of Coal Chute Road for a total of fifty feet from centerline.

The owner is proceeding with site grading and foundation prior to final approval at his own risk after obtaining proper NPDES permits.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. This site is located along Coal Chute Road and is east of the intersection of Cherry Avenue. The issue is that the Wolfords own all of the farm ground around there (particularly to west and the south). They just need this site to conform to City Codes and create a 3-acre piece to satisfy the zoning requirements. They realize that this site is located very close to the Cherry Avenue project so they are dedicating 50 feet of right-of-way to accommodate the arterial nature of Coal Chute Road as part of this project.

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 Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Preserve to Rural Estates for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road) and approve **Resolution No. 2010-110**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

RESOLUTION NO. 2010-110

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of Government Lot 3 located in the Northwest Quarter of Fractional Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the northeast corner of Government Lot 3 in Section 4 and assuming the north line of Government Lot 3 and Government Lot 4 in said Section 4, as bearing N89°52'W and all bearings contained herein are relative thereto; thence N89°52'W and on the north line of said Government Lot 3 in Section 4, a distance of 375.00 feet; thence leaving the north line of said Government Lot 3 in Section 4, S00°06'52"W a distance of 298.00 feet; thence S44°52'34"E a distance of 179.63 feet; thence S89°52'00"E a distance of 248.00 feet to a point on the east line of said Government Lot 3 in Section 4; thence N00°06'52"E and on the east line of said Government Lot 3 in Section 4, a distance of 425.00 feet to the place of beginning, containing 3.47 acres, more or less, all in Buffalo County, Nebraska from Agricultural Preserve to Rural Estates, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Agricultural Preserve to Rural Estates the use classification for a tract of land being part of Government Lot 3 located in the Northwest Quarter of Fractional Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the northeast corner of Government Lot 3 in Section 4 and assuming the north line of Government Lot 3 and Government Lot 4 in said Section 4, as bearing N89°52'W and all bearings contained herein are relative thereto; thence N89°52'W and on the north line of said Government Lot 3 in Section 4, a distance of 375.00 feet; thence leaving the north line of said Government Lot 3 in Section 4, S00°06'52"W a distance of 298.00 feet; thence S44°52'34"E a distance of 179.63 feet; thence S89°52'00"E a distance of 248.00 feet to a point on the east line of said Government Lot 3 in Section 4; thence N00°06'52"E and on the east line of said Government Lot 3 in Section 4, a distance of 425.00 feet to the place of beginning, containing 3.47 acres, more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING AT 1/2 MILE EAST OF THE INTERSECTION OF CHERRY AVENUE AND COAL CHUTE ROAD

Public Hearings 4, 5 and 6 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 Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road). Planning Commission recommended approval.

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 Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

FINAL PLAT FOR WOLFORD SUBDIVISION; 1/2 MILE EAST OF THE INTERSECTION OF CHERRY AVENUE AND COAL CHUTE ROAD

Public Hearings 4, 5 and 6 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 Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) for the Final Plat for Wolford Subdivision, a subdivision of Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road) and to consider Resolution No. 2010-111. Planning Commission recommended approval.

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 Mitch Humphrey from Buffalo Surveying (Applicant) for Roger Wolford, Trustee of the Roger Wolford Revocable Trust and Kay Wolford, Trustee of the Kay Wolford Revocable Trust (Owner) for the Final Plat for Wolford Subdivision, a subdivision of Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road) and adopt **Resolution No. 2010-111**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2010-111

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "Wolford Subdivision" of Buffalo County, Nebraska for a tract of land being part of Government Lot 3 located in the Northwest Quarter of Fractional Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the northeast corner of Government Lot 3 in Section 4 and assuming the north line of Government Lot 3 and Government Lot 4 in said Section 4, as bearing N89°52'W and all bearings contained herein are relative thereto; thence N89°52'W and on the north line of said Government Lot 3 in Section 4, a distance of 375.00 feet; thence leaving the north line of said Government Lot 3 in Section 4, S00°06'52"W a distance of 298.00 feet; thence S44°52'34"E a distance of 179.63 feet; thence S89°52'00"E a distance of 248.00 feet to a point on the east line of said Government Lot 3 in Section 4; thence N00°06'52"E and on the east line of said Government Lot 3 in Section 4, a distance of 425.00 feet to the place of beginning, containing 3.47 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLAN APPROVAL FOR 5804 WEST 2ND AVENUE

Mayor Clouse stated the applicant has postponed until June 22, 2010 the public hearing on the Application submitted by Chad Micek (Applicant) for Pat Winters (Owner) for Planned District Development Plan Approval for the construction of an office building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the north 125 feet of Lot 6 of Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom all that

part of the north 125 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 West 2nd Avenue).

Moved by Lammers seconded by Lear to postpone until June 22, 2010 the Application submitted by Chad Micek (Applicant) for Pat Winters (Owner) for Planned District Development Plan Approval for the construction of an office building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the north 125 feet of Lot 6 of Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom all that part of the north 125 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 West 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

REZONING NORTH OF 56TH STREET AND EAST OF 17TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family (Low Density) District AND to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue). Planning Commission recommended approval.

The applicant is requesting approval to plat a 24-lot subdivision on 50.11 acres for mixed use development on the north side of 56th Street, north of proposed 11th Avenue. The property is contiguous to city limits. The project requires rezoning, subdivision plats, and annexation.

The land is currently zoned AG, Agricultural District. The proposed rezoning is for 45.53 acres of R-1, Urban Residential Single-Family (Low Density) and 4.58 acres of R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District. The proposed rezoning is in conformance with the Future Land Use Map of the City of Kearney Comprehensive Development Plan which shows this area designated as "Low Density and Medium Density Residential."

The Preliminary Plat was approved by Planning Commission on May 21, 2010. The Preliminary and Final Plat for this tract consists of a 20 R-1 lots, two R-2/PD lots and two Outlots. Outlot A consists of open space land that is in the 100-year floodplain. Outlot B is reserved for future residential development and will be platted in the future. Lot 1 of Block 1 is reserved for a school site. The remainder of the lots will be developed as urban residential housing. Pedestrian easements are shown from the cul-de-sacs on 61st Place and 62nd Place to provide connection to the open space in Outlot A. A hike-bike trails system will be developed in the outlot areas. A Public Works Plan and

subdivision agreement have been prepared. Storm water detention is provided. The round-a-bout on 11th Avenue has been revised so that the center circle is shown as public right-of-way.

The main east-west collector, 63rd Street, curves through the subdivision becoming what is presently known as 60th Street. As 60th Street moves north there are too many streets to fit between 56th Street and 60th Street. In discussions with City staff and the City Attorney they are working on a way to change the name of 60th Street to 63rd Street probably at the point where 60th Street intersects with 4th Avenue in order to accommodate the streets to the west. Another option that staff is investigating to avoid having the same street with two different names is to call it out as a signature street such as Spruce Hollow Boulevard in order to get away from having to compromise on numbers.

Kent Cordes from Miller & Associates presented this matter to the Council. He stated the final plat shows 60th Street in Spruce Hollow Second Addition which will be renamed Spruce Hollow Boulevard. Presently 60th Street going through Spruce Hollow matches up with 60th Street going to the east. However, as they move through the subdivision and that road winds north and changes, 60th Street does not fit well because it is almost a half mile from 56th Street. There are too many other side streets in the subdivision to make 60th Street work. Planning Commission suggested that they look at a completely different name than a numbered street. They have worked with City Attorney Mike Tye on how that can be achieved. They are proposing calling it Spruce Hollow Boulevard on the plat, as well as when they plat additional ground moving west. They could in the future by ordinance rename that street all the way from 30th Avenue to 4th Avenue (just short of two miles). Since this is the signature name for the subdivision, they believed that the name fits well. It will be a boulevard with a median and landscaping. They believed that it would be less confusing than changing street addresses from 60th Street to 63rd Street somewhere on the same street. Chief Building Inspector Max Richardson has talked with the people in charge of the 911 system and they are in agreement with this.

Their proposal is to replat a couple of outlots and about 20 single family residential lots and two multi-family residential lots along with 11th Avenue, Spruce Hollow Boulevard and a couple of cul-de-sacs in other streets. Adjacent to the sight are Spruce Hollow Estates Second Addition (R-1) and Spruce Hollow Estates Fourth Addition (R-2) to the south along with a little bit of C-1 and unplatted AG ground to the north and the west of the sight. The preliminary plat was approved in August of 2009. The Final Plat has a little variation to the preliminary plat which is generally in regard to what will become Spruce Hollow Boulevard. The lot layout has also changed a little because they are platting a larger lot in this location and eliminating a block of these residential lots. They have requested part as R-2/PD because they are not certain how those will be developed yet. By putting them in a planned district, will give the City some say in how that happens in the future.

There is an existing 16-inch water main located in 56th Street to the south and a 12-inch water main which is presently in 60th Street at the northeast corner of the site. The infrastructure improvements that will be constructed as part of new plat is a 12-inch loop through the site, as well as numerous 8-inch mains that will get water to the entire site.

There will be 12-inch mains going north/south at approximately the one half mile line in accordance with City Code. Sanitary Sewer is a bit of a challenge in this site because there is a lift station existing south of the site at 11th Avenue, which can only serve about 1,000 feet or less from the subdivision back to that gravity. Future plans call for building gravity up to this with a 30-inch main that is now about two miles from this site. In conjunction with City Staff they have worked out a plan, where they would build a new lift station north of the Boulevard and a force main back to the gravity main on 56th Street which would allow them to eliminate the lift station south of 56th Street. It would also allow in the future to eliminate the other lift station at 56th Street which is further to west of 17th Avenue. That lift station presently serves Lighthouse Point and some of the other subdivisions in that area. There is a benefit to the City with both of those lift stations going away because they have an operation and maintenance cost to them. They will replace two with one and eliminate another. The sanitary sewer mains will be oversized in order to do that because they are taking a lot of flow through the subdivision and some oversize mains which serves areas to the west as they develop.

Paving includes Spruce Hollow Boulevard, 11th Avenue and all other streets will be built to City standards which include 36 feet wide, concrete pavement with drainage. With the school in the location, they have requested that a portion of Spruce Hollow Boulevard not be paved initially because they do not need it for access. In an effort for them to save some costs on assessments, they have requested that it be delayed. City staff was in agreement. In the future when further residential development occurs to the north and west that street would be paved. Provisions are specified in the Subdivision Agreement and would be requested as a district stating that the owner would not protest when that district is created.

Council Member Lammers asked how many units the school will have. Mr. Cordes stated initially the school is planned for two units. The building that is shown in the plat is three units, so the plan is to expand it from two to three units.

Council member Kearney asked what happens when a lift station goes down. Mr. Cordes stated that lift stations do go down when the power is out because they run on electricity. Director of Utilities Kirk Stocker stated that the City has been very fortunate and has not had a lot of trouble with the lift stations. Sometimes in the spring they will be affected by electrical storms. The lift stations are dual pump so there is always a lead and lag pump which they are able to program in to share the time. If one pump would fail, there is a backup pump in the station that is ready to go. The City has the capability to get a generator to a lift station that is down because they have stand by power for backup. The City owns two relatively large generators that can run the biggest lift stations and also a smaller trailer mounted generator that runs the intermediate size lift stations along with some that can run 110 volts.

Director of Utilities also stated that in the future when that property to the south of 56th Street along 11th Avenue gets developed, the lift station at 48th Street and 11th Avenue will also go away and this one will serve that whole area.

Mr. Cordes stated that in the Subdivision Agreement, they have included the cost of signalization. They are anticipating that a signal will be required at the intersection on 11th Avenue and 56th Street. This has been discussed with City staff and has been

included in the Agreement that the developer will pay half the cost of that signal whenever it is required. One of the difficult issues is that the signal cannot be built until it is warranted. They researched how other communities (Fremont, Grand Island, Lincoln and Omaha) have handled this and found there is not really a standard practice. It was just handled on a case by case basis. They just wanted to make sure that it was addressed for this development so that if it happens in 20 years from now provisions have been made.

Director of Public Works Rod Wiederspan stated funding signals in Kearney have been handled in a variety of ways. The one at 56th Street and Avenue N that was recently installed on the arterial intersection was paid for by the City. The one on 34th Street and 2nd Avenue was installed and paid for by Good Samaritan with their latest addition. In the new hospital's agreement on 11th Street, they will fund the improvements. The concern with the Spruce Hollow location and the Middle School going out there is that it is so far removed from the community that there will not be any children that will walk to this school immediately. They will all be dropped off and picked up by vehicles, but there must be a way to address the signalization issue when the school is opened.

Council member Kearney believed that following City staff's recommendations would be the best course of action since this will occur far into the future.

Council member Lammers stated that DT Development owns about a half mile by one mile west of 56th Street. He believed that the whole basis of a signal would be to benefit Spruce Hollow Estates. Since the school is going to be built there, the developer would pay for half of that and whoever has the development on the south side would pay for the other half.

City Attorney Michael Tye stated that he sat in on the DRT meeting when this Subdivision Agreement was discussed. There were some changes and accommodations made to the agreement based on those conversations with the developer and their representatives. Essentially, it was indicated that this developer would pay half the cost of the signalization when it occurs with the idea that the development to the south, Fountain Hills which would also benefit, would pay the other half. The initial draft of the agreement had all the signalization costs covered by DT. They also put in the agreement a specific number after City staff did a calculation of a best guest number and said the developer would pay half the cost up to \$100,000.00. So at some time in the future if it would cost more than that, the remaining cost burden would be carried by the City. This allows the developer to know what the number is and presumably spread some of that cost over the lots in the development. The thought behind that was it would be easier to do that now rather than wait until parts of it develops and it might not be able to be spread as equally or as far across the development. The idea was that the improvements to that intersection are going to have to be made for this development because of the fact that the school is going to be to the north. There is language in the agreement dealing with turn lanes and other improvements that might be necessary with the 56th Street intersection. The \$100,000.00 covers just the signalization not the improvements. Director of Public Works stated that the improvements to the intersection are addressed during the district process and assessed back according to district rules and regulations in the City's policy. A portion of that intersection improvement would be carried by the City as

general obligation and some assessed back to the developer.

Director of Public Works stated the current cost of the signalization today would be about \$200,000.00. The City has not done one for a number of years. Council member Buschkoetter pointed out that if the signalization is built in 2030, we would be using 2010 dollar figures and the City would be picking up the additional cost. Kent Cordes posed the question, what happens in 30 years if there is no longer any DT Development, who would be responsible. Would it be something a district could be created for? City Manager Michael Morgan stated when there is an Infrastructure Agreement, it is bound by law and the developer cannot avoid paying it in the future. It is a legal document.

Mayor Clouse stated that he could see this developing more in 3-4 years than 20 years. He asked for more information about obtaining a warrant on a State highway. He also wanted information on the anticipated timeframe for the school and the church going in and a few homes being built in the area. Director of Public Works stated that is difficult to answer as they are not sure how much traffic the school will generate as far as number of students or how many carpools. It is a "T" intersection which makes it even more difficult to meet the warrants. They would still follow the MUTCD on what those warrants are to be met. City Manager stated the only exception is that the developer needs to be aware of this. It is likely that citizens who access that school are going to request a signal for a crosswalk. If that occurs, the City is going to be required to install it as was required on Avenue N.

Council member Lear believed that it should be easy to meet those requirements because like Sunrise Middle School, Avenue N has high density housing right along the street on the south which feeds back into quite a bit of residential development and that feeds into a "T" crossing. There has to be a fairly significant amount of traffic before you would get to a signalization. Director of Public Works stated that traffic is one issue, a safety issue of students crossing is another and that falls under a whole different warrant. As it stands today with no sidewalks and no development in the area, he does not see that criteria is being met. Council member Lear asked if they could have a 3-way stop there. Director of Public Works stated there is going to be much more traffic on 56th Street than on 11th Avenue except for certain times of the day.

Council member Lear stated that the policy issue to him should be how is it going to be paid. He believed the City needs a policy as to when the City is going to ask a developer to pay and when the City is not going to ask them to pay and how much. The way he categorized it is an arterial street, where two major streets benefit the whole community, the City should pay. However, when talking about collector streets, then it a different situation. Director of Public Works stated that the Avenue E is primarily a residential neighborhood; there is no commercial property in that area that benefits from that signal. The signal on Avenue E was paid for by the City and was warranted. It is more of a community signal on 39th and Avenue E than developer driven. A future one on 56th Street and Avenue E has some commercial and low density property that could be considered there. That would be a difficult one to determine depending on what triggers the need.

Council member Buschkoetter stated conversely if there is a tremendous amount of

development in one area, eventually you need a collector and an arterial, but those lots did benefit the developer in that area, anticipating that eventually the City would need that. By planning ahead on those developments would help future City budgets in advance. This would be similar to what has been done with the two hospital locations. The City is never going to catch the money for all the lights put up in the past and if the City evolves to that point where it is a safety issue, it is up to the City to pay for them. In this case, we can see that the developer is the one that will push the need for the signal and this scenario does make sense.

City Manager stated that City staff will take this input and report back to the Council after visiting with Mr. Cordes, Ben Hirschfeld and other developers about other strategies out there that might be more effective in the future. As Mr. Cordes stated earlier, the main developer is being informed as soon as possible so that they can recover those costs by passing them on because they are not part of their profit margin. He believed that the better job the City does up front of identifying these costs is a good practical approach.

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 Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family (Low Density) District AND to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

FINAL PLAT FOR SPRUCE HOLLOW ESTATES FIFTH ADDITION; NORTH OF 56TH STREET AND EAST OF 17TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Fifth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue) and to consider Resolution No. 2010-113. Planning Commission recommended approval.

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 Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Fifth Addition to the City of Kearney, Buffalo County, Nebraska for

property described as a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue) and adopt **Resolution No. 2010-113**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2010-113

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land located in part of the Southwest Quarter (SW $\frac{1}{4}$), and the West Half of the Southeast Quarter (W $\frac{1}{2}$, SE $\frac{1}{4}$) of Section Twenty-three (23), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Southwest Quarter and assuming the East line of said Southwest Quarter as bearing S00°24'38"E and all other bearings herein relative thereto; thence S00°24'38"E on said East line a distance of 436.94 feet to the Southwest Corner of Lot 1, Block Five, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence N89°51'42"W a distance of 607.51 feet to the beginning of a tangent curve to the right, having a central angle of 09°59'20", a radius of 710.00 feet, and an arc length of 123.78 feet; thence tangent to said previous curve N79°52'22"W a distance of 640.39 feet; thence S17°59'48"W a distance of 460.71 feet; thence S36°18'00"W a distance of 210.00 feet; thence S53°42'00"E a distance of 47.10 feet; thence S36°18'00"W a distance of 157.15 feet; thence S56°20'44"E a distance of 148.74 feet; thence S63°16'53"E a distance of 103.89 feet; thence S72°00'38"E a distance of 122.27 feet; thence S82°43'58"E a distance of 166.81 feet; thence S87°08'42"E a distance of 95.00 feet; thence N89°01'44"E a distance of 115.26 feet; thence S02°51'18"W a distance of 14.91 feet to the beginning of a tangent curve to the right having a central angle of 34°17'01", a radius of 860.00 feet and an arc length of 514.59 feet; thence S37°08'18"W tangent to said previous curve a distance of 93.90 feet to the beginning of a tangent curve to the right having a central angle of 58°40'04", a radius of 25.00 feet, and an arc length of 25.60 feet to the beginning of a reverse curve to the left having a central angle of 29°37'30", a radius of 100.00 feet, an arc length of 51.71 feet, and a chord bearing S80°59'37"W a distance of 51.13 feet to the beginning of a reverse curve to the right having a central angle of 47°43'20", a radius of 25.00 feet, an arc length of 20.82 feet, and a chord bearing N89°57'28"W a distance of 20.23 feet; thence S32°05'43"W a distance of 101.28 feet to the beginning of a non-tangent curve to the right having a central angle of 60°00'00", a radius of 25.00 feet, an arc length of 26.18 feet, and a chord bearing S38°02'33"E a distance of 25.00 feet to the beginning of a reverse curve to the left having a central angle of 93°39'10", a radius of 100.00 feet, an arc length of 163.46 feet, and a chord bearing S54°52'08"E a distance of 145.86 feet to the beginning of a reverse curve to the right having a central angle of 60°00'00", a radius of 25.00 feet, an arc length of 26.18 feet, and a chord bearing S71°41'44"E a distance of 25.00 feet to the beginning of a compound curve to the right having a central angle of 34°31'32", a radius of 425.00 feet, an arc length of 256.10 feet, and a chord bearing S24°25'58"E a distance of 252.24 feet; thence S07°10'12"E tangent to said previous curve a distance of 3.18 feet to the intersection of 11th Avenue and 57th Street Place (if extended west) as platted on Spruce Hollow

Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska and a capped 5/8" rebar; thence N82°49'48"E on said 11th Avenue a distance of 100.00 feet to the North line of 57th Street Place as platted on said Spruce Hollow Estates Fourth Addition and a capped 5/8" rebar; thence N89°43'20"E on the North line of said 57th Street Place a distance of 145.58 feet to a point on the West line of Lot 1 of said Spruce Hollow Estates Fourth Addition and a capped 5/8" rebar; thence N07°31'32"W on said West line a distance of 162.82 feet to a capped 5/8" rebar; thence continuing on said West line N30°18'50"W a distance of 223.82 feet to a capped 5/8" rebar and a point on the Northwest line of said Lot 1; thence N36°58'17"E on said Northwest Line a distance of 148.98 feet to a point on the North line of said Lot 1 and a capped 5/8" rebar; thence S68°09'23"E on said North line a distance of 313.47 feet to a capped 5/8" rebar; thence continuing on said North line N89°27'57"E a distance of 578.31 feet to the Southwest Corner of Outlot "A" as platted on said Spruce Hollow Estates Fourth Addition and a capped 5/8" rebar; thence N00°25'59"W on the West line of said Outlot a distance of 436.59 feet to the Northwest Corner of said Outlot and a capped 5/8" rebar; thence S43°26'22"E on the North line of said Outlot a distance of 44.22 feet to the Northeast Corner of said Outlot and a capped 5/8" rebar, said point also being a point on the North line of Lot 5, Block Three, Spruce Hollow Estates Second Addition to the City of Kearney, Buffalo County, Nebraska; thence N77°20'43"E on the North line of said Lot 5 a distance of 76.41 feet to a point on the Northwest line of said Lot 5 and a capped 5/8" rebar; thence N38°30'02"E on said Northwest line a distance of 184.11 feet to the Northwest Corner of said Lot 5, said point also being the Southwest Corner of Lot 4, Block Three of said Spruce Hollow Estates Second Addition and a capped 5/8" rebar; thence N04°47'50"E on the West line of said Lot 4 a distance of 156.72 feet to the Northwest Corner of said Lot 4, said point also being the Southwest Corner of Outlot "B", Block Three of said Spruce Hollow Estates Second Addition and a capped 5/8" rebar; thence N 29°46'47" W on the West line of said Outlot "B" and the West line of Lot 3, Block Three of said Spruce Hollow Estates Second Addition a distance of 157.04 feet to a capped 5/8" rebar; thence N26°17'51"W on the West line of said Lot 3 and the west line of Lot 2 of said Spruce Hollow Estates Second Addition a distance of 120.77 feet to a capped 5/8" rebar; thence N02°17'12"W on the West line of said Lot 2 a distance of 77.32 feet to a capped 5/8" rebar; thence N26°08'10"W continuing on the West line of said Lot 2 a distance of 115.79 feet to a capped 5/8" rebar; thence N03°37'30"W continuing on the West line of said Lot 2 and on the West line of Lot 1, Block Three, of said Spruce Hollow Estates Second Addition a distance of 134.95 feet to a capped 5/8" rebar; thence N08°17'47"W on the West line of said Lot 1 a distance of 105.14 feet to the Northwest Corner of said Lot 1, said point also being on the South line of 60th Street as platted on said Spruce Hollow Estates Second Addition and on the East line of said Southwest Quarter and a capped 5/8" rebar; thence N00°24'38"W on the East line of said Southwest Quarter a distance of 80.00 feet to a capped 5/8" rebar and the point of beginning, containing 50.11 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 Subdivision Agreement, marked as Exhibit

“A” attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF SPRUCE HOLLOW ESTATES FIFTH ADDITION; NORTH OF 56TH STREET AND EAST OF 17TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the annexation of Spruce Hollow Estates Fifth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue) and to consider Resolution No. 2010-114. Planning Commission recommended approval.

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 Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the annexation of Spruce Hollow Estates Fifth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th Avenue) and adopt **Resolution No. 2010-114**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2010-114

WHEREAS, an Application has been submitted by Kent Cordes from Miller & Associates (Applicant) for DT Development, Inc. (Owner) for the inclusion of Spruce Hollow Estates Fifth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land located in part of the Southwest Quarter (SW $\frac{1}{4}$), and the West Half of the Southeast Quarter (W $\frac{1}{2}$, SE $\frac{1}{4}$) of Section Twenty-three (23), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Southwest Quarter and assuming the East line

of said Southwest Quarter as bearing $S00^{\circ}24'38''E$ and all other bearings herein relative thereto; thence $S00^{\circ}24'38''E$ on said East line a distance of 436.94 feet to the Southwest Corner of Lot 1, Block Five, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence $N89^{\circ}51'42''W$ a distance of 607.51 feet to the beginning of a tangent curve to the right, having a central angle of $09^{\circ}59'20''$, a radius of 710.00 feet, and an arc length of 123.78 feet; thence tangent to said previous curve $N79^{\circ}52'22''W$ a distance of 640.39 feet; thence $S17^{\circ}59'48''W$ a distance of 460.71 feet; thence $S36^{\circ}18'00''W$ a distance of 210.00 feet; thence $S53^{\circ}42'00''E$ a distance of 47.10 feet; thence $S36^{\circ}18'00''W$ a distance of 157.15 feet; thence $S56^{\circ}20'44''E$ a distance of 148.74 feet; thence $S63^{\circ}16'53''E$ a distance of 103.89 feet; thence $S72^{\circ}00'38''E$ a distance of 122.27 feet; thence $S82^{\circ}43'58''E$ a distance of 166.81 feet; thence $S87^{\circ}08'42''E$ a distance of 95.00 feet; thence $N89^{\circ}01'44''E$ a distance of 115.26 feet; thence $S02^{\circ}51'18''W$ a distance of 14.91 feet to the beginning of a tangent curve to the right having a central angle of $34^{\circ}17'01''$, a radius of 860.00 feet and an arc length of 514.59 feet; thence $S37^{\circ}08'18''W$ tangent to said previous curve a distance of 93.90 feet to the beginning of a tangent curve to the right having a central angle of $58^{\circ}40'04''$, a radius of 25.00 feet, and an arc length of 25.60 feet to the beginning of a reverse curve to the left having a central angle of $29^{\circ}37'30''$, a radius of 100.00 feet, an arc length of 51.71 feet, and a chord bearing $S80^{\circ}59'37''W$ a distance of 51.13 feet to the beginning of a reverse curve to the right having a central angle of $47^{\circ}43'20''$, a radius of 25.00 feet, an arc length of 20.82 feet, and a chord bearing $N89^{\circ}57'28''W$ a distance of 20.23 feet; thence $S32^{\circ}05'43''W$ a distance of 101.28 feet to the beginning of a non-tangent curve to the right having a central angle of $60^{\circ}00'00''$, a radius of 25.00 feet, an arc length of 26.18 feet, and a chord bearing $S38^{\circ}02'33''E$ a distance of 25.00 feet to the beginning of a reverse curve to the left having a central angle of $93^{\circ}39'10''$, a radius of 100.00 feet, an arc length of 163.46 feet, and a chord bearing $S54^{\circ}52'08''E$ a distance of 145.86 feet to the beginning of a reverse curve to the right having a central angle of $60^{\circ}00'00''$, a radius of 25.00 feet, an arc length of 26.18 feet, and a chord bearing $S71^{\circ}41'44''E$ a distance of 25.00 feet to the beginning of a compound curve to the right having a central angle of $34^{\circ}31'32''$, a radius of 425.00 feet, an arc length of 256.10 feet, and a chord bearing $S24^{\circ}25'58''E$ a distance of 252.24 feet; thence $S07^{\circ}10'12''E$ tangent to said previous curve a distance of 3.18 feet to the intersection of 11th Avenue and 57th Street Place (if extended west) as platted on Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska and a capped 5/8" rebar; thence $N82^{\circ}49'48''E$ on said 11th Avenue a distance of 100.00 feet to the North line of 57th Street Place as platted on said Spruce Hollow Estates Fourth Addition and a capped 5/8" rebar; thence $N89^{\circ}43'20''E$ on the North line of said 57th Street Place a distance of 145.58 feet to a point on the West line of Lot 1 of said Spruce Hollow Estates Fourth Addition and a capped 5/8" rebar; thence $N07^{\circ}31'32''W$ on said West line a distance of 162.82 feet to a capped 5/8" rebar; thence continuing on said West line $N30^{\circ}18'50''W$ a distance of 223.82 feet to a capped 5/8" rebar and a point on the Northwest line of said Lot 1; thence $N36^{\circ}58'17''E$ on said Northwest Line a distance of 148.98 feet to a point on the North line of said Lot 1 and a capped 5/8" rebar; thence $S68^{\circ}09'23''E$ on said North line a distance of 313.47 feet to a capped 5/8" rebar; thence continuing on said North line $N89^{\circ}27'57''E$ a distance of 578.31 feet to the Southwest Corner of Outlot "A" as platted on said Spruce Hollow Estates Fourth Addition and a capped 5/8" rebar; thence $N00^{\circ}25'59''W$ on the West line of said Outlot a distance of 436.59 feet to the Northwest Corner of said Outlot and a capped 5/8" rebar; thence $S43^{\circ}26'22''E$ on the North line of said Outlot a distance of

44.22 feet to the Northeast Corner of said Outlot and a capped 5/8" rebar, said point also being a point on the North line of Lot 5, Block Three, Spruce Hollow Estates Second Addition to the City of Kearney, Buffalo County, Nebraska; thence N77°20'43"E on the North line of said Lot 5 a distance of 76.41 feet to a point on the Northwest line of said Lot 5 and a capped 5/8" rebar; thence N38°30'02"E on said Northwest line a distance of 184.11 feet to the Northwest Corner of said Lot 5, said point also being the Southwest Corner of Lot 4, Block Three of said Spruce Hollow Estates Second Addition and a capped 5/8" rebar; thence N04°47'50"E on the West line of said Lot 4 a distance of 156.72 feet to the Northwest Corner of said Lot 4, said point also being the Southwest Corner of Outlot "B", Block Three of said Spruce Hollow Estates Second Addition and a capped 5/8" rebar; thence N 29°46'47" W on the West line of said Outlot "B" and the West line of Lot 3, Block Three of said Spruce Hollow Estates Second Addition a distance of 157.04 feet to a capped 5/8" rebar; thence N26°17'51"W on the West line of said Lot 3 and the west line of Lot 2 of said Spruce Hollow Estates Second Addition a distance of 120.77 feet to a capped 5/8" rebar; thence N02°17'12"W on the West line of said Lot 2 a distance of 77.32 feet to a capped 5/8" rebar; thence N26°08'10"W continuing on the West line of said Lot 2 a distance of 115.79 feet to a capped 5/8" rebar; thence N03°37'30"W continuing on the West line of said Lot 2 and on the West line of Lot 1, Block Three, of said Spruce Hollow Estates Second Addition a distance of 134.95 feet to a capped 5/8" rebar; thence N08°17'47"W on the West line of said Lot 1 a distance of 105.14 feet to the Northwest Corner of said Lot 1, said point also being on the South line of 60th Street as platted on said Spruce Hollow Estates Second Addition and on the East line of said Southwest Quarter and a capped 5/8" rebar; thence N00°24'38"W on the East line of said Southwest Quarter a distance of 80.00 feet to a capped 5/8" rebar and the point of beginning, containing 50.11 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 21, 2010 on the inclusion of Spruce Hollow Estates Fifth 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 Spruce Hollow Estates Fifth 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 June 8, 2010 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 Spruce Hollow Estates Fifth 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 Spruce Hollow Estates Fifth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:

STANLEY A. CLOUSE

MICHAELLE E. TREMBLY
CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

AMENDMENT TO CHAPTER 53 OF THE KEARNEY CITY CODE

Mayor Clouse opened the public hearing on the proposed amendment to Section 53-103 "Major Subdivisions" of Chapter 53 "Subdivision Approvals and Procedures" of the Kearney City Code to require the property owners to be responsible for the maintenance of the storm water management facilities of said subdivision, if any, to be included in the "Dedication" on the final plat. Planning Commission recommended approval.

City Attorney Michael Tye presented this matter to the Council. As part of the storm water maintenance amendments presented last month, City staff proposed new language added to the "Dedication" paragraph on the final plat for each new subdivision. Each lot that is obligated for storm water maintenance will be listed there and the subdivision agreement will also be referenced there.

This is basically a housekeeping issue and would be included on the consent agenda if it were not required to be a public hearing since it is a proposed amendment to City Code. The City Clerk and City Attorney decided that reference to the dedication language should also be contained in Section 53-103, "Major Subdivisions" in the Kearney City Code since this is the section that sets forth the requirements for Preliminary and Final Plats. Staff and Planning Commission concurred.

In this manner a cross referencing approach is implemented whereby the Code lists the requirements in two different places, the Subdivision Agreement lays out the responsibilities and penalties and references the Final Plat, the Final Plat repeats the description of the obligated parties and references back to the agreement.

The following language is proposed to be added to Section 53-103:

The "Dedication" on the final plat for a given subdivision shall dedicate the storm water management facilities contained on the proposed land and all appurtenances thereto contained within the boundaries of the subdivision to the use and benefit of all property owners in said subdivision (describe specific lots on final plat); that said owners shall be collectively and proportionally responsible for the ongoing maintenance of said storm water facilities in perpetuity, with such obligations stipulated as part of the Subdivision Agreement for said subdivision; said agreement by reference hereto made a part hereof and filed with the subdivision plat with the Register of Deeds.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the proposed amendment to Section 53-103 "Major Subdivisions" of Chapter 53 "Subdivision Approvals and Procedures" of the Kearney City Code to require the property owners to be responsible for the maintenance of the storm water management facilities of said subdivision, if any, to be included in the "Dedication" on the final plat. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay:

None. Motion carried.

BOARD OF EQUALIZATION FOR PAVING AND WATER DISTRICTS

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to assess costs for Paving Improvement District No. 2008-928 for 4th Avenue from the north line of 4th Street to the south line of 8th Street, Paving Improvement District No. 2008-929 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition, Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street, and Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition and to consider Resolution No. 2010-115.

On August 12, 2008 the City created the following districts:

- Paving Improvement District No. 2008-928 for 4th Avenue from the north line of 4th Street to the south line of 8th Street.
- Paving Improvement District No. 2008-929 and Water District No. 2008-552 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition.

In accordance with the Subdivision Agreement between the City of Kearney and Cash-Wa, with regard to the paving of 4th Street – the City will allocate 25 percent, the CRA will allocate 37.5 percent and the remainder of 37.5 percent will be the responsibility of Cash-Wa. With regard to the installation of water and paving of 4th Avenue – the City will allocate 25 percent, the CRA will allocate 37.5 percent, and the abutting property owners are responsible for the remaining 37.5 percent.

On April 14, 2009 the City created Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street. This is an alley in very poor condition and in need of repair. Accordance to the City's paving assessment policy, the property owners would have to pay 75 percent of the cost of the improvements. In an attempt to improve the alleys in downtown Kearney, the CRA is paying half of 75 percent or 37.5 percent leaving the portion assessed to the property owners at 37.5 percent.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. These districts have been completed and, in order to satisfy state law, when paving, water and sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within 50 days (July 28, 2010) or will be able to pay the entire assessment without any interest prior to this date.

After the City's and CRA's portion of funding going towards these projects, the City will recoup the remaining costs as set forth above.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing for the Council meeting as the Board of Equalization and adopt **Resolution No. 2010-115** assessing costs for

Paving Improvement District No. 2008-928 for 4th Avenue from the north line of 4th Street to the south line of 8th Street, Paving Improvement District No. 2008-929 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition, Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street, and Water District No. 2008-552 for 4th Street from 6th Avenue to the west boundary of Cash-Wa Second Addition. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

RESOLUTION NO. 2010-115

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The President and Council find and determine that the streets in Paving Improvement District Nos. 2008-928, 2008-929, and 2009-936 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the water main heretofore ordered installed in Water District No. 2008-552 has been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 3. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 4. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District Nos. 2008-928, 2008-929, and 2009-936 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution

1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of seven per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

Section 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2008-552 shall become delinquent as follows:

1/5th fifty days after date of this Resolution

1/5th one year after date of this Resolution

1/5th two years after date of this Resolution

1/5th three years after date of this Resolution

1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of seven per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held May 25, 2010.

2. Approve the following Claims:

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

4imprint \$5,216.58 smcs; Ace Eaton Medals \$317.50 smcs; Ace Hardware \$105.20 smcs; ADB Airfield \$212.63 smcs; Advance Auto Parts \$15.45 smcs; Aflac \$2,927.12 ps; Airgas No Central \$251.53 smcs; Allied Electronics \$261.12 smcs; Amax Contracting \$239.68 co; Amazon \$332.76 smcs,co; Amer Electric \$1,240.99 smcs,co; Amer Fence \$2,539.95 smcs; Amer Red Cross \$10.00 smcs; Amsan \$1,333.91 smcs; Anderson Bros \$331.34 smcs; APA Memberships \$460.00 smcs; Apple Market \$65.66 smcs; Artisans \$500.00 smcs; Ask Supply \$701.09 smcs; Auto Glass \$337.85 smcs; Bags and Bows \$251.89 smcs; Baird Holm \$35.00 smcs; Baker & Taylor Books \$1,147.34 smcs; Bamford \$2,072.00 co; BBC Audiobooks \$283.90 smcs; Beacon Athletics \$276.88 smcs; Beisham,S \$43.15 smcs; Beverly Hills Electric \$237.86 co; Big Rack Shack \$560.00 smcs; Blessing Construction \$34,603.72 smcs,co; Bluecross Blueshield \$104,584.16 smcs; Bob's Super Store \$20.19 smcs; Bowman,R \$200.00 smcs; Bruce Furniture \$814.84 smcs; Buckle Screen Print \$346.00 smcs; Buffalo Co

Reg Deeds \$144.00 smcs; Buffalo Outdoor Power \$5,600.65 smcs,co; Buggy Bath \$500.00 smcs; Builders Warehouse \$2,088.98 smcs,co; Cabela's \$1,512.41 smcs,co; Café Press \$48.47 smcs; Carquest \$2,425.65 smcs; Casey's \$20.00 smcs; Cash-Wa \$549.75 smcs,co; Center Point Large Print \$29.59 smcs; Central Fire & Safety \$139.50 smcs; Central Hydraulic Systems \$435.04 smcs; Central NE Bobcat \$17.04 smcs; Charter \$349.94 smcs; Chief Industries \$9,091.80 co; Chilis \$24.00 smcs; City Glass \$50.22 smcs; City of Ky \$203,795.81 smcs,ps; Clevenger Oil \$623.35 smcs; College Savings Plan of NE \$190.00 ps; Connelly,T \$1,621.50 smcs; Construction Rental \$226.48 smcs; Copycat Printing \$1,058.91 smcs; CPS \$56.25 smcs; Crime Reports \$1,493.00 smcs; Crossroads Ford \$929.38 smcs; Crowne Plaza \$571.39 smcs; Crushers \$14,035.22 smcs,co; Culligan \$155.95 smcs; Cummins Central Power \$877.52 smcs; D&S Lighting \$84.00 smcs; Daake,R \$28.79 smcs; Danko Emergency \$49.29 smcs; Davis Equipment \$414.00 smcs; Dell \$1,679.51 smcs,co; Deterdings \$48.40 smcs; Development Council \$4,986.39 smcs; Diamond Vogel Paint \$727.68 smcs; Diesel Power \$33.76 smcs; Dish Network \$50.63 smcs; Dmilaco Sports \$653.00 smcs,ps; Dollar Thrifty Rental \$103.39 smcs; Dollar-General \$5.00 smcs; Doubletree Hotels \$139.44 smcs; Dutton-Lainson \$90.09 co; Eakes \$1,146.93 smcs,co; Earl May \$20.97 smcs; Ecolab \$31.00 smcs; E-Filliate \$368.54 co; Eirich,D \$5.76 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$3,200.00 smcs; Embassy Suites \$509.36 smcs; Emed \$224.49 smcs; Engineered Systems \$262.63 smcs; Eppley Express \$834.00 smcs; Essams Decorating \$395.80 co; Fairbanks \$227.05 smcs; Farmers Union \$28.50 smcs; Fastenal \$1,050.88 smcs,co; Fiddelke Heating \$75.00 smcs; Flacon Technologies \$337.80 co; Fleetpride \$1,084.25 smcs; Fort Bend Services \$5,128.65 smcs; Fritson,K \$25.00 smcs; Frontier Communications \$36.05 smcs; Galls \$58.93 ps; Garrett Tires & Treads \$411.30 smcs; Glenwood Elementary \$300.00 smcs; Gooch Brake \$292.86 smcs; Google \$194.14 smcs; Graham Tire \$849.45 smcs; Grainger \$1,834.84 smcs; Great Plains Safety \$300.00 smcs; H&H Distributing \$1,475.56 smcs; Hach \$1,286.30 smcs; HD Supply \$1,885.50 smcs; Hiatt,K \$10.53 smcs; Hinrichs,S \$23.31 smcs; Hobby-Lobby \$150.52 smcs; Holiday Inn \$120.00 smcs; Holmes Plumbing \$1,100.55 smcs,co; Hometown Leasing \$207.71 smcs; I-80 Eppley Express \$510.00 smcs; ICC Certification Renewals \$100.00 smcs; ICMA RC \$4,390.95 ps; Image Trade \$39.98 smcs; IRS \$109,353.33 ps; Intl Public Mgmt \$350.10 smcs; Jack Lederman \$454.72 smcs; James,D \$1,000.00 smcs; Johnson,S \$35.00 smcs; Johnstone Supply \$504.86 smcs; Jottodesk \$459.31 smcs; JRs Western \$165.94 smcs; K&K Parts \$31.77 smcs; Ky Tire & Auto \$227.12 smcs; Ky Winnelson \$295.40 smcs; Ky Clinic \$1,194.00 ps; Ky Concrete \$559.00 smcs; Ky Hub \$1,559.04 smcs; Ky Implement \$1,076.28 smcs; Ky United Way \$636.50 ps; Ky Warehouse \$1,446.82 smcs; Ky Winlectric \$448.33 smcs,co; Keller,A \$60.00 smcs; Kelly Supply \$374.64 smcs; Killion Motors \$50.00 smcs; Kindle-Denver Post \$5.99 smcs; Kindle-Wall Street Journal \$14.99 smcs; Kmart \$22.65 smcs; Konica Minolta \$700.14 smcs; Kuzma,C \$32.38 smcs; Labore,L \$33.62 smcs; Lakeshore Learning \$26.70 smcs; Landstrom,C \$250.00 smcs; Lawson Products \$52.10 smcs; Lcom Global Connectivity \$22.40 smcs; Linweld \$283.67 smcs; Literature Displays \$120.95 smcs; Lockmobile \$12.95 smcs; Logmein.com \$399.50 smcs; Lopez,R \$5.75 smcs; LVNV Funding \$235.74 ps; Magic Cleaning \$1,010.00 smcs; Mail Express \$79.95 smcs,co; Marlatt Machine Shop \$3,642.91 smcs,co; Masek Distributing \$198.60 smcs; Master Leasing \$258.00 smcs; McMurray Hatchery \$29.95 smcs; Menards \$4,139.72 smcs,co; Metlife \$6,370.17 ps; Midlands Contracting \$712,411.94 co; Midwest Turf \$30.23 smcs; Miller & Associates \$7,202.20 smcs,co; Miller Signs \$175.00 smcs; Misko Sports \$831.20 smcs; Moonlight Embroidery \$363.50 smcs;

Mouser Electronics \$61.61 smcs; Municipal Supply \$1,241.69 smcs; Napa All Makes Auto \$2,742.76 smcs; Nat'l Biz Furniture \$627.80 co; Nature-Watch \$262.90 smcs; NE Child Support \$2,563.89 ps; NE Dept of Revenue \$32,236.87 ps; NE Dept of Roads \$3,514.32 co; NE DOL/Office of Safety \$300.00 smcs; NE Golf & Turf \$120.40 smcs; NE Law Enforcement \$75.00 smcs; NE Public Health \$1,589.00 smcs; NE Sec of State \$30.00 smcs; NE Truck & Equipment \$86.20 smcs; NE Truck Center \$537.05 smcs; NEland Distributors \$1,182.72 smcs; Neopost \$7,000.00 smcs; Nero \$375.00 co; Newegg \$391.90 co; Newman Signs \$142.90 smcs; NMC \$992.88 smcs; Northgate Vet \$292.50 smcs; No Central Lab \$660.78 smcs; Northern Tool \$279.71 smcs; Northwest Electric \$731.16 smcs; Northwestern Energy \$933.22 smcs; NP Realty \$28.36 smcs; Office Max \$1,021.27 smcs,co; Officenet \$1,225.56 smcs; Olmstead,K \$33.29 smcs; On Site Mobile Sharpening \$119.26 smcs; O'Reilly Auto \$797.70 smcs; Oriental Trading \$245.60 smcs; Orscheln \$799.88 smcs; Overhead Door \$73.49 smcs; Owl Systems \$258.80 smcs; Paramount Hotel \$765.00 smcs; Payflex Systems \$535.50 ps; Paypal \$763.37 smcs,co; PBD Ala-Graph Editions \$53.55 smcs; Pegler-Sysco Food Service \$166.58 smcs; Pet Kingdom \$14.00 smcs; Pioneer Revere \$720.00 smcs; Piranhadisc Sales \$21.00 smcs; Platte Valley Comm \$250.10 smcs; Platte Valley Labs \$410.00 smcs; Pollard Water \$618.35 co; Presto-X \$81.90 smcs; Provantage \$346.41 smcs,co; Public Resource Library \$187.90 smcs; Pulliam,R \$40.00 smcs; Quill \$69.26 smcs; Radioshack \$8.48 smcs; Random House \$76.00 smcs; Reading Group Choices \$29.75 smcs; Reams \$1,315.06 smcs; Recognition Unlimited \$239.40 smcs; Recorded Books \$41.70 smcs; Redden,T \$2.56 smcs; Redmans Shoes \$454.98 ps; Rick's Sod Farm \$692.00 co; Ringlein,J \$23.00 smcs; Ripp,S \$70.00 smcs; Riverside Mfg \$729.65 ps; Rowe Sanctuary \$66.00 smcs; Russell's Appliances \$529.00 smcs; SA Foster Lumber \$983.93 co; Safety Vision \$339.28 smcs; Sahling Kenworth \$225.56 smcs; Salina Blueprint \$113.81 smcs; Sanitation Products \$218,926.95 smcs,co; Sapp Brothers \$22,966.62 smcs; Sara Lee Bakery \$15.00 smcs; Savko Plastic Pipe \$199.81 smcs; Shell Oil \$45.51 smcs; Sherwin Williams \$83.47 smcs,co; Skiles,J \$20.00 smcs; Snap-On Tools \$114.00 smcs; Snow,T \$50.00 smcs; Stagecoach \$35.31 smcs; Stanley Security \$242.55 smcs; St of NE/AS Central \$3,904.21 smcs; Steinbrink's Landscaping \$150.00 smcs; Straka,D \$23.71 smcs; Strategic Insights \$675.00 smcs; Stumps \$42.78 smcs; Sun Life Financial \$38,348.40 smcs; Sunmart \$28.26 smcs; Sustainable Supply \$162.34 smcs; Sydow,J \$40.00 smcs; Target \$39.92 smcs; Theis,G \$56.44 smcs; Theis,J \$60.00 smcs; Titan Machinery \$24.01 smcs; Tractor-Supply \$975.41 smcs; Trade Well Pallet \$850.00 smcs; Trans Iowa Equipment \$361.92 smcs; Tri City Outdoor Power \$250.21 smcs; TruGreen ChemLawn \$159.60 smcs; Turner Body Shop \$507.50 smcs; Tye & Rademacher \$11,358.13 smcs; U Stop \$37.30 smcs; Ultra Chem \$348.67 smcs; Underground Construction \$1,395.95 co; United Air \$48.00 smcs; UPS Store \$161.82 smcs; Upstart \$420.60 smcs; USPS \$103.37 smcs; Vacha,C \$25.00 smcs; Van Diest \$10,105.52 smcs; Van Wall Turf \$62.73 smcs; Verizon Wireless \$1,104.68 smcs; Village Uniform \$503.06 smcs; Wal-Mart \$1,891.68 smcs,co; Ward Labs \$155.00 smcs; WatchGuard Video \$28.00 co; When to Work \$180.00 smcs; Wilke Donovans \$382.76 smcs,co; Williams,M \$88.80 smcs; Yanda's Music \$7.92 smcs; Zimmerman Printers \$402.32 smcs; Payroll Ending 5-22-2010 -- \$341,968.65. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the application for a Special Designated License submitted by EVENT CENTER OPERATIONS LLC, dba Tri City Events Center in connection with their Class

CK-84864 liquor license to dispense beer, wine and distilled spirits in an enclosed fenced area in front of the arena in the parking lot of the Tri City Events Center, 609 Platte Road, on July 3, 2010 from 1:00 p.m. until 12:30 a.m. for a beer garden.

- 4. Approve the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska to serve as the meal service provider and adopt **Resolution No. 2010-116**.

RESOLUTION NO. 2010-116

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

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 5. Approve the request submitted by Beckenhauer Construction to temporarily close 1st Avenue from 15th Street to the south of the southeast entrance into the parking lot as indicated on the drawing from July 2010 until January of 2012 for the construction of the Buffalo County Courts Phase 2 of the Buffalo County Government Center.

- 6. Approve the Agreement between the City of Kearney and the Berean Fundamental Church of Kearney, Nebraska allowing the Church to connect to water and sanitary sewer in the future and adopt **Resolution No. 2010-117**.

RESOLUTION NO. 2010-117

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 between the City of Kearney and the Berean Fundamental Church of Kearney, Nebraska on behalf of the City of Kearney. The said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 7. Approve the request submitted by the Great Platte River Road Archway Monument to temporarily close Central Avenue from Talmadge Street to 1st Street and to temporarily close 1st Street from Central Avenue to Cherry Avenue on June 18 and 19, 2010 from 7:00 a.m. until 7:00 p.m. each day in connection with the Pow Wow Celebration.

8. Approve the bids received for the 2010 Part 3 Improvements consisting of Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate Subdivision; Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet; Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition and adopt **Resolution No. 2010-118** awarding the bid to Midlands Contracting in the amount of \$153,178.00 for Bid A (Water and Sanitary Sewer) and to Dan Roeder Concrete in the amount of \$233,059.00 for Bid B (Paving).

RESOLUTION NO. 2010-118

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on June 1, 2010 at 2:00 p.m. for the 2010 Part 3 Improvements consisting of Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate Subdivision; Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet; Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$153,681.00 for Bid A (water and sanitary sewer) and \$215,204.00 for Bid B (paving); and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the sum of \$153,178.00 be accepted as the lowest responsible bid for Bid A (water and sanitary sewer); and

WHEREAS, the said engineers have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the sum of \$233,059.00 be accepted as the lowest responsible bid for Bid B (paving).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Midlands Contracting, Inc. of Kearney, Nebraska be and is the lowest responsible bidder for the 2010 Part 3 Improvements consisting of Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet; Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. of Kearney, Nebraska in the sum of \$153,178.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the Engineers recommendation is hereby accepted and approved, that Dan Roeder Concrete of Kearney, Nebraska be and is the lowest responsible bidder for the 2010 Part 3 Improvements consisting of Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate Subdivision to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing LLC of Kearney, Nebraska in the sum of \$233,059.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$153,681.00 for Bid A (water and sanitary sewer) and \$215,204.00 for Bid B (paving) be and is hereby accepted.

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

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the request submitted by the Viaero Event Center to temporarily close Platte Road from a point 50 feet west of the Holiday Inn Express parking lot drive west to the Event Center, 609 Platte Road on June 8, 9, and 10 2010 beginning at 10:00 p.m. until 6:00 a.m. each day for security purposes in connection with the Nebraska Ranch and Home Expo.

10. Approve the application for a Special Designated License submitted by JUAN LAZO, dba El Tropicico in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 10, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7596 – REZONING 2,750 FEET SOUTH OF THE INTERSECTION OF HIGHWAY 44 AND HIGHWAY 50A (PERTAINS TO PUBLIC HEARING 2)

Council Member Buschkoetter introduced Ordinance No. 7596, being Subsection 1 of Agenda Item VI to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Section 26, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (2,750 feet south of the intersection of Highway 44 and Highway 50A), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. 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. 7596 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 Clouse seconded by Kearney that Ordinance No. 7596 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. 7596 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. 7597 – REZONING 1/2 MILE EAST OF THE INTERSECTION OF CHERRY AVENUE AND COAL CHUTE ROAD (PERTAINS TO PUBLIC HEARING 5)

Council Member Buschkoetter introduced Ordinance No. 7597, being Subsection 2 of Agenda Item VI to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of Government Lot 3 located in the Northwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1/2 mile east of the intersection of Cherry Avenue and Coal Chute Road), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. 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. 7597 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 Clouse seconded by Kearney that Ordinance No. 7597 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. 7597 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. 7598 – REZONING NORTH OF 56TH STREET AND EAST OF 17TH AVENUE (PERTAINS TO PUBLIC HEARING 8)

Council Member Buschkoetter introduced Ordinance No. 7598, being Subsection 3 of Agenda Item VI to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family (Low Density) District AND to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for a tract of land located in part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 56th Street and east of 17th 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 Clouse 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. 7598 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 Clouse seconded by Kearney that Ordinance No. 7598 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. 7598 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. 7599 – AMENDMENT TO SECTION 53—103 OF THE KEARNEY CITY CODE (PERTAINS TO PUBLIC HEARING 11)

Council Member Buschkoetter introduced Ordinance No. 7599, being Subsection 4 of Agenda Item VI to amend Section 53-103 “Major Subdivisions” of Chapter 53 “Subdivision Approvals and Procedures” of the Kearney City Code to require the property owners to be responsible for the maintenance of the storm water management facilities of said subdivision, if any, to be included in the “Dedication” on the final plat, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. 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. 7599 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 Clouse seconded by Kearney that Ordinance No. 7599 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. 7599 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: NPPD - \$253.06, PLATTE VALLEY STATE BANK - \$48,782.37

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$48,782.37 payable to Platte Valley State Bank, and in the amount of \$253.06 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.

VII. REPORTS

UPDATE FROM CITY MANAGER ON UPCOMING BUDGET

City Manager Michael Morgan stated that Kearney is clearly facing some financial challenges. As the Council is aware, its largest source of revenue is sales tax in the General Fund. Sales tax receipts remain flat for the year, interest income is almost at an all time low, employee healthcare expenses are up 15 percent and they are being told that property tax is expected to be increased 2 percent which would be one of the lowest increases in the last 25 years. So things are challenging on the budget side. During the preparation of the budget, they have taken steps to reduce operating costs, increase revenues and reduce capital equipment expenditures. The cuts are somewhere in the range of \$1,000,000 from what the departments submitted. However, even with the cuts that were made, the proposed budget presented to the Council will require additional measures to make the budget meet its fund balance requirements and reserves. They have been aware that some things would have to be done during these tough times.

Staffing is the City's number one cost as it is with other employers. To reduce operational costs, the compensation levels for staff had to be looked at. Accordingly, he met with the Employee Council and discussed the City's financial position. The Employee Council overwhelmingly indicated to him they were sensitive to neighbors and friends who had not had increases and some that had been laid off around the community. In their discussion, they proposed there be no cost of living increases for City employees which would be supported because they understand the position the City is in. The budget that will be presented to the Council in a couple of weeks will not include a cost of living increase.

From a City Manager's perspective, he was very proud of the employees who stepped forward and said times are tough and they wanted to be part of the solution. He wanted to make sure that citizens and Council were aware that City employees were willing to step forward and work with their employer. Our employees continue to provide excellent service and do it with fewer employees than other organizations its size. Kearney still maintains one of the lowest property tax rates in the state of Nebraska. Kearney has added parks and streets in the past few years, but have not added employee, except generally in public safety. He believed that it might be even tougher in the future. Hopefully, for the City employees and citizens' sake we are just in a downturn that we will come out of. Every month they look for better results in the coming months. A letter was sent to each City employee informing them of this status because they are part of the budget process.

CLOSED SESSION

Moved by Buschkoetter seconded by Clouse that Council adjourn into closed session at 8:19 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Council member Kearney left the meeting and did not attend the closed session.

Moved by Lear seconded by Buschkoetter that Council reconvene in regular session at 8:39 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 8:39 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**