

*Kearney, Nebraska
July 13, 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 July 13, 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, and Bob Lammers. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant to the City Manager; Rod Wiederspan, Director of Public Works; Shawna Erbsen, Human Resources Director; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Matt Williams, Christy Walsh, Michele Hill, Trent Snow, Paul Brungardt, Craig Bennett, Garth Scism, Peggy Scism, Peggy Eynetich, Erika Eynetich, Brad Issac, Chad Micek, Howard Nelson, Jeff Palik, Kasey Brandt, Denny Houska, 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

With the absence of a representative from the Kearney Ministerial Association, the Council held a moment of silent prayer.

PLEDGE OF ALLEGIANCE

Three 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 – CITY EMPLOYEES SERVED/SERVING IN THE MILITARY

Mayor Clouse and Council Members recognized the City employees who have served and is currently serving in the military. Certificates of Recognition and Appreciation were given to Todd Walton, Jacob Deines, Daniel Thompson, Dennis Sesna, David Stott, Johnny Eynetich, Dennis Byrne, Travis Arner and Jason Whalen.

Garth Scism from Employer Support of the Guard and Reserve presented plaques to both the Mayor and City Council and the City Manager for their support.

City Manager Michael Morgan commended Shawna Erbsen and Sue Anderson who worked very hard to help City employees transition back. It is a difficult task for our employees to transition back, as well as the great effort they put forth. Approximately five percent of City employees are in the military and overseas. He also commended the other employees who stand in to help in their absence.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT PLAN APPROVAL FOR 5804 WEST 2ND AVENUE

Moved by Kearney seconded by Lammers that Public Hearing 1 pertaining to development at 5804 West 2nd Avenue be removed from the table. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse opened 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) and to consider Resolution No. 2010-112. Planning Commission recommended that the Revised Development Plans be approved subject to the location of the detention cell being shown on the Site Plan and a concept for site drainage be developed by the time this project goes before City Council. The revised plans meeting these conditions have been submitted as requested for the Council consideration.

This item was tabled at the past two City Council meetings as the applicant worked with neighboring owners and City staff to resolve access issues. The applicant is requesting approval for Revised Development Plans for a 5,400 square foot office building located between the existing Sears and Slumberland facilities. The property is zoned C-2/PD, Community Commercial/Planned Development Overlay District which would allow retail commercial as well as office use; however, the parking ratios are based on office occupancy. The building consists of three bays.

The original Development Plans that were submitted in 1999 when Sears was constructed contemplated two buildings in this area, one behind and to the west of the front building. This lot is deep at 576 feet leaving room to the west for future development. However, any development to the west would be hidden behind the proposed building and would not be visible to 2nd Avenue traffic. The applicant discussed the possibility of developing the rear area but it does not seem likely. Therefore, the original Development Plans depicting two buildings have been revised with this proposal to a single building. If additional development is desired in the future, the applicant will need to submit another Revised Development Plan.

At Planning Commission, a 28-foot wide shared access from the frontage road was proposed between the Sears Store and the proposed building. After the Planning Commission meeting the owner of Sears decided that he does not want to share an access. Several meetings were held between the two parties in an attempt to negotiate a shared access layout. The applicant came to DRT several times to discuss access issues. The revised plan before the City Council depicts two separate access points; the existing driveway into Sears and a proposed driveway thirty feet north of the Sears driveway that will access the new office building. Thirty feet is the minimum amount of separation between drives required by Code. Staff believes that the revised proposal that maintains separate access points for each lot can move forward without being remanded to Planning Commission since the 30-foot minimum separation is provided.

East and south building elevations are provided. The building will be constructed with a mixture of brick, concrete board and EFIS. An adequate Landscape Plan has been provided. Dumpster locations will be coordinated with the Sanitation Supervisor. A minor subdivision must be approved to split this lot from the Sears lot before a building permit will be issued.

At the Planning Commission, there was quite a bit of discussion regarding site drainage. While complete detention calculations have been provided, the location of the detention cell was not shown on the Site Plan that the Planning Commission reviewed. No contours or spot grades were provided. Some of the Planning Commissioners believed that more information should be provided pertaining to drainage. Others had differing opinions. Staff position is that the drainage and detention issues must be resolved before any building permits are issued. In their motion, the Planning Commission requested this information be provided by the time the project goes to City Council. City staff has received revised drawings that are included in the City Council packet. These drawings indicate the location of the proposed detention cell and the drainage concept for the site. It is staff understanding that the project engineer will present this information to the Council. Final stormwater calculations will be required by the City Engineer prior to issuance of any building permits.

Chad Micek, 2615 West 47th Street, presented this matter to the Council. The original plan started as a shared drive with Sears. After working with City Staff, Mr. Winters decided he did not want to share a drive. A new plan was submitted to City staff that showed a drive on the property that is actually being developed. This is construction of a 5,400 square foot office building of which 2,000 square foot will be owned and the remainder will leased out. They are aware that they will have to develop a drainage plan and detention cell plan before they are able to pull a permit.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Buschkoetter to close the hearing and approve 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) and approve **Resolution No. 2010-112** subject to the location of the detention cell shall be shown on the Site Plan as well as a concept for site drainage with the final calculations for stormwater management being submitted and approved by City staff prior to the issuance of any building permits. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-112

WHEREAS, Chad Micek (Applicant) for Pat Winters (Owner) have applied for Planned District Development Plan Approval for the construction of an office building on property zoned District C-2/PD, Community Commercial/Planned Development 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).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of 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 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) be approved subject to the location of the detention cell shall be shown on the Site Plan as well as a concept for site drainage with the final calculations for stormwater management being submitted and approved by City staff prior to the issuance of any building permits.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LAND USE MAP AMENDMENT; NORTHEAST CORNER OF THE INTERSECTION

OF HIGHWAY 44 AND HIGHWAY 50A

Mayor Clouse stated the public hearing on the Application submitted by Trenton Snow (Applicant) for Rich E. and Judy L. Lowe (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Rural Estates for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A) was withdrawn by the applicant. The NDOR would not allow additional access points for rural residential use. Therefore, no action was taken. They will reconfigure and go back to Planning Commission.

REZONING; NORTHEAST CORNER OF THE INTERSECTION OF HIGHWAY 44 AND HIGHWAY 50A

Mayor Clouse stated the public hearing on the Application submitted by Trenton Snow (Applicant) for Rich E. and Judy L. Lowe (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 the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A) was withdrawn by the applicant. The NDOR would not allow additional access points for rural residential use. Therefore, no action was taken. They will reconfigure and go back to Planning Commission.

FINAL PLAT; HEARTLAND ESTATES

Mayor Clouse stated the public hearing on the Application submitted by Trenton Snow (Applicant) for Rich E. and Judy L. Lowe (Owner) for the Final Plat for Heartland Estates, a subdivision of Kearney County, Nebraska for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A) was withdrawn by the applicant. The NDOR would not allow additional access points for rural residential use. Therefore, no action was taken. They will reconfigure and go back to Planning Commission.

DEVELOPMENT PLAN FOR FAIRFIELD INN, 420 WEST TALMADGE STREET

Mayor Clouse opened the public hearing on the Application submitted by Paul Brungardt from Brungardt Engineering (Applicant) for Paul Younes of MJ Developments LLC (Owner) for Revised Planned District Development Plan Approval for the construction of a hotel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Interstate Fifth Addition to the City of Kearney, Buffalo County, Nebraska (420 West Talmadge Street) and to consider Resolution No. 2010-130. Planning Commission recommended approval.

The applicant is requesting approval for Revised Development Plans for an 18,480 square foot motel building located just west of the new exhibition/convention hall

building on Talmadge Street. The property is zoned C-2/PD, Community Commercial/Planned Development Overlay District. These plans are considered "revised" development plans because the proposed motel is part of the overall campus of lodging and convention facilities at this location.

A complete plan package has been submitted. Staff has reviewed the plans and offers the following comments:

- a) There will be an elevated pedestrian walkway connecting the proposed building to the convention/exhibition hall.
- b) Detention will be provided by the existing sandpit lake to the west.
- c) Parking calculations are based on a "shared" use approach as part of the campus setting. Staff has requested that the applicant provide an explanation of the proposed parking allocation.
- d) Architectural building elevations are provided.
- e) A parapet wall around the roof of the building shields roof top mechanical units from view. This wall does not count towards the maximum height of the building.
- f) An engineer's stamp or seal is required on all sheets for commercial construction.
- g) An adequate Landscape Plan has been provided including street trees and five-percent interior parking lot landscaping with deciduous canopy trees.
- h) Dumpster locations need to be coordinated with Sanitation Supervisor.

At Planning Commission, there was quite a bit of discussion regarding the off-street parking requirements and the concept of a "shared-use campus" setting. Mr. Brungardt presented the numbers for each building if it were a "stand alone" scenario as opposed to the campus approach. He assumed that 60 percent of the required parking for the new exhibition building can be held in reserve since many of the attendees at exhibition events will be staying in one of the motel rooms on the campus. In effect, if the maximum required parking was required for each building, there would be some amount of "double counting." There is an area reserved on the plan for an additional 203 parking spaces that would provide all of the required parking if they were constructed now. The Owner is requesting approval from the City Council to hold this area in reserve so that the parking can be added in the future when the need for additional parking is demonstrated or when the Council believes it is needed. Some of the Planning Commission members questioned the validity of the campus approach and the 60 percent threshold. There is no language in the Code that defines or discusses the shared parking approach or reduction in total required stalls in such a setting. Staff pointed out that the shared parking approach has been applied in the past with such projects as Good Samaritan Hospital, Hilltop Mall, and Builders Warehouse. These projects require a "planned" district overlay to allow consideration of each project on a case by case basis. Parking is somewhat of a balancing act as insufficient parking can be a problem, but extra parking that goes unused increases project cost and generates additional stormwater runoff. There may be special occasions that occur on a limited basis where additional parking is needed, but if that parking sits idle the majority of the time, is it really needed? In addition, if more parking is needed to adequately serve the demand generated by the activities on the campus, the Owner will likely recognize the shortage and put the parking in to meet the needs of the customers. When the plans for the exhibition building were approved, the campus approach was used to determine

parking requirements. Planning Commission and City Council did not require all of the off-street parking to be installed but requested an area be reserved for future parking in case it is deemed necessary. The applicant is proposing the same approach with the current project. Although some of the Planning Commission members disagreed, the Development Plans were recommended for approval as presented with the 203 parking spaces held in reserve for future construction.

Paul Brungardt, Brungardt Engineering, presented this matter to the Council. The Heartland Hospitality Center consists of the Holiday Inn, the Hampton Inn and the Wingate Inn motels. About six months ago, this project came before the Council for the convention center that is going in just behind the Hampton and the Wingate. The lake in that area has since been filled in and is the proposed site for the future Fairfield Inn & Suites. One of the concerns is how the storm water is going to be handled for the proposed new addition. There will be underground storm culvert systems that will drain to the lake to the east that has been redeveloped. The Fairfield Inn will be a four-story structure with 105 rooms. The north elevation will have lots of stone work and stucco similar to the existing structures. The entrance will be to the east. With the convention center and the Fairfield Inn, there is a proposed enclosed catwalk that would support both of those facilities.

A few months ago they talked about looking at this as a campus as opposed to each building being a stand alone. The purpose of the convention is to better utilize the hotel rooms because very few things will happen at the convention center without all the rooms being used. They worked with the City staff to come up with a total package to address all the on-street campus parking for each building and a campus as a whole. Currently, the Holiday Inn has 418 parking stalls. Based on the numbers of the convention center and their venue, they need about 430 stalls so they are 12 short. The Wingate has 91 stalls, but only 87 rooms so there is a plus 4 stalls on the total campus count. The Hampton has 87 stalls which is sufficient. Last year the hospitality corporate office facility was created by making a building addition. Based on the square footage it only needs 12 stalls, but there are actually 71 stalls, making a plus 59 stalls in that area. The Fairfield Inn will require 105 stalls, but is designed for 131 stalls so there is a plus 26 stalls. The convention center needs 284 stalls and is proposed for 262. This makes the grand total 1,056 stalls on the campus with the proposed addition of the Fairfield Inn which needs 1,005, so there will be a plus 51 stalls. In the event, additional parking is needed, Mr. Younes is aware that there are 203 stalls that they can allocate for future parking if needed. It will be left to their discretion if they need more parking. This location cannot ever have another building, because there is a high power line coming through it with a 100 foot easement on both sides.

Another issue that Planning Commission brought up was a secondary access. The City staff and Buffalo County are currently working on an alternate route. If Talmadge Street is extended all the way west to Kea West Road, which would provide a secondary access that will be needed in the near future.

Mayor Clouse stated he did not believe that Mr. Younes would let parking become an issue and prevent him from being successful with his customer service in his facilities on the campus. He is confident that there is the ability to expand parking on the campus and it will be done if needed. He agreed that egress is one of the higher priorities from

the City and County standpoint to get access going west on Talmadge Street. That will take some time to develop. He believed that without these types of facilities and the things going on out there, our community would be much different. These facilities bring in a lot sales tax and conventions that bring revenue to Kearney. The parking issue is not one that would impede his approval 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 Paul Brungardt from Brungardt Engineering (Applicant) for Paul Younes of MJ Developments LLC (Owner) for Revised Planned District Development Plan Approval for the construction of a hotel on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Interstate Fifth Addition to the City of Kearney, Buffalo County, Nebraska (420 West Talmadge Street) and approve **Resolution No. 2010-130**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-130

WHEREAS, Paul Brungardt from Brungardt Engineering (Applicant) for Paul Younes of MJ Developments LLC (Owner) have applied for Revised Planned District Development Plan Approval for the construction of a hotel on property zoned District C-2/PD, Community Commercial/Planned Development District and described as a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska with that part of Lot 1 being more particularly described as follows: referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance of 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning; AND Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska EXCEPT THEREFROM that part of Lot 1, Interstate Fifth Addition being more particularly described as follows: Referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning, all in the City of Kearney, Buffalo County, Nebraska (420 West Talmadge Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Paul Brungardt from Brungardt Engineering (Applicant) for Paul Younes of MJ Developments LLC (Owner) for Revised Planned District Development Plan Approval for the construction of a hotel on property zoned District C-2/PD, Community Commercial/Planned Development District and described as a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska with that part of Lot 1 being more particularly described as follows: referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance of 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning; AND Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska EXCEPT THEREFROM that part of Lot 1, Interstate Fifth Addition being more particularly described as follows: Referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning, all in the City of Kearney, Buffalo County, Nebraska (420 West Talmadge Street) be approved noting that the parking calculations are based on a "shared" use approach as part of the campus setting. However, 203 parking spaces as shown on the approved Development Plan shall be held in reserve for future construction and that at such time as the City Council deems it necessary and in the best interests of the City, the said 203 parking spaces shall be constructed to City specifications.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

FINAL PLAT; AUSTIN ESTATES THIRD

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Terry Broadfoot (Owner) for the Final Plat and Subdivision Agreement for Austin Estates Third Subdivision, a subdivision of Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 66th Street and west of 2nd Avenue) and to consider Resolution No. 2010-131. Planning Commission recommended

approval.

The applicant is requesting approval to plat a one-lot subdivision for a rural residence on the south side of 66th Street Place west of 2nd Avenue. The Preliminary Plat was approved by Planning Commission on June 18, 2010. The proposed lot is 3.66 acres and is zoned RR-1, Rural Residential District (Rural Standards.) Stormwater will drain into the existing lake. Fire protection will be provided by rural pumper truck using water from the existing pond. A Public Works Plan is not required. The house will be served by individual well and septic systems. A Subdivision Agreement has been executed stating the applicant will not protest the creation of improvement districts or annexation in the future.

Craig Bennett presented this matter to the Council. This is a one lot subdivision with a 3.66 acre tract which is platted as Austin Estates on the east side and wraps around to the west and along 66th Street Place down to Austin Estates Second where there is a current residence. The owner and developer, Mr. Broadfoot, lives in this area and wants to build a new house for his personal use on the land that he owns. The Land Use Map is currently low-residential and zoning is RR-1 which will remain unchanged. They had to come up with an acreage which met the 3-acre minimum that is required for the RR-1 zoning. This parcel is not located in a flood plane area. The area resembles a park more than the average person's lawn which is in the area that he mows there. The building setbacks are within the City Code and this building envelope is the only allowable building area out there. As this lot wraps around and abuts the street, there are no other buildings on this particular lot.

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 Craig Bennett from Miller & Associates (Applicant) for Terry Broadfoot (Owner) for the Final Plat and Subdivision Agreement for Austin Estates Third Subdivision, a subdivision of Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 66th Street and west of 2nd Avenue) and approve **Resolution No. 2010-131**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-131

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Austin Estates Third Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section Twenty Three (23), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska being more particularly described as follows: Beginning at the Southwest corner of Lot 1, Block 1, Austin Estates Subdivision, and assuming the West line of said Lot 1, Block 1 as bearing N00°26'10"W and all bearings contained herein are relative thereto; thence N00°26'10"W on the West line of said Lot 1, Block 1, a distance of 340.56 feet to a point on the Southerly right-of-way line of 66th Street as platted on said Austin Estates

Subdivision; thence Northwesterly on a non-tangent curve to the right, having a central angle of 20°28'56", a radius of 666.00 feet, an arc length of 238.06 feet and a chord bearing N70°23'59"W a distance of 236.82 feet; thence N60°08'16"W tangent to said curve and continuing on said Southerly right-of-way line a distance of 118.02 feet; thence Westerly on a tangent curve to the left and continuing on said Southerly right-of-way line, having a central angle of 71°37'24", a radius of 167.00 feet, an arc length of 208.75 feet and a chord bearing S84°03'26"W a distance of 195.43 feet; thence S48°13'58"W tangent to said curve and continuing on said Southerly right-of-way line a distance of 149.97 feet; thence Southwesterly on a tangent curve to the left and continuing on said Southerly right-of-way line, having a central angle of 08°48'10", a radius of 467.00 feet, an arc length of 71.70 feet and a chord bearing S43°52'37"W a distance of 71.68 feet to the Northerly corner of Lot 1, Block 2 of said Austin Estates Subdivision; thence S50°34'01"E on the Northeast line of said Lot 1, Block 2 a distance of 90.06 feet to the Easterly corner of said Lot 1, Block 2; thence N43°52'37"E a distance of 150.00 feet; thence S72°26'44"E a distance of 150.00 feet; thence S17°42'38"E a distance of 225.00 feet; thence S71°47'56"E a distance of 314.71 feet to the point of beginning, containing 3.66 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 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 13TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING GOOD SAMARITAN HOSPITAL PROPERTIES AROUND 10 EAST 31ST STREET

Public Hearings 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) to rezone from District UC, Mixed Use Urban Corridor District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 15 through 24 inclusive, Cottage Place Subdivision; to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as all of Lot 578 of Southwest Quarter School Section Addition and that portion of vacated 1st Avenue as deeded in Warranty Deed 2006-5543 and more particularly described as that part of Lot 2, Northwest Quarter of School Section

Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 2, part of Lot 38, Northwest Quarter School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lots 3, 7, 8, 9, all of Lots 4 and 5, Bergt & Keiss Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 4 and all of Lots 5 and 6, Ragain’s Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 13 and 14, Cottage Place Subdivision, all in the City of Kearney, Buffalo County, Nebraska (10 East 31st Street). Planning Commission recommended approval.

The applicants are requesting approval for another phased expansion at the Good Samaritan Hospital campus. A new one-story building will be constructed that wraps around the West Tower with a full basement that also features a colorful paver pattern on the roof and roof top gardens. These features will provide an attractive view from the upper floors of the tower. A two-story dining atrium is also proposed. The Medical Arts Building on the north side of 31st Street will be demolished beginning this summer and a new parking lot will be constructed in its place. Total anticipated cost of the expansion is \$65 million. The project requires partial vacation of existing hospital property so that it can be replatted as one parcel to comply with the “campus” setting that has been established. Some parcels require rezoning to C-O/PD to be included in the campus. Development Plans must also be submitted for the proposed project since it is in a “planned” development overlay district.

Portions of Ragain’s Subdivision, Northwest Quarter School Section Addition, Southwest Quarter School Section Addition, Good Samaritan Second Subdivision, Bergt and Keiss Subdivision, and Cottage Place Subdivision are proposed to be vacated so that the property can be a one-lot subdivision representing the entire campus setting. The new subdivision will be known as Good Samaritan Fourth Subdivision.

The intended overall zoning for the hospital campus is C-O/PD, Office/Planned Development Overlay District. Some of the parcels that are to be included in the vacation and replatting of the overall campus are currently zoned differently. This rezoning request will rezone eight parcels to C-O/PD. The following summary shows the proposed zoning changes all to be rezoned to C-O/PD:

Current Zoning District	Size
UC, Urban Corridor	1.4 acres
R-1, Urban Residential Single Family District	.75 acre
C-O, Office District	0.30 acre
	0.20 acre
	0.40 acre
	0.40 acre
	0.30 acre
	<u>0.20 acre</u>
Subtotal C-O	1.80 acres
Total of all Rezoning	3.95 acres

The Preliminary and Final Plat for this tract consists of a single lot representing the overall hospital campus to be known as Good Samaritan Fourth Subdivision. The Preliminary Plat was approved by Planning Commission on June 18, 2010. A Public Works Plan for the campus has been previously submitted. An Infrastructure Agreement that addresses the relocation of water and sewer mains, the demolition and replacement of paving, and similar infrastructure issues will be prepared for City Council to execute in the near future. Stormwater drainage calculations must be approved by the City Engineer prior to any building permits being issued. No Subdivision Agreement is required.

The design team has submitted a complete Development Plan package including architectural renderings of the proposed buildings and a Landscape Plan. Parking calculations are based on a "shared" use approach as part of the campus setting. Staff has requested that the applicant provide an explanation of the proposed parking allocation.

Howard Nelson, Project Manager with Ellerby-Beckett, presented this matter to the Council. The landscaping plan requirements have been met. The propose new site plan wraps around the existing west towers which will be a one story building with a full basement, approximately 64,000 square feet per floor. The roof will not have the typical roof ballast because there are so many patient views from rooms on the upper floors of this hospital. They will be doing a decorative roof pattern to increase visual pleasantries. The tower entrance on the west will be redone and encompassed. There will be a new entrance temporarily and in the future created on the north end of the west tower so that during construction they can use that entrance for patients. Currently, there are 1,297 parking stalls on the hospital campus. They will be adding a total net 104 stalls. They will not be adding any new beds or employees to this facility.

This addition is basically adding new operating room facilities, new cardiology and new endoscopy infrastructure. They are only adding new infrastructure to an aging facility to provide this new space. The existing operating rooms are located in the 1986 part of the building which will be remolded after the operating rooms are relocated to the new addition. There will be a new amenity on the north side with a two story dining atrium that is being proposed on the north side of an existing connecting link. The new addition will alleviate a drainage problem that now exists. It will be replaced with a green space that will have access from the dining atrium. The proposed new parking area will have 35 stalls. Although this addition is one story, they are structuring it so there is future expandability for patient floors. This site would match up with what is currently the 3-story building of the west tower. The current structure of the west tower is to go ultimately to six stories. The proposed wing being added could ultimately go to six stories in the future.

Jeff Palik from Olsson Associates stated he has been working with Good Samaritan Hospital on the replat, rezoning and some of the civil design for the proposed expansion. They have developed a preliminary and final plat. As they did on the expansion of the west tower, they have tried vacating and rezoning all the contiguous properties that are currently owned by GSH into one plat with a campus type setting. As part of this plat, Block 1 would encompass the current hospital, cancer center, west tower and the proposed expansion to the west. They are requesting to vacate a short

section of 32nd Street which is currently toward the west entrance to the west tower. This vacation is part of the driveway that takes you into the west entrance and loops around to the northwest side of the west tower.

Also as part of the preliminary plat, there are also some dedicated easements for the utilities as discussed with Director of Utilities Kirk Stocker to provide access to proposed water mains and fire hydrants for the City. The Final Plat shows going further west to 2nd Avenue and jogging around the existing dentist office. Everything included in the Final Plat is owned by GSH and does not include putting any other signatures on the plat.

As part of the west tower expansion that was done in 2002, water, sanitary and storm sewer that normally continue south down Central Avenue were rerouted to the west around the west tower and jogged back east to Central Avenue. As part of this project since there is a basement in the new addition, they are proposing to reroute all those utilities further to the west to Keiss Lane and extend them to the south through the parking lot that is owned by GSH. The water main currently comes down the access road to 32nd Street and jogs west and goes north up Keiss Lane. All they are doing is moving the waterline 100-150 feet to the north to get it out of the excavated area for the west expansion. They are also adding an extension or a loop to the south and tying into the existing water line on 31st Street and adding a fire hydrant there. This plan has been reviewed by the City staff and Mr. Stocker, who had a few comments about the fire hydrant fittings which have been address to his satisfaction.

The sanitary sewer will be treated the same as the water main. As part of this project they will extend the sanitary sewer straight south down Keiss Lane and tie into the existing line on 31st Street. It is something they wanted to do on the last expansion, but just did not have the right-of-way to do so.

Storm sewer will be designed (as in the past for a 10-year storm event) with the underground detention piping for all the parking areas that are being proposed. They will install 48-inch diameter storm sewer pipes below the parking areas. The discharge from the gates will be controlled so that it only discharges at one gallon per minute coming out of that drainage. In this way, it will not impede the existing storm sewer flow that is coming down the street. They will actually decrease the footage of the storm sewer pipe a little because there will not be so many jogs which will help the flow. This will be a 24-inch diameter pipe which is there now. This will connect with the 24-inch truck line for the existing City storm system. This plan has been reviewed by City Engineer Bruce Grupe.

In the past, they have had some issues between the west tower and the old hospital. To help address these issues as part of this project, there will be two lift stations installed instead of trying to gravity drain it. One will be with the amphitheater proposal that Mr. Nelson talked about which is about a 15-foot hole in the ground to get to that walk out basement. So there will be a lift station at the bottom of that to capture any runoff that would fall in that amphitheater area to lift it and get it back into the storm sewer system. They are also putting a lift station which will capture the west half runoff of the old hospital roof drains. They currently come to the west and drain to the south down Central Avenue. Now they will be captured in some 48-inch piping and drain to the lift

station where they will be lifted to get them into the underground detention system to the north and the west of the west tower. They have enough detention to maintain the 10-year storm event, including the water that is going to be pumped from the lift station from the roof drains.

There is currently 4.3 acres of impervious area of the hospital and properties that are being replatted. With the proposed improvements, the amount of impervious is actually being decreased to 3.87 acres because of the additional landscaping that is occurring and because the access street that goes to the northwest to the west tower is putting in some landscaping. There is a net gain of impervious area that is going to help with run off from the site. In addition, they are still adding all the detention for all the parking areas which should result in a substantial improvement to the storm water system in the area. They are taking a lot of water out of 31st Street which has had trouble with backing up at the Central Avenue location.

Denny Houska, 3301 2nd Avenue, stated he owns a business at 3302 2nd Avenue which is bordered on the north, south and east by the land that Good Samaritan owns. He did not oppose the project. However, past projects have taught him to be vigilant when large projects like this are in the neighborhood. In 2002, GSH did a big project that created a road that went through his business that he was not told about in advance. When he heard about this project, he talked with Director of Public Works Rod Wiederspan and City Planner Lance Lang about how this would affect his business in that location. Before the Planning Commission, he was pretty sure that it would not affect his business at all. At this Council meeting, he heard about the utilities and the parking, but nothing about how it was going to affect the neighbors that border the project. He wanted information about how the traffic flow in and out of his business is going to be handled and if his entrance is going to get blocked. He also wanted to know what the traffic pattern is going to be after all the construction is completed. In 2002, he heard that on the southeast corner of the intersection where a temporary stop light was installed, if they ever needed a permanent stop light, GSH was going to pay for it. He wanted to know if that is part of this project. He also wanted to know if the helicopter landing pad was going to be relocated.

Director of Public Works Rod Wiederspan stated that 33rd Street (the roundabout) will remain in place. 32nd Street will stay in place back to Keiss Lane and will be the temporary entrance to the hospital. There should be less traffic with the doctor's office entrance off of 31st Street and there will be parking off 31st Street that is not in place today. Mayor Clouse stated he did not see anything affecting Denny's Photography from a traffic perspective. City Manager Michael Morgan stated that his entrance would not be affected during construction or utility work. The helicopter pad location will remain the same.

Director of Public Works stated that the project in 2002, where they closed Central Avenue and rebuilt the entrance at 33rd Street made a big impact to the neighborhood because it changed the traffic patterns for the whole area. With this project, all of the infrastructure changes will be on the campus as it exists today so there will be no changes to the traffic patterns. There will only be changes in the parking and the traffic patterns for the hospital campus. He did not see the need to have the neighborhood meetings as they did in 2002 because it really does not affect any of the accesses.

City Manager stated the purpose of the Planning Commission was to address those issues with the advanced notice to citizens so they could attend the public hearing just like the Council meetings. The City actually exceeds the notice requirements by law in order to give everyone the opportunity to come to the meetings.

Director of Public Works also commented on the traffic signal on 31st Street and Avenue A which was put in as a temporary signal with the first hospital addition. It has functioned well for the neighborhood, but has not actually warranted a full time signal. He was in hopes that with the improvements being done on 39th Street, the traffic volumes will get to a point that the signal on 39th Street and Avenue A can be replaced with a permanent signal. It is in the hospital's 2002 Agreement that when that day comes, they would help pay for it.

Mayor Clouse acknowledged Mr. Houska's concerns and added that he believed the hospital folks have duly noted to make sure they have contact with Mr. Houska and the other neighbors if needed to keep them up to speed during the project.

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 Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) to rezone from District UC, Mixed Use Urban Corridor District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 15 through 24 inclusive, Cottage Place Subdivision; to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as all of Lot 578 of Southwest Quarter School Section Addition and that portion of vacated 1st Avenue as deeded in Warranty Deed 2006-5543 and more particularly described as that part of Lot 2, Northwest Quarter of School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 2, part of Lot 38, Northwest Quarter School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lots 3, 7, 8, 9, all of Lots 4 and 5, Bergt & Keiss Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 13 and 14, Cottage Place Subdivision, all in the City of Kearney, Buffalo County, Nebraska (10 East 31st Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried.

FINAL PLAT; GOOD SAMARITAN FOURTH SUBDIVISION

Public Hearings 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for the Final Plat for Good Samaritan Fourth Subdivision to the City of Kearney, Buffalo County, Nebraska for

property described as Lot 1 of Block 1, Lot 1 of Block 2 and Lot 1 of Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7 and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane being east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition, all in Section 36, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (10 East 31st Street) and to consider Resolution No. 2010-132. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Buschkoetter to close the hearing and approve the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for the Final Plat for Good Samaritan Fourth Subdivision to the City of Kearney, Buffalo County, Nebraska for property described as Lot 1 of Block 1, Lot 1 of Block 2 and Lot 1 of Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7 and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane being east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition, all in Section 36, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (10 East 31st Street) and approve **Resolution No. 2010-132**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-132

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Good Samaritan Fourth Subdivision to the City of Kearney, Buffalo County, Nebraska for a tract of land comprised of the following vacated tracts: Lot 1, Block 1, Lot 1, Block 2, and Lot 1, Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7, and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane, being east to the west line of Lot 1, Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition all in Section 36, Township 9 North, Range 16 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: commencing at the northwest corner of the intersection of 31st Street and Avenue 'A' right-of-ways, said point also being the Point of Beginning; thence on an assumed bearing of N89°07'17"W on the north right-of-way line of 31st Street a distance of 456.04 feet; thence continuing on said north right-of-way line N88°59'24"W a distance of 66.00 feet to a point on the east line

of vacated Lot 2, Northwest Quarter School Section Addition; thence continuing on said north right-of-way line N88°59'26"W a distance of 506.74 feet a point on the easterly right-of-way line of 2nd Avenue; thence continuing on said easterly right-of-way line N44°19'52"W a distance of 20.83 feet; thence continuing on said east right-of-way line N01°01'20"E a distance of 107.81 feet; thence continuing on said east right-of-way line N41°46'39"E a distance of 10.34 feet; thence continuing on said east right-of-way line N00°44'49"E a distance of 19.87 feet; thence continuing on said east right-of-way line N42°52'05"W a distance of 9.60 feet; thence continuing on said east right-of-way line N00°58'40"E a distance of 127.68 feet to a point on the south right-of-way line of 32nd Street; thence continuing on said south right-of-way line S88°31'43"E a distance of 185.87 feet; thence N00°03'36"E a distance of 79.70 feet to a point of intersection on the north right-of-way line of said 32nd Street and the east right-of-way line of Keiss Lane, said point also being the southwest corner of vacated Lot 5, Bergt & Keiss Subdivision; thence on said north right-of-way line N88°43'22"W a distance of 31.00 feet to the southeast corner of Lot 6, Bergt & Keiss Subdivision, said point also being the west right-of-way line of Keiss Lane; thence on said west right-of-way line N00°04'20"W a distance of 100.16 feet to the southeast corner of vacated Lot 8, Bergt & Keiss Subdivision; thence on the south line of said vacated Lot 8 N88°31'09"W a distance of 71.54 feet; thence S00°02'13"E a distance of 100.41 feet to the north right-of-way line of 32nd Street; thence on said north right-of-way line N88°25'30"W a distance 81.64 feet to the east right-of-way line of 2nd Avenue; thence on said east right-of-way line N03°18'05"E a distance of 100.29 feet; thence on said east right-of-way line N02°22'19"E a distance of 50.94 feet; thence on said east right-of-way line N02°20'03"E a distance of 98.60 feet; thence N06'30'24"E a distance of 66.20 feet; thence N89°57'46"E a distance of 2.74 feet; thence N02°10'06"E a distance of 44.03 feet to the south line of Lot 1, Block 1, Good Samaritan Third Subdivision; thence departing said east right-of-way line N89°57'36"E on the north right-of-way line of 33rd Street and on said south line a distance of 131.00 feet to the intersection of said north right-of-way line and the west right-of-way line of Carlton Drive; thence on said west right-of-way line N00°02'27"E a distance of 147.77 feet; thence S89°35'45"E a distance of 40.00 feet to the east right-of-way line of said Carlton Drive; thence on said east right-of-way line N00°22'36"E a distance of 28.13 feet to the southwest corner of vacated Lot 6 of said Ragain's Subdivision; thence on the west line of said vacated Lot 6 N00°00'05"W a distance of 55.03 feet to the northwest corner of said vacated Lot 6 and the southwest corner of vacated Lot 5, Ragain's Subdivision; thence on the west line of said vacated Lot 5 and the west line of part of vacated Lot 4, Ragain's Subdivision N00°02'03"W a distance of 53.30 feet; thence N88°07'41"E a distance of 64.14 feet; thence N90°00'00"E a distance of 25.00 feet to the northeast corner of said vacated Lot 5, said corner also being on the south line of Lot 39 of said Northwest Quarter School Section Addition; thence on said south line N89°58'07"E a distance of 231.27 feet to the southeast corner of said Lot 39, said corner also on the west right-of-way line of Central Avenue; thence S89°52'28"E a distance of 65.74 feet to the east right-of-way line of Central Avenue, said corner also being the southwest corner of a vacated tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38 of said Northwest Quarter School Section Addition; thence on the west line of said vacated tract of land, and said east right-of-way line of Central Avenue N00°02'24"E a distance of 73.30 feet to the northwest corner of said tract; thence on said east right-of-way line N00°07'44"E a distance of 223.69 feet to the south right-of-way line of 35th Street; thence on said south right-of-way line N89°52'25"E a distance of 462.38 feet to the west right-of-way

line of Avenue 'A'; thence on said west right-of-way line S00°01'43"W a distance of 1288.09 feet; thence continuing on said west right-of-way line N88°58'32"W a distance of 6.50 feet; thence continuing on said west right-of-way line S00°01'44"W a distance of 36.98 feet to the Point of Beginning. Said tract of land contains 1,126,048 Sq. Ft. or 25.85 Acres more or less of which 44,310 Sq. Ft. or 1.02 Acres is public road right-of-way as 33rd Street and 5,948 Sq. Ft. or 0.14 Acres is public road right-of-way as Carlton Drive and 9,095 Sq. Ft. or 0.21 Acres is public road right-of-way as Keiss Lane, all in the City of Kearney, Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR GOOD SAMARITAN HOSPITAL

Public Hearings 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for Revised Planned District Development Plan Approval for a building expansion, utility and parking lot construction on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 of Block 1, Lot 1 of Block 2 and Lot 1 of Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7 and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane being east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition, all in Section 36, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (10 East 31st Street) and to consider Resolution No. 2010-133. 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 Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for Revised Planned District Development Plan Approval for a building

expansion, utility and parking lot construction on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 of Block 1, Lot 1 of Block 2 and Lot 1 of Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7 and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane being east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition, all in Section 36, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (10 East 31st Street) and approve **Resolution No. 2010-133**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2010-133

WHEREAS, Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) have applied for Revised Planned District Development Plan Approval for a building expansion, utility and parking lot construction on property zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land comprised of the following vacated tracts: Lot 1, Block 1, Lot 1, Block 2, and Lot 1, Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7, and all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane, being east to the west line of Lot 1, Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition all in Section 36, Township 9 North, Range 16 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: commencing at the northwest corner of the intersection of 31st Street and Avenue 'A' right-of-ways, said point also being the Point of Beginning; thence on an assumed bearing of N89°07'17"W on the north right-of-way line of 31st Street a distance of 456.04 feet; thence continuing on said north right-of-way line N88°59'24"W a distance of 66.00 feet to a point on the east line of vacated Lot 2, Northwest Quarter School Section Addition; thence continuing on said north right-of-way line N88°59'26"W a distance of 506.74 feet a point on the easterly right-of-way line of 2nd Avenue; thence continuing on said easterly right-of-way line N44°19'52"W a distance of 20.83 feet; thence continuing on said east right-of-way line N01°01'20"E a distance of 107.81 feet; thence continuing on said east right-of-way line N41°46'39"E a distance of 10.34 feet; thence continuing on said east right-of-way line N00°44'49"E a distance of 19.87 feet; thence continuing on said east right-of-way line N42°52'05"W a distance of 9.60 feet; thence continuing on said east right-of-way line N00°58'40"E a distance of 127.68 feet to a point on the south right-of-way line of 32nd Street; thence continuing on said south right-of-way line S88°31'43"E a distance of 185.87 feet; thence N00°03'36"E a distance of 79.70 feet to a point of intersection on the north right-of-way line of said 32nd Street and the east right-of-way line of Keiss Lane, said point also being the southwest corner of vacated Lot 5, Bergt & Keiss Subdivision; thence on said north right-of-way line N88°43'22"W a distance of 31.00 feet to the southeast corner of Lot 6, Bergt & Keiss Subdivision, said point also being the

west right-of-way line of Keiss Lane; thence on said west right-of-way line $N00^{\circ}04'20''W$ a distance of 100.16 feet to the southeast corner of vacated Lot 8, Bergt & Keiss Subdivision; thence on the south line of said vacated Lot 8 $N88^{\circ}31'09''W$ a distance of 71.54 feet; thence $S00^{\circ}02'13''E$ a distance of 100.41 feet to the north right-of-way line of 32nd Street; thence on said north right-of-way line $N88^{\circ}25'30''W$ a distance 81.64 feet to the east right-of-way line of 2nd Avenue; thence on said east right-of-way line $N03^{\circ}18'05''E$ a distance of 100.29 feet; thence on said east right-of-way line $N02^{\circ}22'19''E$ a distance of 50.94 feet; thence on said east right-of-way line $N02^{\circ}20'03''E$ a distance of 98.60 feet; thence $N06'30'24''E$ a distance of 66.20 feet; thence $N89^{\circ}57'46''E$ a distance of 2.74 feet; thence $N02^{\circ}10'06''E$ a distance of 44.03 feet to the south line of Lot 1, Block 1, Good Samaritan Third Subdivision; thence departing said east right-of-way line $N89^{\circ}57'36''E$ on the north right-of-way line of 33rd Street and on said south line a distance of 131.00 feet to the intersection of said north right-of-way line and the west right-of-way line of Carlton Drive; thence on said west right-of-way line $N00^{\circ}02'27''E$ a distance of 147.77 feet; thence $S89^{\circ}35'45''E$ a distance of 40.00 feet to the east right-of-way line of said Carlton Drive; thence on said east right-of-way line $N00^{\circ}22'36''E$ a distance of 28.13 feet to the southwest corner of vacated Lot 6 of said Ragain's Subdivision; thence on the west line of said vacated Lot 6 $N00^{\circ}00'05''W$ a distance of 55.03 feet to the northwest corner of said vacated Lot 6 and the southwest corner of vacated Lot 5, Ragain's Subdivision; thence on the west line of said vacated Lot 5 and the west line of part of vacated Lot 4, Ragain's Subdivision $N00^{\circ}02'03''W$ a distance of 53.30 feet; thence $N88^{\circ}07'41''E$ a distance of 64.14 feet; thence $N90^{\circ}00'00''E$ a distance of 25.00 feet to the northeast corner of said vacated Lot 5, said corner also being on the south line of Lot 39 of said Northwest Quarter School Section Addition; thence on said south line $N89^{\circ}58'07''E$ a distance of 231.27 feet to the southeast corner of said Lot 39, said corner also on the west right-of-way line of Central Avenue; thence $S89^{\circ}52'28''E$ a distance of 65.74 feet to the east right-of-way line of Central Avenue, said corner also being the southwest corner of a vacated tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38 of said Northwest Quarter School Section Addition; thence on the west line of said vacated tract of land, and said east right-of-way line of Central Avenue $N00^{\circ}02'24''E$ a distance of 73.30 feet to the northwest corner of said tract; thence on said east right-of-way line $N00^{\circ}07'44''E$ a distance of 223.69 feet to the south right-of-way line of 35th Street; thence on said south right-of-way line $N89^{\circ}52'25''E$ a distance of 462.38 feet to the west right-of-way line of Avenue 'A'; thence on said west right-of-way line $S00^{\circ}01'43''W$ a distance of 1288.09 feet; thence continuing on said west right-of-way line $N88^{\circ}58'32''W$ a distance of 6.50 feet; thence continuing on said west right-of-way line $S00^{\circ}01'44''W$ a distance of 36.98 feet to the Point of Beginning. Said tract of land contains 1,126,048 Sq. Ft. or 25.85 Acres more or less of which 44,310 Sq. Ft. or 1.02 Acres is public road right-of-way as 33rd Street and 5,948 Sq. Ft. or 0.14 Acres is public road right-of-way as Carlton Drive and 9,095 Sq. Ft. or 0.21 Acres is public road right-of-way as Keiss Lane, all in the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Kasey Brandt for Good Samaritan Hospital (Applicant and Owner) for Revised Planned District Development Plan Approval for a building expansion, utility and parking lot construction on property zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land comprised of the following vacated tracts: Lot 1, Block 1, Lot 1, Block 2, and Lot 1, Block 3, Good Samaritan Second Subdivision; all of Lots 4 and 5, part of Lot 7, and

all of Lots 8 and 9, Bergt & Keiss Subdivision; all of Lots 13 through 24 and the alley abutting said lots, Cottage Place Subdivision; part of Lot 2, Northwest Quarter School Section Addition; all that part of 32nd Street lying east of the extended east right-of-way line of Keiss Lane, being east to the west line of Lot 1, Block 1, Good Samaritan Second Subdivision; part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; a tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38, Northwest Quarter School Section Addition all in Section 36, Township 9 North, Range 16 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: commencing at the northwest corner of the intersection of 31st Street and Avenue 'A' right-of-ways, said point also being the Point of Beginning; thence on an assumed bearing of N89°07'17"W on the north right-of-way line of 31st Street a distance of 456.04 feet; thence continuing on said north right-of-way line N88°59'24"W a distance of 66.00 feet to a point on the east line of vacated Lot 2, Northwest Quarter School Section Addition; thence continuing on said north right-of-way line N88°59'26"W a distance of 506.74 feet a point on the easterly right-of-way line of 2nd Avenue; thence continuing on said easterly right-of-way line N44°19'52"W a distance of 20.83 feet; thence continuing on said east right-of-way line N01°01'20"E a distance of 107.81 feet; thence continuing on said east right-of-way line N41°46'39"E a distance of 10.34 feet; thence continuing on said east right-of-way line N00°44'49"E a distance of 19.87 feet; thence continuing on said east right-of-way line N42°52'05"W a distance of 9.60 feet; thence continuing on said east right-of-way line N00°58'40"E a distance of 127.68 feet to a point on the south right-of-way line of 32nd Street; thence continuing on said south right-of-way line S88°31'43"E a distance of 185.87 feet; thence N00°03'36"E a distance of 79.70 feet to a point of intersection on the north right-of-way line of said 32nd Street and the east right-of-way line of Keiss Lane, said point also being the southwest corner of vacated Lot 5, Bergt & Keiss Subdivision; thence on said north right-of-way line N88°43'22"W a distance of 31.00 feet to the southeast corner of Lot 6, Bergt & Keiss Subdivision, said point also being the west right-of-way line of Keiss Lane; thence on said west right-of-way line N00°04'20"W a distance of 100.16 feet to the southeast corner of vacated Lot 8, Bergt & Keiss Subdivision; thence on the south line of said vacated Lot 8 N88°31'09"W a distance of 71.54 feet; thence S00°02'13"E a distance of 100.41 feet to the north right-of-way line of 32nd Street; thence on said north right-of-way line N88°25'30"W a distance 81.64 feet to the east right-of-way line of 2nd Avenue; thence on said east right-of-way line N03°18'05"E a distance of 100.29 feet; thence on said east right-of-way line N02°22'19"E a distance of 50.94 feet; thence on said east right-of-way line N02°20'03"E a distance of 98.60 feet; thence N06'30'24"E a distance of 66.20 feet; thence N89°57'46"E a distance of 2.74 feet; thence N02°10'06"E a distance of 44.03 feet to the south line of Lot 1, Block 1, Good Samaritan Third Subdivision; thence departing said east right-of-way line N89°57'36"E on the north right-of-way line of 33rd Street and on said south line a distance of 131.00 feet to the intersection of said north right-of-way line and the west right-of-way line of Carlton Drive; thence on said west right-of-way line N00°02'27"E a distance of 147.77 feet; thence S89°35'45"E a distance of 40.00 feet to the east right-of-way line of said Carlton Drive; thence on said east right-of-way line N00°22'36"E a distance of 28.13 feet to the southwest corner of vacated Lot 6 of said Ragain's Subdivision; thence on the west line of said vacated Lot 6 N00°00'05"W a distance of 55.03 feet to the northwest corner of said vacated Lot 6 and the southwest corner of vacated Lot 5, Ragain's Subdivision; thence on the west line of said vacated Lot 5 and the west line of part of vacated Lot 4, Ragain's Subdivision N00°02'03"W a distance of 53.30 feet; thence N88°07'41"E a distance of 64.14 feet;

thence N90°00'00"E a distance of 25.00 feet to the northeast corner of said vacated Lot 5, said corner also being on the south line of Lot 39 of said Northwest Quarter School Section Addition; thence on said south line N89°58'07"E a distance of 231.27 feet to the southeast corner of said Lot 39, said corner also on the west right-of-way line of Central Avenue; thence S89°52'28"E a distance of 65.74 feet to the east right-of-way line of Central Avenue, said corner also being the southwest corner of a vacated tract of land being the west 110.5 feet of the south 73.4 feet of Lot 38 of said Northwest Quarter School Section Addition; thence on the west line of said vacated tract of land, and said east right-of-way line of Central Avenue N00°02'24"E a distance of 73.30 feet to the northwest corner of said tract; thence on said east right-of-way line N00°07'44"E a distance of 223.69 feet to the south right-of-way line of 35th Street; thence on said south right-of-way line N89°52'25"E a distance of 462.38 feet to the west right-of-way line of Avenue 'A'; thence on said west right-of-way line S00°01'43"W a distance of 1288.09 feet; thence continuing on said west right-of-way line N88°58'32"W a distance of 6.50 feet; thence continuing on said west right-of-way line S00°01'44"W a distance of 36.98 feet to the Point of Beginning. Said tract of land contains 1,126,048 Sq. Ft. or 25.85 Acres more or less of which 44,310 Sq. Ft. or 1.02 Acres is public road right-of-way as 33rd Street and 5,948 Sq. Ft. or 0.14 Acres is public road right-of-way as Carlton Drive and 9,095 Sq. Ft or 0.21 Acres is public road right-of-way as Keiss Lane, all in the City of Kearney, Buffalo County, Nebraska be approved.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Kearney that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 22, 2010.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

A-1 Cleaning \$465.00 smcs; ABC-CLIO \$795.78 smcs; Abrahamson,N \$46.83 smcs; Ace Hardware \$47.35 smcs; Ace Irrigation \$35.00 smcs; Advanced Auto Parts \$81.89 smcs; Aervoe Industries \$635.04 smcs; Aflac \$2,927.12 ps; Afternooners \$192.36 smcs; Alamar Uniforms \$486.91 smcs; Al-Jon Mfg \$28.50 smcs; Allied Electronics \$1,383.35 smcs; Almquist,R \$176.00 smcs; Amazon \$68.59 smcs; Amer Electric \$18.97 smcs; Amer First Aid \$176.35 smcs; Amer Legion \$233.35 smcs; Amsan \$1,829.38 smcs; Angst,A \$27.78 smcs; Apple Market \$56.64 smcs; Arrowood,B \$35.00 smcs; Ask Supply \$588.70 smcs; Asknetshopcom \$38.27 co; Austin Hardware \$219.82 smcs; Auto

Glass \$212.95 smcs; Axtell,A \$3.61 smcs; B2B Computer \$134.00 co; Badura,T \$69.00 smcs; Baker & Taylor Books \$6,256.09 smcs; Bamford \$200.00 smcs; Barney Abstract \$75.00 smcs; Barr Thorp Electric \$322.55 smcs; Batteriescom \$185.69 smcs; BBC Audiobooks \$620.54 smcs; Bennett,T \$821.25 smcs; Black Dog Polishing \$80.00 smcs; Blessing \$156,955.00 co; Bluecross Blueshield \$106,850.04 smcs; Bob's Superstore \$100.71 smcs; Bombeck,M \$240.00 smcs; Boogaarts \$32.11 smcs; Bright,C \$300.00 smcs; Broadfoot's \$1,133.00 smcs; Brodine,S \$47.20 smcs; Buckle \$27.00 smcs; Buffalo Co Reg Deeds \$35.50 smcs; Buffalo Co Sheriff \$107,102.50 smcs; Buffalo Outdoor Power \$281.06 smcs; Buggy Bath Car Wash \$9.00 smcs; Builders Warehouse \$10,206.49 smcs,co; Burr,R \$100.00 smcs; Cabela's \$602.62 smcs; Cables for Less \$162.44 co; Capper's \$14.95 smcs; Carquest \$1,489.67 smcs; Carriage Paper Products \$223.50 smcs; Cash-Wa Distributing \$799.70 smcs; Central Contracting \$58,717.80 co; Central Hydraulic \$376.39 smcs; Central NE Bobcat \$170.00 smcs; Central States Wire \$5,102.25 smcs; Champlin Tire Recycling \$1,089.44 smcs; Charter \$399.94 smcs; Chief Ind \$14,988.64 co; City Glass \$235.69 smcs; City of Ky \$207,795.78 ps, smcs, co; CNA Surety \$40.00 smcs; Cold Spring Granite \$189.00 smcs; College Savings Plan of NE \$190.00 ps; Come and Get It \$240.00 smcs; Construction Rental \$2,567.76 smcs,co; Cope Marina \$4,780.00 co; Copycat Printing \$393.56 smcs; Country Bar & Grill \$40.98 smcs; CPS \$1,031.23 smcs; Creative Teacher \$29.92 smcs; Credit Management Service \$225.75 ps; Crossroads Ford \$137.97 smcs; Crushers \$140.00 co; Culligan \$150.00 smcs; Cummins Central Power \$496.55 smcs; D&S Lighting \$68.52 smcs; Daake,S \$9.07 smcs; Dell \$4,089.61 smcs,co; Depository Trust \$728,561.25 ds; Deterdings \$236.55 smcs; Detroit Industrial Tool \$416.57 co; Diamond Vogel \$652.74 smcs; Diesel Power Equipment \$18.53 smcs; Dish Network \$50.63 smcs; Dmilaco \$374.40 smcs,ps; Dowling,J \$35.00 smcs; Dozler,T \$23.35 smcs; DPC Industries \$10,593.75 smcs; Dreyer,D \$61.00 smcs; Dutton-Lainson \$1,389.05 smcs,co; Eakes \$4,844.15 smcs; Ebsco \$2,862.00 smcs; Ecolab \$31.00 smcs; Eirich,T \$50.00 smcs; Elite K-9 \$1,059.90 co; Elliott Equipment \$109.61 smcs; Elliott,K \$28.88 smcs; EMC Ins \$15,781.56 smcs; Emerson Mfg \$27.98 smcs; Enpro \$123.28 smcs; Excal Visual \$409.75 smcs; Fairbanks Intl \$660.07 smcs; Fastenal \$1,663.24 smcs; Fiddelke Heating \$354.28 smcs,co; Fireguard \$332.85 smcs; Firehouse Subscription \$52.00 smcs; Fleetpride \$1,544.35 smcs; Fun Shine Shop \$80.59 smcs; G. Neil \$79.99 co; Gale \$1,770.17 smcs; Galeton \$75.29 smcs; Gangwish Turf \$72.60 smcs,co; Garrett Tires \$5,035.33 smcs; GE Money Bank \$1,474.96 smcs; Gempler \$179.00 smcs; Gifford,M \$3.45 smcs; Gintzler,M \$69.00 smcs; Global Industrial \$144.26 smcs; Going Vertical \$71.10 smcs; Gooch Brake \$885.05 smcs; Goodwill \$13.00 smcs; Gopher \$412.28 smcs; Gough,P \$150.00 smcs; Graham Tire \$5.97 smcs; Grainger \$877.47 smcs; Granrud,A \$19.00 smcs; Great Plains Safety \$1,200.00 smcs; H&H Distributing \$1,988.65 smcs; Hach \$836.61 smcs; Hanson,B \$19.93 smcs; Harms,J \$5.00 smcs; Heartland Electric \$1,058.45 smcs; Hobby-Lobby \$24.79 smcs; Hockemeier,A \$35.50 smcs; Holmes Plumbing \$2,347.93 smcs,co; Holz,C \$22.43 smcs; Hometown Leasing \$237.20 co; Houchen Bindery \$285.70 smcs; Husker Auto Group \$32,927.77 co; Hynes,G \$18.95 smcs; IAEI \$204.00 smcs; ICMA RC \$4,505.53 smcs,co; Idea Bank \$254.98 smcs; Intellicom Computer \$4,975.00 smcs; IRS \$115,588.39 ps; IPMA \$360.00 smcs; Jack Lederman \$108.40 smcs; James,D \$62.95 smcs; JDL Lesco \$213.54 smcs; JLC \$263,250.00 co; Jrs Western \$29.99 smcs; K&K Parts \$146.04 smcs; Ky Crete & Block \$194.05 smcs; Ky Glass \$10.00 smcs; Ky Hub \$957.76 smcs; Ky Humane Society \$6,500.00 smcs; Ky Implement \$7,426.03 smcs,co; Ky Towing \$165.00 smcs; Ky United Way \$629.50 ps; Ky Visitors Bureau \$94,288.12

smcs; Ky Warehouse \$690.33 smcs; Ky Winlectric \$54.81 smcs,co; Ky Winnelson \$1,063.26 smcs,co; Ky Yamaha \$282.27 smcs; Kelly Supply \$291.43 smcs; Killion Motors \$29.37 smcs; Kindle \$20.98 smcs; Kirkover,A \$11.40 smcs; Kmart \$17.11 smcs; Knox Company \$3,687.00 smcs; Konica Minolta \$488.03 smcs; Kowalek,G \$22.41 smcs; Kully Co \$105.54 smcs; Law Enforcement Assn \$260.95 smcs; Lawn Builders \$139.78 smcs; Lawson Products \$123.16 smcs; League of NE Municipalities \$348.00 smcs; Library and Educational Serv \$492.31 smcs; Lifeguard Store \$1,069.75 smcs; Lind Electronics \$431.60 smcs; Linweld \$303.76 smcs; Lips Printing \$18.75 smcs; Lockmobile \$25.50 smcs; Lopez,C \$20.99 smcs; LVNV Funding \$111.84 ps; Lynaugh,J \$14.00 smcs; Magic Cleaning \$1,660.00 smcs; Mail Express \$482.20 smcs,co; Marlatt Machine Shop \$1,716.01 smcs,co; Martin Apparatus \$2,600.00 smcs; McMaster-Carr \$464.89 smcs; McMurray Hatchery \$61.13 smcs; Mead Lumber \$7.90 smcs; Menards \$4,117.62 smcs,co; Metlife \$6,342.26 ps; Mid Peterson Meal Program \$203.00 smcs; Midland Molding \$55.00 smcs; Midlands Contracting \$311,976.80 co; Midway Chevrolet \$75.77 smcs; Midwest Striping \$13,880.00 smcs; Miller & Associates \$89,814.41 co; Miller Signs \$205.00 smcs; Mims,G \$46.47 smcs; Mine Safety Appliance \$4,093.30 smcs; Misko Sports \$97.98 smcs; Moonlight Embroidery \$993.50 smcs; Mueller Pool N Darts \$25.04 smcs; Municipal Supply \$57.41 smcs; Napa All Makes \$998.19 smcs; Nashville Wraps \$600.00 smcs; National Biz Furniture \$71.80 co; NCS Equipment \$56.49 smcs; NE Child Support \$2,339.82 ps; NE Dept of Revenue \$71,252.79 smcs,ps; NE Dept of Roads \$11,544.96 co; NE Law Enforcement \$100.00 smcs; NE Library Comm \$6,120.00 smcs; NE Safety & Fire \$150.00 smcs; NE Truck Center \$293.14 smcs; NEland Distributors \$1,353.07 smcs; NeFSMA \$40.00 smcs; Neopost \$7,000.00 smcs; Newegg \$152.98 co; Newman Signs \$812.96 smcs; NMC \$64,607.87 smcs; Northgate Veterinary \$195.00 smcs; Northwest Electric \$1,490.22 smcs; Northwestern Energy \$22,885.44 smcs,co; NRPA \$105.00 smcs; NSA \$2,322.00 smcs; Office Depot \$133.48 smcs; Office Max \$731.85 smcs; Officenet \$1,181.30 smcs,co; Ogden Publications \$14.95 smcs; O'Keefe Elevator \$165.00 smcs; OMB's Express Police \$275.98 co; O'Neill Wood Resources \$4,612.50 smcs; O'Reilly Auto \$1,765.77 smcs; Oriental Trading \$341.91 smcs; Orscheln \$691.91 smcs; Oshkosh \$194.41 smcs; Overhead Door \$65.00 smcs; Owl Systems \$240.97 smcs; Oxford University Press \$525.71 smcs; Paramount Linen \$94.99 smcs; Party America \$48.73 smcs; Payflex Systems \$535.50 smcs,ps; Paypal \$679.38 smcs; PCBay \$621.84 co; Peerless Machine \$2,809.62 co; Pegler-Sysco \$56.70 smcs; Pen Fire Engineering \$29.95 smcs; Pioneer Revere \$218.00 smcs; Platte Valley Comm \$473.58 smcs; Powell,J \$34.84 smcs; Presto-X \$142.80 smcs; Pro-Tint \$800.35 smcs; Provantage Corp \$4,377.04 smcs,co; Pulliam,R \$109.00 smcs; Qualls,B \$11.90 smcs; Quill \$155.38 smcs; Radioshack \$29.99 smcs; Rainbow Racing \$137.25 smcs; Random House \$6.00 smcs; Reams \$2,492.94 smcs,co; Recognition Unlimited \$112.75 smcs,ps; Recorded Books \$1,089.31 smcs; Recreonics \$68.65 smcs; REI Fire Rescue \$41.95 smcs; Reineke,B \$40.00 ps; Reinke's Heating \$3,010.00 smcs; Relay Specialties \$144.79 smcs; Rhode Island Novelty \$110.75 smcs; Ritterbush,L \$30.00 smcs; RKI Instruments \$356.60 smcs; RNDC-Eagle Div \$264.66 smcs; RNDC-Falcon Div \$158.00 smcs; Roberts,B \$35.16 smcs; S&S Worldwide \$370.21 smcs; Sahling Kenworth \$1,237.17 smcs; Salem Press \$827.00 smcs; Sam's Club Direct \$3,080.46 smcs; Sanitation Products \$228.18 smcs; Sapp Brothers \$22,222.04 smcs; Sara Lee Bakery \$237.90 smcs; Savko Plastic Pipe \$39.75 smcs; Schnase,L \$31.82 smcs; Sears Dealer \$14.99 smcs; Shank,J \$44.88 smcs; Shaw,J \$11.41 smcs; Shell Oil \$171.51 smcs; Sherwin Williams \$244.00 smcs; Shoplet \$47.35 smcs; SHRM \$160.00 smcs; Sign Center \$433.60 smcs; Snappy

Popcorn \$713.00 smcs; Snow,T \$110.00 smcs,co; Softchoice \$2,946.80 co; Spencer,W \$69.00 smcs; Sport Supply Group \$107.38 smcs; SSI School Specialty \$94.74 smcs; Stanley Security Solutions \$387.51 co; Staples Direct \$549.96 smcs; St of NE/AS Finance \$3,939.87 smcs,co; Steinbrinks Landscaping \$711.62 smcs; Sterling Distributing \$280.32 smcs; Straatman,V \$300.00 smcs; Sun Life Financial \$38,703.81 smcs; Sunmart \$67.94 smcs; Supercircuits \$3,046.70 smcs; Superior Signals \$75.10 smcs; Sutphen Corp \$105.00 smcs; Sydow,J \$40.00 smcs; Target \$472.76 smcs; Theis,J \$90.00 smcs; Titleist \$6,048.67 smcs; Toyne \$383.90 smcs; Tractor-Supply \$1,383.71 smcs; Tri City Outdoor Power \$509.00 smcs; Turner Body Shop \$75.00 smcs; Tye & Rademacher \$11,762.41 smcs; U-Haul University \$81.11 smcs; UNK Football \$1,527.50 smcs; UNMC Web Revenue \$20.00 smcs; Upbeat \$898.29 co; UPS \$17.67 smcs; Upstart \$12.75 smcs; USA Blue Book \$506.34 smcs; USPS \$351.22 smcs; Van Diest Supply \$1,158.20 smcs; Van Wall Turf \$2,198.72 smcs; Vandersnick,C \$43.87 smcs; Verizon Wireless \$1,389.71 smcs; Vermeer High Plains \$864.79 smcs; Vessco \$57.84 smcs; Village Uniform \$416.25 smcs; W.T. Cox Subscriptions \$9,261.61 smcs; Wal-Mart \$1,284.51 smcs; Water Environment \$176.25 smcs; We Care Tree Care \$500.00 co; West Villa Animal Hospital \$12.15 co; Wilke Donovans \$262.03 smcs,co; William,M \$30.48 smcs; Wilson Irrigation \$33.03 smcs; Wood,E \$37.23 smcs; WP Online Media \$39.00 co; Yant Equipment \$915.10 smcs; Youngs \$132.19 smcs; Yousendit \$109.99 smcs; Zimmerman Printers \$2,181.35 smcs; Payroll Ending 7-3-2010 -- \$370,932.32. 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 recommendation submitted by the Downtown Improvement Board to block off the west six parking stalls on the north row of the parking lot located north of the Museum of Nebraska Art from 9:00 a.m. until 5:00 p.m., Monday through Saturday, beginning July 14, 2010 and ending September 30, 2010 for a produce stand.

4. Approve Change Order No. 2 showing an increase in the amount of \$2,128.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and approve **Resolution No. 2010-134.**

RESOLUTION NO. 2010-134

WHEREAS, JLC, Inc. of York, Nebraska has performed services in connection with the Kearney Public Library Addition & Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$2,128.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$4,548,220.00
Change Order No. 1 (12-22-2009)	- 75,500.00
Change Order No. 2 (7-13-2010)	+ 2,128.00
Contract Sum to Date	<u>\$4,474,848.00</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer and wine in the Museum of Nebraska Art, 2401 Central Avenue, on August 5, 2010 from 6:00 p.m. until 10:00 p.m. for a reception.

6. Approve Amendment No. 1 to the Consultant Agreement between the City of Kearney and Alfred Benesch & Company, formerly HWS Consulting Group, for design and bidding services to include rebidding, construction observation, and material testing services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport (AIP 3-31-0045-23) subject to approval by the F.A.A. and Nebraska Department of Aeronautics and approve **Resolution No. 2010-135**.

RESOLUTION NO. 2010-135

WHEREAS, on February 9, 2010, the City Council passed Resolution No. 2010-26 authorizing the Mayor to execute a Consultant Agreement between the City of Kearney and HWS Consulting Group for design and bidding services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport (AIP 3-31-0045-23); and

WHEREAS, it is mutually agreed between the parties to amend the Consultant Agreement for Services to include rebidding, construction observation, and material testing services.

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 1 to the Consultant Agreement with Alfred Benesch & Company, formerly HWS Consulting Group, for preliminary design and bidding services to include rebidding, construction observation, and material testing services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport being funded under the FAA Airport Improvement Program (AIP 3-31-0045-23).

PASSED AND APPROVED THIS 13TH DAY OF JULY, 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 Downtown Improvement Board to block off the west side of Central Avenue from Railroad Street to 22nd Street, and the parking stalls on the west and east sides of Central Avenue from 22nd Street to 23rd Street in Off-Street Parking District No. 1 on July 22, 2010 from 8:00 a.m. until 8:00 p.m. and on July 23 and 24, 2010 from 8:00 a.m. until 6:00 p.m. for Sidewalks Sales.

8. Approve the application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in an area what is known as the "Outside Arena" and beer garden which is located north of the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 30 and August 1, 2010 from 12:00 p.m. until 12:00 a.m., and on July 31, 2010 from 9:00 a.m. until 12:00 a.m. for the Buffalo County Fair.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7601 – ADOPT 2008 NATIONAL ELECTRICAL CODE

The Nebraska State Electrical Division of the State of Nebraska regulates the installation of electrical devices and equipment in Nebraska. The State Board periodically reviews, approves and adopts the most recent addition of the National Electrical Code (NEC) for use throughout the State. Effective July 12, 2010, the 2008 edition of the National Electrical Code becomes the official code of record for the installation and regulation of all electrical work in the State of Nebraska. All municipalities in the State of Nebraska that inspect and regulate the installation of any electrical equipment are required to adopt the same edition of the NEC.

Council Member Kearney introduced Ordinance No. 7601, being Subsection 1 of Agenda Item V amending Section 9-734 "Electrical Code; Adopted, Section 9-736.1 "Service Masts as Supports", and Section 9-753 "Section 403-12. Amended; Motor Disconnect, Location" all in Article 7 "Electricity" of Chapter 9 "Public Works" to adopt the 2008 National Electrical Code, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. 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. 7601 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Buschkoetter that Ordinance No. 7601 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7601 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. 7602 – RENAME 60TH STREET TO SPRUCE HOLLOW BOULEVARD

This Ordinance is a follow up to an earlier presentation by the developer of the Spruce Hollow Estates Subdivisions. Spruce Hollow Estates Fifth Addition was recently presented at a Council meeting and it is the area where the new elementary school will be built in north Kearney. As a part of this process, the developer came to the conclusion that 60th Street should be renamed to Spruce Hollow Boulevard. In consulting with law enforcement personnel, it was decided that it would be easier to rename the street in this fashion so that addresses could be easily identified for emergency response purposes in this area. Therefore, this Ordinance is necessary to rename 60th Street to that of Spruce Hollow Boulevard which is located within Spruce Hollow Estates Second Addition. This will conform to naming of the street on the final plat for Spruce Hollow Estates Fifth Addition.

Council Member Kearney introduced Ordinance No. 7602, being Subsection 2 of Agenda Item V renaming and redesignating “60th Street” from the west line of 4th Avenue westerly to the west boundary line of Spruce Hollow Estates Second Addition to “Spruce Hollow Boulevard”, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. 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. 7602 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Buschkoetter that Ordinance No. 7602 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7602 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

ORDINANCE NO. 7603 – REZONE NORTHEAST CORNER OF THE INTERSECTION OF HIGHWAY 44 AND HIGHWAY 50A (PERTAINS TO PUBLIC HEARING 3)

Because the applicant withdrew the application 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 the West Half of the Southwest Quarter of Section 24, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (northeast corner of the intersection of Highway 44 and Highway 50A), Ordinance No. 7603 becomes null and void. Therefore, no action was taken.

ORDINANCE NO. 7604 – GOOD SAMARITAN HOSPITAL, VACATE ALLEY AND 32ND STREET (PERTAINS TO PUBLIC HEARING 7)

Council Member Buschkoetter introduced Ordinance No. 7604, being Subsection 2 of Agenda Item VI vacating a 20-foot wide alley from the east right-of-way line of 2nd Avenue to the east line of Lots 13 and 24 extended, Cottage Place Subdivision, also being the west line of Lot 2, Northwest Quarter School Section Addition, and part of 32nd Street from the east right-of-way line of Keiss Lane east to the west line of Lot 1 of Block 1, Good Samaritan Second Subdivision to the City of Kearney, Buffalo County, Nebraska, 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, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. 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. 7604 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7604 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7604 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. 7605 – VACATE PORTIONS OF GOOD SAMARITAN SECOND SUBDIVISION, COTTAGE PLACE SUBDIVISION, RAGAIN'S SUBDIVISION, NORTHWEST SCHOOL SECTION ADDITION, BERGT AND KEISS SUBDIVISION (PERTAINS TO PUBLIC HEARING 7)

Council Member Buschkoetter introduced Ordinance No. 7605, being Subsection 3 of Agenda Item VI vacating Lot 1 of Block 1, Lot 1 of Block 2, Lot 1 of Block 3, Good Samaritan Second Subdivision; Lots 13 through 24 inclusive, Cottage Place Subdivision; part of Lot 4, all of Lots 5 and 6, Ragain's Subdivision; part of Lot 3, all of Lots 4 and 5, part of Lot 7, all of Lot 8 and part of Lot 9, Bergt and Keiss Subdivision; part of Lot 2 and part of Lot 38, Northwest Quarter of School Section Addition, all in the

City of Kearney, Buffalo County, Nebraska, 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, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. 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. 7605 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7605 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7605 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. 7606 – REZONING NEAR AND AROUND 10 EAST 31ST STREET
(PERTAINS TO PUBLIC HEARING 7)**

Council Member Buschkoetter introduced Ordinance No. 7606, being Subsection 4 of Agenda Item VI rezoning from District UC, Mixed Use Urban Corridor District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 15 through 24 inclusive, Cottage Place Subdivision; to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as all of Lot 578 of Southwest Quarter School Section Addition and that portion of vacated 1st Avenue as deeded in Warranty Deed 2006-5543 and more particularly described as that part of Lot 2, Northwest Quarter of School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 2, part of Lot 38, Northwest Quarter School Section Addition; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lots 3, 7, 8, 9, all of Lots 4 and 5, Bergt & Keiss Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as part of Lot 4 and all of Lots 5 and 6, Ragain's Subdivision; to rezone from District C-O, Office District to District C-O/PD, Office/Planned Development Overlay District for a tract of land described as Lots 13 and 14, Cottage Place Subdivision, all in the City of Kearney, Buffalo County, Nebraska, 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, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. 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. 7606 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7606 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7606 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

OPEN ACCOUNT CLAIMS: PLATTE VALLEY STATE BANK - \$48,163.06

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$48,163.06 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Kearney, Buschkoetter, Lammers. Nay: None. Clouse abstained and Lear absent. Motion carried.

VII. REPORTS

PRESENTATION ON NEW AERIAL MAP

GIS Coordinator Michele Hill made a presentation to the Council on the new aerial map of the Kearney vicinity. This is available on the City's web page.

STATEMENT FROM DON KEARNEY

Council member Kearney read the following statement:

I read, with interest, the salary freeze for firefighters in Grand Island in this morning's World Herald. Our City's management has been working on our budget for October 1, 2010 to September 30, 2011 since early spring. Kearney, as many municipalities, faces difficulties with the economy. We have projected, for the first time, a flat sales tax based on the past year. We are faced with 27 pay periods versus 26 pay periods for the past six years. Health insurance costs will rise this coming year. We have had a substantial decline in investment income because of the current rate scenario. Our costs to maintain the Peterson Senior Activity Center have increased \$222,746. The Council has requested that our budget for the upcoming year not increase our mill levy. This has placed our management in a very difficult situation. Mike Morgan, our City Manager, met with the Kearney City Employee Council in May to discuss the

budget issues for the coming year. The City Council was advised that the meeting "was a very positive discussion with employees supporting the idea of no cost of living increases for next year. They expressed concern for citizens and wanted to do their part to keep costs down." Mike Morgan expressed pride in our employees, as we all should. Kearney operates on a low mill levy compared to other 1st class cities in Nebraska. We have been the 2nd lowest for the past several years and have not raised our mill levy for those two years. Kearney's mill levy is considerably less than our neighboring 1st class cities. We have been presented with a recommended budget for the 2010-2011 fiscal year that has not increased our mill levy. This is due to great efforts by our City management and the City's employees. We did this without fanfare. I remain proud to be a member of the City Council and remain proud of Mike Morgan, his staff and all the City employees.

CLOSED SESSION

Moved by Clouse seconded by Kearney that Council adjourn into closed session at 8:16 p.m. for the protection of the public interest to discuss real estate matters and the City Manager's annual performance evaluation. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters and the City Manager's annual performance evaluation. 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 at this time.

Moved by Clouse seconded by Buschkoetter that Council reconvene in regular session at 8:43 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Kearney absent. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 8:43 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Kearney absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**