

***Kearney, Nebraska  
August 23, 2011  
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 August 23, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, and Bob Lammers. Absent: Don Kearney. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Bobbi Pettit, Assistant Development Services Director were also present. Some of the citizens present in the audience included: Bill Blake, Randall Stones, Cynthia Stones, Lynne Heiden, Craig Bennett, 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**

One Boy Scout from Troop 158 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted towards the back of the Council Chambers.

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

### **CONDITIONAL USE PERMIT TO RANDALL STONES; 404 EAST 56TH STREET**

Mayor Clouse stated the applicant has again requested to postpone the public hearing on the Application submitted by Randall Stones for a Conditional Use Permit to locate a facility for veterinary services for both large and small animals on property located at 404 East 56th Street.

Moved by Lammers seconded by Lear to postpone until September 13, 2011 the hearing on the Application submitted by Randall Stones for a Conditional Use Permit to locate a facility for veterinary services for both large and small animals on property located at 404 East 56th Street. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

### **III. PUBLIC HEARINGS**

#### **ANNEXATION AND ORDINANCE NO. 7663 FOR PROPERTY LOCATED AT 1316 WEST 11TH STREET; CRAIG AND CHRISTY WEGNER**

Mayor Clouse stated that Public Hearings 1, 2 and 3 can be discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed annexation of the following tract of land to be included within the corporate limits: part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1316 West 11th Street) and to consider placing Ordinance No. 7663 of first reading.

City Attorney Michael Tye presented this matter to the Council. The City has been investigating areas of the community that for one reason or another have not been annexed but are eligible for annexation. Most commonly, property is annexed into the corporate limits of the City through the subdivision process as the Final Plat for subdivided property contiguous to the corporate limits is filed at the Register of Deeds Office as "an addition to the City of Kearney, Buffalo County, Nebraska." The City is then obligated to serve the property with municipal services within twelve months if the services are requested.

The second way to annex property is by agreement. The City received an agreement from Craig and Christy Wegner favoring the annexation of their property located at 1316 West 11th Street. The City also received an agreement from O & O Farms favoring annexation of their property located at Avenue M and the North Channel of the Platte River. The City is also annexing its property known as the Avenue M Lift Station located at the North Channel of the Platte River and Avenue M. All three parcels are or can be served with municipal services. The Council accepted the agreements on June 14, 2011.

In accordance with Section 19-929 of the Nebraska Statutes, "the municipal governing body shall not take final action on matters relating to...the annexation of territory...until it has received the recommendation of the planning commission if such commission in fact has been created and is existent." The Planning Commission considered the

proposed annexation at a public hearing held on July 22, 2011 and was approved. There were no members of the public that testified at said hearing.

In accordance with Section 16-117 of the Nebraska Revised Statutes, the City Council, on August 9, 2011, passed a resolution stating its intent to annex, approved an annexation plan, and set the public hearing for comment on the proposed annexations before the City Council for August 23. The Council will receive comments from the public with regard to the annexations.

The ordinances annexing the three parcels of property are also required. Most generally, the City Council always suspends the rules requiring the reading on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." Therefore, we will have the first reading of the ordinance by title on August 23, the second reading on September 13 and the third and final reading on September 27.

Moved by Lear seconded by Buschkoetter to close the hearing on annexing a tract of land to be included within the corporate limits: part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1316 West 11th Street), and moved and seconded that Ordinance No. 7663 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7663 on its first reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. City Clerk read Ordinance No. 7663 by title on first reading.

**ANNEXATION AND ORDINANCE NO. 7664 FOR PROPERTY LOCATED AT AVENUE M AND THE NORTH CHANNEL OF THE PLATTE RIVER; O & O FARMS**

Mayor Clouse stated that Public Hearings 1, 2 and 3 can be discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed annexation of the following tract of land to be included within the corporate limits: part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River) and to consider placing Ordinance No. 7664 on first reading.

The City has been investigating areas of the community that for one reason or another have not been annexed but are eligible for annexation. Most commonly, property is annexed into the corporate limits of the City through the subdivision process as the Final Plat for subdivided property contiguous to the corporate limits is filed at the Register of Deeds Office as "an addition to the City of Kearney, Buffalo County, Nebraska." The City is then obligated to serve the property with municipal services within twelve months if the services are requested.

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There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing on annexing a tract of land to be included within the corporate limits: part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River), and moved and seconded that Ordinance No. 7664 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7664 on its first reading. 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, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. City Clerk read Ordinance No. 7664 by title on first reading.

**ANNEXATION AND ORDINANCE NO. 7665 FOR PROPERTY LOCATED AT THE NORTH CHANNEL OF THE PLATTE RIVER AND AVENUE M; AVENUE M LIFT STATION PROPERTY**

Mayor Clouse stated that Public Hearings 1, 2 and 3 can be discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed annexation of the following tract of land to be included within the corporate limits: land located in the Southwest Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (North Channel of the Platte River and Avenue M) and consider placing Ordinance No. 7665 on first reading.

The City has been investigating areas of the community that for one reason or another have not been annexed but are eligible for annexation. Most commonly, property is annexed into the corporate limits of the City through the subdivision process as the Final Plat for subdivided property contiguous to the corporate limits is filed at the Register of Deeds Office as "an addition to the City of Kearney, Buffalo County, Nebraska." The City is then obligated to serve the property with municipal services within twelve months if the services are requested.

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There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing on annexing a tract of land to be included within the corporate limits: land located in the Southwest Quarter of

Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (North Channel of the Platte River and Avenue M), and moved and seconded that Ordinance No. 7665 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7665 on its first reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. City Clerk read Ordinance No. 7665 by title on first reading.

#### **IV. CONSENT AGENDA**

Mayor Clouse stated that the agenda was amended on Monday to include Subsection 15 of the Consent Agenda to consider an application for an SDL submitted by El Tropico.

Moved by Lammers seconded by Lear that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 9, 2011.

2. Approve the following Claims:

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

AT&T \$200.98 smcs; Ace Hardware \$27.98 smcs; Agri Coop \$12,957.68 smcs; Air Delights \$163.94 smcs; Airgas North Central \$110.16 smcs; Alamar Uniforms \$281.15 smcs; Alfred Benesch \$2,098.55 smcs; Al-Jon Mfg \$100.57 smcs; All Makes Auto \$1,100.85 smcs; Almquist,R \$200.00 smcs; Amax Contracting \$429.32 co; Amazon \$1,510.75 smcs,co; American \$133.39 smcs; Amer Airlines \$293.40 smcs; Amer Library Assn \$305.00 smcs; Amer Planning Assn \$1,000.00 smcs; Amer Red Cross \$20.00 smcs; Amsan \$1,172.76 smcs; Analytical Services \$725.00 smcs; Anderson,D \$123.05 co; Apple Market \$9.25 smcs; ARC Services \$2,485.00 smcs; Ashbrooks \$255.97 smcs; Ask Supply \$971.53 smcs; Audio Go \$191.94 smcs; Aurora Coop \$27.20 smcs; B.A.B. \$13,000.65 co; Baird Holm \$7,012.50 smcs; Baker & Taylor Books \$4,900.47 smcs; Baltic Networks \$1,590.00 co; Bells Curb Grinding \$1,810.00 co; Beverly Hills Electric \$49.60 smcs; Big Dally's Deli \$372.88 smcs; Bilau,N \$12.81 smcs; Bluecross Blueshield \$100,612.28 smcs; Bobs Super Stores \$143.13 smcs; Boogaarts \$12.66 smcs; Bosselman \$41,334.76 smcs; Boys & Girls Home of NE \$53.18 smcs; Broadfoot's \$2,077.00 smcs,co; Bruce Furniture \$60.00 co; Bruha,S \$33.66 smcs; Buffalo Co Historical \$39.57 smcs; Buffalo Co Reg Deeds \$96.00 smcs; Buffalo Co Treasurer \$20.00 co; Buffalo Outdoor Power \$256.94 smcs; Builders Warehouse \$7,674.82 smcs,co; Buzz's Marine Supply \$8.99 smcs; Cabela's \$121.93 smcs; Capps,S \$37.68 smcs; Carlson,J \$37.04 smcs; Carquest \$1,764.49 smcs; Casey's \$337.63 smcs; Cash Wa Distributing \$10,715.21 smcs; Cat5ecableguycom \$160.98 co; CDW Government \$944.01 smcs; Center Point Large Print \$86.98 smcs; Central

Hydraulic System \$141.51 smcs; Central NE Bobcat \$87.96 smcs; CH Diagnostic \$565.00 smcs; Charter \$249.98 smcs; Chesterman \$2,036.54 smcs; Chief Supply \$118.44 smcs; City of Ky \$22,223.94 smcs,ps,co; Clean Vehicle Education \$60.00 smcs; Cold Spring Granite \$162.90 smcs; Colling,G \$400.00 co; Come and Get It \$100.05 smcs; Complete Filtrations \$33.94 smcs; Connelly Industrial \$323.55 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$69.99 smcs,co; Copycat Printing \$541.28 smcs; Cornhusker State Industries \$3,040.00 co; CPS \$162.00 smcs; Crane River Theater \$2,037.00 smcs; Crane Sales \$209.04 smcs; Credit Management Services \$180.00 smcs; Crop Production Services \$135.50 smcs; Crossroads Ford \$519.34 smcs; Crown Award \$425.70 smcs; Culligan \$83.50 smcs; Cummins Central Power \$1,212.21 smcs; D&S Lighting \$684.18 smcs; Davis Equipment \$127.54 smcs; Dawson Co PPD \$38,288.18 smcs; Daylight Donuts \$99.10 smcs; Dell \$2,956.02 smcs,co; Demco \$402.30 smcs; Deterdings \$1,209.36 smcs; DGI \$274.99 smcs; DHHS Licensure Unit \$110.00 smcs; Dish Network \$60.14 smcs; Diversified Products \$265.50 co; Dmilaco Sports \$125.00 ps; Dobish,C \$25.02 smcs; Dorris,G \$145.00 smcs; Dowhy Towing \$75.00 smcs; Dugan Business Forms \$449.59 smcs; Eakes \$1,220.84 smcs; Ebsco \$3,005.00 smcs; Ed M. Feld Equipment \$6,665.21 smcs; Eileen's Cookies \$24.85 smcs; Elliott Equipment \$226,849.00 co; EMC Ins \$2,229.11 smcs; Enterprise \$804.09 smcs; Express Parcs \$3.00 smcs; Expression Wear \$256.00 smcs; Fairbanks \$212.67 smcs; Fastenal \$182.78 smcs; Fedex \$94.66 smcs; Feese,G \$36.15 co; Felsburg Holt & Ullevig \$1,680.00 smcs; Fiddelke \$208.18 smcs; Fire Rescue \$43.00 smcs; Fireguard \$350.76 smcs; Firehouse \$153.70 smcs; Fleetpride \$856.84 smcs; Frontier \$8,524.36 smcs; Frontier Airlines \$466.80 smcs; Fyr-Tek \$107.11 smcs; G.Neil \$684.81 smcs; Gale \$447.84 smcs; Garrett Tires \$2,354.85 smcs; Golden Spike Tower \$120.00 smcs; Graham Tire \$924.50 smcs; Grainger \$1,084.60 smcs; GI Independent \$500.00 smcs; Great Plains One Call \$368.75 smcs; Great Plains Safety \$250.00 smcs; Grey House Publishing \$216.05 smcs; Grint,K \$103.13 smcs; H&H Distributing \$685.35 smcs; Hach Co \$116.33 smcs; Harley Davidson \$37.80 smcs; HD Supply \$6,359.40 smcs; Highsmith \$1,863.00 smcs; Hilti \$606.84 co; HOA Solutions \$6,580.68 smcs; Hobby Lobby \$275.82 smcs; Holmes Plumbing \$2,899.52 smcs,co; Hometown Leasing \$237.20 co; HSBC Bank Nevada \$325.44 ps; ICMA \$4,490.46 smcs,ps; Industriale \$33.20 smcs; Inland Truck Parts \$427.01 smcs; IRS \$112,533.05 ps; Intl Public Mgmt \$360.00 smcs; J&M Displays \$9,000.00 smcs; Jack Lederman \$209.48 smcs; James,D \$2,085.69 smcs; JLC \$125,958.00 co; John Deere Landscapes \$94.86 smcs; Johnson Controls \$912.03 smcs; K&F Associates \$502.00 smcs; K&K Parts \$1,260.51 smcs; Ky Ampride \$125.00 smcs; Ky Arts Council \$1,650.00 smcs; Ky Clinic \$272.00 smcs,ps; Ky Concrete \$31,334.19 smcs,co; Ky Crete & Block \$1,680.87 smcs,co; Ky Hub \$2,344.02 smcs; Ky Humane Society \$6,825.00 smcs; Ky Implement \$1,050.92 smcs; Ky Tire & Auto \$253.73 smcs; Ky Towing \$750.00 smcs; Ky Warehouse \$6,920.12 smcs; Ky Winlectric \$403.97 smcs; Ky Winnelson \$21.19 smcs; Kelly Supply \$216.00 smcs; Kennedy,J \$385.00 smcs; Kindle \$20.98 smcs; Klimek,H \$95.00 smcs; Kmart \$59.59 smcs; Konica Minolta \$119.36 smcs; Kully \$58.26 smcs; Label Graphics \$173.12 smcs; Lacrosse Web \$115.56 smcs; Lawson Products \$1,025.57 smcs; Lindner,S \$39.41 smcs; Linweld \$247.35 smcs; Lockmobile \$84.80 smcs; M.A.S.A. Sports \$66.95 smcs; Magic Cleaning \$2,850.00 smcs; Mail Express \$90.74 smcs; Main Event \$225.00 smcs; Markson Lab Sales \$137.00 smcs; Marlatt Machine Shop \$281.41 smcs; Martin Apparatus \$2,517.63 smcs; Martin,D \$29.77 smcs; Masters Leasing \$245.00 smcs; Matheson Tri-Gas \$65.67 smcs; McCarty,D \$17.92 smcs; McCulley,T \$13.50 smcs; McMaster-Carr \$496.33 smcs; McPherron,M \$47.33 smcs; MDI \$4,197.91 smcs;

Menards \$4,270.39 smcs,co; Merryman Performing \$257.00 smcs; Mete,B \$24.42 smcs; Metlife \$14.70 ps; Midlands Telecom \$2,102.84 co; Mid-State Units \$160.00 smcs; Midway Chevrolet \$57.36 smcs; Midwest Laboratories \$4,750.00 smcs; Midwest Striping \$500.00 smcs; Midwest Turf \$165.45 smcs; Minitex \$2,841.00 smcs; Misko's Sports \$102.96 smcs; Mitchell Repair \$1,608.00 smcs; Montgomery,D \$10.41 smcs; Moonlight Embroidery \$321.50 smcs; Motion Picture Licensing \$208.00 smcs; Municipal Supply \$17.72 smcs; Musil,B \$20.84 smcs; Napa All Makes \$381.19 smcs; NCOA \$145.00 smcs; NE Child Support \$2,861.15 ps; NE Dept of Aeronautics \$370.00 ds; NE Dept of Motor Vehicles \$6.50 smcs; NE Library Commission \$2,618.70 smcs; NE Notary Assn \$154.23 smcs; NE Public Health \$97.00 smcs; NE State Historical Society \$3,647.00 smcs; NE Truck Center \$857.35 smcs; NEland Distributors \$626.29 smcs; Newegg \$130.04 smcs; NMC Exchange \$3,736.13 smcs,co; Noller Electric \$149.78 smcs; Norm's Plumbing \$2,315.71 smcs; Northwest Electric \$533.75 smcs; Northwestern Energy \$2,116.20 smcs; Oberg,K \$16.73 smcs; OCLC \$633.11 smcs; Office Depot \$200.77 smcs; OfficeMax \$1,674.05 smcs,co; Officenet \$474.25 smcs,co; O'Hara,P \$33.51 smcs; O'Reilly Automotive \$110.79 smcs; Orscheln \$670.88 smcs; Ostrand,N \$35.00 smcs; Paramount \$43.12 smcs; Paulsen \$77,269.50 co; Paypal \$1,613.81 smcs,co; Payton,D \$15.10 smcs; Peerless Machine \$3,316.50 smcs; Pet Pick Ups \$542.65 smcs; PGA Member Info \$942.00 smcs; Pitney Bowes \$750.00 smcs; Platte Valley Comm \$1,010.01 smcs; Platte Valley Medical Group \$506.00 smcs; Precision Printing \$404.50 smcs; Presto-X \$243.00 smcs; Provantage \$662.55 smcs,co; Quill \$114.61 smcs; Radioshack \$2.99 smcs; Random House \$110.00 smcs; Ready Mixed Concrete \$6,600.75 co; Reams \$1,764.26 smcs,co; Recorded Books \$573.11 smcs; Relectric \$838.84 smcs; Research Technology \$49.95 smcs; Rheome Tree \$275.00 smcs; Rick's Sod Farm \$769.50 co; Riverdale Ready Mix \$50.00 co; RNDC-Eagle Division \$363.10 smcs; RNDC-Falcon Division \$158.00 smcs; Rockey Co \$240.00 smcs; Salem Press \$316.00 smcs; Sanitation Products \$2,381.41 smcs; Schmitt,D \$31.00 smcs; Scholastic \$25.00 smcs; Schwans \$2,740.80 smcs; Scooter's Coffeehouse \$25.00 smcs; Sherwin Williams \$2.59 smcs; Shop EZ \$36.68 smcs; Smarhome \$78.15 co; Society Human Resources \$180.00 smcs; Softchoice \$736.70 co; Solid Waste Equipment \$3,953.56 smcs; SOS Portable Toilets \$106.25 smcs; SPS VAR \$11,530.00 co; Stanley Security \$1,589.00 smcs; Steinbrink's Landscaping \$12,155.94 smcs,co; Steinbrook,S \$1,904.00 smcs; Sterling Distributing \$400.30 smcs; Strauss,B \$18.44 smcs; Sungard Public Sector \$53,380.00 smcs; Sunmart \$26.90 smcs; Target \$122.47 smcs; Taylor,J \$225.00 smcs; Theis,J \$90.00 smcs; Thirsty's \$384.13 smcs; Thompson Co \$170.42 smcs; Thompson,J \$6.00 smcs; Tiger Direct \$2,079.61 smcs,co; Tractor-Supply \$757.95 smcs; Transact Technologies \$91.09 smcs; Travelocity \$24.95 smcs; Tri City Outdoor \$141.10 smcs; Turner Body Shop \$2,180.30 smcs; Tutti Frutti \$21.53 smcs; Underground Construction \$1,300.00 co; Unique Management \$366.95 smcs; United Air \$444.90 smcs; USA Blue Book \$235.62 smcs; USPS \$73.50 smcs; Van Diest Supply \$4,752.89 smcs; Verizon \$60.07 smcs; Walgreens \$63.56 smcs; Walmart \$1,846.31 smcs; Wastecorp Pumps \$1,031.46 smcs; Weis Fire & Safety \$375.00 smcs; West Payment Center \$1,387.00 smcs; Wiegand Security Service \$85.00 smcs; Wilke Donovans \$649.66 smcs; Wilkins Hinrichs Stober \$6,428.35 co; Williams,M \$39.41 smcs; Williamson,A \$24.26 smcs; Wilson,C \$209.35 co; Witttek Golf Supply \$973.94 smcs; WPCI \$53.50 ps; Young's \$40.79 smcs; Z Wireless \$32.09 smcs; Payroll Ending 8-13-2011 -- \$369,575.15. 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. Receive recommendations of Planning Commission and set September 13, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.
- 4. Approve the final allocation of levy authority in the amount of \$147,900 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2011-2012 and the final allocation of levy authority in the amount of \$43,647.57 for Offstreet Parking District No. 1 for fiscal year 2011-2012 and adopt **Resolution No. 2011-103**.

**RESOLUTION NO. 2011-103**

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 13, 2011, a preliminary request for levy allocation in the amount of \$147,900.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 20, 2011, a preliminary request for levy allocation in the amount of \$43,647.57; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$147,900.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2011 and a final allocation of levy authority of \$43,647.57 is hereby approved for Offstreet Parking District No. 1 for 2011.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2011, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

- 5. Reject the bid received for the Terminal Apron Sealcoat, Runway 13/31 Repairs and Airfield Marking Project at the Kearney Regional Airport.

6. Accept the bid received by approve RDG Planning & Design for planning consultant services to prepare a Downtown Revitalization Study and Plan and authorize the City Manager to execute the Contract and other grant related documents and adopt **Resolution No. 2011-104.**

**RESOLUTION NO. 2011-104**

WHEREAS, the City of Kearney has been awarded a downtown revitalization grant from the Nebraska Department of Economic Development (DED) in the amount of \$350,000 to fund downtown improvement projects; and

WHEREAS, prior to receiving the funds, the City of Kearney must first create a downtown revitalization plan; and

WHEREAS, the City received proposals and on August 4, 2011 interviewed four planning consultants; and

WHEREAS, the City has recommended the consulting firm of RDG Planning & Design to prepare a Downtown Revitalization Plan; and

WHEREAS, DED is providing \$30,000 for completion of the plan and the City is providing matching funds in the amount of \$9,300.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Professional Service/Consultant Agreement between the City of Kearney and RDG Planning & Design as the planning consultant to prepare a Downtown Revitalization Plan under the Downtown Revitalization Grant program from the Nebraska Department of Economic Development, as set forth in the Agreement. The said Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute all other grant related documents regarding this project.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve the recommendation submitted by the Downtown Improvement Board to temporarily block off Central Avenue from Railroad Street to 24th Street, with the exception of the intersection of 22nd Street and Central Avenue, on August 25, 2011 from 12:00 p.m. until 12:00 a.m. for "Destination Downtown" and that the street be cleared of parked vehicles.

8. Approve the recommendation submitted by the Downtown Improvement Board to temporarily block off 23rd Street from 1st Avenue to Avenue A on September 22, 2011 from 12:30 p.m. until 10:30 p.m. for Main Street Kearney Harvest Festival.

9. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 4, 2011 from 6:00 p.m. until 12:00 a.m. for a dance.

10. Approve the recommendation from the Development Services Division on the annual renewal of the manufactured home court license for Cottonmill Mobile Home Court, 3635 Cottonmill Avenue until May 31, 2012.

11. Approve Application and Certificate for Payment No. 1 in the amount of \$184,835.55 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2011 Part 2 Improvements consisting of Paving Improvement District No. 2010-942 for 18th Street from 8th Avenue to 9th Avenue; and Paving Improvement District No. 2010-943 for 7th Avenue from 18th Street to 19th Street and adopt **Resolution No. 2011-105.**

**RESOLUTION NO. 2011-105**

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2010 Part 7 Improvements consisting of Paving Improvement District No. 2010-942 for 18th Street from 8th Avenue to 9th Avenue; and Paving Improvement District No. 2010-943 for 7th Avenue from 18th Street to 19th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$184,835.55, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$238,775.00
Contract Sum To Date	238,775.00
Gross Amount Due	188,607.70
Retainage	3,772.15
Amount Due to Date	184,835.55
Less Previous Certificates for Payment	<u>.40</u>
Current Payment Due	\$184,835.55

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

12. Approve Change Order No. 1 showing a decrease in the amount of \$858.60, Application and Certificate for Payment No. 1-Final in the amount of \$92,923.40, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2010 Part 7 Improvements consisting of Paving Improvement District No. 2010-945 for Central Avenue from the south right-of-way line of 1st Street, thence south to its terminus in a cul-de-sac and adopt **Resolution No. 2011-106.**

**RESOLUTION NO. 2011-106**

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2010 Part 7 Improvements consisting of Paving Improvement District No. 2010-945 for Central Avenue from the south right-of-way line of 1st Street, thence south to its terminus in a cul-de-sac, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$858.60, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$92,923.40, as shown on Exhibit "B", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$93,782.00
Change Order No. 1 (8-23-2011)	- 858.60
Contract Sum to Date	\$92,923.40
Gross Amount Due	\$92,923.40
Less Retainage	.00
Amount Due to Date	\$92,923.40
Less Previous Certificate for Payment	.00
Current Payment Due	<u>\$92,923.40</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 8, 2011, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**13.** Approve the Plans and Specifications for the 2011 Part 5; City Truck Washout Facility and set the bid opening date for September 15, 2011 at 2:00 p.m.

**14.** Approve Application and Certificate for Payment No. 3 in the amount of \$96,096.60 submitted by Paulsen, Inc. and approved by Miller & Associates for the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard and adopt **Resolution No. 2011-107.**

**RESOLUTION NO. 2011-107**

WHEREAS, Paulsen Inc. of Cozad, Nebraska has performed services in connection with the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$96,096.60, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,634,697.50
Contract Sum To Date	1,634,697.50
Gross Amount Due	756,713.00
Retainage	75,671.30
Amount Due to Date	681,041.70
Less Previous Certificates for Payment	<u>584,945.10</u>
Current Payment Due	\$ 96,096.60

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

15. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 17, 2011 from 6:00 p.m. until 1:00 a.m. for a dance.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**AWARD BID FOR WORLD THEATRE CDBG PROJECT**

Mayor Clouse opened for discussion the bids received for the World Theatre CDBG Tourism Development Project and to consider Resolution No. 2011-108 awarding the bid to Central Contracting in the amount of \$451,900.

Assistant Development Services Director presented this matter to the Council. On March 23, 2010 the City Council approved an application for CDBG Tourism

Development Funds to assist the World Theatre Foundation with restoration of the historic World Theatre in Downtown Kearney. In compliance with CDBG guidelines, the City, on behalf of the World Theatre Foundation, contracted with Miller & Associates to develop specifications.

The project will make the building and restrooms handicapped accessible, rebuild the concessions stand, construct a new ticket booth, remodel the stage, install a fire sprinkler system, and other renovations to the interior and exterior of the building.

Sealed bids for this project were received on May 17, 2011 but were rejected as low bid was 60 percent over engineer's estimate. The project was rebid with revised specifications. Sealed bids were received August 10, 2011. The following were the bids received:

Contractor	Base Bid	Completion Date	Alternate 1 Fire Sprinkler	Alternate 2 Plaster Work
Builders Warehouse (materials only)	\$14,990			
Central Contracting, Kearney, NE	\$451,900	180 cal. days	-\$43,000	-\$21,000
JLC, Inc., York, NE	\$459,860	180 days	-\$40,300	-\$5,500
Lacy Construction, Grand Island, NE	\$484,000	160 days	-\$42,000	-\$9,675
Tri Valley Builders, Grand Island, NE	\$499,800	210 days	-\$43000	-\$20,900

The Engineer's Opinion of Probable Construction Cost was \$485,000. The apparent low bidder is Central Contracting Corporation.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2011-108** awarding the bid to Central Contracting in the amount of \$451,900. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

**RESOLUTION NO. 2011-108**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 10, 2011 at 2:00 p.m. for the World Theatre CDBG Tourism Development Project; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$485,000.00 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Central Contracting of Kearney, Nebraska in the sum of \$451,900.00 be accepted as the lowest responsible bid for the World Theatre CDBG Tourism Development Project.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Central Contracting of Kearney, Nebraska be and is the lowest responsible bidder for the World Theatre CDBG Tourism Development Project to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Central Contracting in the sum of \$451,900.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost

in the amount of \$485,000.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**ANNEXATION OF RANDALL AND CYNTHIA STONES; 404 EAST 56TH STREET**

Mayor Clouse opened for discussion the Annexation Agreement submitted by Randall and Cynthia Stones with regard to annexing part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (404 East 56th Street) and to consider Resolution No. 2011-109.

City Attorney Michael Tye presented this matter to the Council. Since this is an annexation agreement, it is brought to the City Council. There are also other items that are blended into this agreement. The agreement has been signed by Mr. and Mrs. Stones. The first part of the agreement deals with annexation because their property is contiguous and adjacent to City limits where they have City services available on 56th Street. By Council policy, they fit into a category that qualifies for annexation. They agreed to have their property annexed into the City of Kearney and waived any objections they might have to the process. There are City services on 56th Street and they could connect to those by paying the established connection fee. They are connected to both at this time.

They are agreeable also to completing an application to rezone the property from an AG zone with a Conditional Use Permit to a commercial district, PD-1, where a large animal veterinary clinic is an allowed use. That application will be processed through Planning Commission and then brought back to Council for approval.

There are some improvements they may make to the site such as; paving the parking lot and putting in some fencing which would be allowed by getting the proper permits required for those improvements. Those improvements would be allowed once they are rezoned to commercial. Although this is an existing business which has been there for 25+ years, they are required to put in a sidewalk in front of their property and pave two parking stalls for handicap access to their building. They have agreed to complete those improvements within one year. Once the property is rezoned from AG to commercial, the property will come out of the AG deferment for paving assessments along 56th Street. They have agreed to pay the paving assessments on 56th Street over a 10-year time period (like any other citizen) or could choose to pay them all at once when the property has been rezoned. There will not be any platting or subdivision of this property and there is no need to do that at this time. If they were to have further development, they would be required to submit a plat for processing. The Stones have signed the agreement and are agreeable to its terms.

The issue of annexation and rezoning will then be presented to the Planning Commission for its review on September 16. On September 27, 2011 the Council would then pass a resolution of intent indicating that it intends to move forward with the annexation of the specified property and scheduling the matter for a public hearing. A map of the area to be annexed, as well as notice of the public hearing, will be published for the public hearing to occur on October 11.

Bill Blake, 1248 O Street, Lincoln, attorney representing Randall and Cynthia Stones stated that they approve this agreement. They were present at the meeting to answer any questions there might be. Mayor Clouse stated he appreciated their working with City staff to reach this resolution. He thought this was the right thing to do and saved a lot of contentious moments down the road.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2011-109** approving the Annexation Agreement submitted by Randall and Cynthia Stones with regard to annexing part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (404 East 56th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

#### **RESOLUTION NO. 2011-109**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Annexation between the City of Kearney and Randall and Cynthia Stones for a tract of land located in the Southeast Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of said Southwest Quarter, thence Westerly on and along the South line of the Southwest Quarter a distance of 466.7 feet; thence Northerly parallel with the East line of said Southwest Quarter a distance of 466.7 feet; thence Easterly parallel with the South line of said Southwest Quarter a distance of 466.7 feet to a point on the East line of said Southwest Quarter; thence Southerly on said East line a distance of 466.7 feet to the place of beginning; excepting however the South 50.0 feet thereof, all in Buffalo County, Nebraska (404 East 56th Street) be and is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney for the annexation of the respective property.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

#### **EQUESTRIAN HILLS LIMITED DEVELOPMENT AGREEMENT; D & B DEVELOPMENT**

Mayor Clouse opened for discussion the Equestrian Hills Limited Development Agreement between the City of Kearney and D & B Development Company for Lots 2,

3, 4, and 5, Haflinger Estates, Equestrian Hills Third of Crest Valley Ranch, Buffalo County, Nebraska, and a tract being part of the Northwest Quarter and part of the North Half of the Southwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract containing 117.98 acres, more or less, Buffalo County, Nebraska and to consider Resolution No. 2011-110.

City Council and Planning Commission members raised concerns about the safety of the residents living in the Rolling Hills area with only one means of egress, which is located at the intersection of Rolling Hills Road and Highway 30. As a result, the owner of Equestrian Hills Estates signed a subdivision agreement with the City of Kearney for Equestrian Hills Third of Crest Valley Ranch. The agreement limited development to six building permits as long as a second means of egress was not constructed. Those six permits were limited to six lots that were platted in that subdivision.

In the interim, a second means of egress has not been constructed and two of the six lots have been built out. The developer has been approached by a potential homebuilder that is interested in the property, but none of the remaining four platted lots. Therefore, the developer is requesting a new agreement that will allow the platting of additional lots, but will continue to limit the number of issuable building permits to four until a second means of egress is constructed.

Craig Bennett from Miller & Associates presented this matter to Council. This is a housekeeping matter from a previous agreement. When they platted Equestrian Hills Third they also did a preliminary plat. It was a six lot subdivision and one already had a house on it plus five other lots. The agreement stated this development was limited to five other residences because of only having one access on to Highway 30. Since that time, there has only been one new house built. That left only four lots and some unplatted area to be built on. The unplatted area was undefined in terms of what its boundary is. What they would like to do is define that area which is almost 118 acres that is unplatted. It is zoned AG which would fall under the pretence that if a home were built on other than the four lots than one of those four lots would not be able to be built on until a secondary access was made. If it were desired to have a little portion carved out and platted that would be adjacent to those lots then it would also have to be platted. If it was not going to be platted, for example, someone could buy the whole area and build a house out there. Primarily, the agreement is tied to Equestrian Hills Third so the unplatted area does not have an agreement tied to it. This would clean that up and allow four houses to be built on those four lots, including these 117+ acres. The owner has signed the agreement and Lynn Heiden is representing D&B Development. From a better marketing standpoint, if somebody decided that they wanted a large parcel (larger than existing lots) this would give them the flexibility knowing that they currently do not have a secondary access. They are not asking for any more residences in this area at this time.

Moved by Clouse seconded by Lammers to adopt **Resolution No. 2011-110** approving the Equestrian Hills Limited Development Agreement between the City of Kearney and D & B Development Company for Lots 2, 3, 4, and 5, Haflinger Estates, Equestrian Hills Third of Crest Valley Ranch, Buffalo County, Nebraska, and a tract being part of the Northwest Quarter and part of the North Half of the Southwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said tract

containing 117.98 acres, more or less, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

**RESOLUTION NO. 2011-110**

WHEREAS, on March 14, 2006 and the City Council adopted Resolution No. 2006-40 approving the Subdivision Agreement for Equestrian Hills Third of Crest Valley Ranch which is located north of Lake Side Drive and Rolling Hills Road which limited the number of new building lots to six until such time that a second access point for means of ingress or egress from the area was established; and

WHEREAS, four building lots remain vacant and D & B Development Company desires to plat and to sell other building lots in the future in addition to the four that remain; and

WHEREAS, the total number of building permits that will be issued for rural residences on all of the vacant and undeveloped portions of owner's property, including Lots 2 through 5 of Equestrian Hills Third of Crest Valley Ranch and the remaining balance of unplatted land, shall be limited to four (4) building permits until a second access point has been approved and constructed.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Equestrian Hills Limited Development Agreement on behalf of the City of Kearney, a copy of said Agreement marked as Exhibit 1 is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that Resolution No. 2006-40 passed approved on March 14, 2006 be and is hereby repealed in its entirety.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to file said Development Agreement with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**OPEN ACCOUNT CLAIMS: NPPD - \$106,975.01, PLATTE VALLEY STATE BANK - \$49,462.33**

Moved by Lammers seconded by Lear that Open Account Claim in the amount of \$106,975.01 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Kearney Buschkoetter. Nay: None. Clouse abstained. Kearney absent. Motion carried.

Moved by Clouse seconded by Buschkoetter that Open Account Claim in the amount of \$49,462.33 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney Buschkoetter. Nay: None. Lear abstained. Kearney absent. Motion carried.

**VII. REPORTS**

**CLOSED SESSION**

Moved by Buschkoetter seconded by Clouse that Council adjourn into closed session at 7:21 p.m. for the protection of the public interest to discuss real estate and possible litigation matters. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

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

Moved by Lear seconded by Clouse that Council reconvene in regular session at 8:03 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

**VIII. ADJOURN**

Moved by Lear seconded by Clouse that Council adjourn at 8:03 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**