

Kearney, Nebraska
September 11, 2012
7:00 p.m.

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 7:00 p.m. on September 11, 2012 in the Council Chambers at City Hall. This meeting adjourned at 7:07 p.m. A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:07 p.m. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear. Absent: Bob Lammers. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Dan Lynch, Chief of Police; Bruce Grupe, City Engineer were also present. Some of the citizens present in the audience included: Jim Bogner, Jonathan Nikkila, Craig Bennett, Pat Jones, Pete Hush, Tom Tye, Justin Owen, Kip Ingram, 5 UNK students, a Women's Club, Steve Altmaier from KGFW Radio, Mary Jane Skala 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

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

LAND USE MAP AMENDMENT AT 2826 EAST 39TH STREET

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Kip Ingram (Applicant/Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 3 to Light Industrial for property described as Lot 2 of Block 1, Pete's Town and Country Addition, a subdivision being part of Government Lots 4 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2826 East 39th Street) and consider Resolution No. 2012-147. Planning Commission recommended approval subject to compliance of the following conditions: (1) the wooden structures shall be torn down and removed; (2) the approach from 39th Street shall be paved to City specifications; (3) the temporary sign shall be removed and replaced with a permanent pole sign; and (4) street trees shall be installed along 39th Street.

The applicant is requesting rezoning from District C-3 to District M-1 at Choice Marine, 2826 East 39th Street. There is an existing metal building, two dilapidated wooden buildings and two houses on the west side of the property. The houses sit on separate lots and are not part of this rezoning request even though they are also owned by the applicant. The houses and the business are connected to City services. The applicant would like to construct a large building for indoor storage of boats and equipment, perhaps as large as 100 feet x 100 feet. Although such a building is allowable under the current C-3 zoning, commercial development standards such as paved parking, 35 percent brick façade, enhanced landscaping and building articulation with 5-foot offsets would be required. Most of these requirements are eliminated or substantially reduced if the zoning of the property is amended to M-1. Therefore, the applicant is requesting rezoning to M-1 and a corresponding amendment to the Land Use Map.

In many cases, staff would not support rezoning from higher to lower development standards given the emphasis on visual quality of development in our community. In this case, the subject property is surrounded by M-1 zoning on three sides with C-3 zoning (two houses) to the immediate west. In evaluating the surrounding area there is little reason to maintain commercial zoning when everything else is industrial.

There are two reasons why this property was zoned C-3 in 1996. At that time the City believed that the 39th Street corridor would develop commercially since there was already quite a bit of industrial zoned property further east around the Airport. The City was not encouraging industrial development in this area. Since then there have been several successful rezonings to accommodate industrial uses and now the City sees the 39th Street corridor in this area as an industrial corridor. Also in 1996, the two houses immediately adjacent to the west were included in the rezoning application. Even

though M-1 would have been suitable for the commercial building which now houses the boat business, and probably the obvious choice, the two houses would have become legal non-conforming which could potentially hinder redevelopment rights if something were to happen to the houses. Therefore, C-3 was determined to be the best zoning district to allow both the business and the houses to remain. The houses are not included in the present rezoning request and are to remain zoned C-3. No buffer yard is required since the houses and the business are under common ownership.

Banner Avenue is a “paper” cul-de-sac located on the west side of the single-family dwellings; it has been platted but has never been built. The industrial buildings to the north extend across proposed Banner Avenue so it will never become a through street. City Code states that every lot has to have access to a public way, so a portion of Banner Avenue needs to remain platted in order to provide access to the neighboring property to the west and to the house furthest north. There is no reason for the cul-de-sac to be constructed at this time, because access to both houses and the boat dealership is off of the shared drive, but it is important for the platted road to remain there. DRT did discuss with Mr. Ingram that a portion of Banner Avenue might be able to be vacated to the north property line of the house since it would still provide access to the west property and the house. Since Mr. Ingram does not own the property to the west he would have to talk to that owner to see if he was agreeable to that proposal.

In order to rezone a parcel of property it must be in conformance with the Future Land Use Map of the City Comprehensive Development Plan, or the appropriate change to the Land Use Map must be considered prior to rezoning. In this case, the current land use designation for the subject property is “Mixed Use 3” and the designation corresponding to the applicant’s zoning request is “Light Industrial.”

Staff has requested that the dilapidated wooden structures be torn down and removed and the applicant has agreed to do so. Gravel or crushed rock are allowable surfacing for the parking and maneuvering areas but the applicant must pave the approaches from 39th Street to City standards with concrete to a point 10 feet beyond the right-of-way/property line. The applicant also agreed to remove the temporary sign and to erect a permanent pole sign and to plant the required street trees along 39th Street.

The applicant has started the process of removing the old buildings and grading of the site for the new building pad.

Kip Ingram, presented this matter to the Council. He stated that he agreed with the conditions. It was discussed staff would be a little flexible regarding the placement of the trees. His concern was visibility with the placement of the trees. His customers will be pulling out with a camper or a boat which tends to make them a little slow getting to the road and the traffic moves along there at 50 mph.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Kearney to close the hearing and adopt **Resolution No. 2012-147** approving the Application submitted by Kip Ingram (Applicant/Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 3 to Light Industrial for property described as Lot 2 of Block 1,

Pete's Town and Country Addition, a subdivision being part of Government Lots 4 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2826 East 39th Street) subject to compliance with the conditions. Roll call resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2012-147

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land described as Lot 2 of Block 1, Pete's Town and Country Addition, a subdivision being part of Government Lots 4 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2826 East 39th Street) from Mixed Use 3 to Light Industrial, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Mixed Use 3 to Light Industrial the use classification for a tract of land described as Lot 2 of Block 1, Pete's Town and Country Addition, a subdivision being part of Government Lots 4 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2826 East 39th Street) subject to compliance with the following conditions:

- a) The wooden structures shall be torn down and removed.
- b) The approach from 39th Street shall be paved to City specifications.
- c) The temporary sign shall be removed and replaced with a permanent pole sign.
- d) Street trees shall be installed along 39th Street.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING AT 2826 EAST 39TH STREET – ORDINANCE NO. 7736

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Kip Ingram (Applicant/Owner) to rezone from District C-3, General Commercial District to District M-1, Limited Industrial District property described as Lot 2 of Block 1, Pete's Town and Country Addition, a subdivision being part of Government Lots 4 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2826 East 39th Street) and consider Ordinance No. 7736.

There was no one present in opposition to this hearing.

Moved by Kearney to close the public hearing on the Application submitted by Kip Ingram (Applicant/Owner) to rezone from District C-3, General Commercial District to District M-1, Limited Industrial District property described as Lot 2 of Block 1, Pete's Town and Country Addition, a subdivision being part of Government Lots 4 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2826 East 39th Street) subject to compliance with the conditions and introduced Ordinance No. 7736 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7736. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers 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. 7736 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7736 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7736 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

DEVELOPMENT PLANS AT THE SOUTHWEST CORNER OF 56TH STREET AND 17TH AVENUE

Mayor Clouse stated the Owner/Applicant requested to postpone until September 25, 2012 the public hearing on the Application submitted by Paul Brungardt (Applicant) and Coal Chute Park, LLC (Owner) for Planned District Development Plan Approval for an apartment complex development on property zoned District C-1/PD, Limited Commercial/ Planned Development Overlay District for property described as all of Lot 1 and part of Lot 2 of Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 17th Avenue).

Moved by Buschkoetter seconded by Clouse to postpone until September 25, 2012 the hearing on the Application submitted by Paul Brungardt (Applicant) and Coal Chute Park, LLC (Owner) for Planned District Development Plan Approval for an apartment complex development on property zoned District C-1/PD, Limited Commercial/ Planned

Development Overlay District for property described as all of Lot 1 and part of Lot 2 of Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 17th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Kearney. Nay: None. Lammers absent. Motion carried.

REZONING AT THE NORTHEAST CORNER OF THE INTERSECTION OF 52ND STREET AND 2ND AVENUE (HYVEE) – ORDINANCE NO. 7737

Public Hearings 4, 5, 6 and 7 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) to rezone from District AG, Agricultural District to District C-2, Community Commercial District and District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue) and consider Ordinance No. 7737. Planning Commission recommended approval.

The applicant is requesting several approvals to develop a Hyvee grocery store and surrounding area west of 2nd Avenue and north of 52nd Street extended west. The overall site to be Preliminary Platted consists of 30.69 acres while the Final Plat will contain 16.71 acres. The proposed grocery store takes up 12.17 acres proposed for C-2/PD zoning while the balance of the land contains 4.54 acres proposed for straight C-2 zoning. The 4.54 acres consists of three commercial pad sites roughly 1.5 acres each in size. A convenience store is proposed for one lot and no uses have been proposed for the remaining two lots at this time. A north-south frontage road known as 3rd Avenue parallels 2nd Avenue and provides access to all four lots.

The proposed rezoning to C-2 and C-2/PD is consistent with commercial zoning along north 2nd Avenue. The grocery store lot is required to be in a Planned Overlay District (PD) because at 12.17 acres it exceeds the four acre threshold requiring the PD overlay in C-2 Districts. The PD overlay is not required for the remaining lots.

The Preliminary Plat for Oak Park Center was approved by Planning Commission on August 17, 2012 and consists of ten lots on 30.69 acres. The property within the Preliminary Plat boundary extends from 52nd Street north to 56th Street and from 2nd Avenue west approximately two tenths of a mile (1,100 feet). The 3rd Avenue frontage road parallels 2nd Avenue about 300 feet to the west then curves to the west becoming 55th Street and parallels 56th Street about 250 feet to the south intersecting with 4th Avenue extended south from 56th Street. South of the intersection of these two streets, what would be 4th Avenue continuing south becomes a 26-foot wide cross traffic easement instead. This easement is aligned to run directly in front of the grocery store. The building lies to the west of the easement and the parking lot to the east. Eight pad sites of approximately 1.5 acres each are located between 2nd Avenue and 3rd Avenue and between 56th Street and 55th Street. One large lot is located adjacent to the north side of the grocery store lot and it too is bisected by the cross traffic easement.

The Final Plat consists of four lots on 16.71 acres. The largest lot, Lot 1, is the location for the proposed grocery store and it is 12.17 acres. Lot 2 is the location of the proposed convenience store and Lots 3 and 4 are reserved for future commercial development. The aforementioned cross traffic easement bisects Lot 1. 52nd Street is extended west some 750 feet to the west edge of Lot 1. The 3rd Avenue frontage road extends north from 52nd Street providing access to all of the lots. A 50-foot wide roadway and utility easement lines up with the entrance into Walmart across the street and extends west from 2nd Avenue across the north edge of the Final Plat area. This access is limited to right-in/right-out only by NDOR, just like Walmart. This access point is about where 54th Street would be if it were a public street.

A Public Works Plan has been submitted demonstrating the feasibility of the development for the area covering the Preliminary and Final Plats. The engineers have designed the routing for municipal water and sanitary sewer. Intersection improvements are required at 56th Street and 2nd Avenue. Water, sewer, and paving improvements will be installed through a combination of improvement districts and developer constructed infrastructure. The City has anticipated required street improvements in this area as development occurs. A Developer Constructed Infrastructure Agreement has been prepared. Stormwater detention will be provided on the south side of 56th Street where the natural drainage under-crosses the street with a culvert. This area is outside of the Preliminary and Final Plats. Sediment forebays will be designed into the detention structure. The existing fiber optic line has been accommodated along the north lot line of the Final Plat in an easement.

Since this property is contiguous to the City limits and can be served by municipal services it will be annexed into the corporate limits of the City of Kearney by filing of the Final Plat as an "Addition to" the City of Kearney.

Development Plans have been prepared for the grocery store as it is required to be in a PD overlay due to the size of the lot. Details regarding the convenience store are not shown since the lot that will contain the convenience store is not included in the PD overlay. The Development Plans show all the improvements proposed for the grocery store site including parking, loading, landscaping and architectural building elevations. Staff has reviewed these plans and offers the following comments:

- a) The proposed building is 87,617 square feet in floor area. An area for potential expansion is shown on the south side of the building that would increase the footprint to 104,007 square feet, if implemented.
- b) Maximum height of the building is 35 feet which is the maximum allowable building height in C-2 districts.
- c) Required parking is 438 spaces and 686 spaces are provided. If the building addition is added in the future, the parking numbers are revised to 520/625. The question was raised at the Planning Commission hearing as to whether all of the excess parking would actually be installed? The extra hard surfacing reduces the amount of green area associated with the project and increases the amount of stormwater runoff. The engineer stated that Hyvee representatives want to show the maximum amount of parking that can be achieved on the site plan while still meeting all other development requirements. It is unknown at this time if the entire amount of excess parking will be constructed or only a portion of it.

- d) A drive thru pharmacy with two drive-up lanes is proposed on the east side of the building.
- e) An 8-foot wide hike/bike trail is proposed along the north side of 52nd Street.
- f) The building construction materials consist of pre-cast concrete panels, brick masonry and EFIS.
- g) A Landscape Plan is provided that meets City commercial landscape requirements. The trees are identified by functional type as either deciduous or coniferous trees. Specific species and cultivars will be submitted at the time of Building Permit. The loading areas and rear faced are screened with a 20-foot wide bufferyard and coniferous trees. Street trees are provided along all streets. The five percent interior parking lot landscape islands are provided with one tree in each island.
- h) Maximum impervious coverage is 80 percent and the site layout is at 80 percent.

Craig Bennett from Miller & Associates presented this matter to the Council. The preliminary plat area has a total acreage of 30 acres. The final plat area is included in the 30 acres and is 16.7 acres. This project is consistent with the Comprehensive Development Plan and the Land Use Map. The existing zoning of this property is AG and is bordered on the east, north and south by C-2 zoning. The preliminary platted area that shows AG on the north after going through Planning Commission is planned to remain AG at this time until the next phase is brought through. The bottom two portions would be zoned as C-2 and C-2/PD due to the fact that one of the parcels is larger than four acres. The portion that is 11 acres is required to have the PD designation. The vicinity map of the development shows the lots proposed in phase I is hinged on the north by fiber-optic line and became the magic line that separated these parcels.

Infrastructure available is a 16-inch water main located on the north and east side of the property and water that accesses 52nd Street which is able to be extended to serve this development. Sanitary sewer has been extended along 3rd Avenue from the south and sanitary sewer is also available on 56th Street along the north which will be brought south into this project with a 21-inch main. Storm water drainage basically is split on the east side of 2nd Avenue and DEQ has required them to split the drainage into two different basins westerly to the proposed detention cell that exist in the draw on the south side of 56th Street.

The preliminary plat shows paving in Phase I that would be extended to 56th Street. 56th Street will have an access although it is not platted at this time. The preliminary platted 4th Avenue as the street that will be extended south until it goes across what will be known as a "cross traffic easement". In future development, Lot 10 would have that easement across it. That would insure that Lot 1 would have access to the north in the event that it would be platted at a future date.

Lot 1 in the final plat is the lot that is over four acres that requires the PD component. Lots 2, 3 and 4 located on the east side of the property do not require the PD designation. The first elevation is the east elevation that would be seen from 2nd Avenue consisting of concrete, stand up, and efface, some brick with a combination of masonry on all sides of the building. It will have a nice architectural and aesthetic look from 2nd Avenue and 52nd Street.

The development plan shows what this site will look like. Phase I will have an 87,000-square foot building. The required number of parking stalls is 448 which they will be exceeded in Phase I. The plan allows for more additional parking or if they would decide to add on to the building at some time, they have room for future expansion on the south side of the building (Phase II). From a traffic circulation standpoint that is where the "cross traffic easement" comes in. It allows traffic to go around the drive thru they have. Tractor/trailer traffic for loading and unloading along the west side has their own access that is separate from normal vehicular traffic. There is a 20-foot green space with coniferous trees that will be planted in that 20-foot buffer yard to provide separation for whatever the future development is to the west. On the south side, there will be a sidewalk and hike/bike trail that would also be extended across this parcel and winds up with the master planning and circulation for pedestrian traffic.

In Phase II if they maximize the total impervious area which is 80 percent, they have included provisions to meet the requirements for C-2 if that should occur in the future.

Peter Hush, Assistance Vice President of Real Estate from Hy-Vee, stated that he appreciated the open dialog with City staff who have been very collaborative to work with through this very difficult development plan. He stated they are very excited to come to Kearney even though they did not have Kearney on their radar until just a year or year and half ago. They have had multiple consumers contact them who use their facility in Grand Island, some individuals at the City and the Economic Development Council asking them to come and look at the community. As soon as he and another representative toured the community, they became aware of how progressive Kearney is with the development that is taking place and the quality of the community throughout. They brought their operations team in and decided right away this is a community that fit their goals and growth potential with their company in the future.

They hope to purchase this site in the near future pending approval of the City Council for this development. They do not have an exact timeline on construction as this store popped up on their radar later in the game than others they have been on.

Mayor Clouse stated when the City went through the Listening Sessions with the community, Hy-Vee was one of the big ticket items and it was very apparent that people wanted it. Mr. Hush stated the person who handles their entire customer comments, said that her number one request came from Kearney, Nebraska.

Council member Buschkoetter asked about the timeline and if there was any information on Phase II of the project. Mr. Hush stated the construction of the food store is Phase I and they have found in their 85 years of business to make sure that they allow enough room for expansion when developing a plan for a location. They just want to make sure that they maintain their position for Phase II and can accommodate any future growth. They must look at their budget process to determine timeline for Phase I. They put the focus of their budget on expanding and remodeling existing stores and then new store development as a second phase. They have some projects in the pipeline that this one would technically fall behind, but as those things bounce around, they want this one to be ready because they know the community is ready for this store. They will keep City staff informed as that development takes place.

Mayor Clouse expressed his appreciation for Mr. Hush's cooperation as they worked through all the issues. These projects take a lot of time and he appreciated his patience. Mr. Hush commended the City staff for their professionalism, open dialog and process. He works with many municipalities and he guaranteed that Kearney had the most thorough and smooth process with respect to how complex this one was.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) to rezone from District AG, Agricultural District to District C-2, Community Commercial District and District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue) and introduced Ordinance No. 7737 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Kearney seconded the motion to close the hearing and suspend the rules for Ordinance No. 7737. 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, Lear, Kearney, Buschkoetter. Nay: None. Lammers 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. 7737 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lear that Ordinance No. 7737 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7737 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.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR OAK PARK CENTER

Public Hearings 4, 5, 6 and 7 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for the Final Plat and Subdivision Agreement for Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd

Avenue) and consider Resolution No. 2012-149. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2012-149** approving the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for the Final Plat and Subdivision Agreement for Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2012-149

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the East Quarter corner of said Section and assuming the east line of said Quarter and bearing $N00^{\circ}19'31''W$ and all other bearing contained hereon relative thereto; thence $N00^{\circ}19'31''W$ on said east line a distance of 1307.66 feet to the centerline 52nd Street as platted on Sorensen Park Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence $S89^{\circ}29'23''W$ on said centerline a distance of 50.00 feet to the west right-of-way line of 2nd Avenue (also Nebraska State Highway No. 10), extended Southerly; thence $N00^{\circ}19'31''W$ on said extended right-of-way a distance of 33.00 feet to its intersection with the north right-of-way line of said 52nd Street and Actual Point of Beginning; thence $N00^{\circ}19'31''W$ on said west right-of-way a distance of 206.95 feet; thence continuing on said west right-of-way $S89^{\circ}39'09''W$ a distance of 14.60 feet; thence continuing on said west right-of-way $N00^{\circ}19'31''W$ a distance of 407.75 feet; thence $S89^{\circ}30'54''W$ a distance of 1096.51 feet; thence $S00^{\circ}19'31''E$ parallel with said west right-of-way a distance of 681.23 feet to the south right-of way line of said 52nd Street extended westerly; thence $N89^{\circ}29'23''E$ on said south right-of-way extended a distance of 761.26 feet to the west line of said Sorensen Park Fourth Addition; thence $N00^{\circ}19'31''W$ on said west line a distance of 66.00 feet to said north right-of-way; thence $N89^{\circ}29'23''E$ on said north right-of-way a distance of 349.85 feet to the Point of Beginning, containing 16.70 acres, more or less, all in Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabits of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved

and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF OAK PARK CENTER

Public Hearings 4, 5, 6 and 7 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for the annexation of Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue) and consider Resolution No. 2012-150. 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 adopt **Resolution No. 2012-150** approving the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for the annexation of Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Kearney. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2012-150

WHEREAS, an Application has been submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for the inclusion of Oak Park Center, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the East Quarter corner of said Section and assuming the east line of said Quarter and bearing N00°19'31"W and all other bearing contained hereon relative thereto; thence N00°19'31"W on said east line a distance of 1307.66 feet to the centerline 52nd Street as platted on Sorensen Park Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S89°29'23"W on said centerline a distance of 50.00 feet to the west right-of-way line of 2nd Avenue (also Nebraska State Highway No. 10), extended Southerly; thence N00°19'31"W on said extended right-of-

way a distance of 33.00 feet to its intersection with the north right-of-way line of said 52nd Street and Actual Point of Beginning; thence N00°19'31"W on said west right-of-way a distance of 206.95 feet; thence continuing on said west right-of-way S89°39'09"W a distance of 14.60 feet; thence continuing on said west right-of-way N00°19'31"W a distance of 407.75 feet; thence S89°30'54"W a distance of 1096.51 feet; thence S00°19'31"E parallel with said west right-of-way a distance of 681.23 feet to the south right-of-way line of said 52nd Street extended westerly; thence N89°29'23"E on said south right-of-way extended a distance of 761.26 feet to the west line of said Sorensen Park Fourth Addition; thence N00°19'31"W on said west line a distance of 66.00 feet to said north right-of-way; thence N89°29'23"E on said north right-of-way a distance of 349.85 feet to the Point of Beginning, containing 16.70 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on August 17, 2012 on the inclusion of Oak Park Center within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on September 11, 2012 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

BE IT FURTHER RESOLVED that the inclusion of Oak Park Center within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR THE NORTHEAST CORNER OF THE INTERSECTION OF 52ND STREET AND 2ND AVENUE (HYVEE)

Public Hearings 4, 5, 6 and 7 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for Planned District Development Plan Approval for commercial development on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue) and consider Resolution No. 2012-151. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Kearney to close the hearing and adopt **Resolution No. 2012-151** approving the Application submitted by Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for Planned District Development Plan Approval for commercial development on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2012-151

WHEREAS, Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) have applied for Planned District Development Plan Approval for commercial development on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the East Quarter corner of said Section and assuming the east line of said Quarter and bearing N00°19'31"W and all other bearing contained hereon relative thereto; thence N00°19'31"W on said east line a distance of 1307.66 feet to the centerline 52nd Street as platted on Sorensen Park Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S89°29'23"W on said centerline a distance of 50.00 feet to the west right-of-way line of 2nd Avenue (also Nebraska State Highway No. 10), extended Southerly; thence N00°19'31"W on said extended right-of-way a distance of 33.00 feet to its intersection with the north right-of-way line of said 52nd Street and Actual Point of Beginning; thence N00°19'31"W on said west right-of-way a distance of 206.95 feet; thence continuing on said west right-of-way S89°39'09"W a distance of 14.60 feet; thence continuing on said west right-of-way N00°19'31"W a distance of 407.75 feet; thence S89°30'54"W a distance of 1096.51 feet; thence S00°19'31"E parallel with said west right-of-way a distance of 681.23 feet to the south right-of way line of said 52nd Street extended westerly; thence N89°29'23"E on said south right-of-way extended a distance of 761.26 feet to the west line of said Sorensen Park Fourth Addition; thence N00°19'31"W on said west line a distance of 66.00 feet to said north right-of-way; thence N89°29'23"E on said north right-of-way a distance of 349.85 feet to the Point of Beginning, containing 16.70 acres, more or less, all in Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Craig Bennett (Applicant) for Sorensen Acres, LLC (Owner) for Planned District Development Plan Approval for commercial development on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the East Half of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the East Quarter corner of said Section and assuming the east line of said Quarter and bearing N00°19'31"W and all other bearing contained hereon relative thereto; thence N00°19'31"W on said east line a distance of 1307.66 feet to the

centerline 52nd Street as platted on Sorensen Park Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S89°29'23"W on said centerline a distance of 50.00 feet to the west right-of-way line of 2nd Avenue (also Nebraska State Highway No. 10), extended Southerly; thence N00°19'31"W on said extended right-of-way a distance of 33.00 feet to its intersection with the north right-of-way line of said 52nd Street and Actual Point of Beginning; thence N00°19'31"W on said west right-of-way a distance of 206.95 feet; thence continuing on said west right-of-way S89°39'09"W a distance of 14.60 feet; thence continuing on said west right-of-way N00°19'31"W a distance of 407.75 feet; thence S89°30'54"W a distance of 1096.51 feet; thence S00°19'31"E parallel with said west right-of-way a distance of 681.23 feet to the south right-of way line of said 52nd Street extended westerly; thence N89°29'23"E on said south right-of-way extended a distance of 761.26 feet to the west line of said Sorensen Park Fourth Addition; thence N00°19'31"W on said west line a distance of 66.00 feet to said north right-of-way; thence N89°29'23"E on said north right-of-way a distance of 349.85 feet to the Point of Beginning, containing 16.70 acres, more or less, all in Buffalo County, Nebraska (northeast corner of the intersection of 52nd Street and 2nd Avenue) be approved subject to compliance with the conditions set forth in the Subdivision Agreement.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

**CONDITIONAL USE PERMIT FOR VERIZON WIRELESS TO CO-LOCATE TOWER
AT 3807 AVENUE N – ORDINANCE NO. 7738**

Mayor Clouse opened the public hearing on the Application submitted by Buffalo County Agriculture Society (Owner) and Verizon Wireless (Applicant) for a Conditional Use Permit to co-locate a wireless telecommunications facility on an existing tower owned by US Cellular on property zoned District AG, Agricultural District and described as a tract of land located in the Northwest Quarter of the Northwest Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3807 Avenue N) and consider Ordinance No. 7738.

The applicant is representing Verizon Wireless and requesting approval of a Conditional Use Permit (CUP) to add telecommunications equipment to an existing tower located just south of 39th Street on the Buffalo County Fairgrounds property. The property is currently zoned Agricultural District.

The Unified Land Development Ordinance (UDO) encourages co-location of telecommunications facilities on existing towers to limit the total number of towers erected in the community. As an incentive to encourage co-location, the UDO allows expedited processing of Conditional Use Permits (CUP) seeking approval of a co-location site on an existing tower. The Public Works Director has the authority to expedite the CUP application directly to City Council bypassing the Planning Commission to encourage co-location. This is the case with this application.

The existing tower is owned by US Cellular. Verizon Wireless is proposing to add twelve panel antennas at 110 feet in height and 18 coax on the existing 125-foot monopole tower. The largest of the panel antennas is 96.5 inches by 11.2 inches by 5.9 inches. Verizon Wireless is also proposing to add a 12 foot by 20 foot shelter to house the radio equipment inside the existing compound. The installation will provide both voice and data service to the area. There will be no time limitations on this CUP.

Justin Owen from Verizon Wireless presented this matter to the Council. Verizon is proposing to co-locate on a 125-foot mono tower located at the Buffalo County Fairgrounds. The tower is owned by US Cellular. Verizon is proposing to add antennas at the 110-foot level. The tower is 125 feet so there will be no increase in tower height. They are also proposing adding an 11.5 foot by 20 foot shelter within the existing fenced compound which will not be expanded.

Mayor Clouse stated the City encourages co-location and so appreciated their efforts.

There was no one present in opposition to this hearing.

Moved by Kearney to close the public hearing on the Application submitted by Buffalo County Agriculture Society (Owner) and Verizon Wireless (Applicant) for a Conditional Use Permit to co-locate a wireless telecommunications facility on an existing tower owned by US Cellular on property zoned District AG, Agricultural District and described as a tract of land located in the Northwest Quarter of the Northwest Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3807 Avenue N) and introduced Ordinance No. 7738 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7738. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers 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. 7738 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7738 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7738 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.

ADOPT CITY OF KEARNEY 2012-2013 FISCAL YEAR BUDGET – ORDINANCE NO. 7739

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2012-2013 Fiscal Year and consider Ordinance No. 7739.

Director of Finance Wendell Wessels presented this matter to the Council. Pursuant to Section 13-506 of the Nebraska Revised Statutes, the City Council is required to conduct a public hearing on the City of Kearney proposed budget for the 2012-2013 fiscal year. The public hearing is a process where the City Council hears support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Budget Document. The City Council should review the 2012-2013 Budget Document and bring it to the City Council public hearing. After the Budget Document is reviewed and the public hearing is conducted, Ordinance No. 7739 should be passed and approved. Ordinance No. 7739 legally adopts the Budget Document and appropriates sums of money contained in the Budget Document for the necessary expenses and liabilities of the City of Kearney. The 2012-2013 budget has been created on conservative financial principals that reflect staff commitment to maintaining necessary services, improving the quality of the operation of the City, and keeping expenditures and taxes as low as possible.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2012-2013 Fiscal Year and introduced Ordinance No. 7739 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 close the hearing and suspend the rules for Ordinance No. 7739. 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, Kearney. Nay: None. Lammers 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. 7739 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Kearney. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7739 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7739 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.

2012 PROPERTY TAX LEVY

Mayor Clouse opened the public hearing for setting the 2012 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and consider Resolution No. 2012-152.

Director of Finance Wendell Wessels presented this matter to the Council. Section 77-1601.02 of the Nebraska Revised Statutes requires political subdivisions of the State of Nebraska to conduct a Special Public Hearing to set the 2012 property tax request if the request is going to be different than the 2011 property tax request. The same statutes include a provision stating that the property tax request for 2011 will be the property tax request for 2012 unless the political subdivision passes by a majority vote a resolution setting the property tax request at a different amount.

Resolution No. 2012-152 sets the property tax request for 2012. The 2012-2013 City of Kearney Budget includes a property tax requirement of \$2,348,243.94 for the General Fund, and a property tax requirement of \$225,547.14 for the Public Safety Tax Anticipation Bond Fund. The 2012 property tax requirements are different than the 2011 property tax requirements; therefore, a Special Public Hearing is required to set the 2012 property tax requirement.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lear to close the hearing and adopt **Resolution No. 2012-152** setting the 2012 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2012-152

WHEREAS, Section 77-1601.02 of the Nebraska Revised Statutes authorizes the City Council to set the 2012 property tax request for the City of Kearney; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that a 2012 property tax request be set for the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes an All-Purpose Tax Request of \$2,348,243.94 is set for the fiscal year beginning the 1st day of October, 2012 and ending on the 30th day of September, 2013 for the purpose of equipping, maintaining and paying the departments of the City of Kearney.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes, a Special Tax Request of \$225,547.14 is set for the fiscal year beginning the 1st day of October, 2012 and ending the 30th day of September, 2013 for the purpose of paying off bonds authorized by Section 18-1202 of the Nebraska Revised Statutes.

BE IT FURTHER RESOLVED that the City Clerk is hereby ordered to certify said request to the Buffalo County Clerk in order that the same may be placed on the property tax rolls and be collected in the manner provided by law.

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 October 1, 2012.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMEND CITY OF KEARNEY BUDGET FOR 2011-2012 – ORDINANCE NO. 7740

Mayor Clouse opened the public hearing for the purpose of revising the City of Kearney Budget for the 2011-2012 Fiscal Year and consider Ordinance No. 7740.

Director of Finance Wendell Wessels presented this matter to the Council. By law, the City may not expend more than the total budget of expenditures unless the provisions of State Statute 13-511, R.R.S. 1943 are met. Due to unforeseen circumstances, actual expenditures for the current fiscal year will exceed budgeted expenditures unless the current fiscal year budget is supplemented. Under these circumstances, state law requires that a public hearing be conducted to supplement the previously adopted budget and an ordinance be passed authorizing the expenditure of the additional requirements.

An explanation of the budget adjustments for the two funds are as follows:

Special Sales Tax: The budgeted expenditures in the Special Sales Tax Fund need to be increased from \$3,726,499.00 to \$5,202,835.00, or by \$1,476,336.00. The increase is required because of the timing of payments to contractors between fiscal years for the Library Expansion Project. More payments for these projects were made during fiscal year 2011-2012 than during fiscal year 2010-11 than was anticipated when preparing the 2011-2012 budget.

Water Revenue Bond: The budgeted expenditures in the Water Bond Fund need to be increased from \$1,182,578.00 to \$8,429,842.00, or by \$7,247,264.00. As you may recall, on June 26, 2012 the City Council approved the issuance of Combined Utilities Refunding Bonds Series 2012 for the purpose of refunding Combined Utilities Revenue Bonds Series 2006. The City saved \$964,977.00 in interest costs over the life of the refunding bonds. This transaction was not anticipated when the 2011-2012 budget was approved on September 13, 2011; therefore, the 2011-2012 budget needs to be revised to provide the authority to redeem the refunded bonds.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing for the purpose of revising the City of Kearney Budget for the 2011-2012 Fiscal Year and introduced Ordinance No. 7740 and

moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 7740. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers 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. 7740 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7740 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Kearney. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7740 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.

IV. CONSENT AGENDA

Moved by Clouse seconded by Kearney that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 28, 2012.

2. Approve the following Claims:

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

Agri Coop \$2,130.61 smcs; Alfred Benesch \$9,614.22 smcs,co; Amax Contracting \$7,856.40 smcs; Amer Fence \$12,973.00 smcs; Amer First Aid \$140.11 smcs; Anderson,S \$331.35 smcs; Angst,A \$17.99 smcs; ARC Network \$175.00 smcs; Ask Supply \$158.68 smcs; B2 Environmental \$375.00 smcs; Baker & Taylor \$5,976.31 smcs; Bamford \$5,053.15 smcs; Bauer Underground \$1,600.00 co; Baye,S \$18.19 smcs; BBW Environmental \$200.00 smcs; Beckenhauer,T \$71.61 smcs; Bennett,T \$1,155.00 smcs; Best Western Whitehouse \$304.20 smcs; Blessing \$200,689.43 co; Bluecross Blueshield \$124,954.66 smcs; Bosselman \$9,915.75 smcs; Brigham Lofts \$135,766.00 smcs; Broadfoot's \$5,065.00 co; Bruha,S \$320.00 smcs; Buffalo Co Treasurer \$35.00 co; Builders Warehouse \$266.98 co; Capital Business Systems

\$181.82 smcs; Cash-Wa \$2,802.07 smcs; Caudillo,J \$423.00 smcs; Cengage \$2,009.23 smcs; Center Point Large Print \$181.24 smcs; Central Contracting \$21,913.00 smcs,co; Central States Wire \$2,191.09 smcs; Charter \$411.71 smcs; Chesterman \$23.40 co; Chicken Coop \$50.00 smcs; Chief Supply \$12.99 smcs; City of Ky \$390,606.16 smcs,ps; Community Action Partner \$2,500.00 smcs; Cornhusker St Ind \$4,677.00 co; Crop Production \$705.80 smcs; Curb-Ir \$870.00 smcs; D&M Security \$363.10 smcs; Danko Emergency \$1,221.00 smcs; Daugherty,R \$31.00 smcs; Demco \$1,412.81 smcs; Dmilaco \$199.90 smcs; DPC Ind \$5,106.08 smcs; Dugan Business Forms \$136.61 smcs; Dutton Lainson \$1,292.62 smcs; Eakes \$1,101.91 smcs; Eirich,T \$50.00 smcs; Enterprise \$116.26 smcs; Eppley Express \$625.00 smcs; Eustis Body Shop \$600.00 smcs; Faz,A \$245.00 smcs; Fireguard \$453.79 smcs; Fort Ky Shooting \$6,750.00 smcs; Frontier \$42.72 smcs; Gale \$708.58 smcs; Garrett Tires \$3,940.30 smcs; GE Money Bank \$1,809.54 smcs; General Binding \$1,589.13 smcs; Green,G \$800.00 co; Grey House Publishing \$452.10 smcs; Grupe,B \$316.81 smcs; H&H Distributing \$1,583.25 smcs; Harrison,R \$152.00 smcs; HD Supply \$5,250.00 smcs; Hibberd,T \$10.68 smcs; Highsmith \$1,662.04 co; Hinrichs,S \$36.86 smcs; Hometown Leasing \$207.71 smcs; Houston,J \$6.62 smcs; ICMA RC \$3,855.35 ps; ID Cards Unlimited \$2,058.95 smcs; IRS \$109,986.92 ps; Jack Lederman \$662.10 smcs; James,D \$560.00 smcs; Kart-Man \$977.00 smcs; Ky Clinic \$552.00 ps; Ky Hub \$71.10 smcs; Ky United Way \$951.61 ps; Ky Visitors Bureau \$107,865.65 smcs; Kellogg Comm College \$3,135.00 smcs; Kelly Electric \$4,450.00 smcs; Kirkham Michael \$17,567.25 smcs; Koettters,J \$11.77 smcs; Koziel,R \$193.18 smcs; Krull Ins \$1,950.00 smcs; Larue Distributing \$114.71 smcs; Lautenschlager-Stroud,J \$57.67 smcs; League of NE Municipalities \$3,294.00 smcs; Lonowski,K \$15.32 smcs; Luke,D \$11.24 smcs; Lundeen-Isaacson \$2,688.00 ps; Magic Cleaning \$2,350.00 smcs; Marlatt Machine Shop \$27.00 smcs; McLaughin,P \$9.10 smcs; Menards \$46.99 smcs,co; Metlife \$10,704.61 ps; Meza,J \$23.60 smcs; Microfilm Imaging \$3,300.00 smcs; Mid American Signal \$475.00 smcs; Midlands Contracting \$122,737.70 co; Mid-State Engineering \$590.00 smcs; Midwest Mailing \$1,585.00 smcs; Miller & Associates \$67,343.56 co; Miller Signs \$750.00 co; Miracle Recreation \$907.00 co; Moonlight Embroidery \$1,597.50 smcs; Municipal Emergency \$23.01 ps; Municipal Supply \$5,346.80 smcs; NE Child Support \$2,471.59 ps; NE Dept of Revenue \$54,805.34 ps; NE Golf & Turf \$1,554.31 smcs; NE Safety & Fire \$1,340.00 smcs; NE Salt & Grain \$27,941.68 smcs; NEland Distributors \$1,268.62 smcs; Neopost \$6,000.00 smcs; New Horizons \$4,800.00 smcs; New World Systems \$600.00 co; Noller Electric \$2,295.00 co; Northwestern Energy \$1,861.40 smcs; Nova Health Equipment \$5,946.00 ps; Office Depot \$704.93 smcs; Paramount \$183.99 smcs; Patterson,B \$88.57 smcs; Paulsen \$63,634.71 co; Payflex Systems \$518.50 smcs,ps; PC Mall Govt \$14,857.50 co; PCS Mobile \$14,730.00 co; Phillips,A \$96.32 smcs; Platte Valley Comm \$95.00 smcs; Presto-X \$345.99 smcs; Prucha,K \$325.00 smcs; Pulliam,R \$40.00 smcs; Random House \$18.75 smcs; Recorded Books \$1,880.59 smcs; Research Technology \$129.95 smcs; Riverside Mfg \$143.16 ps; Sapp Bros \$30,194.23 smcs; Schmidt,T \$31.00 smcs; Sheldon,S \$60.85 smcs; Sign Center \$4,276.64 smcs,co; Small,J \$453.00 smcs; Snow,T \$50.00 smcs; St of NE/AS Central \$4,181.95 smcs,co; Steinbrink Landscaping \$1,249.97 smcs; Sun Life Financial \$52,045.60 smcs; Technical Maintenance \$20,000.00 co; Theis,J \$90.00 smcs; Tielke's Sandwiches \$113.82 smcs; Titleist \$1,763.51 smcs; Tri-City BMX \$855.97 smcs; Two Sister's Farms \$3,850.00 co; Tye & Rademacher \$10,836.12 smcs; Uline \$33.45 smcs; Union Bank & Trust \$54,197.12 ps; UNK Board of Regents \$324.75 ps; VanHorn,S \$10.68 smcs; Verizon \$1,283.23 smcs;

Village Uniform \$577.61 smcs; Warren-T Plumbing \$639.65 smcs; Watchguard Video \$215.50 co; Webben,D \$60.00 smcs; Weis Fire & Safety \$130.00 smcs; Young,M \$39.00 smcs; Zimmerman Printers \$864.25 smcs; Payroll Ending 8-31-2012 -- \$357,164.04. 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. Adopt **Resolution No. 2012-153** allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$116,587.05 which will be carried over to the 2012-2013 Budget as "Unused Budget Authority".

RESOLUTION NO. 2012-153

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

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 October 1, 2012.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.

5. Adopt **Resolution No. 2012-154** repealing Resolution No. 2012-93 and adopt the 2012-2013 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2012-2013 year.

RESOLUTION NO. 2012-154

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

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2011-2012 fiscal year was adopted by Resolution No. 2011-91 on August 9, 2011, and amended on June 12, 2012 by Resolution No. 2012-93 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2012-2013 fiscal year; and

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

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2012.

BE IT FURTHER RESOLVED that Resolution No. 2012-93 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the application to extend Conditional Use Permit No. 1979-06 granted to Susan Underhill to locate a Day Care Facility at 2803 Avenue I for a period of one year.

7. Accept the bid received for the 2012 Part 7 Improvements; East I-80 Welcome Sign and adopt **Resolution No. 2012-155** awarding the bid to Sorensen Group in the amount of \$81,478.20.

RESOLUTION NO. 2012-155

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 16, 2012 at 2:00 p.m. for the 2012 Part 7 Improvements; East I-80 Welcome Sign; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$102,250.00 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Sorensen Group Inc. of Kearney, Nebraska in the sum of \$81,478.20 be accepted as the lowest responsible bid for 2012 Part 7 Improvements; East I-80 Welcome Sign.

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 Sorensen Group Inc. be and is the lowest responsible bidder for the 2012 Part 7 Improvements; East I-80 Welcome Sign to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Sorensen Group Inc. of Kearney, Nebraska in the sum of \$81,478.20 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$102,250.00 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 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt **Resolution No. 2012-156** approving the Training Center Lease Agreement located at the Kearney Regional Airport between the City of Kearney and the Kearney Volunteer Fire Department.

RESOLUTION NO. 2012-156

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Training Center Lease Agreement on behalf of the City of Kearney, Nebraska, with the Kearney Volunteer Fire Department, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2012-157** approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.

RESOLUTION NO. 2012-157

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt **Resolution No. 2012-158** approving the Use and Operations Agreement for Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Rodgers Helicopter Services.

RESOLUTION NO. 2012-158

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Rodgers Helicopter Services for Annex A in Hangar T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt **Resolution No. 2012-159** approving the Non-Owned Corporate Hangar Lease Agreement for Hangar T-929 located at the Kearney Regional Airport between the City of Kearney and Home Safety Systems, Inc.

RESOLUTION NO. 2012-159

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Non-Owned Corporate Hangar Lease Agreement on behalf of the City of Kearney, Nebraska, with Home Safety Systems, Inc. for Building T-926 located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF SEPTEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the KRAVE Underground located in the Kaufmann Center, 2202 Central Avenue on September 28, 2012 from 9:00 p.m. until 1:00 a.m. for a dance.

13. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico 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 29, 2012 (alternate location is Exposition Building) from 6:00 p.m. until 1:00 a.m. for a dance.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7741 – ANNUAL PERSONNEL ORDINANCE

This ordinance will repeal Ordinance No. 7717 (2011-2012 Annual Personnel Ordinance); classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for the payments of vehicle allowances; and provide for the payment of cell phone allowances.

Ordinance No. 7741 includes all the job classifications, pay grades and ranges of compensation that are included in the City of Kearney 2012-2013 Pay Policy. Additionally, various employee benefits as discussed above have been included in the ordinance. Passage of the Personnel Ordinance is done on an annual basis in conjunction with the budget process.

Council Member Kearney introduced Ordinance No. 7741, being Subsection 1 of Agenda Item V repealing Ordinance No. 7717 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, 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 Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers 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. 7741 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7741 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7741 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

OPEN ACCOUNT CLAIMS: STAN CLOUSE - \$160.62

Moved by Buschkoetter seconded by Kearney that Open Account Claims in the amount of \$160.62 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Kearney. Nay: None. Clouse abstained and Lammers absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Kearney seconded by Lear that Council adjourn at 7:50 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Kearney, Buschkoetter. Nay: None. Lammers absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**