

*Kearney, Nebraska
November 13, 2012
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 November 13, 2012 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle 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; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Mitch Humphrey, Trenton Snow, Richard Stacy, Keith Rodehorst, Jan Rodehorst, Jacque Haupt, Bruce Lefler, Lawrence Bauer, Nick Johnson, Mary Jane Skala from Kearney Hub, Steve Altmaier from KGFW Radio.

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

I. ROUTINE BUSINESS

INVOCATION

Pastor Laura Stubblefield from United Campus Ministry provided the Invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

FINAL PLAT FOR SKEEN SUBDIVISION

Mayor Clouse opened the public hearing on the Applications submitted by Mitch Humphrey (Applicant) for Glen and Patricia Skeen (Owner) for (1) to vacate part of Lot 1, Cotton Mill Subdivision, a subdivision of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 7755; and (2) the Final Plat for Skeen Subdivision, Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and together with part of Lot 1 (to be vacated), Cotton Mill Subdivision, Buffalo County, Nebraska (west of Cottonmill Avenue across from Cottonmill Park's entrance) and consider Resolution No. 2012-196.

The applicant has requested a building permit to construct a small addition to an existing house on property located west of town in the Two-Mile Extraterritorial Zoning District on Cottonmill Avenue directly across the road from the main entrance to Cottonmill Park. The size of the property is 0.967 acres and is zoned RR-1, Rural Residential District (Rural Standards). This property has never been formally subdivided and is currently described by metes and bounds even though it lies adjacent to subdivided property in Cotton Mill Subdivision. In order for the Development Services Department to issue the required building permits, the property must be brought into conformance with City and State requirements. Since the parcel is less than 10 acres, a formal subdivision is required. A small triangle of land containing 0.03 acres at the northeast corner of the property is actually part of Lot 1, Cotton Mill Subdivision and will be vacated and added to the applicant's property to allow for the platting of a 1-lot subdivision.

Part of Lot 1, Cotton Mill Subdivision containing 0.03 acres is proposed for vacation. Vacation of this small triangle of land and combining it with the remainder of the subject property will result in a straight property line along the east edge of the proposed subdivision.

A one lot subdivision to be known as Skeen Subdivision has been prepared and submitted. Both the Preliminary Plat and Final Plat consist of one lot. The Preliminary Plat was approved by Planning Commission on October 19, 2012. No Public Works Plan is required as this property cannot be served by City services. No Subdivision Agreement is required.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. He stated a number of years ago the Skeens traded property resulting in them selling some unplatted property and combined their property with a little triangle which is Lot 1, Cotton Mill Subdivision. This transaction was done in the '70s or early '80s when things were done differently than we do them now. Today, it would be required to vacate some property and the creation of a new subdivision with one or two lots to be in conformance with the present Code. The Skeens want to vacate that triangular shaped piece (0.03 acre) and combine it with their property and create a one lot subdivision encompassing

their home site. It will be known as Skeen Subdivision and zoned RR-1 which coincides with the surrounding zoning to the north and south.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Mitch Humphrey (Applicant) for Glen and Patricia Skeen (Owner) for (1) to vacate part of Lot 1, Cotton Mill Subdivision, a subdivision of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and (2) the Final Plat for Skeen Subdivision, Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and together with part of Lot 1 (to be vacated), Cotton Mill Subdivision, Buffalo County, Nebraska (west of Cottonmill Avenue across from Cottonmill Park's entrance) and introduced Ordinance No. 7755 vacating part of Lot 1, Cotton Mill Subdivision, a subdivision of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7755. 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, Lammers, Buschkoetter. Nay: None. Kearney 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. 7755 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7755 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7755 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.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2012-196** approving the Final Plat for Skeen Subdivision, Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and together with part of Lot 1 (to be vacated), Cotton Mill Subdivision, Buffalo County, Nebraska (west of Cottonmill Avenue across from Cottonmill Park's entrance). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-196

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Skeen Subdivision of Buffalo County, Nebraska for a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, described as follows: Referring to the northwest corner of said Section 32; thence easterly on the north line of said Section 32 a distance of 1,525 feet to a point on the centerline of a public road, said public road also known as the Cottonmill Lake Road; thence with a deflection angle to right of 73°55'30" a distance of 2,202 feet; thence left 6°36' a distance of 1,067 feet; thence left 7°19' a distance of 182.5 feet; thence left 22°39' a distance of 523 feet; thence right 97°29' a distance of 33 feet to the place of beginning, said place of beginning being on the southerly right-of-way line of said public road; thence left 46°22' a distance of 366.0 feet; thence left 84°23' a distance of 150.0 feet; thence left 83°37' a distance of 143.0 feet to a point on the southerly right-of-way line of said public road; thence left 48°37' on the southerly right-of-way line of said public road a distance of 300.0 feet to the place of beginning, containing 1.0 acre, more or less. Excepting that part of the aforescribed tract of land described as: a tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the northerly most corner of Lot 1 of Cotton Mill Subdivision; thence southerly on the west line of Lot 1 a distance of 70.5 feet to the place of beginning; thence continuing southerly on the west line of Lot 1 a distance of 72.5 feet; thence with a deflection angle to the right of 83°37' a distance of 71.4 feet; thence northeasterly a distance of 107.4 feet to the place of beginning. AND TOGETHER WITH part of Lot 1 (now vacated) of Cotton Mill Subdivision, a Subdivision of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: the place of beginning being the northerly most corner of said Lot 1; thence Southerly on the West line of said Lot 1 a distance of 70.5 feet to a point; thence northerly to a point on the south property line of a public road, said point being 46.8 feet southeasterly from the place of beginning; thence on the south property line of a public road a distance of 46.8 feet to the place of beginning, containing a total of 0.967 acres, more or less, Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING NORTH OF 42ND STREET ON THE WEST SIDE OF 4TH AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Nick Johnson

(Applicant) for Johnson Imperial Home Company (Owner) to rezone from District R-4, Urban Residential Multi-Family District (High Density) and District C-O, Office District to District C-2, Community Commercial District property described as the east 416.62 feet of Lot 1, Block 2, Windsor Estates 6th Addition; all of Lots 29, 30 and 31 of Block 3, Windsor Estates 7th Addition, all in the City of Kearney, Buffalo County, Nebraska (north of 42nd Street on the west side of 4th Avenue) and consider Ordinance No. 7756.

The applicant is requesting rezoning from Urban Residential Multi-Family District (High Density) and Office District to Community Commercial District for four adjacent lots starting at the northwest corner of 4th Avenue and 42nd Street and continuing north approximately 1,200 feet. Starting at the corner, these lots are platted as Lot 1, Block 2, Windsor Estates 6th Addition (± 2.83 acres), next lot north is Lot 29, Block 3, Windsor Estates 7th Addition (± 2.16 acres) followed by Lot 30 (± 1.90 acres) and Lot 31 (± 1.76 acres). The total amount of property to be rezoned is 8.66 acres.

C-2 zoning seems to be a good fit for this area, allowing both commercial office and retail uses. The adjacent properties to the east and south are already zoned C-2/PD. Adjacent to the north is the regional detention cell zoned R-1 and to the west is R-4 assisted living. The proposed zoning is in conformance with the Future Land Use Map of the City Comprehensive Development Plan which shows this property designated as "Mixed Use 2."

Nick Johnson, Johnson Imperial Homes, presented this matter to the Council. He stated the furthest south lot is presently zoned R-4 and the other three lots to the north are presently zoned C-O. They are requesting to rezone all four lots to C-2. This site is surrounded by C-2 zoning. The detention cell on the site is zoned R-1 and will remain a detention cell and will never have anything built there.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Nick Johnson (Applicant) for Johnson Imperial Home Company (Owner) to rezone from District R-4, Urban Residential Multi-Family District (High Density) and District C-O, Office District to District C-2, Community Commercial District property described as the east 416.62 feet of Lot 1, Block 2, Windsor Estates 6th Addition; all of Lots 29, 30 and 31 of Block 3, Windsor Estates 7th Addition, all in the City of Kearney, Buffalo County, Nebraska (north of 42nd Street on the west side of 4th Avenue) and introduced Ordinance No. 7756 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 7756. 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. 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. 7756 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, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7756 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7756 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 FOR FRANSSSEN ADDITION

Mayor Clouse opened the public hearing on the Application submitted by Richard Stacy (Applicant) for Ted Franssen (Owner) for the Final Plat for Franssen Addition, 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 Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8th Street and Avenue C) and consider Resolution No. 2012-197.

Last month the applicant was before the City Council requesting approval of development plans for five four-plex buildings at the Prairie View Apartment complex at 211 East 8th Street. With that application, staff realized that the property has never been formally subdivided and is still described by metes and bounds. At 5.61 acres, the land area is less than the 10-acre minimum required to avoid subdividing the property under State law. Therefore, the applicant is requesting approval of the Final Plat for Franssen Addition. The Preliminary Plat was approved by Planning Commission on October 19, 2012.

Both the Preliminary and Final Plat consist of one lot. A Subdivision Agreement has been prepared that will require the Owner to construct a water main and fire hydrant under Developer Constructed Infrastructure standards. The Agreement also obligates the Owner to construct a stormwater detention facility and to maintain it in perpetuity.

Richard Stacy from Miller & Associates presented this matter to the Council. He stated that Mr. Franssen, owner of Prairie View Apartments, was approved to add five 4-plex units to the south end of his property to complete the project. In that process, they discovered that their property is described by metes and bounds and the State Statutes now require that anything less than ten acres be subdivided. As part of this process, he has agreed to subdivide this into lots and blocks to conform to current regulations. There is mostly industrial bordering three sides of the site and residential on one side. It is surrounded by other subdivisions and was the only piece of property that is metes and bounds. There is also an easement down through the center of the property that is for a fire hydrant which will be constructed according to City requirements to provide fire protection. This is a dedicated easement and Mr. Franssen will provide the fire line and the hydrant will be maintained by the City of Kearney. According to the agreement, there will be storm drainage retention constructed for this area.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopted **Resolution No. 2012-197** approving the Application submitted by Richard Stacy (Applicant) for Ted Franssen (Owner) for the Final Plat for Franssen Addition, 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 Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8th Street and Avenue C). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-197

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Franssen Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the East Half of the Northwest Quarter of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the northwest corner of said Northwest Quarter and assuming the west line of said Northwest Quarter as bearing S00°11'47"W and all bearings contained herein are relative thereto; thence S00°11'47"W on said west line a distance of 1216.81 feet to a point on the south line of 8th Street as platted in said City, thence S89°35'21"E on said south line a distance of 2177.82 feet to the northwest corner of Lot 5, Howland Subdivision, a Subdivision in the City of Kearney, Buffalo County, Nebraska, and the Actual Place of Beginning; thence S00°24'26"W on the west line of said Subdivision a distance of 472.01 feet to the southwest corner of Lot 4 of said Subdivision and a point on the north line of Lot 1, Block 2, Sixth Street Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N89°40'55"W on the north line of said Addition a distance of 517.04 feet to the northwest corner of Lot 3, Block 2, of said Addition, and a point on the east line of Lot 1, Block 1, Anderson Park 3rd Subdivision, a Subdivision in the City of Kearney, Buffalo County, Nebraska; thence N00°20'56"E on said east line a distance of 147.43 feet to the northeast corner of said Lot 1, and a point on the east line of Lot 1, A. Collins Subdivision, a Subdivision in the City of Kearney, Buffalo County, Nebraska; thence continuing N00°20'56"E on said east line a distance of 325.41 feet to the northeast corner of said Lot 1 and a point on the south line of said 8th Street; thence S89°35'21"E on said south line a distance of 517.52 feet to the Place of Beginning, containing 5.61 acres, more or less, Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMEND LAND USE MAP AT 8985 17TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Rural Estates for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and consider Resolution No. 2012-198.

The applicant would like to subdivide this property to allow one of his sons to take possession of the existing house. This property is located north of State Highway 40 on the east side of 17th Avenue in the Two-Mile Extraterritorial Zoning District. The size of the property is 3.71 acres. This property has never been subdivided or rezoned and is zoned AG by default. In order for the land to be subdivided it must be brought into conformance with City and State requirements. Since the parcel is less than 10 acres, a formal subdivision is required along with amending the Land Use Map and rezoning.

The Owner is requesting approval to rezone the 3.71 acre parcel from Agricultural to RR-1, Rural Residential District (Rural Standards). 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 Agricultural/Open and the designation corresponding to the applicant's zoning request is Rural Estates.

A 1-lot subdivision to be known as Bauer Acres has been prepared and submitted. Both the Preliminary Plat and Final Plat consist of one lot. The Preliminary Plat was approved by Planning Commission on October 19, 2012. No Public Works Plan is required as this property cannot be served by City services. No Subdivision Agreement is required. Seventeen feet of road right-of-way is dedicated along 17th Avenue since it is an arterial road. Thirty feet of road right-of-way is dedicated at the north end of the subdivision for the south half of a future public road (90th Street) that will provide access to the property behind (east) of the proposed subdivision. Otherwise, the balance of the family farm could become land locked. The proposed road alignment would come very close to an existing outbuilding on the property. In the future, if the building were to be removed and relocated it would be placed in compliance with the required setbacks.

Trenton Snow, Land Surveyor, presented this matter to the Council. Since this parcel is less than ten acres, they must do a subdivision and it cannot be a metes and bounds legal description. Dr. Bauer wishes to transfer this land to his son and in order to do that they have created a one lot subdivision. There is a trail that goes east and north and is where the north line of this property is and if approved will be platted as 90th Street. The existing building and house will be included in this lot. This site is outside the City of Kearney, but within the 2-mile jurisdiction so is required to come before Council. The site is not adjacent and will not need annexation.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopted **Resolution No. 2012-198** approving the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural/Open to Rural Estates for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-198

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows; Referring to the northwest corner of the Southwest Quarter of said Section 11 and assuming the west line of said Southwest Quarter as bearing south and all bearings contained herein are relative thereto; thence south on the aforesaid west line a distance of 1138.5 feet to the ACTUAL PLACE OF BEGINNING; thence continuing south on the aforesaid course a distance of 308.82 feet; thence N81°18'E a distance of 623.47 feet; thence north parallel with the aforesaid west line a distance of 214.94 feet; thence west a distance of 616.37 feet to the place of beginning, containing 3.71 acres, more or less, Buffalo County, Nebraska from Agricultural/Open to Rural Estates; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Agricultural/Open to Rural Estates the use classification for a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows; Referring to the northwest corner of the Southwest Quarter of said Section 11 and assuming the west line of said Southwest Quarter as bearing south and all bearings contained herein are relative thereto; thence south on

the aforesaid west line a distance of 1138.5 feet to the ACTUAL PLACE OF BEGINNING; thence continuing south on the aforescribed course a distance of 308.82 feet; thence N81°18'E a distance of 623.47 feet; thence north parallel with the aforesaid west line a distance of 214.94 feet; thence west a distance of 616.37 feet to the place of beginning, containing 3.71 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING 8985 17TH AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and consider Ordinance No. 7757.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and introduced Ordinance No. 7757 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 7757. 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. 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. 7757 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, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7757 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7757 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 FOR BAUER ACRES

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) for the Final Plat for Bauer Acres, Buffalo County, Nebraska for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue) and consider Resolution No. 2012-199.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2012-199** approving the Application submitted by Trenton Snow (Applicant) for Lawrence and Mary Bauer (Owner) for the Final Plat for Bauer Acres, Buffalo County, Nebraska for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8985 17th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-199

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Bauer Acres of Buffalo County, Nebraska for a tract of land being part of the West Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows; Referring to the northwest corner of the Southwest Quarter of said Section 11 and assuming the west line of said Southwest Quarter as bearing south and all bearings contained herein are relative thereto; thence south on the aforesaid west line a distance of 1138.5 feet to the ACTUAL PLACE OF BEGINNING; thence continuing south on the aforesaid course a distance of 308.82 feet; thence N81°18'E a distance of 623.47 feet; thence north parallel with the aforesaid west line a distance of 214.94 feet; thence west a distance of 616.37 feet to the place of beginning, containing 3.71 acres, more or less, Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CDBG APPLICATION FOR COMMUNITY PLANNING ACTIVITIES

Mayor Clouse opened the public hearing concerning an application to the Department of Economic Development for a Community Development Block Grant for community planning activities and consider Resolution No. 2012-200.

Grant Administrator Jacque Haupt presented this matter to the Council. She stated the Community Revitalization Strategy Grant is one they have applied for in the past and is given on a rotating basis to eight specific communities that are eligible within the State of Nebraska. In the past few months, she came to Council talking about the grant that they did about three years ago. This is the time to plan again for funds. There are two areas they will be concentrating on because they are 51 percent above low to middle income which makes them eligible for the program according to the census. There will be some public meetings to decide what the needs are in those areas that are eligible within this program. This application for the Strategy Planning Grant will be funded by the department and matching funds of \$4,500 provided by the City. The completed strategy plan will be submitted to the State in May or June of 2013. After that, they will be notified when they can start applying for the first round of funds to actually construct a project.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing concerning an application to the Department of Economic Development for a Community Development Block Grant for community planning activities and consider **Resolution No. 2012-200**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-200

WHEREAS, the Comprehensive Revitalization program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development; and

WHEREAS, this program allows DED to award funds for a 2012 Assessment and Strategic Planning Documents, and subsequently conditionally guarantee grant awards in 2013, 2014 and 2015 for eight non-entitlement local governments, between 20,000 and 49,999 populations; and

WHEREAS, the proposed project will encompass six months of funding for Community Planning activities with the total funds for the project from CDBG being estimated at \$15,000, and matching funds in the amount of \$4,500 will come from general funds, which brings the total cost of the project to \$19,500; and

WHEREAS, the application being submitted is for the strategic plan funding and will mainly consist of the planning process, conducting meetings with residents within the target area, and planning efforts to develop a 3-year plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Council of the City of Kearney, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska

Department of Economic Development so as to effect acceptance of the community revitalization supplemental funds application.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Lammers that Subsections 1 through 8 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 October 23, 2012 and Minutes of Special Meeting held November 5, 2012.

2. Approve the following Claims:

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

Aflac \$2,929.22 ps; Albrecht,H \$2,866.50 smcs; All Makes Auto Supply \$4,780.70 smcs; Amer First Aid \$18.95 smcs; Amer Pavement \$328,644.05 co; Anderson Brothers \$142.26 smcs; Arrow Seed \$609.00 smcs; Ashbrook Simon Hartley \$2,693.76 smcs; Ask Supply \$830.92 smcs; Audio Go \$147.95 smcs; Aurora Coop \$5,442.23 smcs; Baird Holm \$693.75 smcs; Baker & Taylor \$8,392.47 smcs; Bamford \$695.00 smcs; Barney Ins \$15,442.50 smcs; Bluecross Blueshield \$71,340.55 smcs; Board of Examiners \$75.00 smcs; Books Galore \$11,013.67 smcs; Bosselman \$28,670.58 smcs; Brabec,R \$2,695.25 smcs; Brigham Lofts \$48,119.00 smcs; Broadfoot's \$20.00 smcs; Bruha,S \$150.00 smcs; Buffalo Co Reg Deeds \$157.50 smcs; Buffalo Outdoor Power \$218.55 smcs; Builders Warehouse \$444.25 smcs,co; Cabanting,D \$16.00 smcs; Capital Business Systems \$346.05 smcs; Cappel,S \$90.00 smcs; Cash-Wa \$361.82 smcs; Center Point Large Print \$248.25 smcs; CH Diagnostic \$570.00 smcs; Chamber,D \$100.00 smcs; Charter \$480.80 smcs; CHS Agri Service \$2,510.53 smcs; Churchill,C \$250.00 smcs; City of Ky \$329,205.53 smcs,ps; Clinebell,J \$35.00 smcs; CNA Surety \$40.00 smcs; Comm Action Partnership \$66.50 smcs; Compass Tools \$795.00 smcs; Connelly Industrial \$4,629.84 smcs; Copycat Printing \$929.10 smcs; Dawson PPD \$2,260.19 smcs; Demco \$191.51 smcs; Deterdings \$1,290.00 smcs; Dmilaco \$2,195.44 smcs,ps; DPC Industries \$6,814.38 smcs; Dugan \$264.18 smcs; Dutton-Lainson \$647.21 smcs; Eakes \$4,247.42 smcs,co; Ecolab \$37.04 smcs; Eirich,T \$50.00 smcs; EMC Ins \$516,079.00 smcs; Engineered Controls \$1,700.00 smcs; Eppley Express \$4,400.00 smcs; Farmers Union \$175.50 smcs; Fiddelke \$19.14 smcs; Fisher,C \$100.00 smcs; Footjoy \$127.40 smcs; Frontier \$9,314.95 smcs; Gale \$605.86 smcs; Galls \$32.79 smcs; Gangwish Turf \$103.20 co; Gaylord Bros \$140.38 smcs; Goodner,D \$100.00 smcs; Goodwin Tucker \$965.86 smcs; Graham Tire \$1,157.00 smcs; Great Plains One Call \$535.56 smcs; Grey House Publishing \$208.95 smcs;

Haack,S \$267.46 smcs; Hawthorne Jewelry \$1,305.00 ps; HD Supply \$24,966.48 smcs; Highsmith \$256.60 smcs; HOA Solutions \$36,000.00 co; Holmes Plumbing \$270.68 smcs; Hometown Leasing \$207.71 smcs; Horst,R \$245.25 smcs; ICMA RC \$5,215.10 smcs,ps; IRS \$111,549.66 ps; Jack Lederman \$331.78 smcs; Jack's Uniforms \$30.00 smcs; James,D \$150.00 smcs; JCB Enterprise \$138.75 smcs; K&K Parts \$1,082.99 smcs; Ky Clinic \$722.00 ps; Ky Comm Foundation \$40.00 smcs; Ky Concrete \$15,309.94 smcs,co; Ky Crete & Block \$109.70 co; Ky Hub \$319.20 smcs; Ky United Way \$605.74 ps; Ky Visitors \$43,160.79 smcs; Kirkham Michael \$12,297.08 co; Klute,B \$20.00 smcs; Kovar,M \$289.03 smcs; Kowalek,G \$24.00 smcs; Kring,J \$120.00 smcs; Krull Ins \$1,950.00 smcs; Lambert's Café \$913.00 smcs; Langvardt,V \$34.00 smcs; Lehn,S \$137.00 smcs; Lindner,S \$61.00 smcs; Lopez,C \$145.00 smcs; Lynch,D \$250.00 smcs; Mac Tools \$94.80 smcs; Magic Cleaning \$690.00 smcs; Mail Express \$4,941.76 smcs; Main Street Ky \$22,660.00 smcs; Matheson Tri-Gas \$156.24 smcs; McEntee,S \$100.00 smcs; McNeilus Truck \$1,237.02 smcs; Mergent \$1,037.00 smcs; Menards \$2,060.50 smcs; Metlife \$7,637.56 ps; Middleton Electric \$775.00 smcs; Midlands Contracting \$47,838.53 smcs,co; Mid-NE Garage Doors \$500.00 smcs; Mid-State Units \$360.00 smcs; Miller & Associates \$4,408.00 smcs; Miller,L \$948.00 smcs; Moonlight Embroidery \$613.50 smcs; Morris Press \$28.14 smcs; Municipal Emergency Serv \$249.25 ps; NE Child Support \$2,470.66 ps; NE Dept Environmental \$300.00 smcs; NE Dept of Revenue \$37,833.04 ps; NE Environmental Products \$4,378.63 smcs; NE Golf Course Superint \$50.00 smcs; NE Library Comm \$920.00 smcs; NE Sec of State \$30.00 smcs; NE St Board Landscapes \$170.00 smcs; Neopost \$6,643.92 smcs; New World Systems \$1,621.23 co; Nichols,E \$116.59 smcs; Northwestern Energy \$2,755.76 smcs; O'Reilly Automotive \$268.19 smcs; Paramount Linen \$94.66 smcs; Paulsen \$186,037.70 smcs; Payflex Systems \$522.75 smcs,ps; Penworthy Co \$3,740.07 smcs; Philby,J \$60.96 smcs; Pitney Bowes \$795.00 smcs; Platte Valley Comm \$1,196.00 smcs; Presto-X \$470.35 smcs; Protex Central \$340.00 smcs; Pulliam,R \$40.00 smcs; Quill \$298.98 smcs; Ramsey,C \$50.00 smcs; Random House \$150.00 smcs; Ready Mixed Concrete \$10,531.83 co; Recorded Books \$120.60 smcs; Recovery Systems \$590.91 smcs; Redwine,M \$245.00 smcs; Reinke's Heating \$382.74 smcs; Reliable Printing \$1,224.40 smcs; Resource Management \$21,061.06 smcs; RNDC-Eagle Division \$105.90 smcs; RNDC-Falcon Division \$293.72 smcs; Roesler,A \$74.90 smcs; Rourke Publishing \$1,507.42 smcs; S&B Heating \$2,374.15 smcs; Sanitation Products \$2,980.10 smcs; Sapp Bros \$29,671.87 smcs; Saulsbury,T \$15.00 smcs; Schroeder,C \$32.00 smcs; Sesna,D \$141.00 smcs; Showcases \$449.06 smcs; Smith,C \$300.00 ps; Snap-On Tools \$949.00 smcs; Snow,T \$50.00 smcs; State of NE/AS Central \$4,041.31 smcs,co; Steinbrink Landscaping \$4,179.58 smcs; Sterling Distributing \$120.84 smcs; Stuehm,A \$100.00 smcs; Sun Life Financial \$52,774.55 smcs; Sutphen Corp \$734.32 smcs; Tassi,M \$72.00 smcs; Terry's Transport \$15,375.14 smcs; Theis,J \$60.00 smcs; Thompson Co \$360.73 smcs; Thompson,K \$171.00 smcs; Tye & Rademacher \$11,269.27 smcs; Union Bank \$56,373.89 ps; UNK & Board of Regents \$334.09 ps; Upstart \$163.44 smcs; Verizon Wireless \$1,000.27 smcs; Vessco \$1,117.00 smcs; Village Uniform \$577.65 smcs; Walsh,C \$259.14 smcs; Warrington,D \$213.00 smcs; Watchguard Video \$974.75 co; Water Environment \$96.00 smcs; Weber,J \$75.00 smcs; Weber,M \$100.00 smcs; Weiss,D \$20.00 smcs; Wells Fargo Real Estate \$353.84 smcs; Wemhoff,M \$20.00 smcs; Wilkins Hinrichs Stober \$3,985.50 smcs; Williams,M \$97.00 smcs; World Theatre Foundation \$5,000.00 smcs; WPCI \$696.00 ps; WT Cox Information \$34.20 smcs; Payroll Ending 10-20-2012 -- \$357,127.09 and Payroll Ending 11-3-2012 -- \$354,335.18. 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. 2012-201 approving the Developer Constructed Infrastructure Agreement between the City and Great Western Properties, LLC for the construction of a water main and fire hydrants to serve Great Western Second Addition.

RESOLUTION NO. 2012-201

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Great Western Second Addition" between the City of Kearney and Great Western Properties LLC to construct an 8-inch diameter ductile iron pipe water main located near the centerline of Avenue N and the north line of Lot 2, Great Western Second Addition, then easterly in a water easement approximately 540 feet, then southerly approximately 40 feet to two locations to its terminus at a fire hydrant be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Mark Benjamin on behalf of Great Western Properties LLC to construct said water main as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

4. Adopt Resolution No. 2012-202 approving the Property Maintenance and Lease Agreement between the City of Kearney and Matt Anderson plant cover crop on property located at the southeast corner of 56th Street and Antelope Avenue.

RESOLUTION NO. 2012-202

WHEREAS, the City has negotiated an Agreement to allow Matt Anderson to plant a cover crop on the Tech Park Property located at the southeast corner of 56th Street and Antelope Avenue and to provide for weed control for this parcel.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement, on behalf of the City of Kearney, Nebraska with Matt Anderson. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the application for a Special Designated License submitted by Zoul

Hospitality LLC, dba Willman’s Bottle Shop in connection with their Class CK-96496 liquor license to dispense beer, wine and distilled spirits inside the Great Platte River Archway located at 3060 East 1st Street on November 30, 2012 from 5:00 p.m. until 1:00 a.m. for a reception.

6. Adopt **Resolution No. 2012-203** approving the LPA – Consultant Professional Services Agreement between the City of Kearney, Nebraska Department of Roads and Miller & Associates providing preliminary engineering services for the East Kearney Bypass; Utilities Relocations Phase 2.

RESOLUTION NO. 2012-203

WHEREAS, the City of Kearney, Nebraska is developing a transportation project for which it intends to obtain Federal funds; and

WHEREAS, the City of Kearney, Nebraska as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, the City of Kearney, Nebraska and Miller & Associates wish to enter into a LPA – Consultant Professional Services Agreement to provide Utility Relocation Services for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska Stanley A. Clouse, Mayor of the City of Kearney, Nebraska is hereby authorized to sign the attached LPA – Consultant Professional Services Agreement between the City of Kearney, Nebraska, the Nebraska Department of Roads and Miller & Associates.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits at the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 6, 2012 from 4:00 p.m. until 12:00 a.m. for a banquet.

8. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on December 15, 2012 from 4:00 p.m. until 12:00 a.m. for a bull riding event.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7758 CREATING PAVING DISTRICT NO. 2012-954

Items 1 through 8 pertain to infrastructure improvements for Oak Park Center. When Oak Park Center was platted the owners signed a Subdivision Agreement setting forth the installation of paving, water and sanitary sewer improvements through a combination of improvements districts and developer constructed infrastructure. The City will pave 56th Street from 2nd Avenue west to 6th Avenue at no cost to the abutting property owners. The City will also pave from the existing pavement located in 52nd Street and 3rd Avenue westward to the west line of Lot 1, Block Two, Sorensen Fifth.

By signing the Subdivision Agreement, the owner/developer is requesting the City to create paving, water and sanitary sewer districts where required for 3rd Avenue as platted and proposed when extended to 56th Street, proposed 4th Avenue and a Roadway and Utility Easement located on lot 4. Owner agrees to pay a deposit of 50 percent of the engineer's estimated assessable cost for said districts prior to the City awarding the bid. Owner will agree to pay the balance of the assessable cost, total final assessments less the deposit applied as set forth in the Subdivision Agreement.

Council Member Lammers introduced Ordinance No. 7758, being Subsection 1 of Agenda Item V creating Paving Improvement District No. 2012-954 for 52nd Street from 3rd Avenue and terminating 761 feet west, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7758 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7758 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7758 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7759 CREATING PAVING DISTRICT NO. 2012-955

Council Member Lammers introduced Ordinance No. 7759, being Subsection 2 of Agenda Item V creating Paving Improvement District No. 2012-955 for 3rd Avenue, a Road and Utility Easement, from the north line of 52nd Street to the north line of Oak Park Center and east in a Roadway and Utility Easement to the west line of 2nd Avenue, and moved that the statutory rules requiring ordinances to be read by title on

three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7759 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7759 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7759 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7760 CREATING PAVING DISTRICT NO. 2012-956

Council Member Lammer introduced Ordinance No. 7760, being Subsection 3 of Agenda Item V creating Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7760 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7760 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7760 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7761 CREATING WATER DISTRICT NO. 2012-565

Council Member Lammers introduced Ordinance No. 7761, being Subsection 4 of Agenda Item V creating Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7761 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7761 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7761 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7762 CREATING WATER DISTRICT NO. 2012-566

Council Member Lammers introduced Ordinance No. 7762, being Subsection 5 of Agenda Item V creating Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7762 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7762 be passed,

approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7762 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7763 CREATING WATER DISTRICT NO. 2012-567

Council Member Lammers introduced Ordinance No. 7763, being Subsection 6 of Agenda Item V creating Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7763 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7763 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7763 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7764 CREATING SANITARY SEWER DISTRICT NO. 2012-505

Council Member Lammers introduced Ordinance No. 7764, being Subsection 7 of Agenda Item V creating Sanitary Sewer District No. 2012-505 in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7764 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7764 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7764 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7765 CREATING SANITARY SEWER DISTRICT NO. 2012-506

Council Member Lammers introduced Ordinance No. 7765, being Subsection 8 of Agenda Item V creating Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7765 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7765 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7765 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7766 AMENDING SECTION 8-804 AND 8-807 OF CITY CODE

Amendments to Section 8-804 "Specific Limits" are necessary with the recent annexations, street improvements, neighborhood developments, and safety concerns on a number of city streets: Avenue E, 30th Avenue, Avenue H, Avenue N, Avenue M, Central Avenue, and Kea West Avenue, various speed limit changes have been made or need to be made along these streets.

An amendment to Section 8-807 "School Crossings with Yellow Flashing Lights" also is necessary. With the recent removal of the Yellow Flashing Light School Crossing Zone and the installation of the Pedestrian Activated School Crossing Signal that now stops vehicles on Avenue N when students or pedestrians activate the signal at 34th Street and Avenue N needs to be changed.

Working with the Police Department, we have established the appropriate speed limits based on the existing street section and traffic performance. Attached is a copy of the new ordinance that reflects the changes to Sections 8-804 and 8-807 of Chapter 8 of the City Code.

Council Member Lammers introduced Ordinance No. 7766, being Subsection 9 of Agenda Item V amending Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Code of the City of Kearney to adjust the various speed limits on Avenue E, 30th Avenue, Avenue H, Avenue M, Avenue N, Central Avenue and Kea West Avenue; to amend Section 8-807 "School Crossings with Yellow Flashing Lights" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Code of the City of Kearney to remove the reference to Avenue N at 34th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7766 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7766 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7766 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7767 CREATING PAVING DISTRICT NO. 2012-957

Items 10 through 15 pertain to infrastructure improvements inside Lake Villa Estates. Bart Langenberg, Managing Member for Kdiver, LLC submitted a letter requesting paving, water and sanitary sewer districts be created for Emerald Drive, Ontario Road, Winnipeg Road and Tahoe Drive in the Lake Villa Estates Subdivision. Mr. Langenberg has been notified by his engineer on the estimate for the projects and wants the City to proceed with the creation of the districts.

Council Member Lammers introduced Ordinance No. 7767, being Subsection 10 of Agenda Item V creating Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the centerline of Ontario Road, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7767 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7767 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7767 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7768 CREATING PAVING DISTRICT NO. 2012-958

Council Member Lammers introduced Ordinance No. 7768, being Subsection 11 of Agenda Item V creating Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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.

7768 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7768 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7768 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7769 CREATING PAVING DISTRICT NO. 2012-959

Council Member Lammers introduced Ordinance No. 7769, being Subsection 12 of Agenda Item V creating Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7769 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7769 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7769 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7770 CREATING PAVING DISTRICT NO. 2012-960

Council Member Lammers introduced Ordinance No. 7770, being Subsection 13 of Agenda Item V creating Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7770 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7770 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7770 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7771 CREATING WATER DISTRICT NO. 2012-568

Council Member Lammers introduced Ordinance No. 7771, being Subsection 14 of Agenda Item V creating Water District No. 2012-568 in Emerald Drive and its extension beginning at the East line of Winnipeg Road and terminating at a point 250 feet East of the centerline line of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7771 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7771 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7771 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7772 CREATING SANITARY SEWER DISTRICT NO. 2012-507

Council Member Lammers introduced Ordinance No. 7772, being Subsection 15 of Agenda Item V creating Sanitary Sewer District No. 2012-507 in Emerald Drive and its extension beginning at the west line of Winnipeg Road and terminating at a point 250 feet east of the centerline of Ontario Road, and all of Ontario Road beginning at the south line of Emerald Drive and terminating 349 feet southerly, 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, Lammers, Buschkoetter, Lear. Nay: None. Kearney 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. 7772 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7772 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7772 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**CALLING OF BOND ANTICIPATION NOTES, SERIES 2010 AND SERIES 2011**

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion Resolution No. 2012-204 calling for the redemption of the Bond Anticipation Notes, Series 2010 that mature December 15, 2012 and the Bond Anticipation Notes, Series 2011 that mature December 15, 2013.

The City has completed construction, made final payments on, and assessed the improvement costs according to benefits derived on the Parkview Estates 5th Addition and Spruce Hollows Estates 4th and 5th Addition.

Prior to the construction of paving and stormwater improvements for the above subdivisions, Series 2010 and Series 2011 Bond Anticipation Notes were approved by the City Council to provide short-term financing to pay contractors and engineers. The Series 2010 BAN's, which are dated July 27, 2010, mature on December 15, 2012, and

the Series 2011 BAN's, which are dated February 25, 2011, mature on December 15, 2013. The Series 2011 BAN's will have to be called for payment one year early. The total amount of the outstanding 2011 BAN's is \$1,090,000 and the total amount of the outstanding 2012 BAN's is \$1,265,000. The total amount of the Series 2012 Various Purpose Bonds will be \$1,245,000. The difference between the Series 2012 Various Purpose Bonds and the outstanding Series 2011 BAN's and 2012 BAN's will be funded with special assessment collections.

The term of the Series 2012 General Obligation Bonds will be twenty years with an estimated interest rate of 0.40% on the one year bonds to 3.65% on the twenty year bonds. The annual payments on the Series 2012 Various Purpose Bonds will be approximately \$82,000 each year for twenty years.

Bruce Lefler from Ameritas Investment presented this matter to the Council. He stated 2010 Notes are coming due December 15, 2012 and will be paid as they mature. The other bonds will be called in about a year early. The amortization of these bonds will be just shy of 20 years. They currently market these bonds at interest rates that start at .40 percent and in the year 2031 provides for all-in interest rate on these bonds over that period of time of 2.71 percent. This is a very attractive interest rate. He also said during their marketing period they probably had somewhere between \$400,000 to \$500,000 worth of these bonds that were sold locally. They like to give preference to those local entities.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2012-204** calling for the redemption of the Bond Anticipation Notes, Series 2010 that mature December 15, 2012 and the Bond Anticipation Notes, Series 2011 that mature December 15, 2013. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-204

BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska:

Section 1. The following bond anticipation notes of the City of Kearney, Nebraska, in accordance with their option provisions are hereby called for payment on December 14, 2012, after which date interest on the bond anticipation notes will cease:

Bond Anticipation Notes, Series 2011, of the City of Kearney, Nebraska, date of original issue – February 25, 2011, in the principal amount of One Million Two Hundred Sixty-five Thousand Dollars (\$1,265,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$1,265,000	December 15, 2013	1.30%	486890 ZP4

Said bond anticipation notes are hereinafter referred to as the "Refunded Notes."

The Refunded Notes are subject to redemption at any time on or after June 15, 2012, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Notes were used to provide interim financing

pending the issuance of general obligation various purpose bonds or other bonds of the City to pay the cost of street improvements in Paving Improvement District No. 2010-944.

Section 2. The Refunded Notes are to be paid at the office of the Treasurer of the City of Kearney, Kearney, Nebraska, as paying agent and registrar.

Section 3. A true copy of this resolution shall be filed immediately with the Treasurer of the City of Kearney in Kearney, Nebraska, as Paying Agent and Registrar for the Refunded Notes, and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said notes not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the Refunded Notes.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ORDINANCE NO. 7773 ISSUING GENERAL OBLIGATION VARIOUS PURPOSE BONDS

Council Member Clouse introduced Ordinance No. 7773, being Subsection 2 of Agenda Item VI authorizing the issuance of General Obligation Various Purpose Bonds of the City of Kearney, Nebraska, in the principal amount of \$1,245,000 for the purpose of paying the costs of improving streets and intersections in Paving Improvement District Nos. 2010-938, 2010-939, 2010-940, 2010-941 and 2010-944; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney 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. 7773 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7773 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7773 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.

REDEVELOPMENT PROJECT FOR 1140 EAST 1ST STREET, NORTH OF EAST 1ST STREET AND WEST OF AVENUE M

Mayor Clouse opened for discussion the redevelopment project for Redevelopment Area #9 for an area described as a tract of land being Lot 3, Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom that part of said Lot 3, more particularly described as follows: Beginning at the Northeast Corner of Lot 3, Abood Second Addition and assuming the East line of Lot 3 as bearing S00°55'06"E and all bearings contained herein are relative thereto; thence S00°55'06"E and on the East line of said Lot 3 a distance of 155.09 feet; thence leaving the East line of said Lot 3, S59°29'46"W a distance of 72.96 feet; thence N37°22'26"W a distance of 103.00 feet; thence N56°31'21"W a distance of 80.00 feet; thence N 67°39'40" W a distance of 154.92 feet; thence N01°11'08"W a distance of 72.63 feet to a point on the Northerly line of said Lot 3; thence S89°04'54"E on the Northerly line of said Lot 3 a distance of 187.31 feet; thence S00°55'06"W and continuing on the Northerly line of said Lot 3 a distance of 60.00 feet; thence S89°04'54"E and continuing on the Northerly line of said Lot 3 a distance of 148.12 feet to the place of beginning, TOGETHER WITH Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1140 East 1st Street, north of East 1st Street and west of Avenue M) and adopt Resolution No. 2012-205.

Assistant City Manager/Development Services Director stated North Shore Marina, LLC (dba Kearney RV Park and Campground) is considering developing a 25-acre site to include 30 RV pads and a 480 square foot frame and block building on the northwest corner of Avenue M and Archway Parkway. The campground site is located along the south and east side of an existing lake. An existing residential structure, at the southwest corner of the property will be repurposed as the residence and office for the campground manager. Eligible costs include dirt work, tree removal, landscaping, fencing, signage, aggregate surfacing, and paved parking totaling \$107,540. Utilities improvements to the site total \$44,650. Additional on-site utilities improvements to each pad total \$83,310. These costs pose a significant impact on development.

This project meets one objective outlined in the Redevelopment Plan for Area #9:

- "Provide incentives for existing businesses, within the Redevelopment Area, to expand in place and/or make needed improvements to their properties."

The total new valuation of the property (2 parcels) is estimated to be \$773,790. The most recent valuation was \$323,750 – creating an estimated new increment of \$450,040. The estimated new real estate taxes per year are \$9,623. Total estimated on-site eligible TIF expenditures are \$152,190.

On October 5, 2012, the CRA considered the application and recommended that City Council approve the application for Tax Increment Financing of 100% up to a maximum of \$154,000 over 15 years, and to authorize Community Redevelopment Authority Chairman Jon Abegglen to enter into a TIF contract with North Shore Marina, LLC.

Tax Increment Financing at 100% would generate \$9,623 per year for fifteen years, totaling \$144,345.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2012-205** finding that the redevelopment project set forth in the application submitted by North Shore Marina would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 100% of the anticipated TIF valuation up to a maximum of \$154,000 payable until the fifteen year TIF period expires be granted and further grant the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with North Shore Marina. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-205

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #9 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as a tract of land being Lot 3, Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom that part of said Lot 3, more particularly described as follows: Beginning at the Northeast Corner of Lot 3, Abood Second Addition and assuming the East line of Lot 3 as bearing S00°55'06"E and all bearings contained

herein are relative thereto; thence S00°55'06"E and on the East line of said Lot 3 a distance of 155.09 feet; thence leaving the East line of said Lot 3, S59°29'46"W a distance of 72.96 feet; thence N37°22'26"W a distance of 103.00 feet; thence N56°31'21"W a distance of 80.00 feet; thence N 67°39'40" W a distance of 154.92 feet; thence N01°11'08"W a distance of 72.63 feet to a point on the Northerly line of said Lot 3; thence S89°04'54"E on the Northerly line of said Lot 3 a distance of 187.31 feet; thence S00°55'06"W and continuing on the Northerly line of said Lot 3 a distance of 60.00 feet; thence S89°04'54"E and continuing on the Northerly line of said Lot 3 a distance of 148.12 feet to the place of beginning, TOGETHER WITH Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land described as a tract of land being Lot 3, Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom that part of said Lot 3, more particularly described as follows: Beginning at the Northeast Corner of Lot 3, Abood Second Addition and assuming the East line of Lot 3 as bearing S00°55'06"E and all bearings contained herein are relative thereto; thence S00°55'06"E and on the East line of said Lot 3 a distance of 155.09 feet; thence leaving the East line of said Lot 3, S59°29'46"W a distance of 72.96 feet; thence N37°22'26"W a distance of 103.00 feet; thence N56°31'21"W a distance of 80.00 feet; thence N 67°39'40" W a distance of 154.92 feet; thence N01°11'08"W a distance of 72.63 feet to a point on the Northerly line of said Lot 3; thence S89°04'54"E on the Northerly line of said Lot 3 a distance of 187.31 feet; thence S00°55'06"W and continuing on the Northerly line of said Lot 3 a distance of 60.00 feet; thence S89°04'54"E and continuing on the Northerly line of said Lot 3 a distance of 148.12 feet to the place of beginning, TOGETHER WITH Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as a tract

of land being Lot 3, Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom that part of said Lot 3, more particularly described as follows: Beginning at the Northeast Corner of Lot 3, Abood Second Addition and assuming the East line of Lot 3 as bearing S00°55'06"E and all bearings contained herein are relative thereto; thence S00°55'06"E and on the East line of said Lot 3 a distance of 155.09 feet; thence leaving the East line of said Lot 3, S59°29'46"W a distance of 72.96 feet; thence N37°22'26"W a distance of 103.00 feet; thence N56°31'21"W a distance of 80.00 feet; thence N 67°39'40" W a distance of 154.92 feet; thence N01°11'08"W a distance of 72.63 feet to a point on the Northerly line of said Lot 3; thence S89°04'54"E on the Northerly line of said Lot 3 a distance of 187.31 feet; thence S00°55'06"W and continuing on the Northerly line of said Lot 3 a distance of 60.00 feet; thence S89°04'54"E and continuing on the Northerly line of said Lot 3 a distance of 148.12 feet to the place of beginning, TOGETHER WITH Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska, shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date is set forth in the Redevelopment Contract as follows:

a. That proportion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF 1300 EAST 11TH STREET

Mayor Clouse opened for discussion Resolution No. 2012-206 on the intent to annex into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County,

Nebraska (1300 East 11th Street) and to set the public hearing date for November 27, 2012 at 7:00 p.m.

City Attorney Michael Tye presented this matter to the Council. The owners of 1300 East 11th Street wanted to connect to City water in August 2012 as the well serving the property went bad. At that time an agreement was prepared stating that the owners would not protest future annexation by the City and that annexation could occur immediately since the property is contiguous to the corporate limits on both the east and west sides. This being the case, City staff put together an Annexation Agreement which was accepted by the Council on August 28, 2012.

Section 16-117 of the Nebraska Revised Statutes provides for the process of annexation. This matter was first considered at a public hearing before the Planning Commission at their meeting held on October 19, 2012 and was approved. The second action in this process is for the City Council to consider passing a resolution stating its intent to annex, approve an annexation plan, and to set a public hearing for comment on the proposed annexation before the City Council. Attached is the Resolution of Intent, the Annexation Plan, along with the map showing the current and proposed City limit boundaries.

Moved by Clouse seconded by Lammers to adopt **Resolution No. 2012-206** on the intent to annex into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (1300 East 11th Street) and set the public hearing date for November 27, 2012 at 7:00 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2012-206

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Section 6; thence easterly on the South line of said Section a distance of 760.8 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the afore described course a distance of 150.0 feet; thence with a deflection angle to the left and running in a northerly direction $89^{\circ} 32'$ a distance of 333.45 feet; thence westerly a distance of 150 feet to a point on the East line of Andersen Park 1st Subdivision, a subdivision to the City of Kearney Buffalo County Nebraska; thence southerly on the aforesaid East line a distance of 333.3 feet to the place of beginning, all in Buffalo County, Nebraska; and

WHEREAS, the City Council will conduct a public hearing on November 27, 2012 at 7:00 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and maintained by the City of Kearney and no additional utility improvements will be

required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 7:00 p.m. on November 27, 2012, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

KEARNEY'S PAST, PRESENT AND FUTURE

Mayor Clouse stated the City Manager wanted to make a presentation on Kearney's accomplishments and looking into the future.

City Manager Michael Morgan began his look back almost eight years ago when he started as the Kearney City Manager. When he arrived in 2005, there was a list of proposed projects on his desk. The top ten of those projects were; Cherry Avenue, 39th Street (the "hill"), east Highway 30 annexation, Harmon Park Activity Center, the Library expansion (\$13.6 million project) was being discussed, the college curves by UNK, wellfield development and water issues, Airport enplanements, code enforcement concerns which were brought forth at neighborhood group meetings, future City finances including state of the economy, taxes, revenues, etc. Everything on that list has been completed to date, with the exception of the college curves which are funded in 2015.

The first thing he wanted to find out was what the citizens of Kearney wanted. The City had used various surveys in the past with a variety of methods to gather information. He looked at doing something different at that time by holding the listening sessions, CIP surveys, satisfaction surveys, and web poles. They did receive over 1,600

suggestion cards in response. During the first round of listening sessions held a few years ago, they had over 1,500 citizens attend 84 listening sessions. That is a significant number in a community of our size. The City Manager ended up meeting one on one with all 230 City employees in order to find out what kind of issues City employees had on their minds.

After identifying what the wants and needs were, a plan was made. The City Council approved placing on the ballot the ½ cent sales tax which passed by 70+ percent. That ½ sales tax gave the City significant resources going forward to start planning. He did not think that they ever stressed enough how desperate the need was for revenues for capital improvements such as; streets, sidewalks and curbs which are basic necessities. At that time, they talked a lot about buildings but he was not sure there was a lot of discussion about the conditions of streets.

At that time, there were also dramatic changes made in the City's Worker's Comp and Comprehensive insurance program which saved the City over \$2.2 million. Organizational efficiency is ongoing because it is effective. They continue to look at all the departments and determine if they are efficient. One of the things that government needs to do a better job of is asking itself are the things they are doing really necessary anymore. They tend to adopt programs and never go back and look at them later. The City has tried to do a good job of that by looking at staffing and adjusting staffing. They have made major changes in the central stores and eliminated a significant amount of staff in that area. A big change was made with the pay plan. There will be dividends years from now, but the old pay plan had a five percent stop which is now three percent. At some point, there will be 60 percent of the employees no longer stepped-out and who will not start the year with a five percent increase for 60 percent of the payroll. That two percent will be a very important amount.

They have used a lot of new technology from permit software to currently making payroll changes, GIS and availability of the City Council packets. When looking at efficiency, they ask the departments if there is a different way of doing their jobs. Resources are often made available to do their work better and it does not always involve people. Sometimes it can be in the form of new technology such as Code Enforcement and the use of "Access Kearney". Sometimes they can eliminate things that are being done, like the Cable TV Board, extending licenses for contractors, eliminating the additional notice sent for delinquent water bills. Those things by themselves are not big, but do give the staff more resources as a whole. The Airport Corporation was dissolved which insured tax free status. The City has been doing a lot more in-house engineering in the past few years which has saved a significant amount of money.

A small thing which has probably gone unnoticed was that the City used to paint all the curbs yellow. There are problem neighborhoods where it is important to have yellow curbs, but not necessary in all neighborhoods. So they have eliminated a great deal of staff time from that program change. The City had many 25-year leases which have been revised to standard shorter amounts of time. They had a great citizen suggestion from Marvion Reichert regarding AG leases and asked Council Member Lammers, who got an appraisal and found that we were not charging enough for our Ag leases. They made significant changes and now annually there is a barometer out there to determine the amount.

A Comprehensive Fee Schedule was adopted. In the past, fees would get lost. It was very difficult to figure out when a fee had last been changed. Now, Finance Director Wendell Wessels and the department heads look at that fee schedule annually and determine if any changes need to be made. The City also looks to other organizations for efficiency suggestions. By allowing Good Samaritan Hospital to use the City's fuel facility, it made a gain in our revenue because it does not cost the City anything. The City has ample capacity in that fuel facility. In the past, they contract out for installing things in new Police cars. They now have a trained employee who does those installs in-house.

The City also provides administrative services for the CRA which brings in almost \$40,000 revenue to the City's general fund. There have been over \$28 million of CRA projects in the last five years which was a significant improvement. Contracting building inspections for Minden was added, which is a small change, but our staff is capable of doing that without additional people. Previously, they had an opening in building inspections for a while because they just were not that busy. The City Attorney services were contracted out which eliminated the need for some staff. They also looked at alternative revenues such as grants. Those grants generated almost \$10 million in funds over the last 5-6 years and involved a significant amount of work done by Suzanne Brodine, the City's Grant Administrator and Assistant City Manager/Development Services Director. They have secured grants for areas they never saw before such as: Rural Development Grant for the Buckle, 10,000 enplanements at the Airport for the last five years has qualified them for grant money. They have more money in the bank than they have projects right now. They also looked at all their surplus property and said why not sell it and put it in the hands of the private sector and let them pay taxes on it. Over \$800,000 of property has been sold. Initially, the telecommunications occupation tax did not include cell phones, and that change has brought in a significant increase in revenue over the past few years.

The City Council was very clear about the need to leverage the revenue brought in by the ½ cent sales tax with matching funds whenever possible. There have been over \$5 million of private funds that have gone to leverage since the sales tax was adopted. The East Highway 30 annexation brought in \$250,000 in sales tax annually the City had not been receiving. Plus, since adopting the annexation policy, there have been numerous annexations done. Unlike what he has seen in many cities, none of those annexations have been contested. They work with their citizens and give them time to comply and work with them to find solutions to issues and provide water and sewer.

Street improvements have been significant, east and west 39th Street which includes the "hill" have been completed. Cherry Avenue phase I is under construction and phases 2 and 3 are under design. 5th Avenue has been reconstructed. The survey resulted in the 2nd Avenue overpass being the second or third priority requested because of its bad condition. The number one concern was 2nd Avenue in general. There has been a great improvement on 25th Street going east and west and the new medians with the brick stamping. The Old Town project was in the too difficult pile and was talked about for years and now the curb and street project is complete. There have been numerous traffic signal improvements and will continue to be made. Two things that they hear about from citizens out of a \$66 million budget are the downtown flowers

and the LED street signs. They are going to continue to do those signs at major intersections. There have been 782 ramps installed by City employees which is only 34 percent of the total amount of ramps that they need to get done in this community. There will be funds going forward for more ramps.

Buildings completed and essentially paid for are: the Kearney Public Library expansion, The Senior Center, Harmon Park Activity Center, the All Inclusive Playground, the Airport Terminal. All of these buildings had been discussed over the years. Regarding Economic Development, it was great to win the Showcase Community for Nebraska of Economic Development; however, it was nicer to see the benefits of Xpanxion, Intellicom, Project Edge, The Buckle, Baldwins and the long list of other accomplishments. The majority has been the expansion of existing businesses like HEF to help Eaton Corporation and Pramac.

He stated they are very proud in being chosen the Nebraska Site for Project Edge which is the third or fourth largest data center project in the world. That is quite an accomplishment for our City. In the last two weeks, they have had individuals in town looking at that site as well. He believed that economic development is doing well here. Kearney's headline could read lowest unemployment rate, second lowest property tax in the state and almost the lowest crime rate in the state for a city of its size which are all true. There were only 45 felony cases reported in the last year, significantly lower than surrounding communities of our size.

He stated they are very proud of our citizen access. Some of the things implemented were: Kearney Connection Newsletter, Channel 6 websites and the programing they have, broadcasting the Planning Commission meetings and the City Council meetings, City Manager's Blog and Facebook pages and none of these existed eight years ago. They have received 8,000 cases through Access Kearney which is an amazing number.

They have had great results regarding public safety, but can always do better. As they move forward they will be talking more about public safety. They have added staff to the Police and Fire Departments and added new technology. There is an outstanding amount of sharing between the Kearney Police Department and the Buffalo County Sheriff's Department which is very rare and serves our community very well.

Kearney Downtown Centre has served 14 businesses with the Façade Grants which amounts to over \$250,000 in grants and private investments of \$206,000 to match that. They have worked with downtown with maintenance and essentially made it a City park. Coming up in 2013, there will be downtown lighting and streetscape projects with brick street improvements. Several years ago, a priority of the Council was beautification, medians and entrances and now completed have received a lot of feedback from visitors. The brick stamping on 2nd Avenue is going to be significant as it goes north and to UNK and the new Airport entrance which will eventually connect to 56th Street.

He believed they have an outstanding relationship with employees. An Employee Council was added; major changes to the Personnel Manual were made and revised job descriptions. They have worked hard over the years to maintain those relationships. He stated he is proud of their efforts.

So looking to the future, he believed everyone would agree we need to maintain what we have and manage the growth that we have which is about two percent a year. In ten years, we will be approximately 37,000 people compared to twenty years ago we were only 27,000 not counting UNK students. He wanted everyone to think about the way we need to manage growth and maintain a low crime rate. Regarding communicating with citizens, he believed we do more than most communities, but need to do more and believed it is time to go back and ask what citizens want. They need to invigorate neighborhood groups.

Property taxes are something we want to maintain or lower if at all possible. We have done some environmental issues by implementing recycling, but we could do more including hazardous waste and energy management. Their philosophy has been very straight forward regarding economic development, they want to maintain what they have and make sure it is clean and quality development. The Council must decide where to go with it in the future.

Of all the citizen surveys they have done, the top of the list has been streets, signals and sidewalks and they will continue to improve them. Another issue has been the need for a left turn light at 56th Street and a turn lane at 48th Street which has just been denied again by the State of Nebraska which citizens do not understand the City does not have control over those. The plan is to work with engineering and law enforcement departments to find other options for like issues. In the future, they are going to have to prepare for relinquishment of 2nd Avenue becoming the City's responsibility and expense.

Council and staff will continue to maintain and go forward with a growing community. He asked Council and community to be thinking about the future and not become lackadaisical since things are going well and to look back to see what has been accomplished.

OPEN ACCOUNT CLAIMS

There were no Open Account Claims.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 8:06 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

ATTEST:

**MICHAELLE E. TREMBLY
CITY CLERK**

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