

*Kearney, Nebraska
March 26, 2013
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 March 26, 2013, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Bob Lammers and Jonathan Nikkila. Absent: Randy Buschkoetter and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kirk Stocker, Director of Utilities; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Stacey Lauby, Teresa Sunstine, Jessica Schlegelmilch, 4 students from the Kearney Community Learning Center, Steve Altmaier from KGFW Radio, Adam Konruff from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING AT 202, 206, 208, 210 WEST 29TH STREET AND 2824 2ND AVENUE

Mayor Clouse stated the applicant has requested to postpone the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue).

Moved by Lammers seconded by Nikkila to postpone until April 9, 2013 the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

SMOKER FRIENDLY #017 LIQUOR LICENSE, 620 EAST 25TH STREET, SUITE F

Mayor Clouse opened the public hearing on the application for a Class C-102050 liquor license submitted by The Cigarette Store Corp., dba Smoker Friendly #017 proposing to conduct their business at 620 East 25th Street, Suite F, consider the manager application for Stacey Lauby, and consider Resolution No. 2013-39.

This is a new application submitted by The Cigarette Store Corp., dba Smoker Friendly #017 for a license to sell alcohol at its facility located at 620 East 25th Street, Suite F. The facility will sell alcoholic beverages as well as tobacco products. In September of 2011, the Smoker Friendly facility located at 1325 2nd Avenue received a liquor license and has not had any violations since they opened. The Grand Island facility was cited on September 28, 2012 for selling alcohol to minors, pled guilty and paid the fine. The North Platte Store had two sales to minors, one in 2007 and one in 2008 but nothing since.

The Police Department performed a background check and it did not indicate any negative issues with the application nor the applicant. There was nothing found in the background that would indicate a problem with compliance with Council policy nor is there any recent history of any issues with any of the corporate stores in Nebraska. The Application for Manager identifies Stacey Lauby. None of the principal employees have any record indicating they would not be suitable for this business. The applicant has knowledge of the liquor laws and is aware of the rules and regulations to operate this type of business.

The City Council is concerned with the selling of alcohol to minors in our community, and wants to encourage all license holders to provide the necessary training to all employees that sell or dispense alcohol. Therefore, on March 22, 2011 the City Council adopted a policy for making recommendations with reference to liquor licenses issued by the Nebraska Liquor Control Commission. With regard to new licenses, the license holder must provide certification of this training when submitting the Liquor License Training Compliance form or within 60 days of the opening of the business. Because Ms. Lauby is manager of the other location, she has her Certificate of Training on file with the City which will expire October 21, 2014. The applicant has indicated that all employees hired will take the Responsible Beverage Server Training Program within 30 days of opening.

Stacey Lauby, 2715 Evergreen Road, presented this matter to the Council. She stated they are opening another location in Kearney. She currently manages the Smoker Friendly Store #016 located at 1325 2nd Avenue. Their policy is that she and all employees are trained on line through the TIPS class offered by the State of Nebraska. A new employee is required to take the training within 30 days of employment.

Council member Nikkila asked what their procedure is if they find that an employee has not correctly followed the alcohol laws. Ms. Lauby replied that employee would be terminated immediately.

The current Smoker Friendly location has had no violations and he commended them on that.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Clouse to close the hearing and adopt **Resolution No. 2013-39** recommending to the Liquor Commission to approve the application for a Class C-102050 liquor license submitted by The Cigarette Store Corp., dba Smoker Friendly #017 proposing to conduct their business at 620 East 25th Street, Suite F, and approved the manager application for Stacey Lauby. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

RESOLUTION NO. 2013-39

WHEREAS, The Cigarette Store Corp., dba Smoker Friendly #017 has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Class C-102050 (Beer, Wine and Distilled Spirits – On and Off Sale) Liquor License to do business at 620 East 25th Street, Suite F, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, The Cigarette Store Corp., dba Smoker Friendly #017 also filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Corporate Manager of Stacey Lauby; and

WHEREAS, a hearing was held relating to said application on March 26, 2013 and the cost of the published notice was \$11.29; and

WHEREAS, the applicant has submitted the Liquor License Training Compliance

form indicating all employees have or will complete a state approved alcohol server/seller training program.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of a Class C-102050 (Beer, Wine and Distilled Spirits – On and Off Sale) Liquor License to The Cigarette Store Corp., dba Smoker Friendly #017 located at 620 East 25th Street, Suite F, Kearney, Nebraska, and to approve the application for Corporate Manager of Stacey Lauby.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

PROPOSED ACQUISITION OF OUTLOT A, FOUNTAIN HILLS FIRST ADDITION

Mayor Clouse opened the public hearing on the proposed acquisition of an interest in real property by purchase of Outlot A, Fountain Hills First Addition to the City of Kearney, Buffalo County, Nebraska and to consider Resolution No. 2013-40.

City Attorney Michael Tye presented this matter to the Council. He stated in 2007 when this property was being developed, the developer proposed this location as a possible location for a park. The City put together an agreement with that developer to develop this property and consider it to be a location of a City park. Since that original agreement was approved, the City Council approved an amended agreement due to some issues with federal guidelines in wetlands. Originally, there was going to be a small lake or pond located in the park which became both financially unfeasible and unable to meet the federal guidelines. That was modified and the developer was then required to construct the storm water drainage to engineer's specs and preserve the wetlands as required. They were also required to do all the site prep and grading of the area, pay the City \$16,000 for park development, paved a trail along the eastern side of the property which will give citizens access and connect to the future hike/bike trail as it comes through this neighborhood. In exchange for part of that, the City indicated that it would accept the property and do some landscaping, irrigation and create a playground area at the park. The Park Board has reviewed this site and location and recommended an application naming it Fountain Hills Park.

He wanted to differentiate this acquisition from another one the Council considered at the last meeting. This is a different sort of a situation because it is more than a drainage ditch with more property involved that serves another public purpose as a park. There is a storm water element to this property and is a property that is conducive to more uses than the drainage ditch which the previously mentioned property did not have. This property is not subject to any agreement with any other governmental entities and not part of a larger project. The developer brought this forward initially as part of the development with certain requirements on him to create this as a park and use the

developers dollars to get it to the point where the City would take it on as a park. Those expenditures have been substantial to meet the City's specifications and the City was not obligated until those specifications had been met. There are not many opportunities for the City to acquire property for a park in this part of the community. The Capital Improvement budget includes \$200,000 for additional park improvements once the City would take on this property.

Council member Nikkila asked if there would be a lot of recurring maintenance cost of the drainage area where the water is going to be. City Manager Michael Morgan stated initially there will be cost to put in some wild flowers and elements that meet the drainage criteria that the Corp and others want in there. That will not require much maintenance area in the future.

Council member Nikkila asked how soon they would be able to start. City Manager stated work will begin soon as they have met with the contractor for the sidewalk, the trails between there will be paved and they have worked with some property owners to deed back some land to them if they so choose by a certain deadline. The landscaping plans have been finalized. He believed they had some good and productive meetings with the neighborhood group and they have been kept informed. The one area that needs some work is where the water goes over. They are looking to put a small passage way over that for safety purposes.

Council member Lammers asked if the neighbors have been pacified about the easements in that area. City Manager stated City staff met with the property owners. There was one property owner who was well aware of the easements and had installed their fence in accordance with the 10-foot requirement. The other property owner (who was not in attendance) was concerned about what was going to happen with it. They indicated that it would be a paved walk and the City would be responsible for it. They will work with that property owner in respect to what is going on with their grass or if they want to put up a fence. The property owner on the other side where the second easement was going in still had the same concerns, but are agreeable to what staff proposed. They wanted to make sure that they could coordinate those improvements with their lots. That was one of the main things the neighborhood was concerned about if they go out and do a lot of work and then the City would come along and damage their irrigation systems, etc. They have had three separate meetings with the citizens.

City Manager stated that lighting is another component of this development. The neighborhood spelled out certain elements that they wanted. The biggest use of this is a walking trail. The reason they are excited about the sidewalk is because it is a very nice loop to walk around which will have sufficient lighting.

The playground equipment will be the main park equipment and what they order has a pretty extensive life. The bigger maintenance issue will be the mowing. Although some areas will be more natural, there will be areas that require heightened maintenance.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2013-40** approving the proposed acquisition of an interest in real property by purchase of Outlot A, Fountain Hills First Addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

RESOLUTION NO. 2013-40

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for recreational purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Grand West LLC, a Nebraska Limited Liability Company, has granted to the City of Kearney, Nebraska a Warranty Deed for recreational purposes for Outlot A, Fountain Hills First Addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by Grand West LLC, a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 20 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

- 1. Approve Minutes of Regular Meeting held March 12, 2013.
- 2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

AT&T \$218.27 smcs; AZ Books \$150.00 smcs; Ace Hardware \$9.48 smcs; ACT COSUGI \$375.00 smcs; Advance Auto Parts \$2.49 smcs; Ahren,V \$255.00 smcs; Alfred Benesch \$85,261.19 co; All Makes Auto Supply \$670.00 smcs; Allied Electronics \$134.57 smcs; Amazon \$1,611.56 smcs,co; American \$132.05 smcs; Amer First Aid \$674.53 smcs; Amer Legion Emblem \$348.95 smcs; Amer Red Cross \$262.50 smcs;

Amsan \$1,007.45 smcs; Anderson Bros \$265.41 smcs; Anytime Fitness \$67.55 smcs; Apple Market \$98.87 smcs; Aprons and Smocks \$32.22 smcs; Arbuda Inc \$29.11 smcs; ARC Services \$418.00 smcs; ASCAP \$327.00 smcs; Ask Supply \$2,682.83 smcs; Aurora Coop \$763.90 smcs; Baker & Taylor \$3,075.67 smcs; Bamford \$2,047.48 smcs; Baum Hydraulics \$21.66 smcs; Beacon Athletics \$5,578.22 smcs; Big Rack Shack \$74.17 smcs; Bluecross Blueshield \$124,157.77 smcs; Bobcat of Omaha \$41.48 smcs; Broadfoot's \$972.00 smcs; Brodart Supplies \$339.76 smcs; Brodine,S \$422.40 smcs; Bruce Furniture \$90.00 smcs; Brungardt Engineering \$80.49 smcs; Bubble Factory \$74.45 smcs; Buckle \$774.80 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$570.92 smcs; Buffalo Wild Wings \$38.72 smcs; Buggy Bath Car Wash \$70.00 smcs; Builders \$1,059.86 smcs; Cabela's \$11.98 smcs; Capital Business Systems \$182.30 smcs; Carquest \$4,358.52 smcs; Cash Wa \$860.30 smcs; CDW Government \$2,368.96 co; Center Point Large Print \$203.96 smcs; Central Fire & Safety \$507.50 smcs; Central Hydraulic \$541.96 smcs; Central NE Bobcat \$944.99 smcs; Centurion Technologies \$171.42 co; Charter \$230.26 smcs; Chemsearch \$997.01 smcs; Chesterman \$96.00 smcs; Chicken Coop \$40.00 smcs; Churchill,C \$200.00 smcs; City of Ky \$15,106.85 smcs,ps; Colorado Chapter of INL \$650.00 smcs; Community Action Partner \$8,624.20 co; Conner,D \$100.00 smcs; Conroy,B \$158.40 smcs; Construction Rental \$2,218.07 smcs,co; Copycat Printing \$777.61 smcs; Cordova,T \$2,165.80 smcs; Cracker Barrel \$832.33 smcs; Creative Teacher \$12.47 smcs; Cross,J \$19.12 smcs; Culligan \$112.50 smcs; D&S Lighting \$221.12 smcs; Dakan,E \$36.00 smcs; Davis Equipment \$1,128.91 smcs; Dawson PPD \$22,048.36 smcs; Daylight Donuts \$7.50 smcs; Deadwood Gulch Restore \$200.00 smcs; Dell \$644.15 co; Demco \$1,618.99 co; Dezurik Water Controls \$701.62 smcs; Dish \$69.65 smcs; Dmilaco \$8.00 smcs; Drury Columbus NW \$336.24 smcs; Dutton-Lainson \$70.21 smcs; Eagle Trailer \$92.00 smcs; Eakes \$2,689.32 smcs; Earl May Seed \$42.96 smcs; Eckhoff,N \$158.40 smcs; Education Specialty \$36.00 smcs; Ellis,S \$54.07 smcs; EMC Ins \$1,044.87 smcs; Emergency Services \$3,087.00 smcs; Engineer Supply \$43.24 smcs; Expedia \$7.00 smcs; Express Distributing \$156.00 smcs; Eynetich,P \$158.40 smcs; Fairbanks \$932.68 smcs; Farmers Union \$22.50 smcs; Fastenal \$1,819.70 smcs; Fibertronics \$56.48 co; Fiddelke \$215.20 smcs; Fireguard \$1,600.37 co; Foster,D \$44.40 smcs; Frontier \$675.99 smcs; Galls \$129.58 ps; Garrett Tires \$1,711.08 smcs; GCSA \$125.00 smcs; GE Money Bank \$2,159.77 smcs; Gillming,R \$30.00 smcs; Godaddycom \$70.85 smcs; Gotomeetingcom \$468.00 smcs; Graham Tire \$738.80 smcs; Grainger \$1,233.69 smcs; Hardwarecom \$400.00 co; HD Supply \$3,161.86 smcs; Heartland Transmission \$536.00 smcs; Highsmith \$107.93 smcs; Hinrichs,S \$16.47 smcs; HOA Solutions \$26,257.80 co; Hobby-Lobby \$340.19 smcs; Holiday Inn \$8,657.24 smcs; Holmes Plbg \$484.13 smcs; Hometown Leasing \$265.92 smcs; Hosseini,N \$80.00 smcs; Human Kinetics \$78.71 smcs; ICMA RC \$3,856.58 ps; IRS \$119,241.42 ps; Interstate Products \$803.03 smcs; Int'l Code Council \$56.00 smcs; Int'l Society Arboriculture \$160.00 smcs; J&A Traffic Products \$54.68 smcs; J&P Park Seeds \$31.67 smcs; Jack Lederman \$427.65 smcs; Jacobs,J \$158.40 smcs; JLC \$32,388.00 co; Johnson Hardware \$172.00 smcs; Johnson Service \$540.00 smcs; Johnston Supply \$999.64 smcs; Jones,P \$105.00 smcs; K&F Associates \$699.00 smcs; K&K Parts \$1,129.80 smcs; Ky Clinic \$1,220.00 ps; Ky Concrete \$1,998.00 smcs; Ky Glass \$100.46 smcs; Ky Hub \$2,475.47 smcs; Ky Implement \$735.01 smcs; Ky Warehouse \$39.95 smcs; Ky Winlectric \$549.55 smcs; Ky Winnelson \$128.20 smcs; Kelly Supply \$1,077.00 smcs; Killion Motors \$197.01 smcs; Kimball Midwest \$159.66

smcs; Kmart \$50.67 smcs,co; Koettters,J \$422.60 smcs; Konica Minolta \$1,365.34 smcs; Kovarik,M \$39.00 smcs; Kriz-Davis \$186.18 smcs; Krueger,L \$70.00 smcs; Kussman Electronics \$228.54 smcs; Lakeshore Learning \$32.09 smcs; Lamer,A \$17.45 smcs; Landmark Implement \$173.96 smcs; Linder,S \$58.76 smcs; Little Caesars \$40.00 smcs; Machines and Media \$137.00 smcs; Magic Cleaning \$5,860.00 smcs; Mail Express \$95.65 smcs; Marlatt Machine Shop \$553.42 smcs; Marriott Cornhusker \$103.67 smcs; Matheson \$646.18 smcs; MDI Worldwide \$659.00 smcs; Mead Lumber \$152.64 smcs; Menards \$3,600.21 smcs,co; Microfilm Imaging \$780.00 smcs; Milco Environmental \$2,500.00 co; Miller & Associates \$70,371.60 smcs,co; Mirror Image \$50.00 smcs; Moonlight Embroidery \$164.00 smcs; Mulroney Masonry \$500.00 smcs; Municipal Supply \$517.36 smcs; Murray,C \$13.25 smcs; Napa All Makes \$285.91 smcs; Navigator Motorcoaches \$700.00 smcs; NCS Equipment \$73.97 smcs; NE Child Support \$2,910.74 ps; NE Dept of Revenue \$32,497.67 smcs; NE Dept Enivronmental \$750.00 smcs; NE Fire Administrative \$15.00 smcs; NE Games & Parks \$1,000.00 smcs; NE Golf & Turf \$505.75 smcs; NE Public Health \$199.00 smcs; NE Truck Center \$649.14 smcs; Neopost \$6,000.00 smcs; New World Systems \$2,498.11 co; Newegg \$135.98 co; NMC \$709.42 smcs; NNLA \$180.00 smcs; Nordstrom,T \$45.27 smcs; Norlab \$125.60 smcs; Norm's Plbg \$1,841.18 smcs; Northern Safety \$223.00 smcs; Northwestern Energy \$6,854.89 smcs; Novus Windshield \$45.00 smcs; OCLC \$370.64 smcs; Office Max \$1,290.89 smcs,co; Officenet \$131.02 smcs; O'Hara Lindsay & Assoc \$1,700.00 smcs; Omaha World-Herald \$88.40 smcs; One Call Concepts \$108.77 smcs; Ontime Mall \$148.55 smcs; Opegear \$142.44 co; O'Reilly Automotive \$1,141.59 smcs; Oriental Trading \$67.00 smcs; Orsheln \$460.41 smcs; Paramount \$115.24 smcs; Party America \$32.45 smcs; Pat's Plbg \$1,517.25 smcs; Paypal \$215.88 smcs; Pcdictatecom \$371.00 co; Perkins \$136.61 smcs; Petpickupscom \$654.38 smcs; Petzold,M \$30.00 smcs; Pex Supply \$53.74 smcs; Ping \$2,246.66 smcs; Pizza Hut \$58.94 smcs; Platte Valley Comm \$178.59 smcs; Plixer Int'l \$899.00 smcs; Premiere Eyecare \$97.80 smcs; Presto-X \$402.62 smcs; Provantage \$1,499.11 smcs,co; Public Risk Management \$385.00 smcs; Quick N Brite \$42.69 smcs; Quill \$643.98 smcs; Random House \$266.25 smcs; Recognition Unltd \$31.70 smcs; Recorded Books \$1,264.87 smcs; Reinke's Heating \$89.95 smcs; Restockitcom \$920.71 smcs; Richardson,M \$528.81 smcs; Rogers,T \$11.79 smcs; Roper's Radiator \$95.00 smcs; Ruby Speaks \$502.14 smcs; Sanitation Products \$720.38 smcs; Sapp Bros \$31,166.70 smcs; Sensus \$370.00 smcs; Sherwin Willams \$126.24 smcs; Shrader,L \$39.97 smcs; Small,J \$33.99 smcs; Snap-on Tools \$43.50 smcs; Softchoice \$368.35 co; State Supply \$357.85 smcs; Strategic Materials \$341.60 smcs; Suburban Fire Protection \$201.83 co; Summerhill, M \$17.73 smcs; Sunmart \$95.58 smcs; Super Shine Auto Care \$72.00 smcs; Surplus Center \$149.70 smcs; SYX Global \$871.08 smcs,co; Target \$137.14 smcs,co; Tech Soup \$128.00 co; Theis,G \$36.28 smcs; Thompson,K \$512.50 smcs; Tigerdirectcom \$406.46 smcs; Time Saver \$23.76 smcs; TM Sporting Goods \$212.96 smcs; Tool Doctor \$58.00 smcs; Tractor Supply \$785.17 smcs; Tri City Auto Parts \$150.00 smcs; Tri City Outdoor Power \$1,809.77 smcs; Union Bank & Trust \$56,535.37 ps; Unique Management \$179.00 smcs; United \$3,247.20 smcs; United Pet Professional \$300.00 smcs; United Way \$5,000.00 smcs; UNK \$3,000.00 smcs; UPS Store \$131.32 smcs; Urbanek,G \$20.31 smcs; USA Blue Book \$201.93 smcs; USPS \$24.33 smcs; Van Wall Equipment \$746.19 smcs; Verizon \$37.47 smcs,co; Wagner Mentzer \$62.54 smcs; Walgreens \$41.70 smcs; Walker Display \$395.12 smcs; Walmart \$3,076.82 smcs,co; Walsh,C \$47.46 smcs; Wastecorp Pumps \$236.27 smcs; Water Environment \$0.92

smcs; Wayfair \$145.99 smcs; Wells,K \$75.00 smcs; West Villa Animal Hospital \$32.17 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$155.64 smcs; WPCI \$132.00 ps; Yanda's Music \$35.30 smcs; Zimmerman Printers \$94.75 smcs; Payroll Ending 3-9-2013 -- \$340,244.70. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set April 9, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2013-41** approving the recommendation from the Advisory Board of Park & Recreation Commissioners on naming Fountain Hills Park located south of 48th Street and east of 11th Avenue.

RESOLUTION NO. 2013-41

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, on March 13, 2007 the City Council adopted the "City of Kearney Municipal Facilities Naming/Renaming Policy"; and

WHEREAS, the City received an application submitted by Park and Recreation Advisory Board for the naming of a parcel of land to be used for recreational purposes located in Fountain Hills First Addition to "Fountain Hills Park"; and

WHEREAS, the Park and Recreation Advisory Board met on January 17, 2013 to consider the application, and has forwarded the recommendation to the City Council that the application submitted for the naming of the parcel of land located in Fountain Hills First Addition be named "Fountain Hills Park"; and

WHEREAS, the City Council discussed the naming of this land at its meeting held on March 26, 2013 and determined it would be appropriate to name the parcel of land to be used for recreational purposes located in Fountain Hills First Addition as "Fountain Hills Park".

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the recommendation from the Park and Recreation Advisory Board.

BE IT FURTHER RESOLVED that the designation submitted for the parcel of land to be used for recreational purposes located in Fountain Hills First Addition be named "Fountain Hills Park".

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2013-42** to declare the intent to issue tax-exempt bonds pertaining to the Law Enforcement Center Renovations.

RESOLUTION NO. 2013-42

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

Law Enforcement Center Renovations	\$400,000.00
------------------------------------	--------------

2. The maximum principal amount of debt expected to be issued for such project is \$400,000.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2013-43** approving Change Order No. 13 for an increase in the amount of \$508.00, and Change Order No. 14 for an increase in the amount of \$1,880.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project.

RESOLUTION NO. 2013-43

WHEREAS, JLC, Inc. of York, Nebraska has performed services in connection with the Kearney Public Library Addition & Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 13 showing an increase to the contract sum in the amount of \$508.00, and Change Order No. 14 showing an increase to the contract sum in the amount of \$1,880.00 as shown on Exhibits "A" and "B", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$4,548,220.00
Change Order No. 1 (12-22-2009)	- 75,500.00
Change Order No. 2 (7-13-2010)	+ 2,128.00
Change Order No. 3 (9-14-2010)	+ 6,565.00
Change Order No. 4 (1-11-2011)	+ 15,556.00
Change Order No. 5 (1-11-2011)	+ 76,099.00
Change Order No. 6 (4-12-2011)	+ 14,494.00
Change Order No. 7 (7-26-2011)	+ 11,545.00

Change Order No. 8 (8-9-2011)	+ 43,513.00
Change Order No. 9 (9-27-2011)	+ 17,146.00
Change Order No. 10 (12-27-2011)	+ 36,667.00
Change Order No. 11 (6-12-2012)	+ 20,446.00
Change Order No. 12 (9-25-2012)	+ 2,213.00
Change Order No. 13 (3-26-2013)	+ 508.00
Change Order No. 14 (3-26-2013)	<u>+ 1,880.00</u>
Contract Sum to Date	\$4,721,480.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order Nos. 13 and 14, as shown on Exhibits "A" and "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the vehicle auction to be held on May 4, 2013 from 7:00 a.m. until 3:00 p.m.

8. Approve the Plans and Specifications for the 2013 Part 2 Improvements; Paving Improvement District No. 2012-953 for Avenue L from 65th Street Place north northeasterly to 66th Street Place and set the bid opening date for April 16, 2013 at 2:00 p.m.

9. Approve the Plans and Specifications for the construction of the 2013 Kearney Regional Airport concrete paving improvements and set the bid opening date for April 16, 2013 at 2:00 p.m.

10. Adopt **Resolution No. 2013-44** approving Application and Certificate for Payment No. 1 in the amount of \$127,870.63 submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; 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; Sanitary Sewer District No. 2012-505A 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 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.

RESOLUTION NO. 2013-44

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; 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; Sanitary Sewer District No. 2012-505A 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 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$127,870.63, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$233,378.00</u>
Contract Sum To Date	233,378.63
Gross Amount Due	142,078.47
Retainage	14,207.84
Amount Due to Date	127,870.63
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$127,870.63

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

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Accept the bids received for the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue and adopt **Resolution No. 2013-45** awarding the bid to Blessing Construction in the amount of \$683,092.30.

RESOLUTION NO. 2013-45

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 19, 2013 at 2:00 p.m. for the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$801,092.60 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Blessing Construction of Kearney, Nebraska in the sum of \$683,092.30 be accepted as the lowest responsible bid for 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Blessing Construction be and is the lowest responsible bidder for the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction of Kearney, Nebraska in the sum of \$683,092.30 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$801,092.60 be and is hereby accepted.

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

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Amend **Resolution No. 2013-33** and cancel the liquor license held by Mongolian Grill of Omaha, LLC, dba Mongolian Grill in connection with their Class A-85854 liquor license located at 5012 23rd Avenue, Suite 178.

RESOLUTION NO. 2013-33A

WHEREAS, Mongolian Grill of Omaha, LLC, dba Mongolian Grill holds a Class A-085854 liquor license located at 5012 3rd Avenue, Suite 178, Kearney, Nebraska; and

WHEREAS, the Kearney City Council adopted Resolution No. 2011-28 establishing a Liquor License Policy for making recommendations to the Nebraska Liquor Control Commission on new licenses, renewal of licenses, and special designated licenses; and

WHEREAS, in accordance with Section 53-134(6) of the Nebraska Revised Statutes, the local governing body of any city with respect to licenses within its corporate limits shall have the power with respect to retail licenses: to cancel or revoke on its own motion any license if, upon the same notice and hearing, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rules or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor; and

WHEREAS, a hearing was held on March 12, 2013 and the license holder did not provide an adequate explanation as to why they could not comply with the Liquor License Policy by providing copies of their Certificates of Training for their employees.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska hereby amends Resolution No. 2013-33 and cancels the

liquor license held by Mongolian Grill of Omaha, LLC, dba Mongolian Grill in connection with their Class A-085854 liquor license located at 5012 3rd Avenue, Suite 178 for the reason they did not comply with Resolution No. 2011-28 by providing copies of the Certificates of Training for their employees.

BE IT FURTHER RESOLVED that in accordance with Section 53-134 of the Nebraska Revised Statutes, the license holder has 30 days in which to appeal this decision to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the cancellation of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Accept the bids received for the purchase of an Articulated Frame Four-Wheel Drive Loader for the Public Works Department and award the bid to Nebraska Machinery in the amount of \$189,075.00.

14. Accept the bids received for the purchase of a 5-cubic yard dump truck for the Public Works Department and award the bid to Nebraska Truck Center in the amount of \$121,373.00.

15. Approve the Agreement between the City of Kearney and the Lincoln Highway Celebration Committee to conduct the Twin Auto Tour Celebration and Parade on June 30, 2013 beginning at 12:00 p.m. with the parade starting at Central Avenue and Railroad Street, north on Central Avenue to 24th Street, east on 24th Street to Avenue A, south on Avenue A to Railroad Street. The staging area will include the temporary closing of the following streets beginning at 6:00 a.m.: Central Avenue from 25th Street to Railroad Street; Avenue A from 25th Street to Railroad Street; Avenue B from 22nd Street to Railroad Street; Avenue C from 22nd Street to Railroad Street; Avenue D from 22nd Street to Railroad Street; Railroad Street from Avenue E to 5th Avenue; 3rd Avenue from Railroad Street to 21st Street; 4th Avenue from Railroad Street to 21st Street; 21st Street from the east side of 1st Avenue to the east side Avenue A; 22nd Street from the east side of 1st Avenue to the east side Avenue A; 23rd Street from the east side of 1st Avenue to the east side Avenue A; 24th Street from the east side of 1st Avenue to the east side Avenue A; parking lot located north of the Museum of Nebraska Art; public parking lot located north of City Hall; and the public parking lot located west of Central Avenue on Railroad Street.

16. Approve the application to extend Conditional Use Permit No. 1995-02 granted to Cathleen Headlee to locate a dog grooming business at 211 East 30th Street for a period of one year.

17. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition

Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on April 20, 2013 from 6:00 p.m. until 1:00 a.m. for a dance.

18. Adopt **Resolution No. 2013-46** certifying to the Nebraska Department of Revenue designating the Director of Finance as the representative authorized with confidential sales tax returns and sales tax return information regarding taxpayers that possess a sales tax permit and the amounts remitted by such permitholders at locations within the City of Kearney.

RESOLUTION NO. 2013-46

WHEREAS, in accordance with Section 77-2711 of the Nebraska Revised Statutes, the Tax Commissioner shall, upon written request, provide a municipal employee representing a municipality which has adopted the local option sales tax under the Local Option Revenue Act with confidential sales tax returns and sales tax return information regarding taxpayers that possess a sales tax permit and the amounts remitted by such permitholders at locations within the boundaries of the requesting municipality.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Wendell Wessels, Director of Finance, be and is hereby designated as the representative authorized with confidential sales tax returns and sales tax return information regarding taxpayers that possess a sales tax permit and the amounts remitted by such permitholders at locations within the City of Kearney.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to certify to the Nebraska Department of Revenue the designation of Wendell Wessels, Director of Finance, as the City of Kearney's representative requesting sales tax information.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

19. Approve the Plans and Specifications for the construction of an Aircraft Rescue and Fire Fight (ARFF) Facility located at the Kearney Regional Airport and set the bid opening date for April 16, 2013 at 2:30 p.m.

20. Approve the request submitted by Main Street Kearney to temporarily close eight parking spaces in front of Fort Theatre Dentistry located at 2205 Central Avenue and in front of the former Ten Thousand Villages located at 2119 Central Avenue on March 28, 2013 from 2:00 p.m. until 8:00 p.m. for Flock to the Bricks event.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ANNEXATION OF 7 PROPERTIES ALONG 17TH AVENUE AND 56TH STREET

Mayor Clouse opened for discussion Resolution No. 2013-47 on the intent to annex into the City limits property located along 17th Avenue and 56th Street.

City Attorney Michael Tye presented this matter to the Council. Pursuant to the City Council's annexation policy, City staff worked with the Greene's, the Stone's, and Vetter Holding, Inc. along the western side of 17th Avenue just on the edge of the Kearney city limits and they have signed Annexation Agreements. There are also several parcels that have agreed to annexation as a part of their Subdivision/Development Agreements with the City. These parcels of land are contiguous with the City limits and either presently have City services available to them or services will be available very shortly.

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 March 15, 2013 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.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2013-47** on the intent to annex into the City limits seven tracts of property located along 17th Avenue and 56th Street. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

RESOLUTION NO. 2013-47

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 tracts of land:

TRACT 1.

Lot 1, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5110 17th Avenue).

TRACT 2.

A tract of land located in the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: a point which is 987 feet north of the East Quarter corner of said Section 27 which is the point of beginning, thence west 596 feet parallel with the south line of said Northeast Quarter, thence north 208 feet, thence east 596 feet, thence south 208 feet along said east line to the place of beginning, all in Buffalo County, Nebraska (5120 17th Avenue).

TRACT 3.

Lot 1 of Block 2, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5308 17th Avenue).

TRACT 4.

A tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: referring to the northeast corner of the Northeast Quarter of said Section 27; thence southerly on the east line of said Northeast Quarter a distance of 484.43 feet to the ACTUAL PLACE OF BEGINNING; thence continuing southerly on the aforescribed course a distance of 522.0 feet; thence westerly parallel with the north line of said Northeast Quarter a distance of 956.43 feet; thence northerly parallel with the east line of said Northeast Quarter a distance of 956.43 feet to a point on the south right-of-way line of 56th Street, said point also being 50.0 feet south of the north line of the Northeast Quarter of said Section; thence easterly on the aforesaid south right-of-way line of 56th Street and 50.0 feet southerly from and parallel with the north line of the Northeast Quarter of said Section a distance of 354.82 feet; thence southerly parallel with the east line of said Northeast Quarter a distance of 434.43 feet; thence easterly parallel with the north line of said Northeast Quarter a distance of 601.61 feet to the place of beginning, containing 15.99 acres, more or less, Buffalo County, Nebraska, (5410 17th Avenue).

TRACT 5.

Lot 1 and part of Lot 2, Block One, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with that part of Lot 2 being more particularly described as follows: Referring to the southeast corner of Lot 1, Northridge Retirement Subdivision and assuming the east line of Lot 1 and Lot 2 of said Northridge Retirement Subdivision as bearing south and all bearings contained herein are relative thereto; thence south on the east line of said Lot 2 a distance of 25.00 feet; thence S89°33'08"W and parallel with the north line of said Lot 1 a distance of 568.99 feet; thence north on a line being 17.29 feet westerly of as measured at right angles from the west line of said Lot 1 a distance of 459.49 feet to a point on the North line of said Lot 2; thence N89°33'08"E and on the north line of said Lot 2 a distance of 17.29 feet to the northwest corner of said Lot 1; thence south on the west line of said Lot 1 a distance of 434.43 feet to the southwest corner of said Lot 1; thence N89°33'08"E and on the south line of said Lot 1 a distance of 551.61 feet to the place of beginning, all in Buffalo County, Nebraska (5514 17th Avenue).

TRACT 6.

Lot 1 of Block One, Lots 1 and 2 of Block Two, and Outlot A, Spruce Hollow Estates Third, being part of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northwest corner of 56th Street and 17th Avenue).

TRACT 7.

Part of Lot 1, Bent Bar C Subdivision East, a subdivision being part of the Southwest Quarter of the Southeast Quarter and part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter all located in Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2407 West 56th Street); and

WHEREAS, the City Council will conduct a public hearing on April 9, 2013 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 April 9, 2013 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 26TH DAY OF MARCH, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS

None.

DARK SKY NIGHT PRESENTATION

Mayor Clouse stated the Kearney Community Learning Center wanted to make a presentation on Dark Sky Night. He presented a Proclamation declaring March as Dark Sky Night Month.

Isabell and Leina on behalf of the Kearney Community Learning Center made the presentation to the Council. Light pollution is wasted light that has no task or function. This includes light glare and sky glow and directs light rays where light is not needed

into the sky. Unshielded lights are the main cause of light pollution which can be detrimental to human health. The negative impact of light pollution is an increased risk for certain forms of cancer, effects on human sleeping patterns, produces glare harmful to eyesight and can be a huge distraction to drivers. Plants and animals can also be affected because they have a 24-hour cycle based on time of day which might interfere with migration, mating and sleeping habits of many animals. The astronomical effects include people fascinated with the sky, stars and planets and many astronomers who have to leave the city limits just to get a glimpse of what is out there.

Shielded lights direct light rays straight to the ground where it is needed which improves health, saves money and energy and benefits wildlife, including migratory birds. The purpose of this group is to raise awareness of how unsafe light pollution can be. There are many ways to change the light pollution which can be as simple as changing out your porch and driveway lighting so that it is shielded.

For more information on the International Dark Sky Association (IDA) go to their website at www.darksky.org. You can also talk to a member of the Platte Valley Astronomical Observers at the Seven Hills Observatory.

City Manager stated in the development code today, there is a difference between new development and existing development. Shielded lighting is a review that is done for all new development at the present time.

VII. REPORTS

Mayor Clouse introduced Council member Teresa Sunstine from Minden who attended the meeting.

VIII. ADJOURN

Moved by Lammers seconded by Nikkila that Council adjourn at 7:34 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Buschkoetter and Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**