

*Kearney, Nebraska
December 23, 2013
4:00 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 4:00 p.m. on December 23, 2013, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Craig Bennett, Kent Cordes, Mike Kalb, Libby Merrifield, Pat Merrifield, Bonnie Marshall, Kent Holsten, Paul Younes, J. Paul Younes, Steve Altmaier from KGFW Radio, Mike Konz 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

The Council members led the 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

VACATE PORTION OF FOUNTAIN HILLS SECOND ADDITION AND REZONING SOUTH OF 56TH STREET AND EAST OF 11TH AVENUE

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1, 2, 3 and 4 pertaining to property located south of 56th Street and east of 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company: (1) to vacate Lots 1 and 2 of Block One, Fountain Hills Second Addition to the City of Kearney, Buffalo County, Nebraska and to consider Ordinance No. 7853; and (2) to rezone from District AG, Agricultural District and District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and to consider Ordinance No. 7854. Planning Commission recommended approval recognizing the requested deviation for the length of cul-de-sac for 54th Street Place.

The applicant is requesting rezoning, approval of the subdivision plat, annexation, and approval of Development Plans for the Planned Development (PD) Overlay District for a 270-unit apartment complex. The existing platted lots must be vacated to accommodate the new development. The land is located on 56th Street to the east of the new Mead Lumber Facility. There is one commercial lot between Mead and the proposed apartments. This project will be developed in phases.

Lots 1 and 2 of Block 1, Fountain Hills Second Addition must be vacated to allow this property to be placed in a new subdivision. Lot 1, Block 2 was previously vacated and rezoned back to District AG zoning when the Fountain Hills Townhomes proposal was relocated further south to its current location. Future phases of the proposed project extend south into this area as well.

The current zoning of this property is District AG, Agricultural and District C-2, Community Commercial District. Proposed Lot 1, at 3.91 acres is currently zoned C-2 and will remain as such. The remainder of the first phase extending down to the existing east-west fiber optic easement is proposed for R-3/PD zoning, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay. The area to be rezoned to R-3/PD contains 9.81 acres. The land that will be developed for future phases is not being rezoned at this time, but is planned for additional multi-family development. The subject property is surrounded by AG zoning to the south and east, C-2 to the west, and R-2 to the north. The property is in conformance with the Land Use Map of the Kearney Comprehensive Development Plan designated as "Mixed Use 1 and Mixed Use 2". There is no amendment required to the Land Use Plan.

The Preliminary Plat consists of 12 lots on 24.84 acres. There are three large lots shown, one reserved for future commercial development and two for the apartments. In addition, nine R-1 type single-family residential lots are proposed south of 54th Street Place as shown on the Preliminary Plat. The Preliminary Plat includes all phases of the project both current and future. The Preliminary Plat was approved by the Planning Commission on October 18, 2013.

The Final Plat is limited to the first phase of the apartment project (proposed Lot 2) plus an additional commercial lot (proposed Lot 1). The Final Plat contains only 13.7 acres. This subdivision name is proposed as Fountain Hills Seventh Addition. A Subdivision Agreement has been prepared that obligates the owner to pay connection fees that are due for sanitary sewer and water and also designates Outlot A of Fountain Hills Sixth Addition as the stormwater detention area for this development. Final stormwater calculations are not due until the time of Building Permit application. The Developer or an Association of Owners will be responsible for all common areas within the development. A Developer Constructed Infrastructure Agreement will be prepared to construct the public streets, storm sewer, sanitary sewer, and municipal water within the development. An Infrastructure Feasibility Plan (formerly called Public Works Plan) has been submitted and approved. Easements will be dedicated on the Final Plat throughout the private drive/parking areas of the apartment complex for public water and sewer mains.

This property is contiguous to the City limit line and will be served by public infrastructure. In keeping with the City's policy on annexation this property will be annexed into the corporate limit as "an addition to the City of Kearney" on the Final Plat.

A Development Plan package has been submitted for the apartment complex. The following comments and project summary are offered for consideration:

- a) Lot 1 is shown as part of the Development Plan but is actually reserved for future C-2 type commercial development. There is no project proposed on Lot 1 at this time.
- b) Lot 2 contains the first phase of the apartment complex. Lot 3 contains the second phase of apartment development. If the future phases are constructed in accordance with the approved Development Plans there will be no need to come back to Public Hearings before the Planning Commission and City Council. Enlargements, additions, or substantial modifications to the approved plans will require a review and approval of the modified plans in the future by Commission and Council.
- c) There are five 30-unit apartment buildings shown with a clubhouse building and outdoor pool in the first phase. In addition, four more 30-unit residential buildings are proposed for Phase Two, for a grand total of nine buildings at 30 units each = 270 dwelling units.
- d) Nine free-standing garage buildings are proposed in the first phase with six garage bays in each building. An additional seven free-standing garage buildings are proposed in Phase Two. Parking is also provided at the ground floor level in the residential buildings with 30 parking stalls per building.
- e) 540 total parking stalls are required for current and future build-out phases. A total of 886 spaces are provided for build-out through a combination of first floor

- garages in the residential buildings, free-standing parking garage buildings and surface parking.
- f) Each 30-unit building will consist of six efficiency units, 12 1-bedroom units and 12 2-bedroom units.
 - g) The residential buildings are three stories and will be constructed with a combination of attractive construction materials including brick, siding and asphalt shingles with hip rooflines. Each unit has a balcony. The clubhouse and free-standing garage buildings are designed using complementary building materials. Architectural elevations of all sides of the buildings are included in the submittal.
 - h) Maximum allowable impervious coverage in R-3 is 65 percent and the proposed layout is at 64 percent.
 - i) A Landscape Plan and associated Plant Schedule are included in the submittal.

One deviation is required under the PD, Planned Development Overlay for the length of the cul-de-sac proposed as 54th Street Place. This street exceeds the 600-foot maximum cul-de-sac length set forth in the ULDO, but can be approved as such as part of the PD Development Plan package. 54th Street is not included in Phase One; however, the Development Plan submittal includes both Phase One and Phase Two.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated the property has already been platted and they are vacating a portion of it. The proposed site is approximately 13 acres and the next phase on the modifications is 11 acres. It is separated by the fiber optic line. The commercial lot where the current lift station is located is no longer in service there and will remain the commercial lot there. The apartments would be on Lots 2 and 3 and will do some reconfiguration to line up with 54th Street as was originally preliminary platted. So the Final Plat being presented is just two lots and they provided some public easements for infrastructure to serve the apartment complex.

Phase One shown north of the fiber optic; the fiber optic would be going east/west and would consist of five 30-unit apartment complex buildings. So this is a standalone 30-unit 3-story building and the two buildings are connected with an elevator, and would have an enclosed walk way connecting the elevator to the clubhouse and pool. The buildings in the northeast portion are connected with an elevator as well so both of these buildings will have elevators that they will share which will make this a little unique compared to most apartment complexes throughout Kearney. There will be some additional garages that will be on the outside of these buildings and the parking lot so primarily you will access 56th Street south on 11th Avenue and come up a public right-of-way through 55th Street Place and then this will be all private drive all the way around here.

Phase Two would extend 11th Avenue south and continuing to 54th Street which would be a cul-de-sac but it would have four 30-unit buildings so the first phase has 150 and the second phase would have 120 units for a total of 270. It also has some secondary buildings that would be located as garages throughout its campus plan. When Phase Two is completed, there would be a connectivity of one access road internally that would connect outside of the many other connections that you would have through public means of right-of-way. Neither one of these phases will have access onto 11th

Avenue which is viewed more as a collectors street. As a requirement of the Development Plan a landscape plan indicates there will be trees and bushes spread throughout and the Development Plan both in Phase One and Phase Two will be a typical development plan for one of the units. The public works plan will show each unit will have a separate service. The same would be done on the south side of the development as it accesses off of 54th Street.

What is unique about this development is on the first floor these individual units and the garages will be able to pull into their garage, access inside the building underneath the second and third story and then there will be a hallway that will be enclosed so they will not need to go outside and will have that form of security and protection from the weather. The actual end units will walk right into their own apartment complex without a hallway. The clubhouse will have a pool, theatre, office space and workout room and will be connected to the east side of the building.

Council Member Nikkila asked what the time frame was for completing Phase One and moving to Phase Two. Mr. Bennett stated for Phase One they are looking at a spring construction.

Council Member Lammers asked about the coverings on the exterior. Mr. Bennett stated he did not know exactly but there was discussion about the brick meeting the 35 percent that they have on the street facing facades. He was not certain what the other combination would be in terms of exterior fascia but they will be meeting or achieving the minimum requirements.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company: (1) to vacate Lots 1 and 2 of Block One, Fountain Hills Second Addition to the City of Kearney, Buffalo County, Nebraska; and (2) to rezone from District AG, Agricultural District and District C-2, Community Commercial District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and introduced Ordinance Nos. 7853 and 7854 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 Nos. 7853 and 7854. 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, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. 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 Nos. 7853 and 7854 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance Nos. 7853 and 7854 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 7853 and 7854 are 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 FOUNTAIN HILLS SEVENTH ADDITION

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1, 2, 3 and 4 pertaining to property located south of 56th Street and east of 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the Final Plat and Subdivision Agreement for Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and to consider Resolution No. 2013-212.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2013-212** approving Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the Final Plat and Subdivision Agreement for Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2013-212

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Seventh Addition to the City of Kearney, Buffalo County, Nebraska, a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and being more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 26 and assuming the East line of said Northwest Quarter as bearing S00°20'54"E and all bearings contained herein are relative thereto; thence S00°20'54"E on said East line a

distance of 50.00 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South Right-of-Way line of 56th Street, a platted street in the City of Kearney, Buffalo County, Nebraska; thence S00°20'54"E continuing on said East line a distance of 614.76 feet to the centerline of a 16.50 feet wide easement as recorded in Misc. Book 'P', page 162 and filed in the Buffalo County Register of Deeds office; thence N88°29'15"W leaving said East line and on the centerline of said easement a distance of 960.84 feet to a point on the East Right-of-Way of 11th Avenue, a street platted in the City of Kearney, Buffalo County, Nebraska; thence N08°11'33"W leaving said easement centerline a distance of 397.27 feet on said East Right-of-Way line to a point of curvature; thence on a 267.00 feet radius curve to the right, forming a central angle of 07°55'42" a distance of 36.95 feet to the point of tangency; thence tangent N00°15'51"W a distance of 153.28 feet to the South Right-of-Way line of said 56th Street; thence N89°39'26"E on said South Right-of-Way line and parallel with the North line of said Northwest Quarter a distance of 1016.82 feet to the Place of Beginning, containing 13.70 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 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF FOUNTAIN HILLS SEVENTH ADDITION

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1, 2, 3 and 4 pertaining to property located south of 56th Street and east of 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the annexation of Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part

of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and consider to Resolution No. 2013-213.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2013-213** approving the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the annexation of Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2013-213

WHEREAS, an Application has been submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for the inclusion of Fountain Hills Seventh Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and being more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 26 and assuming the East line of said Northwest Quarter as bearing S00°20'54"E and all bearings contained herein are relative thereto; thence S00°20'54"E on said East line a distance of 50.00 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South Right-of-Way line of 56th Street, a platted street in the City of Kearney, Buffalo County, Nebraska; thence S00°20'54"E continuing on said East line a distance of 614.76 feet to the centerline of a 16.50 feet wide easement as recorded in Misc. Book 'P', page 162 and filed in the Buffalo County Register of Deeds office; thence N88°29'15"W leaving said East line and on the centerline of said easement a distance of 960.84 feet to a point on the East Right-of-Way of 11th Avenue, a street platted in the City of Kearney, Buffalo County, Nebraska; thence N08°11'33"W leaving said easement centerline a distance of 397.27 feet on said East Right-of-Way line to a point of curvature; thence on a 267.00 feet radius curve to the right, forming a central angle of 07°55'42" a distance of 36.95 feet to the point of tangency; thence tangent N00°15'51"W a distance of 153.28 feet to the South Right-of-Way line of said 56th Street; thence N89°39'26"E on said South Right-of-Way line and parallel with the North line of said Northwest Quarter a distance of 1016.82 feet to the Place of Beginning, containing 13.70 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on October 18, 2013 on the inclusion of Fountain Hills Seventh Addition within the corporate limits and recommended the Kearney City Council approve said application; and

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

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on December 23, 2013 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

BE IT FURTHER RESOLVED that the inclusion of Fountain Hills Seventh Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR SOUTH OF 56TH STREET AND EAST OF 11TH AVENUE

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1, 2, 3 and 4 pertaining to property located south of 56th Street and east of 11th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for Planned District Development Plan Approval for an apartment complex on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District on property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) and to consider Resolution No. 2013-214.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2013-214** approving the Application submitted by Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for Planned District Development Plan Approval for an apartment complex on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District on property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2013-214

WHEREAS, Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) have applied for Planned District Development Plan Approval for an apartment complex on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and being more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 26 and assuming the East line of said Northwest Quarter as bearing $S00^{\circ}20'54''E$ and all bearings contained herein are relative thereto; thence $S00^{\circ}20'54''E$ on said East line a distance of 50.00 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South Right-of-Way line of 56th Street, a street platted in the City of Kearney, Buffalo County, Nebraska; thence $S00^{\circ}20'54''E$ on said East line a distance of 930.25 feet; thence $S89^{\circ}39'06''W$ leaving said East line, a distance of 102.50 feet to a point of curvature; thence on a non-tangent curve to the Right having a radius of 50.00 feet and forming a central angle of $143^{\circ}07'48''$ and a distance of 124.90 feet; thence $S89^{\circ}39'35''W$ a distance of 685.93 feet to the point of tangency; thence on a tangent curve to the Left having a radius of 330.00 feet and forming a central angle of $6^{\circ}36'33''$ and a distance of 38.07 feet to a point on the Easterly Right-of-Way line of 11th Avenue (extended), a street platted in the City of Kearney, Buffalo County, Nebraska; thence $N08^{\circ}11'33''E$ a distance of 505.72 feet on said East Right-of-Way line to a point on the South Right-of-Way of 55th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence $N81^{\circ}48'27''E$ leaving said East Right-of-Way line a distance of 134.82 feet on said South Right-of-Way line to a point of curvature; thence continuing on said South Right-of-Way line and on a 270.00 foot radius curve to the right, forming a central angle of $07^{\circ}50'59''$ a distance of 36.99 feet to the point of tangency; thence continuing on said South Right-of-Way line tangent $N89^{\circ}39'26''E$ a distance of 146.42 feet; thence continuing on said South Right-of-Way and on a non-tangent curve to the Left having a radius of 50.00 feet and forming a central angle of $180^{\circ}00'00''$ and a distance of 157.08 feet; thence $N89^{\circ}39'26''E$ leaving said South Right-of-Way line a distance of 105.25 feet; thence $N00^{\circ}20'54''W$ parallel to the East line of said Northwest Quarter a distance of 320.49 feet to a point on the South Right-of-Way line of said 56th Street; thence $N89^{\circ}39'26''E$ on said South Right-of-Way line and parallel with the North line of said Northwest Quarter a distance of 483.33 feet to the Place of Beginning, containing 15.71 acres, more or less, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates (Applicant) for Grand West LLC, a Nebraska Limited Liability Company (Owner) for Planned District Development Plan Approval for an apartment complex on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and being more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 26 and assuming the East line of said Northwest Quarter as bearing $S00^{\circ}20'54''E$ and all bearings contained herein are relative thereto; thence $S00^{\circ}20'54''E$ on said East line a distance of 50.00

feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South Right-of-Way line of 56th Street, a street platted in the City of Kearney, Buffalo County, Nebraska; thence S00°20'54"E on said East line a distance of 930.25 feet; thence S89°39'06"W leaving said East line, a distance of 102.50 feet to a point of curvature; thence on a non-tangent curve to the Right having a radius of 50.00 feet and forming a central angle of 143°07'48" and a distance of 124.90 feet; thence S89°39'35"W a distance of 685.93 feet to the point of tangency; thence on a tangent curve to the Left having a radius of 330.00 feet and forming a central angle of 6°36'33" and a distance of 38.07 feet to a point on the Easterly Right-of-Way line of 11th Avenue (extended), a street platted in the City of Kearney, Buffalo County, Nebraska; thence N08°11'33"E a distance of 505.72 feet on said East Right-of-Way line to a point on the South Right-of-Way of 55th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence N81°48'27"E leaving said East Right-of-Way line a distance of 134.82 feet on said South Right-of-Way line to a point of curvature; thence continuing on said South Right-of-Way line and on a 270.00 foot radius curve to the right, forming a central angle of 07°50'59" a distance of 36.99 feet to the point of tangency; thence continuing on said South Right-of-Way line tangent N89°39'26"E a distance of 146.42 feet; thence continuing on said South Right-of-Way and on a non-tangent curve to the Left having a radius of 50.00 feet and forming a central angle of 180°00'00" and a distance of 157.08 feet; thence N89°39'26"E leaving said South Right-of-Way line a distance of 105.25 feet; thence N00°20'54"W parallel to the East line of said Northwest Quarter a distance of 320.49 feet to a point on the South Right-of-Way line of said 56th Street; thence N89°39'26"E on said South Right-of-Way line and parallel with the North line of said Northwest Quarter a distance of 483.33 feet to the Place of Beginning, containing 15.71 acres, more or less, Buffalo County, Nebraska (south of 56th Street and east of 11th Avenue) be approved recognizing the deviation of the length of the cul-de-sac proposed as 54th Street Place, a public street that will be constructed and dedicated to the City in the future. This street exceeds the 600-foot maximum cul-de-sac length set forth in the City Code, but can be approved as such as part of the Planned Development Overlay Plan package. 54th Street is not included in Phase One; however, the Development Plan submittal includes both Phase One and Phase Two. Consequently, the requested deviation is approved as part of this plan package, even though the street will not be constructed until sometime in the future.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VACATE TURKEY CREEK SUBDIVISION AND AMEND LAND USE MAP; KEA WEST AVENUE TO 30TH AVENUE, SOUTH OF THE NORTH CHANNEL OF THE PLATTE RIVER

Public Hearings 5, 6, 7 and 8 were discussed together but voted on separately.

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 5, 6, 7 and 8 pertaining to property located at Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Turkey Creek Properties, LLC for (1) the vacation of a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska and to consider Ordinance No. 7859; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 2 to Rural Estates property described as a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River) and consider to Resolution No. 2013-236. Planning Commission recommended Planning Commission recommend approval recognizing the following deviations: (1) Minimum lot size for RR-1 zoning districts is 3.0 acres. The proposed lots are somewhat smaller averaging 2.85 acres. There is a significant amount of open space in the development consisting of the sandpit lakes and other drainage channels that offset the slightly smaller size per lot; (2) The rear yard building setback required by Code is 100 feet. The applicant is requesting that the rear yard setback be reduced to 50 feet. Most homes will back to one of the lakes where the lakes will supply additional open space to the rear as compared to conventional development. Some homes will back to Turkey Creek where the rear yard setback ranges from 50 to 160 feet, but never less than 50 feet; and (3) Three lots in Block 2, Lots 5, 6, and 12 are particularly shallow. The applicant is requesting a deviation from the 50-foot front yard setback to allow a reduction to 30 feet for these three lots.

The applicant is requesting approval to redevelop property that was previously platted as a rural residential subdivision called the Turkey Creek Subdivision. The property is located on the north side of Interstate 80, west of Kea West Avenue. Talmadge Street bisects the property in an east-west direction. The proposed land use is Rural Residential Estate lots located around sandpit lakes. The property is not served by City water and sewer. The subdivision will be a gated community with private streets. Additional land to the east end of the subdivision has been acquired since the original subdivision was approved and portions of the original subdivision will be combined with the recently acquired property to propose a new subdivision to be known as Turkey Creek Second Subdivision. Several steps need to be taken to gain the approvals from Planning Commission and City Council necessary to develop the new revised subdivision. These steps include vacation of the original subdivision, an amendment to the Future Land Use Map of the City Comprehensive Development Plan, Rezoning, Subdivision Plats and review of Development Plans since this property is located in a PD, Planned Development Overlay District.

All of the original Turkey Creek Subdivision (all lots, blocks and streets) are proposed for vacation. Parts of the original subdivision will not be re-platted at this time and a rezoning request has been submitted to revert these areas back to AG, Agricultural zoning. These areas are generally located towards the west end of the property. Additional land of approximately 11 acres has been purchased on the east end of the property which will be combined with some of the property that is being vacated, all of which form the basis for the new subdivision. The proposed subdivision will feature private internal streets which is another reason that all the (public as currently platted) streets are to be vacated. They will be dedicated as private streets on the new plat.

The current land use designation for the newly acquired property depicted on the Future Land Use Map of the Comprehensive Plan is "Mixed Use 2." The requested rezoning for the 11.06 acres is RR-1/PD to match the existing RR-1/PD zoning for the adjacent land that was part of the first subdivision. Therefore, the Land Use Map must be amended for the 11.06 acres from "Mixed Use 2" to "Rural Estates." In addition to the requested rezoning from AG to RR-1/PD, some of the land towards the west end of the original subdivision is to revert back to AG zoning as previously mentioned. Therefore, 38.16 acres of property that was part of the original subdivision shall be rezoned from RR-1/PD to AG, Agricultural District. There is no Land Use Map amendment required for the 38.16 acre parcel.

A Preliminary and Final Plat have been prepared for the proposed subdivision, Turkey Creek Second Subdivision. The Preliminary Plat contains 86 lots on 210.93 acres which includes all of the area encompassing the proposed Final Plat plus the land that was originally zoned and platted for the first subdivision, but is now proposed to be vacated and zoned back to AG. Thus, the lots that are to be vacated will still be shown on the Preliminary Plat and could be moved forward with Final Platting of future phases. The Preliminary Plat was approved by Planning Commission on November 15, 2013.

The Final Plat contains 36 proposed lots on 81.87 acres. Many of the lots are exactly the same size and configuration as was previously platted with the first subdivision. The 11.06 acres that was recently acquired at the southeast corner of the subdivision is also divided into lots, blocks, and streets. The proposed alignment of Talmadge Street as it intersects Kea West Avenue has been improved with the availability of additional land in this area. Three of the lots in proposed Block 2 are particularly shallow.

The Owner has agreed to dedicate sufficient right-of-way along Talmadge Street for a 66-foot wide right-of-way collector street section. Talmadge will be a public street whereas the interior roads within the subdivision to be known as Turkey Creek Boulevard and Turkey Creek Lane are to be private roads. (These roads were named 1st and 3rd Streets on the original plat when they were going to be public streets.) The Owner has also agreed to reserve 14 feet for future road purposes on the east side of Kea West Avenue. This reservation will be noted on the Preliminary Plat. When the east side of Kea West develops in the future the 14-foot strip can be dedicated on the future Final Plat. It is likely that an eight-foot wide hike/bike trail may someday extend from Yanney Park along the east side of Kea West Avenue crossing the channel with a pedestrian bridge. The additional fourteen feet of future right-of-way will help to accommodate the trail, if needed.

The concept and development approach that formed the layout of the original Turkey Creek Subdivision is largely intact with the new version. The concept of gated entries and private roads is new. The general lot layout, drainage plan, landscape and open space components, and other development components have carried over to the newer version.

There is one primary gated entrance to Turkey Creek Lane at the north entry along Kea West Avenue. Two secondary gated access points are proposed along Turkey Creek Boulevard. To accommodate the natural drainage pattern of the site, a portion of Turkey Creek Boulevard will be widened to 160 feet of right-of-way with two 24-foot drive lanes

separated by a central median area that will convey the drainage from west to east. The remainder of the interior private road system is planned for a 24-foot wide gravel street in 60-foot wide right-of-ways. Although the City does not have any influence nor participate in any way with covenants, the Developer stated that the covenants are written such that the tenth lot sold in each phase will trigger the interior streets to be paved.

A series of outlots are included in the subdivision along the road corridors to provide open space and landscape buffering. The outlots range in size from 50 to 100 feet in width.

Due to distance and water table constraints, the building lots in this area cannot be served by City water and sanitary services at this time. Each lot will be served by individual well and septic, which is permissible in an RR-1 zoning district and appropriate for this development. The Utilities Department has reviewed the proposed development and does not have concerns with the proposed septic drain fields as long as they are constructed to NEDEQ standards. In the future, sanitary sewer service could be provided by low pressure force main and grinder pumps if warranted. Future phases of this development on the east side of Kea West Avenue may be served with City services if water and sewer are extended south through the Turkey Creek channel (North Channel of the Platte River).

The PD Planned District Overlay is being proposed because the applicant is requesting deviations as follows:

- Minimum lot size for RR-1 zoning districts is 3.0 acres. The proposed lots are somewhat smaller averaging 2.85 acres. There is a significant amount of open space in the development consisting of the sandpit lakes and other drainage channels that offset the slightly smaller size per lot.
- The rear yard building setback required by Code is 100 feet. The applicant is requesting that the rear yard setback be reduced to 50 feet. Most homes will back to one of the lakes where the lakes will supply additional open space to the rear as compared to conventional development. Some homes will back to Turkey Creek where the rear yard setback ranges from 50 to 160 feet, but never less than 50 feet
- Three lots in Block 2, Lots 5, 6, and 12 are particularly shallow. The applicant is requesting a deviation from the 50-foot front yard setback to allow a reduction to 30 feet for these three lots.

Kent Cordes from BD Construction presented this matter to the Council. He is representing the developers for the Turkey Creek Second Subdivision. This is located west of Kea West Avenue, south of the north channel of the Platte River and north of Interstate 80 which is essentially southwest of Yanney Park. The area exists today as Turkey Creek Subdivision. They have acquired adjacent property and will be replatting to incorporate this into the existing plat which will also help with some connectivity with Talmadge Street.

Discussion was held on the placement of Talmadge Street. One of the issues is the connectivity of Talmadge Street. Currently, the way they preliminary platted it is Talmadge Street basically T's into Kea West Avenue and then it goes a way and it

continues east. They are going to have those as a full intersection connected through and have Talmadge Street be continuous to 30th Avenue which makes the most sense since that will be a collector street in the future.

They are going to vacate the entire Turkey Creek Subdivision. The existing streets that are within that subdivision are currently public streets. The original intent of the developers was to have a gated community which they cannot do with public streets so they are going back vacating the public streets and replatting those as private drives. Talmadge Street will remain a public street. In addition the area to the west that they are vacating will not be replatted. That is going to stay part of the preliminary plat and have it rezoned back to Agricultural.

He mentioned the private drives would be rename to Turkey Creek Lane and Turkey Creek Boulevard. These will be private drives with the intent that a gate will be placed at the main entrance at some point in the future and would also place a gate on Turkey Creek Boulevard. Talmadge Street would remain unobstructed and will be a public street and the majority of the subdivision would then be a gated community. Obviously, the lots on the south side of the lake will not be in that gated community, they will have direct access to a public street which will not be gated.

In addition to a dedicated 50-foot right-of-way in the future for 30th Avenue they also dedicated an additional 50-foot of buffer for landscape and some flexibility in the event that something would ever happen with the 30th Avenue interchange. That would leave 50 feet for the right-of-way and an additional 50 feet so there could be up to 100 feet on that side of 30th Avenue, if necessary, and obviously the City can request the same amount on the west side of 30th Avenue.

One of the deviations that they are requesting on the Planned District which for RR-1 normally requires a 50-foot front yard setback they are asking to deviate on three lots to 30 foot for a front yard setback. This would be for Lots 5, 6 and 12 and the reason is those lots are very wide but fairly shallow so to give them a little bit more buildable area.

Council Member Buschkoetter commented on the difficulty in terms of eventually connecting to City water and sewer because of the water table in that area. Mr. Cordes stated that was correct. The ground water is high and services are not real close to get there and to extend them would require dewatering so it is an expensive endeavor to get water and especially sewer to the site. There is currently one house out there that is served with well and septic.

Council Member Buschkoetter asked down the road if that was something the subdivision would want to do. The cost of dewatering would fall upon the developer and not the City. Mr. Cordes stated the dewatering is not for the homes themselves. It is actually for the construction of the system to get out there and it is temporary only during construction so I guess it would depend on how that system were designed and assuming it is an improvement district. If it was an improvement district it would be assessed equally to both sides of the property and those are assessable costs.

Council Member Lear asked who owns and maintains that Outlot B which includes the lake. Mr. Cordes stated that is the Homeowners Association which has already been

created and filed so the homeowners pay a monthly/annually fee and the Homeowners Association maintains all the Outlots as they will now with the private streets since those are no longer public. Snow removal will be the responsibility of the Homeowners Association.

Council Member Nikkila asked how far off the public streets will the gates be. Mr. Cordes stated as part of that Outlot B there is actually an extension of 100-foot deep landscape buffer in addition along Kea West Avenue to further separate the subdivision and so currently the only gate that has been designed is the main gate on Turkey Creek Lane and it would sit back roughly at that edge of that landscape buffer. They provided enough stacking for approximately four vehicles in there so that you cannot be blocking traffic on Kea West Avenue and there is also an additional turn around in front of that gate so if someone inadvertently pulls in not realizing it is a gated community they can turn around and go back out. They would not have to back up onto Kea West Avenue.

Council Member Nikkila stated he read somewhere where the fire department will have a code so the fire truck will pull up, they have to press the code in and the gate will go open. Mr. Cordes stated that was correct and usually a Knox box would be used where they can get in. It is similar to what they will have to access other buildings and businesses. They would have the code accessible to get in through the gate.

Mr. Cordes stated I-80 is further to the south end and the developer's intent is to build another sand pit. They have another sand pit in this area with landscape buffer and some mounds to provide some noise protection from I-80. They are not intending to put homes in this area. There is a rather large power line and that is what is forming the south boundary of their development.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing and introduced Ordinance No. 7859 vacating a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 7859. 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, Nikkila, Lammers. Nay: None. 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. 7859 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, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7859 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse,

Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7859 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 Clouse seconded by Lammers to adopt **Resolution No. 2013-236** approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 2 to Rural Estates property described as a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2013-236

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 located in part of Government Lots 6 and 9, and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Government Lot 6 and assuming the East line of said Government Lot as bearing N00°59'07"E and all other bearing shown hereon relative thereto; thence N00°59'07"E on said East line a distance of 1472.09 feet; thence N89°00'51"W leaving said East line a distance of 24.68 feet to a point on the West Right-of-Way line Kea West Avenue and the ACTUAL POINT OF BEGINNING; thence N89°00'51"W leaving said Right-of-Way line a distance of 575.13 feet; thence S01°02'46"W a distance of 842.04 feet; thence S89°00'25"E a distance of 557.41 feet to a point on said West Right-of-Way line; thence N03°54'58"E on said West Right-of-Way line a distance of 200.18 feet; thence continuing on said West Right-of-Way line S89°05'04"E a distance of 8.19 feet; thence continuing on said West Right-of-Way line N01°00'11"E a distance of 642.18 feet to the POINT OF BEGINNING, containing 11.06 acres, more or less, to the City of Kearney, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River) from Mixed Use 2 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 Mixed Use 2 to Rural Estates the use classification for a tract of land located in part of Government Lots 6 and 9, and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of

Government Lot 6 and assuming the East line of said Government Lot as bearing N00°59'07"E and all other bearing shown hereon relative thereto; thence N00°59'07"E on said East line a distance of 1472.09 feet; thence N89°00'51"W leaving said East line a distance of 24.68 feet to a point on the West Right-of-Way line Kea West Avenue and the ACTUAL POINT OF BEGINNING; thence N89°00'51"W leaving said Right-of-Way line a distance of 575.13 feet; thence S01°02'46"W a distance of 842.04 feet; thence S89°00'25"E a distance of 557.41 feet to a point on said West Right-of-Way line; thence N03°54'58"E on said West Right-of-Way line a distance of 200.18 feet; thence continuing on said West Right-of-Way line S89°05'04"E a distance of 8.19 feet; thence continuing on said West Right-of-Way line N01°00'11"E a distance of 642.18 feet to the POINT OF BEGINNING, containing 11.06 acres, more or less, to the City of Kearney, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River).

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING KEA WEST AVENUE TO 30TH AVENUE, SOUTH OF THE NORTH CHANNEL OF THE PLATTE RIVER

Public Hearings 5, 6, 7 and 8 were discussed together but voted on separately.

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 5, 6, 7 and 8 pertaining to property located at Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC to rezone 11.06 acres from District AG, Agricultural District to District RR-1/PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District property described as a tract of land located in part of Government Lots 6 and 9 and accretions abutting said Lots in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska; AND to rezone 38.16 acres from District RR-1/PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District to District AG, Agricultural District property described as a tract of land located in part of Government Lots 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River) and consider Ordinance No. 7860.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC to rezone 11.06 acres from District AG, Agricultural District to District RR-1/PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District property described as a tract of land located in part of Government Lots 6 and 9 and accretions abutting said Lots in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska; AND to rezone 38.16 acres from District RR-1/PD, Urban Residential Single-Family (Low

Density)/Planned Development Overlay District to District AG, Agricultural District property described as a tract of land located in part of Government Lots 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska and introduced Ordinance No. 7860 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 Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 7860. 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, Nikkila. Nay: None. 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. 7860 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, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7860 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7860 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 TURKEY CREEK SECOND SUBDIVISION

Public Hearings 5, 6, 7 and 8 were discussed together but voted on separately.

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 5, 6, 7 and 8 pertaining to property located at Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC for the Final Plat and Subdivision Agreement for Turkey Creek Second Subdivision, a subdivision in Buffalo County Nebraska, for property described as a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River) and to consider Resolution No. 2013-237.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2013-237** approving the Application submitted by Miller & Associates for Turkey Creek Properties, LLC for the Final Plat and Subdivision Agreement for Turkey Creek

Second Subdivision, a subdivision in Buffalo County Nebraska, for property described as a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2013-237

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Turkey Creek Second Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land located in part of Government Lot 6, 7 and 9, and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of said Government Lot 6 and assuming the East line of said Government Lot 6 as bearing N 00°59'07" E and all bearings shown hereon are relative thereto; thence N 00°59'07" E on said East line a distance of 829.90 feet to the ACTUAL POINT OF BEGINNING; thence leaving said East line N 89°00'58" W a distance of 33.00 feet to a point on the West Right-of-Way line of Kea West Avenue, thence S 03°56'06" W on said Right-of-Way line a distance of 200.19 feet; thence S 06°05'55" W continuing on said Right-of-Way line a distance of 94.58 feet, thence N 85°46'02" W leaving said Right-of-Way line a distance of 553.51 feet; thence N 87°55'00" W a distance of 243.92 feet; thence N 04°52'14" W a distance of 344.81 feet; thence N 85°07'46" E a distance of 30.97 feet; thence N 70°55'06" E a distance of 137.27 feet; thence N 17°00'06" E a distance of 93.85 feet; thence N 06°35'11" W a distance of 65.25 feet; thence N 82°11'24" W a distance of 128.43 feet; thence S 83°46'29" W a distance of 712.73 feet; thence N 87°42'39" W a distance of 187.26 feet; thence N 78°11'22" W a distance of 169.60 feet; thence N 86°08'45" W a distance of 159.66 feet; thence N 03°51'15" E a distance of 259.81 feet; thence along a nontangent curve to the Right, having a radius of 598.68 feet, a delta angle of 37°21'16", chord bearing N 84°07'04" W a distance of 383.44 feet; thence N 65°26'26" W a distance of 57.18 feet; thence along a tangent curve to the Left, having a radius of 82.23 feet, a delta angle of 18°57'14", chord bearing N 74°55'03" W a distance of 27.08 feet; thence N 05°42'42" E a distance of 60.00 feet; thence N 09°13'32" E a distance of 956.82 feet to a point on the North Channel of the Platte River; thence S 26°14'27" E along said centerline and all courses following are along said centerline until otherwise described, a distance of 11.04 feet; thence S 68°42'54" E a distance of 22.75 feet; thence N 80°30'04" E a distance of 35.04 feet; thence S 77°37'19" E a distance of 52.01 feet; thence S 41°07'16" E a distance of 54.54 feet; thence S 56°17'24" E a distance of 19.72 feet; thence S 76°53'07" E a distance of 14.16 feet; thence N 80°53'24" E a distance of 35.42 feet; thence S 78°13'46" E a distance of 49.05 feet; thence N 78°08'29" E a distance of 83.50 feet; thence N 64°23'17" E a distance of 9.18 feet; thence N 64°23'17" E a distance of 9.51 feet; thence S 80°16'38" E a distance of 66.85 feet; thence N 63°36'36" E a distance of 50.46 feet; thence N 42°34'10" E a distance of 45.51 feet; thence N 58°57'00" E a distance of 19.19 feet; thence N 67°44'01" E a distance of 49.96 feet; thence N 51°28'36" E a distance of 12.41 feet; thence N 02°21'39" W a distance of 8.19 feet; thence N 24°51'35" E a distance of 60.46 feet; thence N 64°22'12" E a distance of 83.23 feet; thence S 76°22'59" E a distance of 38.01 feet; thence S 76°22'59" E a distance of 39.85 feet; thence N 75°18'23" E a

distance of 88.79 feet; thence S 74°37'50" E a distance of 39.20 feet; thence S 28°10'23" E a distance of 48.75 feet; thence S 09°18'20" E a distance of 31.94 feet; thence S 24°17'15" W a distance of 58.83 feet; thence S 05°32'42" E a distance of 19.71 feet; thence S 60°14'17" E a distance of 79.97 feet; thence S 42°53'27" E a distance of 19.48 feet; thence N 87°08'03" E a distance of 29.28 feet; thence N 32°47'01" E a distance of 48.08 feet; thence S 88°15'22" E a distance of 20.77 feet; thence S 88°15'22" E a distance of 4.81 feet; thence S 13°35'50" E a distance of 59.11 feet; thence N 84°54'05" E a distance of 82.40 feet; thence N 56°47'13" E a distance of 22.73 feet; thence N 73°25'38" E a distance of 20.73 feet; thence S 66°48'58" E a distance of 64.92 feet; thence N 86°46'40" E a distance of 46.64 feet; thence N 56°56'53" E a distance of 30.73 feet; thence N 56°56'53" E a distance of 36.56 feet; thence N 69°44'44" E a distance of 45.57 feet; thence S 77°17'04" E a distance of 41.68 feet; thence N 64°06'34" E a distance of 51.03 feet; thence N 09°11'43" E a distance of 45.14 feet; thence N 55°56'30" E a distance of 26.91 feet; thence S 71°34'38" E a distance of 41.47 feet; thence N 71°34'38" E a distance of 22.81 feet; thence N 36°53'23" E a distance of 19.67 feet; thence N 62°02'15" E a distance of 23.76 feet; thence S 71°34'38" E a distance of 35.25 feet; thence S 24°51'31" E a distance of 31.83 feet; thence S 36°38'43" E a distance of 36.08 feet; thence S 36°38'43" E a distance of 56.22 feet; thence S 87°30'44" E a distance of 30.20 feet; thence N 59°16'57" E a distance of 28.23 feet; thence S 86°49'21" E a distance of 47.29 feet; thence N 38°15'59" E a distance of 70.95 feet; thence N 56°19'44" E a distance of 35.46 feet; thence N 80°20'49" E a distance of 31.27 feet; thence S 36°02'48" E a distance of 17.83 feet; thence S 23°00'12" W a distance of 23.49 feet; thence S 00°00'00" E a distance of 39.32 feet; thence S 55°01'38" E a distance of 24.01 feet; thence N 65°36'07" E a distance of 101.54 feet; thence N 72°46'12" E a distance of 8.01 feet; thence N 72°46'12" E a distance of 31.82 feet; thence N 40°03'01" E a distance of 42.81 feet; thence N 59°36'25" E a distance of 34.97 feet; thence S 79°38'27" E a distance of 54.67 feet; thence S 52°58'38" E a distance of 43.54 feet; thence S 30°31'41" E a distance of 45.15 feet; thence N 80°58'06" E a distance of 14.55 feet; thence N 80°58'06" E a distance of 7.43 feet; thence S 52°27'53" E a distance of 25.82 feet; thence S 84°21'34" E a distance of 27.52 feet; thence S 60°22'28" E a distance of 33.32 feet; thence S 60°22'28" E a distance of 10.82 feet; thence S 44°12'44" E a distance of 25.39 feet; thence S 66°35'12" E a distance of 23.40 feet to the East Line of Government Lot 9; thence leaving said centerline S 00°59'07" W on said East line a distance of 1534.20 feet to the point of beginning, containing 81.87 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 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR TURKEY CREEK SECOND SUBDIVISION

Public Hearings 5, 6, 7 and 8 were discussed together but voted on separately.

Moved by Nikkila seconded by Lear to remove from the table Public Hearings 5, 6, 7 and 8 pertaining to property located at Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC for Planned District Development Plan Approval for a single family large lot development on property to be zoned District RR-1/ PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District on property described as a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River) and to consider Resolution No. 2013-238.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2013-238** approving the Application submitted by Miller & Associates for Turkey Creek Properties, LLC for Planned District Development Plan Approval for a single family large lot development on property to be zoned District RR-1/ PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District on property described as a tract of land located in part of Government Lots 6, 7, 8, 9 and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2013-238

WHEREAS, Miller & Associates for Turkey Creek Properties, LLC have applied for Planned District Development Plan Approval for a single family large lot development on property to be zoned District RR-1/PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District and described as a tract of land located in part of Government Lot 6, 7 and 9, and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of said Government Lot 6 and assuming the East line of said Government Lot 6 as bearing N 00°59'07" E and all bearings shown hereon are relative thereto; thence N 00°59'07" E on said East

line a distance of 829.90 feet to the ACTUAL POINT OF BEGINNING; thence leaving said East line N 89°00'58" W a distance of 33.00 feet to a point on the West Right-of-Way line of Kea West Avenue, thence S 03°56'06" W on said Right-of-Way line a distance of 200.19 feet; thence S 06°05'55" W continuing on said Right-of-Way line a distance of 94.58 feet, thence N 85°46'02" W leaving said Right-of-Way line a distance of 553.51 feet; thence N 87°55'00" W a distance of 243.92 feet; thence N 04°52'14" W a distance of 344.81 feet; thence N 85°07'46" E a distance of 30.97 feet; thence N 70°55'06" E a distance of 137.27 feet; thence N 17°00'06" E a distance of 93.85 feet; thence N 06°35'11" W a distance of 65.25 feet; thence N 82°11'24" W a distance of 128.43 feet; thence S 83°46'29" W a distance of 712.73 feet; thence N 87°42'39" W a distance of 187.26 feet; thence N 78°11'22" W a distance of 169.60 feet; thence N 86°08'45" W a distance of 159.66 feet; thence N 03°51'15" E a distance of 259.81 feet; thence along a nontangent curve to the Right, having a radius of 598.68 feet, a delta angle of 37°21'16", chord bearing N 84°07'04" W a distance of 383.44 feet; thence N 65°26'26" W a distance of 57.18 feet; thence along a tangent curve to the Left, having a radius of 82.23 feet, a delta angle of 18°57'14", chord bearing N 74°55'03" W a distance of 27.08 feet; thence N 05°42'42" E a distance of 60.00 feet; thence N 09°13'32" E a distance of 956.82 feet to a point on the North Channel of the Platte River; thence S 26°14'27" E along said centerline and all courses following are along said centerline until otherwise described, a distance of 11.04 feet; thence S 68°42'54" E a distance of 22.75 feet; thence N 80°30'04" E a distance of 35.04 feet; thence S 77°37'19" E a distance of 52.01 feet; thence S 41°07'16" E a distance of 54.54 feet; thence S 56°17'24" E a distance of 19.72 feet; thence S 76°53'07" E a distance of 14.16 feet; thence N 80°53'24" E a distance of 35.42 feet; thence S 78°13'46" E a distance of 49.05 feet; thence N 78°08'29" E a distance of 83.50 feet; thence N 64°23'17" E a distance of 9.18 feet; thence N 64°23'17" E a distance of 9.51 feet; thence S 80°16'38" E a distance of 66.85 feet; thence N 63°36'36" E a distance of 50.46 feet; thence N 42°34'10" E a distance of 45.51 feet; thence N 58°57'00" E a distance of 19.19 feet; thence N 67°44'01" E a distance of 49.96 feet; thence N 51°28'36" E a distance of 12.41 feet; thence N 02°21'39" W a distance of 8.19 feet; thence N 24°51'35" E a distance of 60.46 feet; thence N 64°22'12" E a distance of 83.23 feet; thence S 76°22'59" E a distance of 38.01 feet; thence S 76°22'59" E a distance of 39.85 feet; thence N 75°18'23" E a distance of 88.79 feet; thence S 74°37'50" E a distance of 39.20 feet; thence S 28°10'23" E a distance of 48.75 feet; thence S 09°18'20" E a distance of 31.94 feet; thence S 24°17'15" W a distance of 58.83 feet; thence S 05°32'42" E a distance of 19.71 feet; thence S 60°14'17" E a distance of 79.97 feet; thence S 42°53'27" E a distance of 19.48 feet; thence N 87°08'03" E a distance of 29.28 feet; thence N 32°47'01" E a distance of 48.08 feet; thence S 88°15'22" E a distance of 20.77 feet; thence S 88°15'22" E a distance of 4.81 feet; thence S 13°35'50" E a distance of 59.11 feet; thence N 84°54'05" E a distance of 82.40 feet; thence N 56°47'13" E a distance of 22.73 feet; thence N 73°25'38" E a distance of 20.73 feet; thence S 66°48'58" E a distance of 64.92 feet; thence N 86°46'40" E a distance of 46.64 feet; thence N 56°56'53" E a distance of 30.73 feet; thence N 56°56'53" E a distance of 36.56 feet; thence N 69°44'44" E a distance of 45.57 feet; thence S 77°17'04" E a distance of 41.68 feet; thence N 64°06'34" E a distance of 51.03 feet; thence N 09°11'43" E a distance of 45.14 feet; thence N 55°56'30" E a distance of 26.91 feet; thence S 71°34'38" E a distance of 41.47 feet; thence N 71°34'38" E a distance of 22.81 feet; thence N 36°53'23" E a distance of 19.67 feet; thence N 62°02'15" E a distance of 23.76 feet; thence S 71°34'38" E a distance of 35.25 feet; thence S 24°51'31" E a distance of 31.83

feet; thence S 36°38'43" E a distance of 36.08 feet; thence S 36°38'43" E a distance of 56.22 feet; thence S 87°30'44" E a distance of 30.20 feet; thence N 59°16'57" E a distance of 28.23 feet; thence S 86°49'21" E a distance of 47.29 feet; thence N 38°15'59" E a distance of 70.95 feet; thence N 56°19'44" E a distance of 35.46 feet; thence N 80°20'49" E a distance of 31.27 feet; thence S 36°02'48" E a distance of 17.83 feet; thence S 23°00'12" W a distance of 23.49 feet; thence S 00°00'00" E a distance of 39.32 feet; thence S 55°01'38" E a distance of 24.01 feet; thence N 65°36'07" E a distance of 101.54 feet; thence N 72°46'12" E a distance of 8.01 feet; thence N 72°46'12" E a distance of 31.82 feet; thence N 40°03'01" E a distance of 42.81 feet; thence N 59°36'25" E a distance of 34.97 feet; thence S 79°38'27" E a distance of 54.67 feet; thence S 52°58'38" E a distance of 43.54 feet; thence S 30°31'41" E a distance of 45.15 feet; thence N 80°58'06" E a distance of 14.55 feet; thence N 80°58'06" E a distance of 7.43 feet; thence S 52°27'53" E a distance of 25.82 feet; thence S 84°21'34" E a distance of 27.52 feet; thence S 60°22'28" E a distance of 33.32 feet; thence S 60°22'28" E a distance of 10.82 feet; thence S 44°12'44" E a distance of 25.39 feet; thence S 66°35'12" E a distance of 23.40 feet to the East Line of Government Lot 9; thence leaving said centerline S 00°59'07" W on said East line a distance of 1534.20 feet to the point of beginning, containing 81.87 acres, more or less, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the Platte River).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Turkey Creek Properties, LLC for Planned District Development Plan Approval for a single family large lot development on property to be zoned District RR-1/PD, Urban Residential Single-Family (Low Density)/Planned Development Overlay District and described as a tract of land located in part of Government Lot 6, 7 and 9, and accretions abutting said Lots, all in Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of said Government Lot 6 and assuming the East line of said Government Lot 6 as bearing N 00°59'07" E and all bearings shown hereon are relative thereto; thence N 00°59'07" E on said East line a distance of 829.90 feet to the ACTUAL POINT OF BEGINNING; thence leaving said East line N 89°00'58" W a distance of 33.00 feet to a point on the West Right-of-Way line of Kea West Avenue, thence S 03°56'06" W on said Right-of-Way line a distance of 200.19 feet; thence S 06°05'55" W continuing on said Right-of-Way line a distance of 94.58 feet, thence N 85°46'02" W leaving said Right-of-Way line a distance of 553.51 feet; thence N 87°55'00" W a distance of 243.92 feet; thence N 04°52'14" W a distance of 344.81 feet; thence N 85°07'46" E a distance of 30.97 feet; thence N 70°55'06" E a distance of 137.27 feet; thence N 17°00'06" E a distance of 93.85 feet; thence N 06°35'11" W a distance of 65.25 feet; thence N 82°11'24" W a distance of 128.43 feet; thence S 83°46'29" W a distance of 712.73 feet; thence N 87°42'39" W a distance of 187.26 feet; thence N 78°11'22" W a distance of 169.60 feet; thence N 86°08'45" W a distance of 159.66 feet; thence N 03°51'15" E a distance of 259.81 feet; thence along a nontangent curve to the Right, having a radius of 598.68 feet, a delta angle of 37°21'16", chord bearing N 84°07'04" W a distance of 383.44 feet; thence N 65°26'26" W a distance of 57.18 feet; thence along a tangent curve to the Left, having a radius of 82.23 feet, a delta angle of 18°57'14", chord bearing N 74°55'03" W a distance of 27.08 feet; thence N 05°42'42" E a distance of 60.00 feet; thence N 09°13'32" E a distance of 956.82 feet to a point on the North Channel of the Platte River; thence S 26°14'27" E along said centerline and all courses following are along

said centerline until otherwise described, a distance of 11.04 feet; thence S 68°42'54" E a distance of 22.75 feet; thence N 80°30'04" E a distance of 35.04 feet; thence S 77°37'19" E a distance of 52.01 feet; thence S 41°07'16" E a distance of 54.54 feet; thence S 56°17'24" E a distance of 19.72 feet; thence S 76°53'07" E a distance of 14.16 feet; thence N 80°53'24" E a distance of 35.42 feet; thence S 78°13'46" E a distance of 49.05 feet; thence N 78°08'29" E a distance of 83.50 feet; thence N 64°23'17" E a distance of 9.18 feet; thence N 64°23'17" E a distance of 9.51 feet; thence S 80°16'38" E a distance of 66.85 feet; thence N 63°36'36" E a distance of 50.46 feet; thence N 42°34'10" E a distance of 45.51 feet; thence N 58°57'00" E a distance of 19.19 feet; thence N 67°44'01" E a distance of 49.96 feet; thence N 51°28'36" E a distance of 12.41 feet; thence N 02°21'39" W a distance of 8.19 feet; thence N 24°51'35" E a distance of 60.46 feet; thence N 64°22'12" E a distance of 83.23 feet; thence S 76°22'59" E a distance of 38.01 feet; thence S 76°22'59" E a distance of 39.85 feet; thence N 75°18'23" E a distance of 88.79 feet; thence S 74°37'50" E a distance of 39.20 feet; thence S 28°10'23" E a distance of 48.75 feet; thence S 09°18'20" E a distance of 31.94 feet; thence S 24°17'15" W a distance of 58.83 feet; thence S 05°32'42" E a distance of 19.71 feet; thence S 60°14'17" E a distance of 79.97 feet; thence S 42°53'27" E a distance of 19.48 feet; thence N 87°08'03" E a distance of 29.28 feet; thence N 32°47'01" E a distance of 48.08 feet; thence S 88°15'22" E a distance of 20.77 feet; thence S 88°15'22" E a distance of 4.81 feet; thence S 13°35'50" E a distance of 59.11 feet; thence N 84°54'05" E a distance of 82.40 feet; thence N 56°47'13" E a distance of 22.73 feet; thence N 73°25'38" E a distance of 20.73 feet; thence S 66°48'58" E a distance of 64.92 feet; thence N 86°46'40" E a distance of 46.64 feet; thence N 56°56'53" E a distance of 30.73 feet; thence N 56°56'53" E a distance of 36.56 feet; thence N 69°44'44" E a distance of 45.57 feet; thence S 77°17'04" E a distance of 41.68 feet; thence N 64°06'34" E a distance of 51.03 feet; thence N 09°11'43" E a distance of 45.14 feet; thence N 55°56'30" E a distance of 26.91 feet; thence S 71°34'38" E a distance of 41.47 feet; thence N 71°34'38" E a distance of 22.81 feet; thence N 36°53'23" E a distance of 19.67 feet; thence N 62°02'15" E a distance of 23.76 feet; thence S 71°34'38" E a distance of 35.25 feet; thence S 24°51'31" E a distance of 31.83 feet; thence S 36°38'43" E a distance of 36.08 feet; thence S 36°38'43" E a distance of 56.22 feet; thence S 87°30'44" E a distance of 30.20 feet; thence N 59°16'57" E a distance of 28.23 feet; thence S 86°49'21" E a distance of 47.29 feet; thence N 38°15'59" E a distance of 70.95 feet; thence N 56°19'44" E a distance of 35.46 feet; thence N 80°20'49" E a distance of 31.27 feet; thence S 36°02'48" E a distance of 17.83 feet; thence S 23°00'12" W a distance of 23.49 feet; thence S 00°00'00" E a distance of 39.32 feet; thence S 55°01'38" E a distance of 24.01 feet; thence N 65°36'07" E a distance of 101.54 feet; thence N 72°46'12" E a distance of 8.01 feet; thence N 72°46'12" E a distance of 31.82 feet; thence N 40°03'01" E a distance of 42.81 feet; thence N 59°36'25" E a distance of 34.97 feet; thence S 79°38'27" E a distance of 54.67 feet; thence S 52°58'38" E a distance of 43.54 feet; thence S 30°31'41" E a distance of 45.15 feet; thence N 80°58'06" E a distance of 14.55 feet; thence N 80°58'06" E a distance of 7.43 feet; thence S 52°27'53" E a distance of 25.82 feet; thence S 84°21'34" E a distance of 27.52 feet; thence S 60°22'28" E a distance of 33.32 feet; thence S 60°22'28" E a distance of 10.82 feet; thence S 44°12'44" E a distance of 25.39 feet; thence S 66°35'12" E a distance of 23.40 feet to the East Line of Government Lot 9; thence leaving said centerline S 00°59'07" W on said East line a distance of 1534.20 feet to the point of beginning, containing 81.87 acres, more or less, Buffalo County, Nebraska (Kea West Avenue to 30th Avenue, south of the North Channel of the

Platte River) be approved granting the following deviations:

1. Allowing the minimum lot size to be less than three acres.
2. Allowing the rear yard building setback being reduced to 50 feet instead of the required 100 feet.
3. Allowing the front yard setback being reduced to 30 feet instead of the required 50 feet for Lots 5, 6 and 12 of Block 2, Turkey Creek Second Subdivision.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

HAMPTON INN LIQUOR LICENSE APPLICATION

Mayor Clouse opened the public hearing on the Application submitted by Talmadge Properties Inc., dba Hampton Inn for a Class I-105951 liquor license located at 507 Talmadge Street, to consider the Manager Application for Paul Younes, and to consider Resolution No. 2013-242.

Paul Younes presented this matter to the Council. He is seeking approval for a liquor license for the new Hampton Inn. They are going to be serving liquor as complimentary from 5:30 p.m. until 7:00p.m., Monday through Thursday. They do not have any sales of liquor or anything like that; it will be complimentary to the guests.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2013-242** recommending approval to the Nebraska Liquor Control Commission the Application submitted by Talmadge Properties Inc., dba Hampton Inn for a Class I-105951 liquor license located at 507 Talmadge Street, and approve the Manager Application for Paul Younes. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2013-242

WHEREAS, Talmadge Properties Inc., dba Hampton Inn has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Class I-105951 Liquor License to do business at 507 Talmadge Street, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on December 23, 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 Class I-105951 Liquor License to Talmadge Properties Inc., dba Hampton Inn located at 507 Talmadge Street, Kearney, Nebraska.

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 23RD DAY OF DECEMBER, 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 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 10, 2013.

2. Approve the following Claims:

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

3M \$4,516.00 smcs; 4Imprint \$1,239.49 smcs; A Parts \$76.75 smcs; Ace Hardware \$25.98 smcs; Ace Irrigation \$4,784.00 smcs; Advance Auto Parts \$29.45 smcs; Alamar Uniforms \$43.39 smcs; Albrecht,H \$675.00 smcs; Al-Jon Mfg \$357.90 smcs; All Make Auto \$762.61 smcs; All Road Barricades \$1,637.50 smcs; Allied Electronics \$218.50 smcs; Amazon \$911.54 smcs,co; American \$54.54 smcs; Amer Fence \$90.00 smcs; Amer First Aid \$149.05 smcs; Amer Public Works \$852.00 smcs; AWWA \$174.00 smcs; Amigo's \$10.33 smcs; Amsan \$2,184.49 smcs; Anderson Bros \$386.54 smcs; Apex Superstores \$225.98 smcs; Apple Itunes \$63.07 smcs; Applemarket \$87.07 smcs; Aprons and Smocks \$130.08 smcs; Ask Supply \$1,261.45 smcs; ASLA Member Services \$405.00 smcs; AT&T \$110.15 smcs; Aurora Coop \$81.60 smcs; BAB \$37.10 smcs; Baird Holm \$2,850.00 smcs; Baird Supporting Systems \$210.67 smcs; Baker & Taylor \$6,592.54 smcs; Barr-Thorp Electric \$19.85 smcs; Bestbuycom \$3,595.12 smcs; Big Apple Fun Center \$672.75 smcs; Bluecross Blueshield \$219,613.86 smcs; Books Galore \$161.60 smcs; Bosselman \$2,186.00 smcs; Brabec,R \$330.00 smcs; Brodart Co \$463.25 smcs; BSN Sport Supply \$167.73 smcs; Buckle \$250.00 smcs; Buffalo Co. Register Deeds \$116.00 smcs; Buffalo Co. Treasurer \$18,875.04 smcs; Buffalo Outdoor \$317.12 smcs; Builders Warehouse \$3,867.25 smcs,co; Candy,T \$490.00 smcs; Capital Business Systems \$169.93 smcs; Career Track \$299.00 smcs; Carquest Auto \$2,549.05 smcs; Cash-Wa \$1,221.37 smcs; Center Point Large Print \$72.06 smcs; Central Comm College \$190.00 smcs; Central Fire \$32.25 smcs; Central Hydraulic Systems \$890.22 smcs; Central NE Bobcat \$27,785.29 smcs,co; Charter \$499.47 smcs; Chemsearch \$278.24 smcs; Chicken Coop \$40.00 smcs; City of Ky \$11,865.31 smcs,ps; Cleveland,E \$157.00 smcs; Clyne,M \$50.75 smcs; Coggno Training \$104.25 smcs; Coldpsring \$433.80 smcs; Compasscom \$50.00 smcs; Conseco Life Insurance \$19.00 ps; Consolidated Management \$167.00 smcs; Construction Rental \$1,026.00

co; Copycat Printing \$181.55 smcs; CR Toys \$80.85 smcs; Credit Management Serv \$269.09 ps; Crossroads Ford \$239.91 smcs; Crouch Recreational \$2,505.00 co; Culligan \$3,969.25 smcs; Cummins Central Power \$553.40 smcs; Cunningham,S \$19.25 smcs; D&S Lighting \$173.12 smcs; Dawson PPD \$19,282.86 smcs; Daylight Donuts \$224.50 smcs; Dell \$811.27 smcs; Demco \$237.78 smcs; Depository Trust \$1,029,365.00 ds; DHHS Online Licensing \$1,840.00 smcs; Diamond Tours \$33,600.00 smcs; Dix,J \$3.45 smcs; Dmilaco Sports \$260.00 ps; Dog Poop Bags \$276.62 smcs; Douglas,B \$5.04 smcs; Dowhy Towing \$100.00 smcs; DWF Denver GS \$64.13 smcs; Eakes \$2,118.35 smcs; Eileens Colossal Cookies \$15.25 smcs; Eimprovementcom \$225.04 smcs; Elliott Equipment \$238.88 smcs; EMC Insurance \$252.33 smcs; Emergency Vehicle \$1,000.00 smcs; Enterprise \$220.00 smcs; Experts Exchange \$99.95 smcs; Fairbanks \$11,789.99 smcs,co; Family Practice \$200.00 ps; Farmers Union \$474.64 smcs; Fastenal \$644.66 smcs; Fedex \$109.32 smcs; Femco \$177.75 smcs; Fiddelke \$574.96 smcs; Fire Dept Training Network \$240.00 smcs; Flaherty,T \$760.00 smcs; Fleetpride \$695.00 smcs; Footjoy \$165.71 smcs; Fort Bend Services \$5,653.44 smcs; Frontier \$9,811.93 smcs; Gale \$443.81 smcs; Galeton Gloves \$594.00 smcs; Gall's \$67.43 smcs; Game & Parks Gifts \$16.05 smcs; Ganz Title \$750.00 smcs; Garrett Tires \$947.88 smcs; Gaylord Bros \$218.04 smcs; GE Money Bank \$1,388.03 smcs; Gear for Sports \$417.27 smcs; Gearhart,R \$165.00 smcs; Gempler \$52.55 smcs; Global Gov/ED Solution \$659.73 smcs; Graham Tire \$166.00 smcs; Grainger \$496.40 smcs; Great Plains River Roadway \$75,000.00 smcs; Great Plains Safety \$40.00 smcs; Hach \$170.75 smcs; Hacker,R \$8.54 smcs; Hall,B \$105.00 smcs; Happ,L \$100.00 smcs; Harris,R \$25.96 smcs; Hartman,N \$39.56 smcs; HD Supply \$5,565.38 smcs; Heavy Duty Supplies \$61.25 smcs; Helmsbriscoe \$499.00 smcs; Hensley,C \$265.72 smcs; Hobby-Lobby \$355.16 smcs,co; Holiday Inn \$357.36 smcs; Holmes Plumbing \$766.68 smcs,co; Hometown Leasing \$531.84 smcs; Horizon Middle School \$100.00 smcs; IBT \$451.65 smcs; ICMA RC \$4,088.00 ps; ID Security Online \$46.00 co; IRS \$145,113.72 ps; Int'l Assn for Identification \$70.00 smcs; IPMA \$938.00 smcs; Jack Lederman \$1,251.05 smcs; John Deere Landscapes \$745.50 smcs,co; Johnson Controls \$140.85 smcs; Jon Loebig \$44.00 smcs; Jonak,K \$31.00 smcs; JR's Western \$599.88 ps; K&K Parts \$1,904.80 smcs; Kart-Man \$999.96 smcs; Ky Ampride \$58.01 smcs; Ky Centre Vac \$10.70 smcs; Ky Chamber Comm \$310.00 smcs; Ky Cinema 8 \$30.00 smcs; Ky Comm.Foundation \$1,725.00 smcs; Ky Concrete \$4,223.79 smcs,co; Ky Crete & Block \$522.60 co; Ky Hub \$8,592.92 smcs; Ky Powersports \$1,019.26 smcs; Ky Storytelling \$300.00 smcs; Ky Towing \$100.00 smcs; Ky United Way \$500.00 smcs; Ky Winlectric \$40.44 smcs; Ky Winnelson \$30.92 co; Kehn,M \$4.33 smcs; Kelly Supply \$845.36 smcs; Kendrick,C \$17.08 smcs; Kmart \$23.98 smcs; Konica Minolta \$924.54 smcs; Kowalek,G \$11.91 smcs; Krieg,R \$41.95 smcs; Landmark Implement \$982.68 smcs; Larue Distributing \$197.18 smcs; Lawson Products \$628.07 smcs; League of NE Municipalities \$374.00 smcs; Lighting Supply \$230.45 smcs; Lincoln Winwater Works \$20.87 smcs; Lind Electronics \$571.80 smcs; Liquitube Marketing \$219.00 smcs; Lunar Pages \$166.80 co; Magic Cleaning \$4,200.00 smcs; Mail Express \$5,928.16 smcs; Marlatt Machine Shop \$1,480.00 smcs; Mascoelectr \$258.54 smcs; Matheson Tri-Gas \$511.42 smcs; Maxx Sunglasses \$253.67 smcs; Mead Lumber \$632.64 smcs,co; Mercury Displacement \$26.01 smcs; Medicap Pharmacy \$8,825.00 ps; Meier,B \$10.00 smcs; Menards \$3,696.50 smcs; Merryman Performing Arts \$278.00 smcs; Microtonics \$475.89 smcs; Middleton Electric \$377.58 smcs; Mid-NE Garage Doors \$225.00 smcs; Mid-NE Lubricants \$365.00 smcs; Midwest Turf \$224.41 smcs; Miller & Associates \$1,084.25 smcs; Miller Signs \$686.00 smcs,co; Mohammed,A

\$22.36 smcs; Monoprice \$37.39 co; Moonlight Embroidery \$2,625.41 smcs; Mueller,J \$336.00 smcs; Municipal Supply Co. \$864.14 smcs; Murphy Tractor Equipment \$111.80 smcs; My Creative Shop \$19.95 smcs; My Senior Center \$300.00 smcs; Navigator Motorcoaches \$1,305.00 smcs; NCL of Wisconsin \$354.87 smcs; NCS Equipment \$162.30 smcs,co; NE Child Support \$2,284.66 ps; NE Dept. of Environmental \$272,982.75 smcs,ds; NE Dept of Rev \$32,243.17 smcs; NE Machinery \$868.68 smcs; NE Rural Water Assn \$50.00 smcs; NE Safety & Fire \$1,118.00 smcs; NE St Fire Marshal \$600.00 smcs; NE St Library \$128.34 smcs; NE Truck Center \$579.23 smcs; NE Turfgrass \$410.00 smcs; Nelson,S \$7,500.00 smcs; Norco Industries \$50.83 smcs; Northern Safety \$467.00 smcs; Northern Tool \$1,454.59 smcs; Northwestern Energy \$70.00 smcs; NRG Media \$52.00 smcs; NRPA Americas Backyard \$750.00 smcs; Nuttelman Fencing \$715.00 co; OCLC \$658.66 smcs; Office Max \$1,025.73 smcs,co; Officenet \$1,595.00 smcs; O'Hara Lindsay & Assoc. \$1,500.00 smcs; O'Reilly Automotive \$355.24 smcs; Oriental Trading \$13.54 smcs; Orr,L \$100.00 smcs; Orscheln \$576.60 smcs; Overhead Door \$65.00 smcs; Paramount Linen \$100.50 smcs; Party America \$79.58 smcs; Patrick,M \$24.40 smcs; Pat's Plbg \$165.00 smcs; Patterson,B \$122.99 smcs; Paypal \$2,661.12 smcs,co; PBD Ala-Graph Editions \$155.30 smcs; Penworthy Co \$3,188.98 smcs; Pickens,C \$25.00 smcs; Pilot \$103.15 smcs; Pitney Bowes \$57.98 smcs; Platte Valley Comm \$2,064.43 smcs,co; Platte Valley Labs \$125.00 smcs; Prestige Group \$192.01 smcs; Presto-X \$390.48 smcs; Prime Communications \$1,138.70 co; Provantage \$700.80 smcs,co; Pure Water Products \$48.00 smcs; QT153 \$63.53 smcs; Quatred \$1,157.25 smcs; Quill \$773.73 smcs; Random House \$400.50 smcs; Ready Mixed Concrete \$7,039.52 co; Reams \$431.58 smcs,co; Recorded Books \$2,000.98 smcs; Redman's Shoes \$700.01 smcs; Reinke's \$842.51 smcs; Resource Management \$1,260.48 smcs; Riverside Mfg \$161.70 ps; RMV Construction \$39,630.70 co; Rogue Fitness \$346.01 ps; RR Donnelley \$407.13 smcs; Ruby Tuesday \$28.00 smcs; S&B Heating \$1,380.75 smcs; Sahling Kenworth \$74.75 smcs; Salient Sciences \$1,800.00 smcs; Saltzgaber,S \$16.01 smcs; Sanitation Products \$125.39 smcs; Sapp Bros \$29,932.26 smcs; Schindler Elevator \$359.40 smcs; Sears \$339.95 smcs; Select Sprayers \$15.04 smcs; Sherwin Williams \$479.77 smcs; Shopletcom \$385.60 smcs; Small Engine Pros \$31.56 smcs; Smith,B \$21.60 smcs; Sonetics Corp \$104.38 smcs; SOS Portable Toilets \$117.00 smcs; Sportoutletcom \$17.94 smcs; Sportsmartcom \$595.00 smcs; Stampscom \$15.99 smcs; Steinbrink Landscaping \$832.44 smcs; Stott,D \$333.80 smcs; Sunmart \$15.62 smcs; Sunrise Middle School \$100.00 smcs; Super Shine Auto \$183.00 smcs; Swanson,L \$17.55 smcs; Target \$246.04 smcs,co; Techsoup \$136.00 co; Theis,G \$47.94 smcs; Thome,B \$347.00 smcs; Tiburon Financial \$384.10 ps; Tractor-Supply \$328.64 smcs; Trans Iowa Equipment \$94.12 smcs; Tri City Outdoor Power \$1,972.63 smcs,co; Turf Pro Landscaping \$3,100.00 co; Uline \$166.14 smcs; Union Bank \$63,516.62 ps; Unique Management Serv. \$322.20 smcs; United \$486.80 smcs; UPS Store \$80.06 smcs; US Postal Service \$88.00 smcs; USA Blue Book \$186.69 smcs; USPS \$9.36 smcs; Van Diest Supply \$637.83 smcs; Van Wall Equipment \$349.76 smcs; Velo \$29.95 smcs; Verizon \$60.07 smcs; Vermont Systems \$1,104.00 smcs; Vu,H \$15.84 smcs; Wagner,C \$105.00 smcs; Walgreens \$57.74 smcs; Wal-Mart \$2,896.88 smcs,co; Water Environment \$109.00 smcs; Wearguard \$347.10 smcs; West Villa Animal Hospital \$142.93 smcs; Westfall,T \$0.21 smcs; Wiedel,G \$278.50 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$616.57 smcs; Windows Store \$2.13 smcs; Work Boots USA \$124.50 smcs; WPCI \$239.00 ps; Payroll Ending 12-14-2013 -- \$367,041.13; Longevity Pay - \$63,072.45. 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 January 14, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2013-243** setting the interest rate, providing equal annual installments, providing the interest rate for delinquent installments for special assessments for 2014 with regard to the creation of paving, water and sanitary sewer districts; and to establish a policy on reimbursing developers for infrastructure costs for Developer Constructed Infrastructure Agreements.

RESOLUTION NO. 2013-243

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. Streets that have been improved by paving, curbing and guttering and incidental work, and/or the installation of water mains, and/or the installation of sanitary sewer mains shall be assessed to lots and parcels of ground where specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. All special assessments provided for by the laws of the state shall become due fifty (50) days after the date of levy and may be paid within that time without interest, but if not so paid, each installment, except the first, shall draw interest at the rate of 5.5 per centum per annum from the date the Board of Equalization convened until the same become delinquent. This interest rate is effective for the 2014 calendar year.

Section 3. Such assessments shall become delinquent in equal annual installments as follows:

Paving	Water	Sanitary Sewer
1/10th fifty days after date of Board of Equalization	1/5th fifty days after date of Board of Equalization	1/5th fifty days after date of Board of Equalization
1/10th one year after date of Board of Equalization	1/5th one year after date of Board of Equalization	1/5th one year after date of Board of Equalization
1/10th two year after date of Board of Equalization	1/5th two year after date of Board of Equalization	1/5th two year after date of Board of Equalization
1/10th three year after date of Board of Equalization	1/5th three year after date of Board of Equalization	1/5th three year after date of Board of Equalization
1/10th four year after date of Board of Equalization	1/5th four year after date of Board of Equalization	1/5th four year after date of Board of Equalization
1/10th five year after date of Board of Equalization		
1/10th six year after date of Board of Equalization		
1/10th seven year after		

date of Board of Equalization		
1/10th eight year after date of Board of Equalization		
1/10th nine year after date of Board of Equalization		

Such assessments shall become delinquent in equal annual installments over such period of years as set forth above. Delinquent installments shall bear interest at the rate specified in Section 45-104.01 of the Nebraska Revised Statutes, which is currently set at fourteen percent, and such rate may from time to time be adjusted by the Legislature, until paid and shall be collected in the usual manner for the collection of general taxes and shall be subject to the same penalties.

Section 4. Pursuant to Section 9-1310 of the Kearney City Code, the City will reimburse Developers for infrastructure costs considered the responsibility of the City as outlined in paragraphs 1, 2, 3, and 4 of Section 57-103(B) of the Kearney City Code based on the most recent unit price bids received by the City, and approved by the City Council, for similar projects. The attached schedule of unit price bids is hereby approved by the City Council and shall be used by the City Engineer to calculate infrastructure reimbursements to Developers for qualified Developer Constructed Infrastructure Agreements approved by the City Council during the 2014 calendar year. Developers will not be reimbursed for infrastructure items not included on the attached schedule of unit price bids.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

5. Adopt **Resolution No. 2013-244** approving the City of Kearney and County of Buffalo Archway Monument Agreement providing the County’s payment to the City for a portion of the costs associated with the operation of the Archway Monument.

RESOLUTION NO. 2013-244

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Archway Monument Agreement between the City of Kearney and County of Buffalo for the purpose of providing the County’s payment to the City for a portion of the costs associated with the operation of the Archway Monument be and is hereby approved. The Agreement, marked as Exhibit ‘A’, is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Archway Monument Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Adopt **Resolution No. 2013-245** allowing the City of Kearney to expend funds on the purchase of a fire pumper truck and equipment for said truck and to reimburse itself from the proceeds of the debt issued at a later date.

RESOLUTION NO. 2013-245

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:

Fire Pumper Truck	\$550,000.00
Equipment for Fire Pumper Truck	\$105,000.00

The maximum principal amount of debt expected to be issued for such project is \$655,000.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt **Resolution No. 2013-246** approving the Proposed Scope of Work for Kearney Skatepark Project between the City of Kearney and Pillar Design Studios.

RESOLUTION NO. 2013-246

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Proposed Scope of Work between the City of Kearney and Pillar Design Studios for the purpose of providing design services for the Skatepark be and is hereby approved. The Agreement, marked as Exhibit 'A', is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Proposed Scope of Work on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt **Resolution No. 2013-247** approving the Vehicle Gasoline Purchase Agreement between the City of Kearney and the University of Nebraska at Kearney to

jointly purchase vehicle gasoline on a collective basis.

RESOLUTION NO. 2013-247

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the City of Kearney and the University of Nebraska at Kearney Vehicle Gasoline Purchase Agreement, a copy of the Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2013-248** approving Application and Certificate for Payment No. 3 in the amount of \$29,697.06 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area.

RESOLUTION NO. 2013-248

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$29,697.06, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$290,885.23
Change Order No. 1 (6-11-2013)	<u>.00</u>
Contract Sum To Date	290,885.23
Gross Amount Due	60,746.73
Retainage (10%)	6,074.67
Amount Due to Date	54,672.06
Less Previous Certificates for Payment	<u>24,975.00</u>
Current Payment Due	\$ 29,697.06

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

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt **Resolution No. 2013-249** approving Application and Certificate for Payment No. 2 in the amount of \$42,181.76 submitted by Midlands Contracting and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid A consisting of

Water District No. 2013-570 and Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition.

RESOLUTION NO. 2013-249

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2013 Part 1 Improvements – Bid A consisting of Water District No. 2013-570 and Sanitary Sewer District No. 2013-508 for 50th Street from 11th Avenue to 17th Avenue, 51st Street Place from 15th Avenue Place to 16th Avenue Place, all of 14th Avenue Place, all of 15th Avenue Place, all of 16th Avenue Place, all of Loveland Drive all in Fountain Hills Fifth Addition, 11th Avenue from 48th Street north to the north lot line of Lot 10 of Block 3, Fountain Hills Third Addition; Sanitary Sewer Connection District No. 2013-1 beginning at the intersection of the centerlines of 16th Avenue Place and 51st Street Place as platted in Fountain Hills Fifth Addition west to the west line of 17th Avenue, thence north to the northeast corner of Lot 1, Smith Addition; and Sanitary Sewer Connection District No. 2013-2 in a sanitary sewer easement located in part of Outlot A, Fountain Hills Sixth Addition; and part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and 11th Avenue as platted in Fountain Hills Second Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$42,181.76, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,141,528.00</u>
Contract Sum To Date	1,141,582.00
Gross Amount Due	157,047.04
Retainage (10%)	15,704.70
Amount Due to Date	141,342.34
Less Previous Certificates for Payment	<u>99,160.57</u>
Current Payment Due	\$ 42,181.76

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. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt **Resolution No. 2013-250** approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2014 until December 31, 2014: B & B Bendfeldt Farms, L.L.C. and Brenda Bendfeldt (239.8 irrigated acres); David Fleming (364.36 non-irrigated acres); David Fleming (276 irrigated acres); Gary Henderson (39.81 irrigated acres); Don Hendrickson (193.5 irrigated acres); Ron Hendrickson (75 dryland hay acres); Tom Larsen and Ted Larsen (61 under pivot irrigated acres and 64.5 non-irrigated acres); and Lee Potter (64.7 irrigated acres).

RESOLUTION NO. 2013-250

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2014 until December 31, 2014:

- B & B Bendfeldt Farms, L.L.C. and Brenda Bendfeldt (239.8 irrigated acres) – annual cash rent is \$65,811;
- David R. Fleming (364.36 non-irrigated acres) – annual cash rent is \$42,267;
- David R. Fleming (216 gravity irrigated acres) – annual cash rent is \$54,648;
- David R. Fleming (60 pivot irrigated acres) – annual cash rent is \$17,325;
- Gary Henderson (39.81 irrigated acres) – annual cash rent is \$10,071;
- Don Hendrickson (193.5 irrigated acres) – annual cash rent is \$48,957;
- Ron Hendrickson, dba “Agrident, Inc.” (75 acres dry land hay) – annual cash rent is \$4,500;
- Tom Larsen and Ted Larsen (61 under pivot irrigated acres and 64.5 non-irrigated acres) – annual cash rent is \$25,233;
- Lee Potter (64.7 irrigated acres) – annual cash rent is \$16,368;

A copy of the Agreements, marked Exhibits “1”, “2”, “3”, “4”, “5”, “6”, “7”, “8” are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the bids received for the purchase of a Six Wheel Pure Vacuum Street Sweeper with Broom Assist for the Public Works Department and award the bid to Nebraska Environmental Equipment in the amount of \$224,932.00.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7863 AMENDING SECTION 9-1055 OF THE CITY CODE

On June 28, 2011, the City Council passed Ordinance number 7656 to exempt master or journeyman plumbers already licensed by the cities of Hastings and Grand Island from retesting with the City of Kearney prior to applying for a building permit in the

Kearney jurisdiction. The City has established testing methods based on the National Inspection Testing Certification, and established reciprocity with other municipalities that meet or exceed those standards.

Omaha, Lincoln, and North Platte have adopted testing methods that meet the City's standard, and plumbers certified in that municipality are desirous of obtaining permits in the Kearney jurisdiction. Amending Section 9-1055 "Licenses; Reciprocity" of the City Code will allow those plumbers to work in Kearney without retesting.

Council Member Nikkila introduced Ordinance No. 7863 amending Section 9-1055 "Licenses; Reciprocity" of Division III "Licensing and Regulation of Plumbers" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the City Code to allow plumbers who have been certified in another city in Nebraska to work in Kearney without retesting, 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, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. 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. 7863 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7863 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7863 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

REDEVELOPMENT PROJECT FOR APACHE CAMPER CENTER; EAST 1ST STREET

Mayor Clouse opened for discussion the redevelopment project (Apache Camper Center) for Redevelopment Area #9 for an area described as Lot 1, Johnson Commercial Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East 1st Street) and to consider Resolution No. 2013-251.

City Manager Michael Morgan stated Apache Camper Center (David & Joan Sothan) is considering constructing a 10,000 square foot building on 3 acres of land in south east Kearney, Redevelopment Area #9. The building will be divided into two equal sides –

one side will be designated as a shop area and the other for sales, parts and business offices. The site development costs including the land purchase pose a challenge on this interstate corridor property.

Apache Camper Center was founded in 1967 and currently has locations in Lincoln and Bellevue, Nebraska. The Kearney location will provide RV sales, service and parts. Initially, the Kearney location will start with 3-5 employees and eventually grow to 10-15 employees in different capacities.

The total new valuation of the property is estimated to be \$1,124,000.00. The most recent valuation was \$368,865.00 creating an estimated new increment of \$755,135.00. Current annual taxes are \$7,772.90. The estimated new real estate taxes per year are \$15,911.10. Estimated eligible on-site TIF expenditures include an estimated \$340,000.00 for the land purchase and \$608,000.00 for site related improvements.

Tax Increment Financing at 90 percent would generate \$14,319.99 per year for fifteen years, totaling \$214,799.85. Taxing authorities would see an immediate revenue increase of \$1,591.11.

On December 16, the CRA recommended Council approve up to 90 percent of the available Tax Increment payable over 15 years.

Moved by Buschkoetter seconded by Clouse finding that the redevelopment project set forth in the application submitted by Apache Camper Center 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 90 percent of the anticipated TIF valuation payable until the 15-year TIF period expires be granted and to adopt **Resolution No. 2013-251** granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Apache Camper Center. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2013-251

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 Lot 1, Johnson Commercial Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and is designated as Parcel ID 600110003; 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 Lot 1, Johnson Commercial Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and is designated as Parcel ID 600110003 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 Lot 1, Johnson Commercial Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and is designated as Parcel ID 600110003 shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion 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 portion 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, of 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.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIM TO NPPD - \$75,182.68

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$75,182.68 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 4:39 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**