

Kearney, Nebraska
April 22, 2014
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on April 22, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/ Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Tom Fuller, Mitch Humphrey, Craig Bennett, John Shafer, Ron Fitzke, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, Jon Jankowski from NTV.

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/MOMENT OF SILENCE

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

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 LOT 3, ABOOD SECOND ADDITION AND REZONE PROPERTY ADJACENT TO 1140 EAST 1ST STREET

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

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1 and 2 pertaining to property adjacent to 1140 East 1st Street. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for TCSM, LLC/Keith Rodehorst to (1) vacate a tract of land being Lot 3, Abood Second Addition and consider Ordinance No. 7882; and (2) rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of Lot 3, Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (adjacent to 1140 East 1st Street) and consider Ordinance No. 7883. Planning Commission recommended approval.

The applicant is requesting approvals for a 3-lot rural subdivision located on the west side of the sandpit lake by Kearney Campground, just west of Avenue M and north of Archway Parkway. The Owners would like to build a house on the lake shore. This property was previously platted as Abood Second Addition and includes the sandpit lake, the RV Park, and a residential lot at the north end of the lake. The existing house (RV Park office) is not part of this project. Lot 3 must be vacated so that the area can be replatted. The proposed house site must also be rezoned and subdivision plats must be approved for the new lot configuration.

Lot 3, Abood Second Addition is to be vacated. This lot contains the entire sandpit lake, the RV Park and a 1-acre lot at the north end of the lake that is zoned R-1. This vacation will allow the property to be replatted to accommodate the new lakeside house lot.

The majority of this property remains as AG zoning due to the size of the parcels and the RV Park use. The proposed house site is 2.63 acres and cannot remain as AG zoning because 20 acres are required to qualify as an AG parcel. Therefore, the lakefront lot will be zoned RR-2, Rural Residential (Intermediate Standards) because it will be connected to municipal services and access is taken from a paved road (Archway Parkway). The 1-acre residential lot at the north end of the lake was previously rezoned to R-1 and will remain as such. The balance of the property at 20.19 acres remains in AG zoning and contains the lake and RV Park.

A Preliminary and Final Plat have been prepared for the proposed subdivision to be known as Getaway Bay Addition. Planning Commission approved the Preliminary Plat on March 21, 2014. The plats contain three lots on 23.82 acres. City services are available. No Infrastructure Feasibility Plan or Subdivision Agreement is required. Stormwater will be directed back to the lake. Topography has been waived on the Preliminary Plat. The site is entirely within the 100-year floodplain so any habitable floor

of the house must be at least one foot above the base flood elevation. The Owners must cross the natural drainage channel that comes from the southwest and drains into the lake known as Walker Channel. The Owner is going to consult with the U.S. Army Corps of Engineers about crossing this channel. Development Services would like a copy of the letter from the Corps for the file when available.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. This is not an overly complicated project. They had discussions at Planning Commission whereas they recognize that this land sits within a designated flood plain so they will have to build accordingly as many homeowners in Kearney area have to do. The stormwater will, as it does now, go to the sandpit off the streets and off the site which there will not be any additional stormwater generated. They have access to sewer and water off of East 1st Street. There is an old channel that crosses diagonally and crosses right through the middle of the lake and that channel cuts underneath the interstate with a couple of culverts in the southeast corner and through the trees and on through the lake. There will be a driveway crossing that from East 1st Street that he will install a water crossing. They recognize they will have to get a letter from the Corp of Engineers acknowledging this and they have talked with the people there and when Mr. Rodehorst is ready to build they will obtain the letter and provide it to the City.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Buffalo Surveying for TCSM, LLC/Keith Rodehorst for the vacation of Lot 3, Abood Second Addition and the rezoning from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) property described as a tract of land being part of Lot 3, Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 7882 vacating Lot 3, Abood Second Addition and Ordinance No. 7883 rezoning from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) 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 Nos. 7882 and 7883. 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. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 7882 and 7883 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 7882 and 7883 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 7882 and 7883 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 GETAWAY BAY ADDITION; ADJACENT TO 1140 EAST 1ST STREET

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

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 1 and 2 pertaining to property adjacent to 1140 East 1st Street. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for TCSM, LLC/Keith Rodehorst for the Final Plat for Getaway Bay Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Lot 3, Abood Second Addition to the City of Kearney, Buffalo County, Nebraska (adjacent to 1140 East 1st Street) and consider Resolution No. 2014-65. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2014-65** approving the Application submitted by Buffalo Surveying for TCSM, LLC/Keith Rodehorst for the Final Plat for Getaway Bay Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Lot 3, Abood Second Addition to the City of Kearney, Buffalo County, Nebraska (adjacent to 1140 East 1st Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2014-65

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Getaway Bay Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 3, (now vacated), Abood Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said tract of land being part of Government Lot 5 known as Tax Lot 5 and accretions abutting said Government Lot 5 known as Tax Lot 5, and part of Government Lot 6 and accretions abutting said Government Lot 6, all located in the South Half of Section 12, 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 Section 12 and assuming the South line of Section 12 as bearing N 87°28'18" W and all bearings contained herein are relative thereto; thence N 87°28'18" W and on the South line of said Section 12 a distance of 1371.1 feet to the Southwest Corner of Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska, said point being a Southeasterly Corner of said Abood Second Addition; thence continuing N 87°28'18" W and on the South line of said Section 12 and the South line of said Abood Second Addition, a distance of 106.63 feet to a point being 1475.0 feet Westerly of the East line

of said Section 12, said point being a Southwesterly Corner of said Abood Second Addition; thence leaving the South line of said Section 12 and the South line of said Abood Second Addition N 00°55'06" W on a line being 1475.0 feet Westerly of the East line of said Section 12, a distance of 50.09 feet to the ACTUAL PLACE OF BEGINNING, said point being on the North line of East 1st Street North, a street in the City of Kearney, Buffalo County, Nebraska, and said point also being a Southwesterly Corner of Lot 3 of said Abood Second Addition: thence continuing N 00°55'06" W on said line being 1475.0 feet Westerly of the East line of Section 12 and on the Westerly line of said Lot 3, Abood Second Addition a distance of 114.56 feet to a point on the approximate centerline of Walker Channel as shown on a survey by Mitchell W. Humphrey, Nebraska Registered Land Surveyor Number 492, dated March 21 and 26, 2003; thence S 47°56'56" W on said approximate centerline of Walker Channel and on the Southerly line of said Lot 3, Abood Second Addition a distance of 105.66 feet to the Southeast Corner of Lot 2, Abood Second Addition, said point also being the Southwest Corner of said Lot 3, Abood Second Addition; thence leaving the approximate centerline of said Walker Channel N 08°01'07" W on the Easterly line of said Lot 2, Abood Second Addition and on the Westerly line of said Lot 3, Abood Second Addition a distance of 75.22 feet; thence N 32°52'45" E on the Southerly line of said Lot 2, Abood Second Addition and on the Northerly line of said Lot 3, Abood Second Addition a distance of 771.03 feet; thence continuing on the line common to the Southerly line of said Lot 2, Abood Second Addition and the Northerly line of said Lot 3, Abood Second Addition the following courses and distances respectively: N 83°08'00" E a distance of 285.00 feet; thence N 64°06'00" E a distance of 131.00 feet; thence N 38°51'00" E a distance of 230.00 feet; thence N 24°32'00" E a distance of 222.00 feet; thence N 54°13'07" E a distance of 8.99 feet to the Southwesterly Corner of Lot 1 of said Abood Second Addition; thence continuing N 54°13'07" E on the Southerly line of said Lot 1, Abood Second Addition and on the Northerly line of said Lot 3, Abood Second Addition a distance of 99.51 feet; thence continuing in the line common to the Southerly line of said Lot 1 and the Northerly line of said Lot 3, Abood Second Addition, S 89°04'54" E a distance of 205.00 feet; thence continuing on the line common to the Southerly line of said Lot 1 and the Northerly line of said Lot 3, Abood Second Addition, S 00°55'06" W a distance of 60.00 feet; thence continuing in the line common to the Southerly line of said Lot 1 and the Northerly line of said Lot 3, Abood Second Addition, S 89°04'54" E a distance of 148.12 feet to the Southeast Corner of said Lot 1, and the Northeast Corner of said Lot 3, Abood Second Addition, and said point also being on the West line of Avenue M, a street in the City of Kearney, Buffalo County, Nebraska; thence S 00°55'06" E on the East line of said Lot 3, Abood Second Addition and on the West line of said Avenue M a distance of 509.45 feet to a point on the North Right-of-Way line of U.S. Interstate Highway No. 80; thence S 23°32'37" W and on the North Right-of-Way line of U.S. Interstate Highway No. 80 a distance of 48.06 feet to a point on a non-tangent 407.46 foot radius curve, concave Northwesterly; thence Southwesterly and continuing on the aforesaid North Right-of-Way line and on said non-tangent curve forming a central angle of 49°16'20" an arc distance of 350.4 feet to a point of tangency, said point being S 23°44'16" W a chord distance of 339.7 feet from the previously described point; thence S 48°20'56" W and continuing on the aforesaid North Right-of-Way line a distance of 418.7 feet to a point of curvature; thence Southwesterly on a 407.46 foot radius curve to the right forming a central angle of 10°09'26" an arc distance of 72.23 feet to the Southeasterly Corner of Lot 1, Bober Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the aforesaid North Right-of-

Way line N 29°18'10" W and on the Easterly line of said Lot 1, Bober Addition a distance of 280.52 feet to the Northeasterly Corner of said Lot 1, Bober Addition; thence S 41°39'23" W and on the Northerly line of said Lot 1, Bober Addition a distance of 250.0 feet; thence S 84°47'14" W and continuing on the Northerly line of said Lot 1, Bober Addition a distance of 150.93 feet; thence N 83°32'10" W and continuing on the North line of said Lot 1, Bober Addition a distance of 119.17 feet; thence N 18°52'10" W and continuing on the Northerly line of said Lot 1, Bober Addition a distance of 40.46 feet; thence N 87°28'12" W and continuing on the Northerly line of said Lot 1, Bober Addition a distance of 197.61 feet to the Northwest Corner of said Lot 1, Bober Addition; thence S 00°52'44" E and on the West line of said Lot 1, Bober Addition a distance of 159.61 feet to a point on the North line of said East 1st Street North, said point being a Southeasterly Corner of said Lot 3, Abood Second Addition; thence on the North line of said East 1st Street North, N 87°28'18" W and on the Southerly line of said Lot 3, Abood Second Addition a distance of 106.65 feet to the place of beginning, containing 23.82 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 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 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LAND USE MAP AMENDMENT NORTH OF 16TH STREET BETWEEN 13TH AVENUE AND 16TH AVENUE

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

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 3 and 4 pertaining to property located north of 16th Street between 13th Avenue and 16th Avenue. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Sun Development Inc., a Nebraska Corporation; Robert and Alice Kuhn; and Ronald Grapes Trust for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park and Light Industrial to Medium Density Residential property described as being part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 13th Avenue and 16th Avenue) and consider Resolution No. 2014-66. Planning Commission recommended approval.

The applicant is requesting approval to rezone some property on the north side of 16th Street from 13th Avenue to 16th Avenue for residential use. An amendment to the Future Land Use Map of the City Comprehensive Development Plan must be considered prior to consideration for rezoning.

The subject property is currently designated as "Business Park" and "Light Industrial." The Developer is interested in amending the map to rezone part of the property for housing while retaining the remainder of the property as it is currently zoned for industrial uses (M-1). The proposed use category to allow rezoning to R-2 is "Medium Density Residential."

District R-2, Urban Residential Mixed-Density is the requested zoning category. DRT Staff informed the Developer that a PD, Planned District Overlay will be required of this rezoning because the Developer is proposing private streets. The area to be rezoned to R-2/PD extends north from 16th Street 255 feet, from 13th Avenue to 16th Avenue, containing a total of 4.86 acres. The proposed residential development will provide a transitional buffer from the housing south of 16th Street and the industrial uses north and west of the site. The applicants are aware that they will need to submit a Development Plan package in the future as this is a Planned District Overlay Zone.

Even though the applicants are only requesting rezoning at this time they shared a proposed layout for the duplex units with the Planning Commission. Unlike the existing duplexes fronting on 16th Street where people back out of their driveways, this plan shows 16 duplexes with four access points off of 16th Street. Each duplex will be able to come off 16th Street onto a private drive and go into their garage. There is additional parking at the end of each of the duplex units. The developer will have to provide a 20-foot landscape buffer on the north side of this development that will separate the R-2/PD zoning from the M-1 zoning.

A representative from Crop Production Services (CPS), the existing building north and west of the proposed development, expressed some concerns to the Planning Commission. CPS has routine truck deliveries throughout the year on their existing gravel driveway. The concerns that were raised include:

- Conflicts between truck traffic and residential use including safety of the residents, especially children.
- Lack of an adequate buffer between the existing driveway and proposed housing.
- Dust issues arising from truck traffic on the gravel driveway.
- Noise pollution from the trucks coming and going as well as when they are parked at night waiting for the gates to open the next morning.

Craig Bennett from Miller & Associates presented this matter to the Council. The rezoning that they are asking for is R-2/PD and the reason for a PD designation is because of the multi-family development they are considering. They would come back if this passes with a Development Plan because of the PD overlay they thought it would be best to show the Council schematically what has defined this boundary.

One of the things to point out is that this particular boundary has two unit duplex building and in the middle of this would be an access or drive that would come off of 16th Street with parking in front of each duplex with additional parking in between and on the ends as well. They are providing complete off-street parking for the use of the 8-

units that you would see within each of the four blocks. As they look at this property one of the things from a historical standpoint is providing access that does not back up onto 16th Street. As you go along 16th Street, the residents that are there are intermixed with driveways that either have an off-street or they back directly onto 16th Street. They are trying to alleviate with this plan and the reason for the layout is that people will be able to enter 16th Street in a forward direction they will be able to exit off of 16th Street going forward and they will back up off of their driveways in an east//west direction and then face the traffic and make it a little safer and not actually have people backing out right onto a collector street.

Council Member Lammers inquired about a 20-foot buffer zone along that driveway that is on the west side. Mr. Bennett stated some of the discussions that came up is to provide that buffer between that existing use which they are required to provide a buffer on the outside edges and it would be contained within the R-2 property. The required buffer yard would require a coniferous tree every 25 feet for full year screening; it could also be utilized as a fence but they will be using trees as a complete buffer yard which is a requirement of City Code.

Council Member Lammers asked about the dust coming from the driveway. Mr. Bennett stated there is an actual gravel drive that currently accesses off of 16th Street onto the agriculture business that is north of the property. Some of the discussion that came out of that is what will they have for dust or is there going to be semi, tractor/trailer traffic that will kick up dust. Currently to the west they have single family homes that exist and co-exist without any screening or required screening along there. The trees will provide some form of physical screening; it will not be a filter for dust but will provide screening between there and the gravel drive.

Council Member Lammers asked about the noise pollution with semis sitting on that gravel road. Mr. Bennett stated the developers for TFD Investments know full well that someone living there might express some concern but it is different when it is an already existing condition and they are building multi-family homes that they would be moving into that environment already. It is an existing use that is already permitted and they are not concerned about because it will be known to the people that buy and move into these homes in advance.

Council Member Nikkila stated he realizes the plan is tentative at this point but is there another way to work it where you would not have so many driveways coming off or maybe one entrance that would serve all the duplexes. Mr. Bennett stated one of the things they looked at is they would provide a street off of that which would basically provide a zero frontage road where they would have to run parallel to 16th Street and dumping traffic into an intersection at that point. The developer believes utilizing that property for a frontage road would take more of their economic value away from the land that they could develop.

Council Member Nikkila stated he definitely is of the belief to make 16th Street as safe of a corridor as possible for people in that area and avoid adding potentially four new on and off accesses on 16th Street opposed to just one.

City Manager commented that by Code if it were developed as R-1 there would actually be more driveway access. Mr. Bennett stated that if they were to do what is currently

happening on the south side, there definitely would be more conflicts of driveway and backing out and actually more driveway intersections. They will have co-existing driveway conflicts that they already have existing but due to the fact that they have a collector street right there, having anything on the north side backing up onto 16th Street is not the desire of anyone.

Mayor Clouse asked about the zoning and codes and what is allowed by right in M-1 district. Mr. Bennett stated M-1 is light industrial and would include gravel parking lots with lights on, it could be storage, outdoor equipment, retail sales of equipment, etc. They already have some existing businesses and he believes that is why he sees from the planning standpoint that they still allow those existing businesses to have some buffer of M-1 in between. M-1 does exist right now up to 16th Street but on the exact opposite side of 16th Street. It does not look like M-1, it looks like residential. This appears to be a good softer transition back to M-1 to allow those businesses and allow them to at least have some property where they can still utilize as M-1 on the north side.

Mayor Clouse stated his understanding is that M-1 is the least restrictive and there is currently residential in M-1 zones by use, what prevents them from just doing it, building duplexes and not requiring a zoning change. Mr. Bennett stated in terms of this particular development they can go outright and put a residential development in there but because of the orientation they have for multi-family it requires a PD so that is why they are before the Council. The relationship and the space integrity between the two buildings requires a PD otherwise the common driveway access would have to be actual right-of-way which puts in the buildings further apart and makes it look like a block. In order to make that an ingress/egress easement they are required to do the PD but if they wanted to utilize what would be considered by some as valuable ground as M-1 and to try and maximize some cost efficiency between M-1 and R-2 it needs to be less dense than just streets.

Mayor Clouse stated there are a lot of things that can go in M-1. The City has talked about this property for a number of years and they have had different plans that have come in. They were assessed all those charges for infrastructure and basically were denied access on something that they paid for years ago. This has been an ongoing area and sooner or later something will have to be done with it. They keep bringing these plans in and it could be a lot worse than what is being proposed.

City Manager asked about lining up the intersections with the driveways, at least two of them. Mr. Bennett stated there has been some consideration. One of the key components is they have a 21-inch sanitary sewer, 14-inch water, gas, overhead electric that comes right through the heart of the property. So they tried to utilize that which is in the center of the block as a dividing line that would split the parcels. So that dividing line became the division between two components as they looked at that. At this particular location they have lined up with the west edge of what is 13th Avenue so at least at one location outside of 14th Avenue and 15th Avenue they would have 13th Avenue that could be extended in north/south fashion that would line up in the future.

Mr. Bennett stated what the PD allows a higher use of density and allows easements for ingress/egress as opposed to if he would have street right-of-way come through so it allows them to negate the street right-of-way which would be at a minimum here of 50 feet if he would do a private drive and then the building set back 25 feet on each side of

it instead of having a total of 100 feet from face to face to building. He can reduce that proximity. City Manager asked with this overall site what is the total density versus traditional, it looks like it is almost completely covered. Is it not a requirement for R-2. Mr. Bennett stated that was correct and this is achieved with the rear yard setbacks, the side yard setbacks and the frontage as well as the green space. Detention is required and for this particular location will co-exist with the landscape buffer on the north side.

City Manager asked if the developer plan is bringing an entire site development plan. Mr. Bennett stated he could not speak 100 percent but they have looked at many schematics and he would say when they come through with the development plan that most logically they would either Final Plat or Preliminary Plat the remaining portion of it.

City Manager questioned if there is an extension further to the north; the traffic capacity will obviously be more of an issue that will need to be addressed. Mr. Bennett stated as they look at accessing M-1, the west is the agricultural business's private drive. When G&K was platted, they dedicated the portion that was outside of it should that ever be acquired as right-of-way it could be. But what they show is 16th Avenue really is not a public street; it is only the remaining right-of-way. So knowing how to access that is why they have left 13th Avenue open so that it could be utilized as a form of access and there also has been consideration to whether they would extend maybe 11th Avenue as a form of access. In either way to access that back M-1 property, it currently is contiguous to 16th Avenue but the hard location has not been determined anywhere east of there.

John Shafer, 1306 14th Avenue, voiced his opposition. In 1982 he bought property on 14th Avenue which is close to this area. This new rezoning area has been in a hayfield since the time he has lived in the area. People in the area can probably tell you M-1 frontwards and backwards because as was mentioned they have been discussing this for some time. He has been involved since 1994 so for ten years they have been talking about this. Each time they come back with exactly the same thing with just a different layout. The City Council has previously denied this zoning request because residents in the neighborhood objected to the change. Developing a property of duplexes will increase traffic, will cause safety concerns for the children who at this time do not have sidewalks all the way on either side of the street. It is a concern because they are a children neighborhood. He went from having children in school at the old Kenwood School on 5th Avenue to having grandchildren in the new Kenwood School which is about four blocks away from where he lives now.

The traffic has picked up tremendously because of Yanney Park, the new hospital and the new high school that is being constructed. So there will much more traffic being used on 16th Street west of 2nd Avenue. One concern is that the developer has never been able to guarantee that the proposed duplexes will be owner occupied and there is no way they can do that. They currently have three duplexes in their area from 10th Avenue to 14th Avenue, and two of the three are families. However the one between 12th Avenue and 13th Avenue has been college students. As he left tonight and almost every day he can count 14 cars on both sides of the streets that belong to the set of duplexes.

Now they can say and the people who want to change that can say they will provide adequate off-street parking. If future continues with past, 16th Street will be parking and

there will not be adequate parking no matter how many parking places they put at that particular place. The change of course would change the stability of the neighborhood. They have livestock and a chemical plant in the area. How many single families with children are going to want to move into duplexes for out of fear for safety from perhaps something happening. In the past they have talked to them about their concerns and they have responded that they are going to do whatever they can to keep that place safe. His concern again is the children; that is a very heavily traveled neighborhood now.

Ron Fitzke from CPI stated they own the structure that is at the end of the drive and they own that drive as well. They were there at the Planning Commission meeting and they had concerns with the dust and their trucks because at nights they will have trucks come off the interstate park in that lane wait for us to open up the next morning and they may sit there and idle all night long. They expressed their concerns with Tom Fuller as well and he wanted to mention that Mr. Fuller who approached them back in late January, early February with what they were going to do pretty much stayed the way he has. They at that time stated the concerns they have as well and reiterate the safety with the kids and the stuff that will be there.

Mayor Clouse asked about the trucks that are parked there; do they ever park out on 16th Avenue. Mr. Fitzke stated not to his knowledge. Mayor Clouse asked if they come in overnight do they depart at different times throughout the day or are they generally load out. Mr. Fitzke stated they have trucks rolling out of there from there could be from sun up to sun down it just depends on the time of the year. This time of year it would be sun up to sun down because this time of year is their busy time and it could run until mid-July. Mayor Clouse asked generally which direction they go when they are leaving. Mr. Fitzke stated they direct them in off of 11th Avenue and shoot them down north up 16th Avenue so they have a straight shot coming in. Today the way the map looks, there are posts set there and the posts are not as wide as the driveway shows today. They are 24-foot wide and they have a 60-foot wide drive there. They are not accessing that whole drive today.

Mayor Clouse asked to explain the two posts. Mr. Fitzke stated the posts were installed by Ron Grapes but he did not know the reasoning for them. Council Member Buschkoetter commented it is not a City street but their drive. They own essentially what you could call a lollipop lot which is their access drive back to their property and so it is privately owned property. Mr. Fitzke stated curbing is currently there. They own the 24 feet all the way in and that is where those posts are today.

Council Member Nikkila asked if their primary concern is that their business is operating there and it seems to be working well with the neighborhood; to allow this development to go forward, people move in and then will complain after the fact about their business and to put more restrictions on how they operate. Mr. Fitzke stated there will be a set of duplexes, a young, single parent family move and anytime of the year they may have a truck sitting right outside their window idling all night. Council Member Nikkila stated he understands that; they are moving into those duplexes with that environment. Mr. Fitzke stated one of his concerns is someone complaining in future years of their business.

Council Member Buschkoetter stated since he has been on the Council they have talked many times about the livestock operation which is a neighbor. Traditionally, said that has been there a long time before any people moved in, they have to deal with the fact that the livestock business will have normal business operations and believes the same thing obviously would hold true for the CPI business.

Mr. Fitzke stated he is not here to stop any development he is here to reassure what his concerns are and he has made that perfectly clear with Mr. Fuller from the start.

Mayor Clouse asked instead of just buffers can they put a fence there or is that even reasonable. Mr. Bennett stated he does not know if they have decided one way or the other that would be up to the developers at that time. As the requirement states, the buffer yard requires the trees but a fence could be added in addition to that. City Manager stated City Council could make that a requirement. This is a Planned Development District there is a variety of things you could require but you have a balancing act between property owner has certain rights today and is willing to invest their resources. They can restrict and make sure there is no parking allowed on the street. There is a variety of things you can also do; you can make the setback a little wider. 16th Street is intended to be a fairly busy street.

Director of Public Works Rod Wiederspan stated 16th Street is a collector street and its purpose is to draw traffic out of the neighborhood over to 2nd Avenue. Eventually, they are hoping to have a bridge over the tailrace there and 16th Street will go out to 30th Avenue. It has always been laid out as a 66-foot wide right-of-way. It is a 36-foot wide street which is a normal street but it is intended to carry more traffic than a local street does.

Director of Public Works stated 16th Avenue is a local residential street; however, 17th Avenue is actually 66-foot right-of-way and set up to be a collector. They have protected that corridor and limited the driveway accesses from the west side. Council Member Buschkoetter stated he believes most of the trucks take 11th Street and then drive up 16th Avenue which is a street shot.

Mr. Fitzke stated what is confusing because they are on 16th Avenue their GPS takes them to 16th Street and they come west on that. Mayor Clouse asked Mr. Fitzke if they had any incidents on 16th Avenue. Mr. Fitzke stated not to his knowledge. He has been with the company since 1993 and when he started in 1993 what you see here in the map was all alfalfa and cornfields. Again they are not here to stop any development they are just here to voice their concerns.

City Manager stated there are certainly things City staff can look at in the Planned Development or guide staff or direct staff based on tonight's discussions and can try to incorporate and work with the developer to further address the concerns. The parking issues they can address, they can require sidewalks, and there is a variety of things they can do.

Mr. Fitzke stated the trucks that do enter off of 16th Street, they would want some access as far as an open street no parking so they can make the swing to get into their driveway if they do come in that way. Mayor Clouse stated that is something Mr. Bennett could work with the developer on because that post on the east side now would

become property of not Ron Grapes but someone else.

Mr. Bennett stated when G&K was platted it shows a 24-foot strip but when G&K Second and Third was platted it was platted as right-of-way for the additional right-of-way outside of the 24 feet to accommodate to 60 feet. He is not sure what the post is that they are referring to. It could be set at the future right-of-way as it was planned which could never happen or it could be set at the current property line. He does not know without being there but there is actually City right-of-way that was platted that would be outside of it to accommodate a 60-foot wide opening.

City Attorney Michael Tye asked so essentially there is a strip of right-of-way that was dedicated as part of that plat so they get a strip of dedicated right-of-way and then a private road. Mr. Bennett stated that was correct because CPI owns this piece of ground up north and they also own that 24-foot strip but when it was platted it was decided by the Planning Commission and approved by City Council as well that there had the potential of this possibly becoming a street which seemed logical. If it did it was required when they platted it that they had to dedicate the amount of remaining right-of-way should it ever happen.

Mr. Bennett stated there is one thing he wanted to clarify as far as Mr. Fuller and Mr. Dailey for TFD Investments. He would complement them on is that CPI have met with them and talked with them and kept them abreast. They also have had a neighborhood association meeting with the neighborhood and presented the plan prior to submitting it to the City. They also had Mr. Shoemaker who is formerly of Huss Valley Livestock is in support of it so they had a good meeting of support at the Neighborhood Association meeting as well as with Mr. Shoemaker representing Huss Valley Livestock.

Council Member Nikkila commented they should give property owners the chance to develop their properties. It is a strange situation because normally City Council gets the Planned Development at the same time so it is hard to ask questions and get to the bottom of what it will look like but he thinks they should give them the opportunity just with the two caveats that they really need to limit on and off of 16th Street. They need to be upfront with people. He does not want to protect them for themselves if the developer and future renters do not care about a buffer zone but he does not want people to come back in ten years wanting the City to shut down those trucks coming down behind their house.

Council Member Buschkoetter stated he has seen two or three different proposals for this property, and this one is not as intense in terms of the level of habitation in that area as some of those. This new plan has taken a look at a lot of concerns the City Council had about the number of exits on and off 16th Street and it takes care of that. He believes for that land to develop that this is probably the best development they will see there in terms of it being friendly to the rest of the neighborhood. With that in mind, he thinks it is a good development for the City and the best for that neighborhood. This has been a problematic area for a long time and he thinks everyone has worked together to come up with a good solution.

Council Member Lammers stated he feels strongly that the land owners have the right to develop this property. They have put together a good plan and they have addressed a lot of City Council's issues. If there are concerns down the road, the City has certainly

taken care of that in the past. They stood behind Huss's when they had people who were concerned about smell or noise. They were there first, they have been there for a long period of time and the same would be true of the chemical company. He would not see any City Council in the future not standing behind that.

Mayor Clouse stated when it comes back for the plan that they take in and make some of the notes they have commented on and continue to have neighborhood meetings when that Planned Development comes through. Council Member Buschkoetter stated part of the concern would be additional traffic as you go further north where are they going to go, do not necessarily want to bring them through those what will be the existing driveways, turn that into a street.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2014-66** approving the Application submitted by Miller & Associates for Sun Development Inc., a Nebraska Corporation; Robert and Alice Kuhn; and Ronald Grapes Trust for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park and Light Industrial to Medium Density Residential property described as being part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 13th Avenue and 16th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2014-66

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 Lot 1 and part of Lot 2 of Block 1, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: Beginning at a 5/8" rebar with cap at the Southwest corner of Lot 2, Block 1, G & K Addition to the City of Kearney, Buffalo County, Nebraska and assuming the south line of said G & K Addition as bearing S89°16'35"W and all bearing contained herein are relative thereto; thence N00°43'25"W on the west line of said Lot 2 a distance of 115.00 feet to a 5/8" rebar with cap; thence S89°16'35"W parallel with said south line of G & K Addition a distance of 19.39 feet to a 5/8" rebar with cap; thence N07°13'20"W on the west line of said Lot 2 a distance of 140.91 feet; thence N89°16'35"E parallel with said south line of G & K Addition a distance of 849.79 feet; thence S00°43'25"E perpendicular to said south line of G & K Addition a distance of 255.00 feet to a point on the south line of Lot 1, Block 1 of said G & K Addition; thence S89°16'35"W on said south line of G & K Addition a distance of 814.46 feet to the point of beginning, containing 4.86 acres, more or less, Buffalo County, Nebraska from Business Park and Light Industrial to Medium Density Residential, 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 Business Park and Light Industrial to Medium Density Residential the use classification for a tract of land located in part of Lot 1 and part of Lot 2 of Block 1, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: Beginning at a 5/8" rebar with cap at the Southwest corner of Lot 2, Block 1, G & K Addition to the City of Kearney, Buffalo County, Nebraska and assuming the south line of said G & K Addition as bearing S89°16'35"W and all bearing contained herein are relative thereto; thence N00°43'25"W on the west line of said Lot 2 a distance of 115.00 feet to a 5/8" rebar with cap; thence S89°16'35"W parallel with said south line of G & K Addition a distance of 19.39 feet to a 5/8" rebar with cap; thence N07°13'20"W on the west line of said Lot 2 a distance of 140.91 feet; thence N89°16'35"E parallel with said south line of G & K Addition a distance of 849.79 feet; thence S00°43'25"E perpendicular to said south line of G & K Addition a distance of 255.00 feet to a point on the south line of Lot 1, Block 1 of said G & K Addition; thence S89°16'35"W on said south line of G & K Addition a distance of 1449.46 feet to the point of beginning, containing 4.86 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING NORTH OF 16TH STREET BETWEEN 13TH AVENUE AND 16TH AVENUE

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

Moved by Lammers seconded by Nikkila to remove from the table Public Hearings 3 and 4 pertaining to property located north of 16th Street between 13th Avenue and 16th Avenue. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Sun Development Inc., a Nebraska Corporation; Robert and Alice Kuhn; and Ronald Grapes Trust to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as being part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 13th Avenue and 16th Avenue) and consider Ordinance No. 7884. Planning Commission recommended approval.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for Sun Development Inc., a Nebraska Corporation; Robert and Alice Kuhn; and Ronald Grapes Trust to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as being part of Lot 1 and part of Lot 2 of Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 7884 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. 7884. 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, Nikkila. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7884 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, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 7884 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7884 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.

SANITARY SEWER EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a sanitary sewer easement located in the Southwest Quarter of the Southeast Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska granted to the City of Kearney by Tom and Julie Larsen and Ted and Penny Larsen and consider Resolution No. 2014-71.

Director of Utilities Kirk Stocker presented this matter to the Council. At the February 25, 2014 City Council meeting the Council awarded the bid for the 2014 Part 1 Improvements. The 2014 Part 1 Improvements is the project to extend the Northeast Trunk Sewer, Sanitary Sewer District 2014-510, to serve Remington Heights Second Addition and the incremental growth of the City.

In order to construct the project the City needs to acquire a permanent and temporary sanitary sewer easement in the un-platted portion of the project. The property owner located north of proposed 69th Street and the un-platted property owned by the developer of Remington Heights has granted the City a Permanent and Temporary Sanitary Sewer Easement to allow for the sanitary sewer main and its construction.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the public hearing and adopt **Resolution No. 2014-71** approving the proposed acquisition for a sanitary sewer easement located in the Southwest Quarter of the Southeast Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska granted to the City of Kearney by Tom and Julie Larsen and Ted and Penny Larsen. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear

absent. Motion carried.

RESOLUTION NO. 2014-71

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Thomas L. and Julie Larsen, Husband and Wife, and Theodore A. and Penalton L. Larsen, Husband and Wife have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

A permanent 10.00 foot wide Sanitary Sewer Easement abutting the South line of the Southwest Quarter of the Southeast Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Southwest corner of the Southeast Quarter of said Section 13 and assuming the South line of said Southeast Quarter as bearing S89°51'35"E and all bearings contained herein are relative thereto; thence N00°00'00"E on the West line of said Southeast Quarter a distance of 10.00 feet; thence S89°51'35"E parallel with and 10.00 feet North of said South line a distance of 765.03 feet to a point on the Northerly extension of the West line of Remington Heights Second Addition as platted in the City of Kearney, Buffalo County, Nebraska; thence S00°08'47"W on said Westerly line extension a distance of 10.00 feet to the Northwest corner of Lot 13, Block Two of said Remington Heights Second Addition; thence N89°51'35"W on the South line of said Southeast Quarter a distance of 765.00 feet to the Point of Beginning, containing 7,650.03 square feet or 0.18 acres, more or less, Buffalo County, Nebraska.

TEMPORARY SANITARY SEWER EASEMENT

A temporary 50.00 foot wide Sanitary Sewer Easement located in part of the Southeast Quarter of Section 13, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to the Southwest corner of the Southeast Quarter of said Section 13 and assuming the South line of said Southeast Quarter as bearing S89°51'35"E and all bearings contained herein are relative thereto; thence N00°00'00"E on West line of said Southeast Quarter a distance of 10.00 feet to the ACTUAL POINT OF BEGINNING; thence continuing N00°00'00"E on said West line a distance of 50.00 feet to a point 60.00 feet North of said South line of the Southeast Quarter; thence S89°51'35"E parallel with and 60.00 feet North of said South line a distance of 765.15 feet to a point on the Northerly extension of the West line of Remington Heights Second Addition as platted in the City of Kearney, Buffalo County, Nebraska; thence S00°08'47"W on said Westerly line extension a distance of 50.00 feet to a point 10.00 feet North of the South line of said Southeast Quarter; thence N89°51'35"W parallel with and 10.00 feet North of said South line, a distance of 765.03 feet to the Point of Beginning, containing 38,253.83 square feet or 0.88 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the

City of Kearney, Nebraska that the Permanent Sanitary Sewer Easement and a Temporary Sanitary Sewer Easement granted by Thomas L. and Julie Larsen, Husband and Wife, and Theodore A. and Penalton L. Larsen, Husband and Wife to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, April 21 by adding Subsection 20.

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

1. Approve Minutes of Regular Meeting held April 8, 2014.

2. Approve the following Claims:

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

1000Bulbscom \$302.39 smcs; Ace Hardware \$185.93 smcs; Admiral Nimitz Foundation \$30.10 smcs; Agrium Advanced \$770.96 smcs; Alamar Uniforms \$1,531.32 smcs; Albrecht,H \$1,432.50 smcs; Alfred Benesch \$9,799.28 co; All Makes Auto \$143.51 smcs; All Makes Supply \$1,380.79 smcs; Allied Electronics \$442.58 smcs; Ally B Design \$600.00 smcs; Amazon \$2,566.66 smcs,co; American \$296.58 smcs,co; Amer Airlines \$944.00 smcs; Amer First Aid \$240.34 smcs; Amer Flag Express \$291.50 smcs; Amer Red Cross \$114.00 smcs; Amsan \$1,423.42 smcs; Anderson Bros \$350.12 smcs; Angry Cow Adventures \$500.00 smcs; Apple Market \$25.25 smcs; Arby's \$20.49 smcs; Ask Supply \$1,856.45 smcs; Aurora Coop \$62.32 smcs; Baird Supporting Systems \$354.78 co; Beacon Athletics \$765.21 smcs; Bestbattdotcom \$11.89 smcs; Big Rack Shack \$337.41 smcs; Birthday Direct \$26.77 smcs; Bluecross Blueshield \$199,518.49 smcs; Blueglobes \$139.41 smcs; Bosselman Energy \$23,350.99 smcs; Brooks,G \$12.81 smcs; Broweleit,R \$150.00 smcs; Buckle \$681.00 smcs; Buffalo Co Reg Deeds \$78.00 co; Buffalo Co Treasurer \$2,072.34 co; Buffalo Outdoor Power \$1,222.96 smcs,co; Buggy Bath Car \$19.00 smcs; Builders \$3,484.38 smcs,co; Burrows,M \$36.68 smcs; Busch Systems \$870.17 smcs; Butler,B \$249.58 smcs; Caroselli,K \$55.00 smcs; Carquest Auto \$2,995.84 smcs; Casey's \$26.87 smcs; Cash-Wa \$645.75 smcs; CBA Lighting \$866.40 smcs; CCI Solutions \$156.31 smcs; CDW Govt \$1,407.72 co; Central Dist Health \$2,619.50 smcs; Central Fire \$197.50 smcs; Central Hydraulic Systems \$849.82 smcs; Central NE Bobcat \$72.28 smcs; Chances R Restaurant \$602.45 smcs; Charter \$237.57 smcs; Cheddar's \$408.00 smcs;

Chesterman \$144.00 smcs; Chicken Coop \$40.00 smcs; Cintas \$51.84 smcs; Circle D Boot Saddle \$16.00 smcs; City of Ky \$12,107.25 smcs,ps; Compass Tools \$149.00 smcs; Conesco Life Ins \$19.00 ps; Consolidation Management \$32.75 smcs; Constantcontactcom \$168.00 smcs; Construction Rental \$1,063.60 smcs,co; Cook,R \$1,200.00 smcs; Copycat Printing \$353.67 smcs; Corbin,S \$40.75 smcs; Creative Teacher \$74.40 smcs; Crossroads Ford \$501.61 smcs; Culligan \$103.25 smcs; Cummins Central Power \$1,037.90 smcs; D&S Lighting \$47.88 smcs; Dan Roeder Concrete \$91,229.00 co; Danko Emergency \$208.30 smcs; Davis Equipment \$4,710.30 smcs; Dawson PPD \$18,155.44 smcs; Deaton-Kennedy \$160.32 smcs; Deaver,M \$30.60 smcs; Delaet Electric \$618.50 co; Delight Donuts \$27.50 smcs; Dell \$13,942.59 smcs,co; Diamond Vogel Paint \$176.72 smcs,co; Dish \$164.73 smcs; Diversified \$524.00 smcs; Dmilaco \$138.44 smcs; Dollar-General \$23.54 smcs; Dowhy Towing \$200.00 smcs; Eagle One Golf Products \$602.63 smcs; Eakes \$11,148.64 smcs,co; Easycanvasprintscom \$39.99 smcs; Electric Pump \$929.74 smcs; Elightbulbs \$31.73 smcs; Elliott Equipment \$461.25 smcs; Engineersupplycom \$143.24 smcs; Enterprise \$88.00 co; Eustis Body Shop \$140.00 smcs; Evers,B \$757.50 smcs; Excal Visual \$1,106.75 smcs; Express Sharpening \$107.88 smcs; Fairbanks \$340.44 smcs; Farmers Union Coop \$480.00 smcs; Fast Mart \$67.01 smcs; Fastenal \$276.91 smcs; Fedex \$140.64 smcs; Femco \$223.95 smcs; Fiddelke \$6.00 smcs; Footjoy \$6,603.47 smcs; Forestry Suppliers \$149.22 smcs; Freshwater Efilter \$365.38 smcs; Frontier \$180.77 smcs; Fry & Associates \$613.56 co; Fun Express \$102.90 smcs; Galeton Gloves \$269.77 smcs; Galls \$16.19 smcs; Garrett Tires \$4,899.65 smcs; Giboney,S \$540.00 smcs; Graham Tire \$1,060.12 smcs; Grainger \$1,725.77 smcs; Graphic Screen Printing \$107.00 smcs; Great Plains GFOA \$50.00 smcs;Grey House Publishing \$139.50 smcs; H&H Distributing \$431.75 smcs; H&H Owl Auto Parts \$1,000.00 smcs; Harshbarger,K \$122.00 smcs; Hastings 9819 Kearney \$83.33 smcs; Hastings Daily Tribune \$46.00 smcs; HD Supply \$9,977.76 smcs; Heartland Strategy Group \$5,000.00 smcs; Hireright \$158.25 smcs; Hobby-Lobby \$344.94 smcs; Holmes Plbg \$1,195.64 smcs; Home Depot \$182.62 smcs; Hotsy Equipment \$491.45 smcs; ICMA RC \$4,100.97 ps; ID Securityonline \$84.00 co; Imprintcom \$89.32 smcs; IRS \$128,959.69 ps; Isaac,D \$1,400.00 co; Island Indoor Climate \$1,693.00 smcs; itCreations \$6,400.00 co; Jack Lederman \$760.13 smcs; James,D \$300.00 smcs; John Deere Landscapes \$1,496.99 smcs; Johnson,W \$50.00 smcs; Johnstone Supply \$350.32 smcs; K&K Parts \$757.19 smcs; Kart-Man \$999.61 smcs; Ky Clinic \$1,996.00 ps; Ky Concrete \$556.25 co; Ky Towing \$165.00 smcs; Ky Truck Parts \$25.00 smcs; Ky Winlectric \$263.23 smcs; Ky Winnelson \$419.44 smcs,co; Kelly Electric \$198.23 smcs; Kelly Supply \$18.01 smcs; KGFW \$65.00 smcs; KHAS-TV \$1,685.00 smcs; Killion Motors \$190.88 smcs; Kimball Midwest \$188.94 smcs; Kmart \$169.00 smcs; Koettters,J \$9.91 smcs; Konica Minolta \$2,602.05 smcs; Kowalek,G \$50.00 smcs; Krav Maga Worldwide \$500.00 smcs; Kucera,S \$25.04 smcs; Landmark Implement \$399.06 smcs; Lawrence Journal \$210.99 smcs; League of NE Municipalities \$140.00 smcs; Lincoln Winwater Works \$1,325.74 smcs; Lindner,S \$74.11 smcs; Link,M \$150.00 smcs; Lips Printing \$115.68 smcs; Lockmobile \$50.00 smcs; Mac Tools \$17.84 smcs; Mail Express \$154.69 smcs; Malleck,J \$44.14 smcs; Marlatt Machine Shop \$44.85 smcs; Marriott Denver \$957.00 smcs; Martinosky,M \$14.77 smcs; Maschmeier,S \$53.42 smcs; Matheson Tri-Gas \$1,892.99 smcs; McCarty,D \$101.26 smcs; McDermott,J \$9.31 smcs; McEntee,S \$31.00 smcs; McMaster-Carr \$37.32 smcs; Menards \$4,473.75 smcs,co; Merryman Performing Arts \$418.98 smcs; Messenger,J \$24.40 smcs; Michael Todd \$781.95 smcs; Microfilm Imaging \$710.00 co; Middleswart,T \$3.95 smcs; Mid-NE Lubricants

\$445.13 smcs; Midway Chrysler \$85.94 smcs; Midwest Breathing \$356.61 smcs; Midwest Labs \$34.97 smcs; Midwest Turf \$26,692.04 smcs,co; Miller & Associates \$19,399.55 co; Mindmixercom \$250.00 smcs; Mirror Image North \$7.00 co; Monoprice \$96.64 smcs; Moonlight Embroidery \$944.75 smcs; Motorola \$32,022.00 smcs; Municipal Supply \$10,348.08 smcs; Murphy Tractor Equipment \$239.34 smcs; Mycreativeshopcom \$19.95 smcs; NCL of Wisconsin \$245.12 smcs; NCS Equipment \$696.38 smcs,co; NE Child Support \$2,439.27 ps; NE Dept Environmental \$13,543.91 smcs; NE Machinery \$96.07 smcs; NE Peterbilt \$1,174.76 smcs; NE Planning & Zoning \$265.00 smcs; NE Professional Licensing \$360.00 smcs; NE Rural Water Assn \$50.00 smcs; NE Truck Center \$1,847.15 smcs; NEland Distributors \$489.74 smcs; Nelson,M \$29.85 smcs; New Victorian Inn \$99.98 smcs; NMC Exchange \$644.71 smcs; Norlab \$123.00 smcs; Norm's Plbg \$768.41 smcs; North American \$242.50 smcs; Northwestern Energy \$15,439.53 smcs; Nunn,K \$42.12 smcs; O'Reilly Auto \$36.80 smcs; Observint Technologies \$773.09 smcs; Office Depot \$223.89 smcs; Office Max \$600.66 smcs; Officenet \$13.94 smcs; O'Hara Lindsay & Assoc \$2,077.38 smcs; Omaha World Herald \$224.23 smcs; O'Reilly Automotive \$501.15 smcs; Oriental Trading \$66.34 smcs; Orscheln \$512.39 smcs; Overhead Door \$36.17 smcs; Pacific Bow Butts \$1,800.00 smcs; Paramount Linen \$596.61 smcs; Party America \$15.73 smcs; Pat's Plbg \$295.00 smcs; Paul,C \$70.00 smcs; Pawley,T \$8.02 smcs; Paypal \$1,323.15 smcs,co; Pelster,C \$50.71 smcs; Penn Radiant \$185.00 smcs; Peoplecube \$356.50 smcs; Perpetualplaquescom \$47.45 smcs; Petersen,J \$170.00 smcs; Positive Promotion \$81.36 smcs; Presto-X \$408.98 smcs; Progressive Business Publication \$432.00 smcs; Provantage \$1,534.91 smcs,co; Pulliam,R \$40.00 smcs; QA Balance Services \$125.00 smcs; Quill \$1,207.17 smcs,co; R&R Products \$906.90 smcs; RW Sorensen \$1,800.00 smcs; Radioshack \$24.59 smcs; Rasmussen Mechanical \$240.00 co; Ready Mixed Concrete \$3,414.00 smcs,co; Reams \$1,018.80 smcs; Recognition Unlimited \$62.75 smcs; Red Fox West \$25.00 smcs; Redman's Shoes \$100.00 smcs; Resource Management \$915.84 smcs; Robertson Worldwide \$172.74 smcs; Rogue Fitness \$620.37 ps; Rose Equipment \$186.15 smcs; RT Corp \$453.20 smcs; Safelite Autoglass \$210.89 smcs; Sahling Kenworth \$428.19 smcs; Sandhill Plastics \$192.57 smcs; Sanitation Products \$319.10 smcs; Sapp Bros \$28,030.52 smcs; Searscom \$59.50 smcs; Select Comfort \$943.70 smcs; Shafer,S \$27.82 smcs; Sherwin Williams \$93.52 smcs; Shields,N \$26.43 smcs; Shopletcom \$326.70 smcs; Snap-On Tools \$1,646.37 smcs; Software ST \$910.00 co; Sonderquist,M \$65.00 smcs; SOS Portable Toilets \$105.00 smcs; Sporting Edge \$80.00 smcs; Stampscom \$4.99 smcs; Stanley Security Solutions \$111.06 smcs; State of NE Dept Labor \$629.00 ps; Steinbrink Landscaping \$615.00 smcs; Stott,D \$9.91 smcs; Strategic Materials \$238.80 smcs; Sunmart \$22.91 smcs; Superior Signals \$911.40 smcs; Supershine Wash \$7.24 smcs; Sutton Rentals \$637.50 co; Target \$73.96 smcs; Taser Int'l \$1,711.90 smcs; Techsoup \$416.00 co; Thompson Co \$61.70 smcs; Ticket Omaha \$1,187.62 smcs; Tielke's \$42.76 smcs; Titleist \$8,455.04 smcs; Todd Valley Farms \$1,885.00 smcs; Tool Doctor \$33.00 smcs; TourEdge \$316.50 smcs; Tractor-Supply \$595.64 smcs; Trans Iowa Equipment \$407.80 smcs; Tri-County Glass \$78.68 smcs; Turf Werks Omaha \$952.54 smcs; Turner Body Shop \$75.00 smcs; UL \$1,532.00 smcs; Union Bank \$62,059.13 ps; United Seeds \$2,987.50 smcs; United States Treasury \$46,194.44 smcs; UNK \$3,000.00 smcs; UNL \$250.00 smcs; UPS Store \$128.23 smcs; USPS \$480.00 smcs; Verizon Wireless \$44.11 smcs,co; Walgreens \$11.98 smcs; Wal-mart \$1,612.62 smcs,ps; Walsh,C \$98.56 smcs; Ward Lab \$84.50 smcs; Waterlink \$668.73 smcs; Webstaurant Store \$231.46 smcs; Wellness Works \$500.00 smcs,ps; Wiegand Security

\$90.00 smcs; Wilbur,M \$4,876.40 smcs; Wilke's True Value \$328.85 smcs; Wilkins Hinrichs Stober \$2,522.63 co; Winter Equipment \$812.80 smcs; Witmer Public Safety \$96.00 smcs; WPCI \$317.50 ps; Yant Equipment \$440.61 smcs; Young,J \$491.50 smcs; Payroll Ending 4-5-2014 -- \$359,775.02. 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 May 13, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class I-064728 liquor license to dispense beer, wine, and distilled spirits inside First National Bank located at 2223 2nd Avenue on May 15, 2014 from 4:00 p.m. until 8:00 p.m. for Business After Hours.
5. Adopt **Resolution No. 2014-72** authorizing the execution and delivery of a Master Governmental Lease-Purchase Agreement providing financing of a jet vac combo truck for the Utilities Department.

RESOLUTION NO. 2014-72

WHEREAS, a resolution of the governing body of the City of Kearney, Nebraska authorizing the execution and delivery of a Master Governmental Lease-Purchase Agreement with respect to the acquisition, purchase, financing and leasing of certain equipment for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and

WHEREAS, the City of Kearney (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Nebraska is authorized by the laws of the State of Nebraska to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment, the Lessee proposes to enter into that certain Master Governmental Lease-Purchase Agreement (the "Agreement") with Wells Fargo Equipment Finance, Inc. (the "Lessor"), the form of which have been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment to be therein described on the terms and conditions therein provided.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska as follows:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement is hereby approved in substantially the form presented at this meeting. With such insertions, omissions and changes as shall be approved by the Mayor of the Lessee or other members of the governing body of the Lessee executing the same, the

execution of such document being conclusive evidence of such approval; and the Mayor of the Lessee is hereby authorized and directed to execute, and the City Clerk of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and any related Exhibits attached thereto and to deliver the Agreement including such Exhibits to the respective parties thereto and the City Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this resolution, the Agreement nor any other instrument shall be constructed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Lease are special limited obligations of the Lessee as provided therein.

Section 4. Appointment of Authorized Lessee Representatives. The Finance Director and City Clerk of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This resolution shall be effective immediately upon its approval and adoption.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve Resolution No. 2014-73 declaring all future special assessments of the following districts and tracts of land delinquent:

- Randal and Martha Lofquist (Paving District No. 2000-822) – Lots 53 and 54, South Kearney Addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2014-73

WHEREAS, certain Water Districts, Sewer Districts and Paving Districts have been properly created within the City of Kearney, Nebraska, by order of the City Council; and

WHEREAS, the City Council has, in a legal and proper manner, levied assessments according to benefits against the respective properties lying within said districts; and

WHEREAS, the below-listed owners of said property have failed to make timely payment of said special assessments and allowed the assessments to become delinquent and unpaid for a total of three (3) or more installments.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President and City Council, in accordance with Neb. Rev. Stat. §16-622 and §16-669, do hereby declare all future installments on the following delinquent properties, all located in the City of Kearney, Buffalo County, Nebraska, to be due on May 23, 2014; that after May 23, 2014, such future installment(s) shall be deemed to be delinquent and interest shall accrue at a rate of fourteen percent (14%) on all delinquent sums after that date:

Record Title and Property Owner	Delinquent Principal Due	Interest to 5/23/2014	Delinquent Total Due as of 5/23/2014	Additional Principal Due on or After 5/23/2014
<u>Randal and Martha Lofquist</u> Lot 53, South Kearney Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2000-822</i>	\$262.20	\$230.36	\$492.56	\$.00
<u>Randal and Martha Lofquist</u> Lot 54, South Kearney Addition to the City of Kearney, Buffalo County, Nebraska. <i>Paving District No. 2000-822</i>	\$573.29	\$503.60	\$1,076.89	\$.00

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the Agreement submitted by the Central Nebraska Auto Club to temporarily block off Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham’s Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2014 on July 19, 2014. Parking on these public properties will be prohibited on July 19, 2014 beginning at 2:00 a.m.

8. Adopt **Resolution No. 2014-74** approving the Cruise Nite parade scheduled for July 19, 2014 at 5:00 p.m. beginning at Railroad Street and Central Avenue, north on Central Avenue and dispersing at the intersection of 27th Street and Central Avenue.

RESOLUTION NO. 2014-74

WHEREAS, the City of Kearney has received and approved an application to conduct a parade on July 19, 2014 beginning at 5:00 p.m. and ending at 7:00 p.m.; and

WHEREAS, the route for the parade will begin at Central Avenue and Railroad Street, go north on Central Avenue and dispersing at the intersection of 27th Street and Central Avenue; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on July 19, 2014 beginning at 5:00 p.m. and ending at 7:00 p.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) on July 19, 2014 from 5:00 p.m. until 7:00 p.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade; and

WHEREAS, the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney’s fees that may arise as a result of the said parade.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the parade scheduled for July 19, 2014 beginning at 5:00 p.m. and ending at 7:00 p.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said parade.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30), on July 19, 2014 from 5:00 p.m. until 7:00 p.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney’s fees that may arise as a result of the said parade.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2014-75 approving Application and Certificate for Payment No. 6 in the amount of \$74,662.38 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. 2014-75

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. 6 in the amount of \$74,662.38, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,141,528.00
Change Order No. 1 (3-25-2014)	<u>+ 5,710.00</u>
Contract Sum To Date	1,147,238.00
Gross Amount Due	890,165.40
Retainage (10%)	89,016.54
Amount Due to Date	801,148.86
Less Previous Certificates for Payment	<u>726,486.48</u>
Current Payment Due	\$ 74,662.38

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Certificate for Payment No. 6, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

10. Adopt Resolution No. 2014-76 approving Application and Certificate for Payment No. 1 in the amount of \$254,426.17 submitted by Paulsen Inc. and approved by Miller & Associates for the 2013 Part 1 Improvements – Bid B consisting of Paving Improvement District No. 2013-962 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.

RESOLUTION NO. 2014-76

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with the 2013 Part 1 Improvements – Bid B consisting of Paving Improvement District No. 2012-962 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; and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$254,426.17, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,327,913.75</u>
Contract Sum To Date	1,327,913.75
Gross Amount Due	282,695.74
Retainage (10%)	28,269.57
Amount Due to Date	254,426.17
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 254,426.17

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

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Adopt Resolution No. 2014-77 approving Application and Certificate for Payment No. 5 in the amount of \$77,514.30 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 9 Improvements; CDBG Sidewalks in the Emerson School Area.

RESOLUTION NO. 2014-77

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. 5 in the amount of \$77,514.30, 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	169,301.73
Retainage (10%)	16,930.17
Amount Due to Date	152,371.56
Less Previous Certificates for Payment	<u>74,857.26</u>
Current Payment Due	\$ 77,514.30

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

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

12. Adopt Resolution No. 2014-78 approving Application and Certificate for Payment No. 2 in the amount of \$157,902.92 submitted by Blessing LLC and approved by Miller & Associates for the 2013 Part 7 Improvements; Downtown Lighting Improvements.

RESOLUTION NO. 2014-78

WHEREAS, Blessing LLC of Kearney, Nebraska has performed services in connection with the 2013 Part 7; Downtown Lighting Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$157,902.92, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,060,005.15
Change Order No. 1 (9-10-2013)	- 451,195.30
Change Order No. 2 (3-25-2014)	<u>+ 3,520.00</u>
Contract Sum To Date	\$ 612,329.85
Gross Amount Due	262,781.99
Retainage (10%)	26,278.20
Amount Due to Date	236,503.79
Less Previous Certificates for Payment	<u>78,600.87</u>
Current Payment Due	\$ 157,902.92

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 22ND DAY OF APRIL, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

13. Adopt Resolution No. 2014-79 approving Application and Certificate for Payment No. 1 in the amount of \$39,102.91 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 1 Improvements; Northeast Trunk Sanitary Sewer

consisting of Sanitary Sewer District No. 2014-510.

RESOLUTION NO. 2014-79

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 1 Improvements; Northeast Trunk Sanitary Sewer consisting of Sanitary Sewer District No. 2014-510 beginning at the southeast corner of Remington Heights Second Addition, northwesterly in an easement along the south side of Block Three, Remington Heights Second to the west line of Remington Heights Second, then northerly along the west line of Remington Heights Second to the north line of Remington Heights Second, then westerly and following the north line of the Southeast Quarter of Section 24, Township 9 North, Range 16 West to the northwest corner of the Southeast Quarter of Section 24, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$39,102.91 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$926,111.00</u>
Contract Sum To Date	926,111.00
Gross Amount Due	43,447.68
Retainage (10%)	4,344.77
Amount Due to Date	39,102.91
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 39,102.91

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

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

14. Accept the bids received for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C and adopt **Resolution No. 2014-80** award the bid to Blessing LLC in the amount of \$2,474,168.95.

RESOLUTION NO. 2014-80

WHEREAS, Miller & Associates and the City of Kearney has reviewed the sealed bids which were opened on April 15, 2014 at 2:00 p.m. for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$2,514,682.00 for the said project; and

WHEREAS, the engineers have recommended the bid offered by Blessing LLC of Kearney, Nebraska in the amount of \$2,474,168.95 be accepted as the lowest

responsible bid for the 2014 Part 2 Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Blessing LLC be and is the lowest responsible bidder for the 2014 Part 2 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing LLC in the amount of \$2,474,168.95 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer’s Opinion of Probable Construction Cost for the 2014 Part 2 Improvements in the amount of \$2,514,682.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt Resolution No. 2014-81 authorizing the City Manager, Director of Finance and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.

RESOLUTION NO. 2014-81

WHEREAS, the Mayor and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as city depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirstTier Bank
- NebraskaLand National Bank

However, such designation as a city depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following who now hold offices or positions with the City:

Michael W. Morgan, City Manager
Wendell R. Wessels, Director of Finance
Michaëlle E. Trembly, City Clerk

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2013-138 is hereby specifically rescinded and repealed.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside an outdoor 60' x 120' fenced area located in the parking lot of Kearney Powersports, 511 South 2nd Avenue, on May 16, 2014 from 5:00 p.m. until 11:00 p.m. for a bike night/barbecue.

17. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 17, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

18. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 24, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

19. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 31, 2014 from 3:00 p.m. until 12:00 a.m. for a reception.

20. Approve the application for a Special Designated License submitted by Dady Inc., dba Dad's Tavern in connection with their Class C-009081 liquor license to dispense beer, wine and distilled spirits outside in a 20' x 25' fenced area located north of their facility located at 1910 Central Avenue on May 17, 2014 from 12:00 p.m. until 12:00 a.m. and on May 18, 2014 from 12:00 p.m. until 8:30 p.m. for a beer garden.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7885 AMENDING SECTION 3-1403 OF THE CITY CODE

City staff has prepared an addition to City Code relating to permits that are issued to carnival operators. City staff would propose that City Code be amended to indicate that carnival operators will not be allowed to park campers and/or recreational vehicles for overnight parking at the carnival site and will agree that any overnight camping will

occur at a designated camp ground area. The City has received complaints in the past about the large number of campers and overnight camping that has occurred at carnival locations and it would seem appropriate that these campers be parked in a designated camp ground rather than at the location of the carnival. This code change will not apply to the fairgrounds as rules at that location are established by the Fair Board. City staff would notify carnival operators of this change when they apply for a carnival permit which is required by current City Code.

Council member Nikkila stated he does not like to pass unnecessary rules that provide additional regulations that can be dealt with under existing rules. From his understanding it has been a problem for neighboring property owners and to him that is a big deal so if it is something that has been an issue and the City staff believes like Council needs to pass an ordinance in order to protect property owners than that's fine with him.

City Manager Michael Morgan stated individuals were parking adjacent to residential units, they were not parking anywhere near their equipment, and they have had numerous complaints for years. Mayor Clouse stated that is where the clarification came in, where exactly are they parking and what type of issues. City Manager stated they do have other businesses that do have campgrounds in the community where they should be parking.

Chief of Police Dan Lynch stated the City has conflict with these people when they park off sites. His example would be Walmart is the biggest issue they have. The City has noise issues, traffic issues, trash issues and these people just show up. Walmart by design allows certain people to do some of this but not in mass like they have been done when they have the carnival in town and you end up with 45 campers up there instead of two or three.

City Attorney Michael Tye stated the City has received complaints last year from people in the neighborhood just adjacent to the mall. He believes what they did is concentrated all the campers in one location. Police Chief stated they moved towards the back of the mall, the east portion of the mall. That whole area behind there is frankly abutted by duplexes and they have generators running, lights on, these people do not get off work until 2:00 a.m. contrary to a lot of people who are trying to sleep and it creates a lot of frustration and frankly it is simply unnecessary when there are alternatives.

Council Member Nikkila stated he envisioned a few trailers around their equipment but in the back of the mall next to the duplexes, that is a problem so he agrees with the amendment. Chief Lynch stated when this started a long time ago they were not talking the number of trailers they have today. Now they will have 40 trailers when the carnival shows up and they are not overly accommodating on moving when asked.

Council Member Lammers introduced Ordinance No. 7885 amending Section 3-1403 "Conditions of Permit" of Article 14 "Amusements" of Chapter 3 "Business Regulations" of the City Code to prohibit overnight camping at the location of the carnival and not more than one camper or recreational vehicle may be parked at the site of the carnival; any campers or recreational vehicles used for overnight camping will only be parked at a campground, 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 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, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7885 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 7885 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7885 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7886 CREATING WATER DISTRICT NO. 2014-573

At the March 11, 2014 Council meeting the Council approved the Final Plat and Subdivision Agreement for Big Boy Addition. In the agreement the developer requested that the City create water and sanitary sewer improvement districts to serve the development.

Water District No. 2014-573 commences in Avenue A at the south line of Lot 1, Messicks Subdivision northward in Avenue A to South Railroad Street, thence eastward to the east line of Lot 1, Big Boy Addition.

Council Member Lammers introduced Ordinance No. 7886 creating Water District No. 2014-573 in South Railroad Street from Avenue B west to Avenue A AND in Avenue A from South Railroad Street south to the north lot line of Lot 719, Original Town of Kearney Junction now the City of Kearney, 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 Nikkila 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, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7886 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 7886 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7886 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7887 CREATING SANITARY SEWER DISTRICT NO. 2014-511

At the March 11, 2014 Council meeting the Council approved the Final Plat and Subdivision Agreement for Big Boy Addition. In the agreement the developer requested that the City create water and sanitary sewer improvement districts to serve the development.

Sanitary Sewer District No. 2014-511 commences in the sanitary sewer easement located at a point 132 feet south of the south line of Big Boy Addition northward to the south line of Big Boy Addition, thence westerly in an easement to the west line of Lot 2 of Big Boy Addition, thence northerly to the north line of Lot 2 of Big Boy Addition.

Council Member Lammers introduced Ordinance No. 7887 creating Sanitary Sewer District No. 2014-511 in the sanitary sewer easement located at a point 132 feet south of the south line of Big Boy Addition, thence northward to the south line of Big Boy Addition, thence westerly in an easement to the west line of Lot 2 of Big Boy Addition, thence northerly to the north line of Lot 2 of Big Boy Addition, 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 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, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7887 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 7887 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7887 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$81,223.00 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:33 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**