

Kearney, Nebraska
May 5, 2014
8:00 a.m.

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 8:00 a.m. on May 5, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; and Suzanne Brodine, Assistant City Manager/Development Services Director were also present. Some of the citizens present in the audience included: Lynne Heiden, Craig Bennett, Ashley White from Kearney Hub.

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

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.

REZONING ADJACENT TO THE NORTH SIDE OF 37 ROLLING HILLS ROAD

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation to rezone from District AG, Agricultural District to District RR-2/PD, Rural Residential District (Intermediate Standards)/Planned Development Overlay District property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north side of 37 Rolling Hills Road) and consider Ordinance No. 7888. Planning Commission recommended approval.

The applicant is requesting approval to rezone and subdivide property for rural residential housing in the Equestrian Hills development west of town. This one lot subdivision is actually resulting from the Developer's desire to develop, or market for development other parts of Equestrian Hills, such that this one lot is a resulting parcel less than 10 acres that must be platted by State law. The lot must also be rezoned to meet City requirements since it is currently zoned Agricultural and any lot zoned as such must contain 20 or more acres. This lot will contain 2.28 acres.

The applicant has requested RR-2 zoning which is Rural Residential District with Intermediate Standards. All of the land in Equestrian Hills is part of a Planned

Development so the PD overlay applies to this lot as well. Therefore, the rezoning category will be RR-2/PD. The reason for the PD goes back to the original Equestrian Estates subdivision in which the Developer proposed smaller lots than the required minimum lot size, but offered in return an extensive connecting network of open space easements throughout the subdivision. Thus, the gross density of the land (calculated by including land contained in lots plus the open space divided by the number of lots) resulted in land area per developable lot that met or exceeded minimum lot sizes even though the platted lots would be smaller. The PD Overlay continues to be applied in this development today.

RR-2 zoning allows separate well and septic services, but encourages connection to water, or sewer, or hard surfacing of streets. That is why RR-2 is considered to be "Intermediate Standards" with a high probability that the development will be somewhat of a hybrid between true rural and true urban standards. RR-2 zoning is most typically applied at the fringe of urban development since the land is still rural in character but very close to urban services.

This lot is subject to the provisions and limitations contained in a Development Agreement between the Developer and the City Council that restricts the number of additional building permits that can be issued in this area. The agreement is titled "Equestrian Hills Limited Development Agreement" referenced and incorporated in Resolution No. 2011-110, approved by City Council August 23, 2011. Because of long standing concerns regarding limited public access to the Developers property, only three more building permits will be issued until the Developer provides a second access point to the area. The Developer's land that is affected by this agreement includes all of Rolling Hills Subdivision, Equestrian Hills Subdivision of Crest Valley Ranch and additional undeveloped property roughly extending north from the Kearney Canal to 39th Street extended west, and from Cottonmill Park's east boundary east to Meadowlark Hills Golf Course's west boundary. The Developer has retained the professional design services of consultants in the past to lay out development concepts for the entire property. Over time the development concepts and proposed land uses have been modified in certain areas and changes in market demand have also caused the Developer to be flexible in the ongoing marketing and development of this property. The developer is working on extending 39th Street through to 30th Avenue which will provide a second access point. At this time, there is no second access and therefore the terms of the 2011 Development Agreement apply. The Developer has been issued one building permit in the interim time since the 2011 agreement was executed, so the number of additional building permits has been reduced to three. The agreement does not prohibit the Developer from platting additional lots at any time, nor from vacating existing lots and replatting them in a new layout. The agreement does limit the number of building permits to three, in any combination of lots, until the second access is approved by City Council and constructed.

The Preliminary Plat for this subdivision was approved by Planning Commission on April 18, 2004.

Craig Bennett from Miller & Associates presented this matter to the Council. Adjacent to Equestrian Hills Third is what would be known at Equestrian Hills Fifth and adjacent to Equestrian Hills or Rolling Hills Road would be Equestrian Hills Fourth. There is existing water and sanitary sewer that is in close proximity at least to Fourth as water goes

through along the south side, sanitary sewer exists in the golf course but both of these subdivisions would be served by a private well and septic tank.

The primary reason they are here is because of the parcel that D & B Development has an offer to sell and the only way they can sell this portion because it leaves two parcels less than 10 acres that would be illegal so they have to plat the property. They also have been working with the City as well as the landowners to connect 39th Street back out to 30th Avenue. Originally, they were working towards connecting a secondary access of Phase I and working there away across to 47th Avenue. Lynne Heiden has already purchased right-of-way from Lynn Miller. They have personally met with the Nickels family that lives there where the road could possibly go. The building permits they have allowable are still contingent upon having a secondary access. They know of the five they originally had they have two really accounted for so that leaves three left. Equestrian Hills Fourth would be one them. It would have its own private well and will be 2.2 acres for a one lot residential.

Equestrian Hills Fifth is a two lot subdivision located east of Clydesdale. They have the same building setbacks and easements that they have required for Equestrian Hills Third and this would have its own well and septic.

Council Member Buschkoetter commented that there is currently a lot of people that use that land out there for trails; is there going to be anything open about maybe leaving some of that as open space for trails and such. Mr. Bennett stated there are dedicated common areas. If there is future connectivity they really envision these as being really large lots he does not know if you will see any trails go through the lots. As far as trails through at least the southeast area, he does not envision any trails because there will be smaller lots through that but possibly there could be some consideration on the northern side. Perhaps even as they look at 39th Street in an overall plan it would have the potential of connectivity through to 30th Avenue.

Council Member Nikkila stated he thought it would be nice to have connectivity between Meadowlark north and Cottonmill. Bicyclists who like the trail riding at Meadowlark north and Cottonmill could use some public access along the road way there in the future on 39th Street. Maybe even keep it dirt so people can get from one to the other, they can do their long bike rides and different things they do out there.

Mayor Clouse asked about the timeline for 39th Street if everything fell into place and what was the City's responsibility. Mr. Bennett stated in all actuality they were looking at construction this summer. That has changed since they are going to make 39th Street to 30th Avenue the first phase so some of that is contingent upon negotiations they have with the Nickel's. Realistically, they would like to have a meeting with Buffalo County in the next two weeks or so and to walk through the process. They were in support of it if they could start something yet this fall or summer they would but a lot of it is contingent upon getting their access in property acquired. Mayor Clouse asked in the next couple years. Mr. Bennett stated he would say definitely.

Mr. Bennett stated from a secondary access which is required in the agreement once they exceed the three left lots that are available to build. These two subdivisions are not being annexed. Mayor Clouse asked if the County is responsible for the development of 39th Street going west. Mr. Bennett stated he did not know how to

answer that; it is adjacent to the City limits which is contiguous and the City owns half of the right-of-way.

City Manager Michael Morgan stated the only funding the City has committed to is intersection improvements at 39th Street and 30th Avenue. Mayor Clouse commented that will be a discussion they will have coming up with the County if they want to proceed. City Manager stated the City has already committed to funding to assist in that as it connects to 30th Avenue and to make sure the intersection meets the City's requirements. The problem for the City in the area is there is no return on the investment and the City is really only doing that to benefit the existing neighborhoods that are in the City to help provide them some access. The City is really under no obligation to even do that but thought it was important to help try to get that secondary access which does benefit Rolling Hills which is in the City limits.

Mayor Clouse asked so currently other than the intersection, the City has not been approached for anything. City Manager stated the City has been approached but they has denied. There is no financial return for the City whatsoever. Originally, when the developer looked going to the west to do the second access which was an interesting plan but the City did not believe it met the spirit of access to go all the way back around and so the developer than worked to bring back the Phase I. Mayor Clouse stated he remembers having those discussions and wanted to make sure the City was still in that same mindset.

Council Member Lammers asked if it would be a gravel road. Mr. Bennett stated initially there would be concrete and paving at the return to do the turning movements at the intersection of 39th Street and 30th Avenue and then first phase would be gravel, east/west along 39th Street and then they are looking at paving this into the existing paving there.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation to rezone from District AG, Agricultural District to District RR-2/PD, Rural Residential District (Intermediate Standards)/Planned Development Overlay District property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north side of 37 Rolling Hills Road) and introduced Ordinance No. 7888 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. 7888. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7888 by number. Roll call of those in favor of the passage of said ordinance on the first reading

resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7888 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7888 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR EQUESTRIAN HILLS FOURTH OF CREST VALLEY RANCH

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation for the Final Plat for Equestrian Hills Fourth of Crest Valley Ranch, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north side of 37 Rolling Hills Road) and consider Resolution No. 2014-82. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-82** approving the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation for the Final Plat for Equestrian Hills Fourth of Crest Valley Ranch, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to the north side of 37 Rolling Hills Road). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2014-82

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Equestrian Hills Fourth of Crest Valley Ranch of Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 33 and assuming the East line of said West half as bearing S00°14'12"E and all bearings contained herein are relative thereto; thence S00°14'12"E on said East line of the West half a distance of 3170.70 feet to a 5/8" rebar at the Northeast corner of Lot 1, Shire Estates, Equestrian Hills of Crest Valley Ranch as platted in Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING; thence S89°48'14"W on the North line of said Lot 1, Shire Estates, Equestrian Hills of Crest Valley Ranch a distance of 242.33 feet to a 5/8" rebar on the East Right-of-Way line of Rolling Hills Road as platted in said Equestrian Hills of

Crest Valley Ranch; thence on a non-tangent curve to the Left having a central angle of 10°09'55", a radius of 630.12 feet, an arc length of 111.79 feet, and a chord bearing of N20°45'00"W a distance of 111.65 feet to a 5/8" rebar with cap; thence N25°49'58"W on said East Right-of-Way line of Rolling Hills Road a distance of 148.87 feet to a 5/8" rebar with cap; thence N64°10'02"E a distance of 5.70 feet to a 5/8" rebar with cap; thence on a tangent curve to the Left having a central angle of 38°23'10", a radius of 230.00 feet, an arc length of 154.09 feet and a chord bearing of N44°58'28"E a distance of 151.23 feet to a 5/8" rebar with cap; thence N89°45'48"E perpendicular to said East line of the West half a distance of 233.31 feet to a 5/8" rebar with cap on said East line of the West half; thence S00°14'12"E on said East line of the West half a distance of 348.00 feet to the Point of Beginning, containing 2.28 acres, more or less, Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 5TH DAY OF MAY, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING NORTHEAST CORNER OF ROLLING HILLS ROAD AND CLYDESDALE CIRCLE

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation to rezone from District AG, Agricultural District to District RR-2/PD, Rural Residential District (Intermediate Standards)/ Planned Development Overlay District property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of Rolling Hills Road and Clydesdale Circle) and consider Ordinance No. 7889. Planning Commission recommended approval.

The applicant is requesting approval to rezone and subdivide property for rural residential housing in the Equestrian Hills development west of town. This two-lot subdivision is actually resulting from the Developer's desire to develop, or market for development, other parts of Equestrian Hills, such that these two lots result in a parcel less than 10 acres that must be platted by State law. The lots must also be rezoned to meet City requirements since the land is currently zoned AG, Agricultural, and any lot zoned as such must contain 20 or more acres. These two lots will contain 3.29 acres.

The applicant has requested RR-2 zoning which is Rural Residential District with Intermediate Standards. All of the land in Equestrian Hills is part of a Planned Development so the PD overlay applies to this property as well. Therefore, the rezoning

category will be RR-2/PD. The reason for the PD goes back to the original Equestrian Estates subdivision in which the Developer proposed smaller lots than the required minimum lot size, but offered in return an extensive connecting network of open space easements throughout the subdivision. Thus, the gross density of the land (calculated by including land contained in lots plus the open space divided by the number of lots) resulted in land area per developable lot that met or exceeded minimum lot sizes even though the platted lots would be smaller. The PD Overlay continues to be applied in this development today.

RR-2 zoning allows separate well and septic services, but encourages connection to water, or sewer, or hard surfacing of streets. That is why RR-2 is considered to be "Intermediate Standards" with a high probability that the development will be somewhat of a hybrid between true rural and true urban standards. RR-2 zoning is most typically applied at the fringe of urban development since the land is still rural in character but very close to urban services.

This lot is subject to the provisions and limitations contained in a Development Agreement between the Developer and the City Council that restricts the number of additional building permits that can be issued in this area. The agreement is titled "Equestrian Hills Limited Development Agreement" referenced and incorporated in Resolution No. 2011-110, approved by City Council August 23, 2011. Because of long standing concerns regarding limited public access to the Developers property, only three more building permits will be issued until the Developer provides a second access point to the area. The Developer's land that is affected by this agreement includes all of Rolling Hills Subdivision, Equestrian Hills Subdivision of Crest Valley Ranch and additional undeveloped property roughly extending north from the Kearney Canal to 39th Street extended west and from Cottonmill Park's east boundary east to Meadowlark Hills Golf Course's west boundary. The Developer has retained the professional design services of consultants in the past to layout development concepts for the entire property. Over time the development concepts and proposed land uses have been modified in certain areas and changes in market demand have also caused the Developer to be flexible in the ongoing marketing and development of this property. The developer is working on extending 39th Street through to 30th Avenue which will provide a second access point. At this time, there is no second access and therefore the terms of the 2011 development agreement apply. The Developer has been issued one building permit in the interim time since the 2011 agreement, so the number of additional building permits has been reduced to three. The agreement does not prohibit the Developer from platting additional lots at any time, nor from vacating existing lots and replatting them in a new layout. The agreement does limit the number of building permits to three in any combination of lots, until the second access is approved by City Council and constructed.

The Preliminary Plat was approved by Planning Commission in April 18, 2004.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation to rezone from District AG, Agricultural District to District RR-2/PD, Rural Residential District (Intermediate Standards)/ Planned Development Overlay District property described as

a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of Rolling Hills Road and Clydesdale Circle) and introduced Ordinance No. 7889 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 7889. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7889 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7889 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7889 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR EQUESTRIAN HILLS FIFTH OF CREST VALLEY RANCH

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation for the Final Plat for Equestrian Hills Fifth of Crest Valley Ranch, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of Rolling Hills Road and Clydesdale Circle) and consider Resolution No. 2014-83. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-83** approving the Application submitted by Miller & Associates for D & B Development Co., a Nebraska Corporation for the Final Plat for Equestrian Hills Fifth of Crest Valley Ranch, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of Rolling Hills Road and Clydesdale Circle). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2014-83

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Equestrian Hills Fifth of Crest Valley Ranch of Buffalo County, Nebraska for a tract of land being part of the West Half of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to the Northeast corner of the West half of said Section 33 and assuming the East line of said West half as bearing $S00^{\circ}14'12''$ and all bearings contained herein are relative thereto; thence $S0^{\circ}14'12''E$ on said East line of the Northwest Quarter a distance of 3170.70 feet to a 5/8" rebar at the Northeast corner of Lot 1, Shire Estates, Equestrian Hills of Crest Valley Ranch as platted in Buffalo County, Nebraska; thence $S89^{\circ}48'14''W$ on the North line of said Lot 1, Shire Estates, Equestrian Hills of Crest Valley Ranch a distance of 242.33 feet to a 5/8" rebar on the East Right-of-Way line of Rolling Hills Road as platted in said Equestrian Hills of Crest Valley Ranch; thence continuing on said East Right-of-Way line of Rolling Hills Road and on a non-tangent curve to the Left having a central angle of $10^{\circ}09'55''$, a radius of 630.12 feet, an arc length of 111.79 feet, and a chord bearing of $N20^{\circ}45'00''W$ a distance of 111.65 feet to a 5/8" rebar with cap; thence $N25^{\circ}49'58''W$ on said East Right-of-Way line of Rolling Hills Road a distance of 331.39 feet to a 5/8" rebar with cap and point of curvature; thence continuing on said East Right-of-Way line and on a tangent curve the Left having a central angle of $11^{\circ}31'51''$, a radius of 300.06 feet, an arc length of 60.39 feet, and a chord bearing of $N31^{\circ}35'53''W$ a distance of 60.28 feet to a 5/8" rebar with cap and the ACTUAL POINT OF BEGINNING; thence continuing on said East Right-of-Way line of Rolling Hills Road and on tangent curve to the Left having a central angle of $43^{\circ}12'55''$, a radius of 300.06 feet, an arc length of 226.32 feet and a chord bearing of $N58^{\circ}58'16''W$ a distance of 220.99 feet to a 5/8" rebar with cap on the East Right-of-Way line of Clydesdale Circle as platted in Equestrian Hills Third of Crest Valley Ranch, a subdivision in Buffalo County, Nebraska; thence $N00^{\circ}01'12''E$ on said East Right-of-Way line of Clydesdale Circle a distance of 324.47 feet to a 5/8" rebar with cap; thence continuing on said East Right-of-Way line of Clydesdale Circle and on a tangent curve to the Left having a central angle of $64^{\circ}53'25''$, a radius of 280.02 feet, an arc length of 317.14 feet, and a chord bearing of $N32^{\circ}26'43''W$ a distance of 300.46 feet to a 5/8" rebar with cap; thence $N64^{\circ}53'25''W$ on said East Right-of-Way line of Clydesdale Circle a distance of 6.24 feet to a 5/8" rebar with cap; thence $N76^{\circ}38'08''E$ a distance of 362.71 feet to a 5/8" rebar with cap; thence $S00^{\circ}14'12''E$ parallel with said East line of the West half a distance of 778.44 feet to the Point of Beginning, containing 3.29 acres, more or less, Buffalo County, Nebraska duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 5TH DAY OF MAY, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

EL TROPICO SPECIAL DESIGNATED LICENSE FOR MAY 24, 2014

Mayor Clouse opened for discussion the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 24, 2014 from 6:00 p.m. until 1:00 a.m. (May 23, 2014 and the Exposition Building for alternate date and location) for a dance.

Moved by Lammers seconded by Nikkila to approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 24, 2014 from 6:00 p.m. until 1:00 a.m. (May 23, 2014 and the Exposition Building for alternate date and location) for a dance. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

FANATICS SPECIAL DESIGNATED LICENSE FOR MAY 9 AND 10, 2014

Mayor Clouse opened for discussion the application for a Special Designated License submitted by Sports Fans LLC, dba Fanatics in connection with their Class C-078257 liquor license to dispense beer, wine and distilled spirits in the new addition adjacent to Fanatics, 2023 Central Avenue on May 9 and 10, 2014 from 8:00 a.m. until 1:00 a.m. each day for receptions.

Moved by Nikkila seconded by Lear to approve the application for a Special Designated License submitted by Sports Fans LLC, dba Fanatics in connection with their Class C-078257 liquor license to dispense beer, wine and distilled spirits in the new addition adjacent to Fanatics, 2023 Central Avenue on May 9 and 10, 2014 from 8:00 a.m. until 1:00 a.m. each day for receptions. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 8:18 a.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ATTEST:


MICHAELLE E. TREMBLY
CITY CLERK




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