

Kearney, Nebraska
June 10, 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 June 10, 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, Bruce Lear (arrived at 5:55 p.m.), Bob Lammers. Absent: Jonathan Nikkila. 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; Shawna Erbsen, Administrative Services Director; and Scott Hayden, Director of Park & Recreation were also present. Some of the citizens present in the audience included: Craig Bennett, Bob Wilson, Tony Taylor, Corey Cline, Danielle Buschkoetter, Steve Altmaier from KGFW, Ashley White from Kearney Hub, NTV and KHAS TV.

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

LAND USE MAP AMENDMENT ADJACENT AND NORTH OF COUNTRY CLUB LANE AND 50TH STREET

Moved by Lammers seconded by Buschkoetter that Public Hearings 1 through 4 be removed from the table for discussion. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential/Park to Low Density Residential and Medium Density Residential property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider Resolution No. 2014-86. Planning Commission recommended approval.

The applicant is requesting approvals to develop the first phase of a mixed-use village in northwest Kearney just north of Lighthouse Point Subdivision. The Preliminary Plat for 150 acres, including this phase, was approved by Planning Commission in 2008 but no further applications were made at that time. The Developer is now ready to move forward with a Final Plat of the first phase which will provide the opportunity to annex this property. The first phase is residential in nature, but future phases will likely propose commercial uses along the 56th Street frontage. The Village will feature a mix of residential use types as well. Since the land is still zoned AG, Agricultural, a rezoning request to R-1 and R-2 is required. The rezoning request prompts consideration of the Land Use Map and whether or not it will need to be amended to accommodate the proposed use. After checking the status of the Land Use Map, we find that an amendment is required. The proposed development project will feature three duplex lots and 24 single-family residential lots on 18.55 acres.

The property is currently zoned AG by default as it has never been rezoned to any higher use in the past. The proposed residential subdivision calls for 1.58 acres to be rezoned to R-2 for the three duplex lots and 16.79 acres for the remaining R-1 lots. It should be noted that R-1 type single-family residences are an allowable use in R-2 zoning, so the three duplex lots could develop as single-family or duplex residences.

This rezoning requires consideration of the Future Land Use Plan of the Comprehensive Development Plan. The current version of the land use plan shows this property as part "Medium Density Residential" and part "Parks." The rezoning request to R-2 is in conformance with "Medium Density Residential" land use. The proper land use designation for the R-1 lots is "Low Density Residential." Therefore, the Future Land Use Map is to be amended to change the majority of the site to Low Density Residential and retain the Medium Density Residential.

A Preliminary Plat and Infrastructure Feasibility Plan for the 150-acre mixed-use Village were approved in 2008. The Final Plat that has been submitted varies somewhat from the approved Preliminary Plat road alignment, but DRT staff has determined the Final Plat is in substantial conformance with the approved Preliminary Plat. The Final plat consists of 29 lots on 18.55 acres of land. There are 24 R-1 single-family lots, three duplex lots, and two outlots. The 100-year floodplain traverses the site in a north-south alignment along the east edge of the property providing an outflow for Lighthouse Point Lake. Outlots A and B are located in this area on the east side of the property and will provide stormwater detention. A large box culvert will be required where 50th Street crosses the drainage way. A hike/bike trail will be included somewhere across the Village property. The likely location is through the interior of the Village from southwest to northeast following a secondary drainage way. An easement for the trail will be granted by the Developer once the final location and alignment is determined on a future phase. This subdivision allows for the extension of collector streets, 50th/49th Street in an east-west alignment, and Country Club Lane north-south.

A revised Infrastructure Feasibility Plan has been submitted for this phase of the development. A Subdivision Agreement has also been prepared that addresses the Developer Constructed Infrastructure method of installing public improvements, connection fees that are due, and maintenance of the Outlots and any other common areas.

This property is contiguous to City Limits and can be served with municipal services. Therefore, the property shall be annexed into the Corporate Limits of the City by dedication on the Final Plat as "An Addition to the City of Kearney."

Craig Bennett from Miller & Associates presented this matter to the Council. The current zoning of the parcel is Ag, contiguous to R-1 on both the east and south and they are proposing R-1 on the majority of the lots with three of the lots R-2. There is currently sanitary sewer infrastructure that was extended to serve and promote Lighthouse Point in western Kearney so it does bisect or intersect the parcel that they have for the subdivision; it also extends easterly on 50th Street. Water basically is extended to the property line. There is a 12-inch water main adjacent to the south so basically sanitary sewer and water services infrastructure is available to the site.

From a storm standpoint, one of the considerations they had when they originally preliminary platted in 2008, there was not a designated floodway. There is, however, a designated floodway on the parcel so they had to modify the 2008 plan a little to account for the defined floodway, drainage from southwest to northeast. In 2008 the preliminary plat that was approved by Planning Commission looked similar but it primarily showed a couple different options. In the drawing it also showed the future extension of Country Club Lane going up to 56th Street and also some secondary circulation over to 30th Avenue. In the middle area is where the campus is proposed in the future phase so initially during this particular phase it would only be the residential lots that they are proposing.

Before City Council tonight is the Final Plat. Basically, there are 27 lots total including two outlots and 24 of the lots along the cul-de-sac and along the north side of 50th are residential. They thought multi-family or duplexes would be a good transition to the

campus or buffer between residential and 48th Street. What is before City Council tonight is rezoning from Ag to R-1 and three lots to R-2. From a Public Works standpoint the sanitary sewer can be extended. They have two detention cells which is adjacent to the floodway in the flood plain area for storm water detention.

Mayor Clouse asked if the annexation was just the small area. Mr. Bennett confirmed and stated that would allow the Preliminary Plat to continue effective on the remaining quarter section and they are annexing 19 acres for this phase. Mayor Clouse asked about the floodway north of 39th Street and Country Club Lane where that has been all cleaned out and cleared out is that private enterprise doing that. Mr. Bennett stated it is the Lighthouse Point Association. Mayor Clouse stated so the Association will be cleaning that out so that they will have good flow going through there in an event they would need it. Mr. Bennett stated that would be upstream of the lake that they are doing that. They are actually downstream and so the spillway that they have which is for a 100-year storm and if it went over the top and continue there is a low level flow that comes out of the lake at higher rainfall events. Mayor Clouse asked that is all being cleaned up to make sure it stays as a good flood way. Mr. Bennett stated one of the neat things about it is that 50th Street has stopped about 240 feet short of that because of not knowing exactly how to cross that floodway and how it would develop so now at this point 50th Street will be able to circulate and connect back in to Country Club Lane during the first phase.

Council Member Buschkoetter asked about the floodway is there a box culvert that will go over there. Mr. Bennett confirmed. Council Member Buschkoetter asked if the floodway will basically flow underneath 50th Street. Mr. Bennett stated they will be passing that floodway storm through the structure. Council Member Buschkoetter asked that is primarily detention in that floodway. Mr. Bennett stated FEMA requires when they build in a floodway to cause a zero rise in a floodway so their structure has to pass that storm through there. They have detention cells that are outside of the floodway for increase storm water runoff. So the floodway itself will be passed as it is currently through that structure so that structure is a larger structure than what you would normally see just as a culvert.

Council Member Lammers asked how do you anticipate Phase II will be developed; how large a tract and from the existing Phase I where would that be located. Mr. Bennett stated one of the considerations they have had is obviously the development shown was the first phase and they may continue with this next phase before they go to the campus layout. It is not certain yet as to what will be their next phase but if this does happen there is a good chance that would probably follow shortly. Primarily they are reserving the heart of the quarter section for the campus and the rest of it would probably be outlots and things like that that would buffer the arterial streets.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-86** approving the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential/Park to Low Density Residential and Medium Density Residential property

described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

RESOLUTION NO. 2014-86

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the South Half of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Beginning at the Southeast corner said Northwest Quarter of Section 27 and assuming the South line of said Northwest Quarter as bearing S89°05'02"W and all bearings contained herein are relative thereto; thence S89°05'02"W on said South line of the Northwest Quarter a distance of 1325.90 feet to a 5/8" rebar with cap; thence N00°29'32"W a distance of 366.01 feet to a 5/8" rebar with cap; thence N89°05'02"E parallel with said South line of the Northwest Quarter a distance of 369.41 feet to a 5/8" rebar with cap and point of curvature; thence on a non-tangent curve to the Right having a central angle of 07°21'52", a radius of 353.00 feet, an arc length of 45.37 feet, and a chord bearing of N29°26'02"E a distance of 45.34 feet to a 5/8" rebar with cap and point of curvature; thence on a tangent curve to the Left having a central angle of 19°50'23", a radius of 967.00 feet, an arc length of 334.84 feet and a chord bearing of N23°11'46"E a distance of 333.17 feet; thence S76°43'26"E a distance of 66.00 feet to a 5/8" rebar with cap; thence S62°53'47"E a distance of 54.88 feet to a 5/8" rebar with cap; thence N58°21'53"E a distance of 181.75 feet to a 5/8" rebar with cap; thence N89°47'01"E perpendicular to the East line of said Northeast Quarter a distance of 535.33 feet to a 5/8" rebar with cap on the East line of said Northeast Quarter; thence S00°12'59"E on the East line of said Northeast Quarter a distance of 753.63 feet to the Point of Beginning, containing 18.55 acres, more or less, Buffalo County, Nebraska, from Medium Density Residential/Park to Low Density Residential and 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 Medium Density Residential/Park to Low Density Residential and Medium Density Residential the use classification for a tract of land being part of the South Half of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Beginning at the Southeast corner said Northwest Quarter of Section 27 and assuming the South line of said Northwest Quarter as bearing S89°05'02"W and all bearings contained herein are relative thereto; thence S89°05'02"W on said South line of the Northwest Quarter a distance of 1325.90 feet to a 5/8" rebar with cap; thence N00°29'32"W a distance of 366.01 feet to a 5/8" rebar with cap; thence N89°05'02"E

parallel with said South line of the Northwest Quarter a distance of 369.41 feet to a 5/8" rebar with cap and point of curvature; thence on a non-tangent curve to the Right having a central angle of 07°21'52", a radius of 353.00 feet, an arc length of 45.37 feet, and a chord bearing of N29°26'02"E a distance of 45.34 feet to a 5/8" rebar with cap and point of curvature; thence on a tangent curve to the Left having a central angle of 19°50'23", a radius of 967.00 feet, an arc length of 334.84 feet and a chord bearing of N23°11'46"E a distance of 333.17 feet; thence S76°43'26"E a distance of 66.00 feet to a 5/8" rebar with cap; thence S62°53'47"E a distance of 54.88 feet to a 5/8" rebar with cap; thence N58°21'53"E a distance of 181.75 feet to a 5/8" rebar with cap; thence N89°47'01"E perpendicular to the East line of said Northeast Quarter a distance of 535.33 feet to a 5/8" rebar with cap on the East line of said Northeast Quarter; thence S00°12'59"E on the East line of said Northeast Quarter a distance of 753.63 feet to the Point of Beginning, containing 18.55 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING ADJACENT AND NORTH OF COUNTRY CLUB LANE AND 50TH STREET

Moved by Lammers seconded by Buschkoetter that Public Hearings 1 through 4 be removed from the table for discussion. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and to District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider Ordinance No. 7892. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and to District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street), and moved that Ordinance No. 7892 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7892 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7892 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7892 by title on first reading.

With the absence of Council Members Lear and Nikkila, Ordinance No. 7892 was placed on first reading. However, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinance.

Council Member Clouse introduced Ordinance No. 7892 rezoning from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and to District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and introduced Ordinance No. 7892 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 7892. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7892 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7892 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7892 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 GOOD SAMARITAN SOCIETY KEARNEY VILLAGE SUBDIVISION

Moved by Lammers seconded by Buschkoetter that Public Hearings 1 through 4 be removed from the table for discussion. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the Final Plat and

Subdivision Agreement for Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider Resolution No. 2014-87. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-87** approving the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the Final Plat and Subdivision Agreement for Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

RESOLUTION NO. 2014-87

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the South Half of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Beginning at the Southeast corner said Northwest Quarter of Section 27 and assuming the South line of said Northwest Quarter as bearing S89°05'02"W and all bearings contained herein are relative thereto; thence S89°05'02"W on said South line of the Northwest Quarter a distance of 1325.90 feet to a 5/8" rebar with cap; thence N00°29'32"W a distance of 366.01 feet to a 5/8" rebar with cap; thence N89°05'02"E parallel with said South line of the Northwest Quarter a distance of 369.41 feet to a 5/8" rebar with cap and point of curvature; thence on a non-tangent curve to the Right having a central angle of 07°21'52", a radius of 353.00 feet, an arc length of 45.37 feet, and a chord bearing of N29°26'02"E a distance of 45.34 feet to a 5/8" rebar with cap and point of curvature; thence on a tangent curve to the Left having a central angle of 19°50'23", a radius of 967.00 feet, an arc length of 334.84 feet and a chord bearing of N23°11'46"E a distance of 333.17 feet; thence S76°43'26"E a distance of 66.00 feet to a 5/8" rebar with cap; thence S62°53'47"E a distance of 54.88 feet to a 5/8" rebar with cap; thence N58°21'53"E a distance of 181.75 feet to a 5/8" rebar with cap; thence N89°47'01"E perpendicular to the East line of said Northeast Quarter a distance of 535.33 feet to a 5/8" rebar with cap on the East line of said Northeast Quarter; thence S00°12'59"E on the East line of said Northeast Quarter a distance of 753.63 feet to the Point of Beginning, containing 18.55 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said

City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF GOOD SAMARITAN SOCIETY KEARNEY VILLAGE SUBDIVISION

Moved by Lammers seconded by Buschkoetter that Public Hearings 1 through 4 be removed from the table for discussion. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the annexation of Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street) and consider Resolution No. 2014-88. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-88** approving the Application submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the annexation of Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (adjacent and north of Country Club Lane and 50th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

RESOLUTION NO. 2014-88

WHEREAS, an Application has been submitted by Miller & Associates for The Evangelical Lutheran Good Samaritan Society for the inclusion of Good Samaritan Society Kearney Village Subdivision, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the South Half of the Northwest Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Beginning at the Southeast corner said Northwest Quarter of Section 27 and assuming the South line of said Northwest Quarter as bearing S89°05'02"W and all bearings contained herein are relative thereto; thence S89°05'02"W on said South line of the Northwest Quarter a distance of 1325.90 feet to a 5/8" rebar with cap; thence N00°29'32"W a distance of 366.01 feet to a 5/8" rebar with cap; thence N89°05'02"E parallel with said South line of the Northwest Quarter a distance of 369.41 feet to a 5/8" rebar with cap and point of curvature; thence on a non-tangent curve to the Right having a central angle of 07°21'52", a radius of 353.00 feet, an arc length of 45.37 feet, and a chord bearing of N29°26'02"E a distance of 45.34 feet to a 5/8" rebar with cap and point of curvature; thence on a tangent curve to the Left having a central angle of 19°50'23", a radius of 967.00 feet, an arc length of 334.84 feet and a chord bearing of N23°11'46"E a distance of 333.17 feet; thence S76°43'26"E a distance of 66.00 feet to a 5/8" rebar with cap; thence S62°53'47"E a distance of 54.88 feet to a 5/8" rebar with cap; thence N58°21'53"E a distance of 181.75 feet to a 5/8" rebar with cap; thence N89°47'01"E perpendicular to the East line of said Northeast Quarter a distance of 535.33 feet to a 5/8" rebar with cap on the East line of said Northeast Quarter; thence S00°12'59"E on the East line of said Northeast Quarter a distance of 753.63 feet to the Point of Beginning, containing 18.55 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 18, 2014 on the inclusion of Good Samaritan Society Kearney Village Subdivision within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Good Samaritan Society Kearney Village Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on May 13, 2014 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

BE IT FURTHER RESOLVED that the inclusion of Good Samaritan Society Kearney Village Subdivision within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LIQUOR LICENSE FOR CORKY CREATIONS

Mayor Clouse opened the public hearing on the Application for Class C-107532 liquor license submitted by Kearney Wine & Design, LLC, dba Corky Creations located at 1220 Central Avenue, consider the manager application for Corey Cline, and consider Resolution No. 2014-104.

Corey Cline presented this matter to the Council. He will be opening a business at 1220 Central Avenue if they get the liquor license. It's going to be an art and paint studio, it's an artistic social entertainment aspect here in Kearney. As far as the liquor part, he has been in contact with the City and the Liquor Control Commission for TIPS training and he will be taking that course June 22nd. They are not looking to start or open the business until they get the liquor license. Any employees that they have will go through the course. He will be managing it and possibly two to four additional employees that will be instructing the art. Otherwise it will be himself serving and in time he may hire an employee and anybody hired will be taking the TIPS class. There will be only one person serving any of the alcohol the other people will be putting on the instruction for the painting.

Mayor Clouse stated from what he read it is not a bar and asked what the business entails. Mr. Cline stated no it is not a bar. It is paint, step studio it will provide the customers with a fun and relaxing environment for people of all ages. Classes will be for 2-4 hours; people show up and everybody will start with 16"x24" bare canvas and within 2-4 hours depending on the painting, you will be able to leave with your painting. It is something fun and different. It will be for all ages, men and women. The model they are basing this off of also offers kids classes ages 6-15. They would be doing it on site, at a private location for a birthday party, or they could travel to somebody's house and bring the stuff with them and they can paint there.

Council Member Lammers asked if he would use different types of medium in your classes, different instructors would teach oil base or water base. Mr. Cline stated everything at the start will be acrylic until they get a clientele coming through the door. Then he would get different instructors to be able to do a pencil or charcoal drawing, or they can go to oil paintings. They can explore a lot of different aspects from there just on what people suggest that they would like to try.

Council Member Buschkoetter asked if he talked to any of the owners of those previous places in Lincoln and Omaha about how the liquor license for theirs is a little different. Mr. Cline stated the one in Lincoln is applying for the same type of liquor license where it is just beer and wine and then they offer off sale wine because it is something where they get a lot of imported wines if the people like it. If they want to buy a bottle and cannot go to another place and buy the same bottle, they can take one home.

Council Member Buschkoetter asked if any of these businesses were able to give him any guidance since this is unique. Mr. Cline stated the places he attended they card

everybody through the door and that is something he has talked to the State Patrol and the KPD about. That is going to be the plan and that is needed for liability reasons.

Council Member Lammers asked what is the capacity of the building and how many people do you anticipate. Mr. Cline stated he met with the Fire Marshal last week and they walked through the building. He told the Fire Marshal that his max occupancy as far as he is concerned comparative to other studios is 40 people and he said the building could actually hold 55 before something else had to be changed, such as an exit door in the back. Fire Marshal said they would be good at 50 but he would really like to get 30 people.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2014-104** recommending approval to the Liquor Commission the Application for Class C-107532 liquor license submitted by Kearney Wine & Design, LLC, dba Corky Creations located at 1220 Central Avenue and approve the manager application for Corey Cline,. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

RESOLUTION NO. 2014-104

WHEREAS, Kearney Wine & Design, LLC, dba Corky Creations has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Class C-107532 Liquor License to do business at 1220 Central Avenue, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on June 10, 2014 and the cost of the published notice was \$11.29; and

WHEREAS, the applicant previously submitted the Liquor License Training Compliance form with Certificates of Training filed for their employees; and

WHEREAS, Kearney Wine & Design, LLC, dba Corky Creations shall provide certification of this training of their employees to the City Clerk within 60 days of the opening of the business.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of C-107532 Liquor License to Kearney Wine & Design, LLC, dba Corky Creations located at 1220 Central Avenue, Kearney, Nebraska.

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

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held May 27, 2014.
2. Approve the following Claims:

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

Alamar Uniforms \$5,005.08 smcs,ps; Amer Fence \$1,180.00 smcs; Amer First Aid \$175.68 smcs; AmSan \$6,590.05 smcs; Anderson Bros \$328.26 smcs; Anderson Ford \$25,546.00 co; Anderson,B \$120.00 smcs; Ask Supply \$2,377.39 smcs; Baker & Taylor \$2,418.08 smcs; Bamford \$800.00 smcs; Beacon Athletics \$2,002.90 smcs; Becker,M \$17.60 smcs; Blackstone Audiobooks \$366.78 smcs; Blessing \$245,351.59 co; Bluecross Blueshield \$38,296.67 smcs; Blueglobes \$2,492.00 smcs; Bosselman \$1,702.50 smcs; Boston,K \$45.00 smcs; Brodart Co \$115.63 smcs; Brown,J \$15.30 smcs; Bruha,S \$60.00 smcs; BSN Sports \$105.19 smcs; Buffalo Co Reg Deeds \$132.00 smcs; Buffalo Co Treasurer \$20,553.22 smcs; Buffalo Co \$10,348.80 co; Buffalo Outdoor Power \$150.53 smcs; Builders \$1,075.04 smcs,co; Capital Business System \$382.74 smcs; Career Cruising \$799.00 smcs; Carnes,H \$595.00 smcs; Cash-Wa \$3,534.73 smcs; Central Fire & Safety \$32.25 smcs; Central NE Bobcat \$300.00 smcs; Central States Wires \$6,037.13 smcs; Charter \$420.20 smcs; Charter Communications \$7.87 smcs; City of Ky \$359,684.75 smcs,co,ps; Cleveland,E \$859.00 smcs; Coat All Painting \$13,195.00 co; Colling,G \$680.00 smcs; Comm Action Partnership \$108.00 smcs; Consolidation Management \$348.75 smcs; Cool,H \$25.00 smcs; Copycat Printing \$195.97 smcs; Credit Management Serv \$213.02 ps; Curbit \$1,362.00 smcs; D&D Industries \$160.00 smcs; Danko Emergency Equipment \$130.00 smcs; Dawson PPD \$18,008.52 smcs; Day,D \$1,760.00 smcs; Dell \$7,430.15 co; Demco \$520.03 smcs; Depository Trust \$1,650,933.75 ds; Don Wasson Co \$3,150.00 co; DPC Industries \$5,993.67 smcs; Dutton Lainson \$48.46 co; Eakes \$14,814.95 smcs,co; Ebuhanntash,K \$0.75 smcs; Eirich,T \$50.00 smcs; Faimon-Seevers,J \$24.40 smcs; Fireguard \$392.96 smcs; Flaig,C \$100.00 smcs; Footjoy \$187.02 smcs; Fort Bend Services \$5,653.44 smcs; Fuller,J \$16.33 co; Gale \$547.47 smcs; Galls \$138.60 smcs; Gangwish Turf \$135.30 smcs; GE Money Bank \$2,615.17 smcs; Geographic Technologies \$1,815.00 smcs; Glendenning,P \$24.00 smcs; Graham Tire \$5.00 smcs; H&H Distributing \$1,481.28 smcs; HOA Solutions \$377.20 smcs; Hometown Leasing \$157.20 smcs; ICMA RC \$4,096.12 ps; IRS \$128,963.29 ps; Int'l Municipal Lawyers \$625.00 smcs; Int'l Road Dynamics \$448.43 smcs; Jablonski,R \$37.95 smcs; Jack Lederman \$978.47 smcs; Jack's Uniforms \$28,630.00 co; Janway Co \$863.00 smcs; JC Masonry \$3,952.00 smcs; Johnson Controls \$110.72 smcs; Johnson Service \$4,118.00 smcs; Johnson,S \$27.00 smcs; Johnston,S \$100.00 smcs; Jones,M \$60.00 smcs; Ky Aviation Center \$101,175.00 co; Ky Glass \$935.91 smcs; Ky Hub \$2,859.81 smcs; Ky Quality Sew & Vac \$546.98 smcs; Ky United Way \$601.00 ps; Ky Visitors Bureau

\$40,143.85 smcs; Krav Maga Worldwide \$500.00 smcs; Kreis,C \$50.00 smcs; Krull Ins \$1,950.00 smcs; Kuntz,K \$8.60 smcs; Kusmaul Electronics \$562.25 smcs; Kwik N Kleen \$4,475.00 smcs; Larue Distributing \$88.60 smcs; Laser Technology \$2,595.00 co; LCL Truck Equipment \$145.84 smcs; Logan Contractors \$6,366.06 co; Longacre, S \$20.97 smcs; Magic Cleaning \$2,090.00 smcs; Mail Express \$6,601.50 smcs; Marlatt Machine Shop \$130.00 smcs; Marriott \$357.00 smcs; McLeod,S \$25.00 smcs; Meier,R \$372.00 smcs; Metal Doors \$979.48 smcs; Metlife \$7,909.17 ps; Mewes,S \$100.00 smcs; Microfilm Imaging \$780.00 smcs; Midlands Contracting \$146,912.94 co; Mid-NE Garage Doors \$115.00 smcs; Milford,C \$0.44 smcs; Miller & Associates \$5,949.00 smcs; Miller Signs \$675.00 smcs; Milliman \$1,800.00 smcs; Mindmixercom \$250.00 smcs; Minitex \$720.00 smcs; Morpho Trak \$9,671.00 smcs; MPH Industries \$609.79 co; Municipal Emergency Serv \$845.00 smcs; Municipal Supply \$370.86 smcs; Nansel,R \$80.00 smcs; NASRO \$40.00 smcs; NE Child Support \$2,439.27 ps; NE Dept of Environmental \$271,951.69 smcs,ds; NE Dept of Revenue \$36,525.93 ps; NE Diplomats \$30.00 smcs; NE Law Enforcement Training \$260.00 smcs; NE Machinery \$6,460.80 smcs; NE Public Health Environment \$2,161.00 smcs; NEland Distributors \$2,249.10 smcs; Northwestern Energy \$5,034.87 smcs; O'Keefe Elevator \$1,167.90 smcs; One Call Concepts \$633.95 smcs; Otto Environmental \$19,487.50 smcs; Outdoor Recreation \$136.70 co; Paitz,T \$16.91 smcs; Paramount \$241.21 smcs; Paulsen \$111,680.33 co; Payflex \$556.75 smcs, ps; PC Mall Gove \$2,770.00 smcs; Peterman,D \$5.56 smcs; Ping \$2,045.88 smcs; Platte Valley Labs \$62.50 smcs; Prime Communications \$1,578.73 co; Pulliam,R \$40.00 smcs; Quill \$51.99 smcs; Random House \$475.50 smcs; Ready Mixed Concrete \$565.50 smcs; Recorded Books \$757.93 smcs; Reed Miller Mine LLC \$1,190.60 smcs; Research Technology \$201.35 smcs; Resource Management \$388.80 smcs; Rheome Tree \$230.00 smcs; Robbins,H \$75.00 smcs; RR Donnelley \$491.00 smcs; SA Foster Lumber \$55.36 smcs; Saltzgaber,S \$8.54 smcs; Sapp Bros \$58,784.20 smcs; Sawin,M \$51.40 smcs; See Clear Cleaning \$350.00 smcs; Sexton,G \$60.00 smcs; Sherwin-Williams \$25.19 smcs; Smyth,S \$20.97 smcs; Snap-On Tools \$4,247.54 smcs; Sorenson Forensics \$5,280.00 smcs; Sport Systems Unlimited \$664.50 smcs; Star Homes \$200.00 smcs; St of NE/AS Central \$4,083.68 smcs,co; Stutzman,A \$16.79 smcs; Summit Church \$51.00 smcs; Sun Life Financial \$60,267.84 smcs; Sungard Public Sector \$68,840.59 smcs; Sutphen Corp \$1,410.26 smcs; Tacha,J \$50.00 smcs; Tighton Fastener \$17,047.50 co; Travel Insured Int'l \$690.00 smcs; Tri-County Glass \$246.76 smcs; TruGreen ChemLawn \$165.00 smcs; Tucker,K \$45.25 smcs; Turf Pro Landscaping \$2,800.00 smcs; Turner Body Shop \$137.40 smcs; Tye & Rademacher \$11,600.70 smcs,ps; Union Bank & Trust \$59,094.63 ps; University of Missouri \$14,400.00 smcs; US Bank \$99,364.03 smcs; US Postmaster \$278.00 smcs; Van Diest Supply \$360.00 smcs; Verizon Wireless \$1,155.56 smcs; Village Uniform \$383.43 smcs; Villalpando,A \$60.00 smcs; Walter Curtis Co \$42.00 smcs; Walters Electric \$163.70 smcs; Weis Fire & Safety Equip \$260.00 smcs; Yant Equipment \$1,714.00 smcs; Payroll Ending 3-31-2014 -- \$399,341.26. 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. 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 the Exposition Building and in an outdoor area as designated on the diagram adjoining the Exposition

Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 4, 2014 from 4:00 p.m. until 1:00 a.m. for a beer garden.

4. 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 the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 5, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

5. 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 the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 5, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

6. 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 the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 5, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

7. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside an outdoor area measuring 450' by 200' adjacent to the Exhibit Building as shown on the diagram located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 11, 2014 from 4:00 p.m. until 1:00 a.m. for a BBQ Competition.

8. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 12, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

9. 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 the outdoor area measuring 120' by 200' and designated as the Outdoor Arena adjacent to the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 12, 2014 from 9:00 a.m. until 6:00 p.m. for a beer garden.

10. 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 the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 18, 2014 from 3:00 p.m. until 10:00 p.m. for a car auction.

11. 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 the Exposition Building, an outdoor area measuring 300' by 80' adjacent to the building, and an outdoor area measuring 400' by 550' adjacent to the building as shown on the diagram all located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 24, 25, 26, 2014 from 4:00 p.m. until 1:00 a.m. and July 27, 2014 from 4:00 p.m. until 12:00 a.m. for the Buffalo County Fair.

12. Approve the plans and specifications for the Aircraft Rescue & Fire Fighting (ARFF) Vehicle Acquisition (AIP-3-31-0045-029) for the Kearney Regional Airport and set the bid opening date for July 1, 2014 at 2:00 p.m.

13. Adopt **Resolution No. 2014-105** approving the First Amendment to Communications Site Option and Land Lease Agreement and the First Amendment to Memorandum of Lease between the City of Kearney and Alltel Communications of Nebraska LLC d/b/a Verizon Wireless to install, build, operate, maintain, replace and repair a 5' x 8' generator lease area on property located at 3313 8th Avenue.

RESOLUTION NO. 2014-105

WHEREAS, Verizon Wireless currently leases a location for a telecommunications tower at Memorial Field; and

WHEREAS, they have determined that it would be advantageous for them to install a generator at this location.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the First Amendment to Communications Site Option and Land Lease Agreement and the First Amendment to Memorandum of Lease on behalf of the City of Kearney, Nebraska, with Alltel Communications of Nebraska LLC d/b/a Verizon Wireless for the installation of a generator at Memorial Field. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt **Resolution No. 2014-106** to concur with the Nebraska Department of Roads on the selection to award the bid to Werner Construction in the amount of \$26,420,650.08 for the Project DPS-STP-10-2(116) on the new alignment near the existing Cherry Avenue from 11th Street to 56th Street.

RESOLUTION NO. 2014-106

WHEREAS, there has been an Agreement signed by the City of Kearney on the 14th day of August, 2001 and the State of Nebraska on the 28th day of September, 2001, and supplements thereto providing for the construction of a Federal Aid Project at the following locations: on a new alignment near the existing Cherry Avenue on the east side of Kearney, Nebraska from just north of 11th Street to just north of the intersection with 56th Street; and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as DPS-STP-10-2(116); and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement; and

WHEREAS, the State and the City received bids for the construction of this project on May 22, 2014, at which time 2 bids were received for the construction of the proposed work; and

WHEREAS, the following contractor(s) for the items or work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

Werner Construction, Inc., Hastings, NE

Grading, MSE Wall, Concrete Pavement, Culverts (4, 4A, 4B, 4C, 4D), Watermain (4E), Sanitary Sewer (4F), Seeding, Bridge (6 & 6A), Guardrail, Electrical, General Items

\$26,420,650.08

NOW, THEREFORE, in consideration of the above facts, the City Council of the City of Kearney, by this resolution, takes the following official action: The Council hereby concurs in the selection of the above mentioned contractor(s) for the items or work listed, to whom the contract(s) should be awarded.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt **Resolution No. 2014-107** approving the Park Rules and Regulations as recommended by the Park & Recreation Advisory Board.

RESOLUTION NO. 2014-107

WHEREAS, on May 8, 1984 the City Council adopted Rules and Regulations for the Park & Recreation Department; and

WHEREAS, on September 13, 2011 the Council adopted Resolution No. 2011-115 approving the revised Rules and Regulations; and

WHEREAS, it has become apparent that the Rules and Regulations need to be updated.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska that the Park & Recreation Rules and Regulations be and are hereby revised and adopted. A copy of the Rules and Regulations, marked as Exhibit A is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that Resolution No. 2011-115 be and is hereby repealed.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Accept the proposal received from Outdoor Recreation Products for the new splash pad equipment, surfacing and installation at Nina Hammer Park in the amount of \$61,978.00.

17. Adopt **Resolution No. 2014-108** approving the Developer Constructed Infrastructure Agreement for Fountain Hills Seventh Addition between the City of Kearney and Grand West, LLC and Morrison Enterprises, LLC.

RESOLUTION NO. 2014-108

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fountain Hills Seventh Addition" between the City of Kearney and Grand West, LLC and Morrison Enterprises, LLC, for the construction of water, sanitary sewer and paving to serve Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

18. Adopt **Resolution No. 2014-109** approving the Memorandum of Agreement No. DTFACN-15-L-00049 for the operation and maintenance of a navigation, communication and weather aid facilities at the Airport between the City of Kearney and the Federal Aviation Administration.

RESOLUTION NO. 2014-109

WHEREAS, the City of Kearney currently has a lease with the Federal Aviation Administration (FAA) for navigational aid (NAVAID) facilities at the Kearney Regional Airport that will expire September 30, 2014; and

WHEREAS, FAA has made a national policy determination to use the new format of a Memorandum of Agreement (MOA) to cover required land sites and easement for existing NAVAID facilities; and

WHEREAS, FAA installed and is maintaining eight facilities at the Kearney Regional Airport under the current lease and with the lease being converted to a MOA, the term will commence October 1, 2014 and continue through September 30, 2034.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed

to execute the Memorandum of Agreement No. DTFACN-15-L-00049 between the City of Kearney and the Federal Aviation Administration for the operation and maintenance of a navigation, communication and weather aid facilities at the Airport. The MOA, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

19. Adopt **Resolution No. 2014-110** approving Application and Certificate for Payment Nos. 1 in the amount of \$95,740.56 and Payment No. 2 in the amount of \$77,022.63 submitted by Blessing Construction and approved by Brungardt Engineering for the 2013 Part 3 Improvements – Bid B consisting of Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the of the centerline of Ontario Road; Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly; Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly.

RESOLUTION NO. 2014-110

WHEREAS, Blessing LLC of Kearney, Nebraska has performed services in connection with the 2013 Part 3 Improvements – Bid B consisting of Paving Improvement District No. 2012-957 for Emerald Drive and its extension beginning at the west line of Tahoe Drive and terminating at a point 250 feet east of the of the centerline of Ontario Road; Paving Improvement District No. 2012-958 for Ontario Road beginning at the south line of Emerald Drive and terminating at the north line of Huron Drive; Paving Improvement District No. 2012-959 for Winnipeg Road beginning at the south line of Emerald Drive and terminating at a point 293 feet southwesterly; Paving Improvement District No. 2012-960 for Tahoe Drive beginning at the south line of Emerald Drive and terminating at a point 241 feet southwesterly, and the City's engineer, Brungardt Engineering, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$95,740.56 and Application and Certificate for Payment No. 2 in the amount of \$77,022.63 as shown on Exhibits "A" and "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$542,906.65</u>
Contract Sum To Date	542,906.65
Gross Amount Due	191,959.10
Retainage (10%)	19,195.91
Amount Due to Date	172,763.19
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$172,763.19

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 Nos. 1 and 2, as shown on Exhibits "A" and "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

20. Adopt **Resolution No. 2014-111** accepting the bids received for the 2014 Part 9 Improvements consisting of Water District No. 2014-573 in Avenue A from a point located at the south line of Lot 717, Original Town of Kearney Junction northward to the north line of South Railroad Street, then easterly in South Railroad Street to the west line of Avenue B; and Sanitary Sewer District No. 2014-511 in In the easement located in Lot 1, Brown's Second Addition beginning at a point 132 feet south of the south line of Lot 2, Big Boy Addition northward to the south line of Lot 2, Big Boy Addition, then west along the south line of Big Boy Addition in the easement to the west line of Lot 2, Big Boy Addition then north along the west line of Big Boy Addition in an easement to the north line of Big Boy Addition and awarding the bid to Midlands Contracting in the amount of \$114,890.00.

RESOLUTION NO. 2014-111

WHEREAS, Miller & Associates and the City of Kearney has reviewed the sealed bids which were opened on June 3, 2014 at 2:00 p.m. for the 2014 Part 9 Improvements consisting of Water District No. 2014-573 in Avenue A from a point located at the south line of Lot 717, Original Town of Kearney Junction northward to the north line of South Railroad Street, then easterly in South Railroad Street to the west line of Avenue B; and Sanitary Sewer District No. 2014-511 in In the easement located in Lot 1, Brown's Second Addition beginning at a point 132 feet south of the south line of Lot 2, Big Boy Addition northward to the south line of Lot 2, Big Boy Addition, then west along the south line of Big Boy Addition in the easement to the west line of Lot 2, Big Boy Addition then north along the west line of Big Boy Addition in an easement to the north line of Big Boy Addition; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$121,685.00 for the said project; and

WHEREAS, the engineers have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$114,890.00 be accepted as the lowest responsible bid for the 2014 Part 9 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 Midlands Contracting be and is the lowest responsible bidder for the 2014 Part 9 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$114,890.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for the 2014 Part 9 Improvements in the amount of \$121,685.00 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 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7891A AMENDING LEGAL DESCRIPTION IN ORDINANCE NO. 7891

On May 13, 2014 the Council approved the development of a 12-acre residential subdivision at the northeast corner of the intersection of 29th Avenue and 35th Street which was submitted by Buffalo Surveying for GGR, L.L.C. The development project will feature three different residential housing types with single-family residential, duplexes and four-plex units proposed. An error was discovered by Staff in the legal description submitted by the developer to the City of Kearney. In the rezoning ordinance (No. 7891) the distance of 580.81 in the 20th line should be 430.81.

Council Member Buschkoetter introduced Ordinance No. 7891A amending the legal description in Ordinance No. 7891 for the rezoning property described as part of Lot 9 of Block Four, Meadowlark Estates, an addition to the City of Kearney, Buffalo County, Nebraska (north of 35th Street and east of 29th Avenue), and moved that Ordinance No. 7891A be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7891A on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7891A on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7891A by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7891A amending the legal description in Ordinance No. 7891 for the rezoning property described as part of Lot 9 of Block Four, Meadowlark Estates, an addition to the City of Kearney, Buffalo County, Nebraska (north of 35th Street and east of 29th Avenue), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No

one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7891A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7891A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7891A 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. 7898 CREATING WATER DISTRICT NO. 2014-574

Council Member Buschkoetter introduced Ordinance No. 7898 creating Water District No. 2014-574 in 27th Avenue from 11th Street south 850 feet, and moved that Ordinance No. 7898 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7898 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7898 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7898 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7898 creating Water District No. 2014-574 in 27th Avenue from 11th Street south 850 feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7898 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7898 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7898 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. 7899 CREATING WATER DISTRICT NO. 2014-575

Council Member Buschkoetter introduced Ordinance No. 7899 creating Water District No. 2014-575 in 30th Avenue from 11th Street south 1,500 feet, and moved that Ordinance No. 7899 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7899 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7899 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7899 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7899 creating Water District No. 2014-575 in 30th Avenue from 11th Street south 1,500 feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7899 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7899 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7899 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. 7900 CREATING SANITARY SEWER DISTRICT NO. 2014-512

Council Member Buschkoetter introduced Ordinance No. 7900 creating Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet, and moved that Ordinance No. 7900 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7900 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7900 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7900 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7900 creating Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7900 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7900 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7900 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. 7901 CREATING SANITARY SEWER DISTRICT NO. 2014-513

Council Member Buschkoetter introduced Ordinance No. 7901 creating Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet, and moved that

Ordinance No. 7901 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7901 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7901 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7901 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7901 creating Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7901 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7901 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7901 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. 7902 AMEND THE SALARY ORDINANCE

After careful evaluation following multiple challenges with City Hall and Airport cleanliness, City Manager recommended canceling the current janitorial contract for these two buildings and creating a full-time Custodian, pay grade (17) position. This position would report to the Facilities Maintenance Supervisor and would be responsible for cleaning both buildings and assist with basic building maintenance. The current pay plan includes a position titled Fire Marshall with a pay grade of (32). After a review of the duties that will be associated with the position, he recommended changing the title to Fire Inspector and adjusting the pay grade accordingly to (30).

Council Member Buschkoetter introduced Ordinance No. 7902 repealing Ordinance No. 7837 and to add the position of a full-time Custodian and to change the title of Fire Marshall to Fire Inspector, and moved that Ordinance No. 7902 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7902 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7902 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7902 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7902 repealing Ordinance No. 7837 and to add the position of a full-time Custodian and to change the title of Fire Marshall to Fire Inspector, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7902 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7902 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7902 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. 7903 AMENDING CHAPTER 7 OF THE CITY CODE

After three reviews with staff, the Advisory Board of the Park & Recreation Commissioners recommends revisions to the Chapter 7 of the City Code and the Rules & Regulations. The updated versions bring the Department more up-to-date with the necessities or managing the Park and Recreation system. To a large extent, the Park & Recreation Rules and Regulations were re-organized so rules could be more easily found.

Some of the significant Code changes include:

- The Park and Recreation Director may authorize community-oriented, nonprofit organizations, local service clubs and similar organizations to operate concessions, or have vendors within the parks or public areas special events under such controls the Director may require including appropriate insurance coverage and a facility request form. The Director, at his/her discretion, may require that the request be submitted to the Park Board and then to Council for consideration.
- All requests for operation of concessions and conducting exhibits, lectures, and entertainments shall be requested to the City Park and Recreation Director, using the appropriate facility request forms, for consideration.
- The Chairperson and Vice-Chairperson on the Park Advisory Board shall serve for 2 years.
- Providing a violation of the Park and Recreation Rules and Regulations may be punished by the imposition of a fine by the court in an amount not exceeding \$100.00 for each violation.
- Changing the number of members on the Golf Advisory Board from 8 members to 6 members.

Council Member Buschkoetter introduced Ordinance No. 7903 repealing Ordinance No. 7837 and to add the position of a full-time Custodian and to change the title of Fire Marshall to Fire Inspector, and moved that Ordinance No. 7903 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7903 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7903 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7903 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7903 amending the following sections of Chapter 7 "Park and Recreation" of the Code of the City of Kearney as follows: Section 7-101 "Selling of Goods Prohibited; Exceptions" to clarify what is prohibited in the parks and to authorize the Park & Recreation Director to determine what is acceptable; Section 7-205 "Terms" requiring the Chairperson and the Vice-Chairperson to serve two years; Section 7-208 "Election of Chairperson" to allow for the election of a Vice-Chairperson; Section 7-213 "Rules and Regulations" to provide a violation of the rules to be punished by imposition of a fine by the court not to exceed \$100.00 for each violation; Section 7-215 "Duties Regarding Community Tree Plan" clarifying the duties and the annual work plan for the care of trees and shrubs in parks and public ways; Section 7-402 "Composition" to decrease the number of members on the Golf Advisory Board; Section 7-406 "Officers" to elect a Chairperson and a Vice-Chairperson; Section 7-409 "Quorum" to reflect four members of the Golf Advisory Board to be a quorum; Section 7-502 "Community Tree Plan" to delete the reference of Community Tree Plan and replace with Approved and Prohibited Tree(s) List; Section 7-

504 "Street Trees on Private Property" providing for a list of where trees have been planted and the reasons for such plantings and be made available upon request; Section 7-508 "Issuance of Permit, Requirement Pertaining to Planting, Maintaining, Removal and Destruction" providing that failure to obtain a permit may result in removal of the tree by the owner; Section 7-510 "Trees; Duty to Trim and Maintain Trees in Right-of-Way" to provide the Development Services division to be the point of contact; Section 7-512 "Trees; Notice to Property Owners" to require the City Clerk to publish notice on the first Monday of February, May and September of each year; Section 7-516 "Trees; Removal of Trees by City; Assessment of Costs" to require the Development Services/Code Enforcement to keep an accurate record of the costs of tree maintenance; Section 7-519 "Trimming Branches Overhanging Streets and Sidewalks" to reference Sections 7-513 and 7-514, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7903 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7903 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7903 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. 7904 AMENDING SECTION 1-1601 OF CITY CODE

Council Member Buschkoetter introduced Ordinance No. 7904 amending Section 1-1601 "Senior Services Advisory Board; Created" of Article 16 "Senior Services Advisory Board" of Chapter 1 "Administration" of the Code of the City of Kearney to clarify the language as to the creation of said Board, and moved that Ordinance No. 7904 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7904 on its first reading. Council Member Clouse seconded the motion to place Ordinance No. 7904 on first reading. 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. Nay: None. Lear and Nikkila absent. City Clerk read Ordinance No. 7904 by title on first reading.

With the absence of Council Members Lear and Nikkila the ordinances were placed on first reading. However, at the end of the reading of the ordinances, Council Member Lear arrived at the meeting at 5:55 p.m. The Council then suspended the rules and adopted the ordinances.

Council Member Clouse introduced Ordinance No. 7904 amending Section 1-1601 "Senior Services Advisory Board; Created" of Article 16 "Senior Services Advisory Board" of Chapter 1 "Administration" of the Code of the City of Kearney to clarify the language as to the creation of said Board, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila 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. 7904 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7904 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7904 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

KEARNEY AVIATION CENTER – CANCELLING GROUND LEASE FOR ABOVE GROUND FUEL STORAGE TANKS

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion the cancelling of the Ground Lease for Above Ground Fuel Storage Tanks between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center effective July 1, 2014.

City Attorney Michael Tye presented this matter to the Council. Otis Air Service, a fixed base operator at the Kearney Regional Airport, recently notified the City that it would be closing its business and vacating office space and hangar space that it was leasing from the City of Kearney. I was notified on Monday, May 5, 2014, by Otis Air's attorney that they intended to close and by Wednesday, May 7, Otis had vacated the areas that it leased at the Airport and removed all of its property.

Since that time, City staff has looked at other options for the use of these areas and have discussed with the remaining FBO, Kearney Aviation Center (KAC), what interest they might have in leasing this now vacant space. Kearney Aviation Center has indicated that they would like to lease the fuel farm that was previously leased by Otis Air for the same rental amount for the remainder of the year. KAC has further indicated that they are interested in renting the hangar and counter space that was under lease to Otis (T-926). KAC has also indicated that it is interested in renting a portion of the large hangar that was leased by Otis Air (T-385). City staff has measured the square footage of the areas proposed to be leased by KAC and have determined rental amounts using the same per square foot rental that was charged to Otis Air.

Since KAC desires to rent the fuel farm, they have requested that the ground lease for their above ground fuel storage tanks be cancelled. Finally, KAC would like to sublease an office to Midwest Management in the building that they currently lease (T-927). Midwest Management is an aviation company and desires to have office space at the Kearney Regional Airport. Our current lease with Kearney Aviation Center requires that we must provide consent before subleasing is allowed.

There is additional space that is not being rented by KAC in Otis Air's main FBO building and some of this space will now be used as an office for the Airport Manager and for use by the UNK flight program. The Airport Manager's old office and garage will be rented to another tenant in the future.

Moved by Lear seconded by Buschkoetter to cancel the Ground Lease for Above Ground Fuel Storage Tanks between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center effective July 1, 2014. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

KEARNEY AVIATION CENTER – SUBLEASE OFFICE SPACE

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion allowing Premier Aviation Training and Management, LLC, dba Kearney Aviation Center to sublease office space to Midwest Management with regard to the Fixed Base Operator Use and Operations Agreement for T-927.

Moved by Buschkoetter seconded by Clouse to allow Premier Aviation Training and Management, LLC, dba Kearney Aviation Center to sublease office space to Midwest Management with regard to the Fixed Base Operator Use and Operations Agreement for T-927. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

KEARNEY AVIATION CENTER – FIXED BASE OPERATION AGREEMENT

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion the Fixed Base Operator Use and Operations Agreement for T-926 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center and to consider Resolution No. 2014-112.

Moved by Clouse seconded by Lammers to adopt **Resolution No. 2014-112** approving the Fixed Base Operator Use and Operations Agreement for T-926 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2014-112

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Fixed Base Operator Use and Operations Agreement for Hangar T-926 on behalf of the City of Kearney, Nebraska, with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center for Hangar T-926 at the Kearney Regional Airport. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

KEARNEY AVIATION CENTER – USE AND OPERATIONS AGREEMENT

Regular Agenda Items 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion the Use and Operations Agreement for T-385 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center and to consider Resolution No. 2014-113.

Moved by Lammers seconded by Lear to adopt **Resolution No. 2014-113** approving the Use and Operations Agreement for T-385 between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2014-113

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement for Hangar T-385 at the Kearney Regional Airport on behalf of the City of Kearney, Nebraska with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

HY-VEE RESTAURANT ADDITION TO LIQUOR LICENSE

Mayor Clouse opened for discussion the Application for Addition to Liquor License submitted by Hy-Vee, Inc., dba Hy-Vee Restaurant #1323 located at 5212 3rd Avenue in connection with their Class C-105992 liquor license.

Tony Taylor presented this matter to the Council. He stated essentially when they first applied for a liquor license the print did not show that they had a patio so when the liquor license was granted it did not encompass the patio that was on the northeast corner of the store and so that is why they applied for the addition so that they can have that ability to serve alcohol on that patio portion outside the Market Grille.

Council Member Lammers asked how many people they anticipate will be able to be in that 65' x 25' patio area at a single time. Mr. Taylor stated his guess would be around 35.

Moved by Lear seconded by Buschkoetter to approve the Application for Addition to Liquor License submitted by Hy-Vee, Inc., dba Hy-Vee Restaurant #1323 located at 5212 3rd Avenue in connection with their Class C-105992 liquor license. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$172.80 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 6:08 p.m. for the protection of the public interest to discuss the City Manager's annual evaluation. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss the City Manager's annual evaluation. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Clouse seconded by Lammers that Council reconvene in regular session at 7:22 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay:

None. Nikkila absent. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 7:22 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**