

Kearney, Nebraska
August 12, 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 August 12, 2014, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Shawna Erbsen, Administrative Services Director; Scott Hayden, Director of Park & Recreation; and Kelly Korgel, Assistant to City Clerk were also present. Some of the citizens present in the audience included: Bruce Lefler, Craig Bennett, Doris Maurer, Sue Wright, Kim Wright, Dave Klone, Lori Klone, Scott Klone, Mike Koski, Deb Straka, Todd Herges, Troy Janicek, Roger Jasnoch, Danielle Buschkoetter, Lauren Brandt, JoAnn Englert, Steve Altmaeir from KGFW Radio, Ashley White from Kearney Hub, Lauren Scharf from NTV.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, 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.

RECOGNITION – OUTGOING BOARD MEMBERS

Mayor Clouse and Council Members recognized the following outgoing Board members by presenting them with a plaque: Dave Klone for 31 years of service on the Advisory Board of Park & Recreation Commissioners; Priscilla Jepson for 8 years of service on the Library Advisory Board; Doris Maurer and Sue Wright for 6 years on the Senior

Services Advisory Board; Dave Waggoner for 9 years of service on the Examining Board for Plumbers; Kelly Tucker for 8 years of service on the Examining Board for Plumbers; Kully Thatcher for 3 years of service on the Examining Board of Plumbers; Kim Smith for 6 years of service on the Golf Advisory Board; Don Johnson for 3 years of service on the Golf Advisory Board; and Rob Cunningham for 3 years of service on the Planning Commission.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

BICO'S BISTRO LIQUOR LICENSE; 3012 WEST HIGHWAY 30

Mayor Clouse opened the public hearing on the Application for a Class I-108528 liquor license submitted by Lagnaippe LLC, dba Bico's Bistro located at 3012 West Highway 30 which includes 2 outdoor areas: 53' by 22' to the north and 25' by 5' to the west, to consider the manager application for Nikona Crocker and to consider Resolution No. 2014-150. Because of the limited parking availability, Staff met with the applicant and recommends approval subject to compliance with their letter agreeing to minimize their seating occupancy from 239 seats to 224 seats with 14 of these seats being placed outside for the sidewalk café area located on the north side of the facility measuring 53 feet by 22 feet.

Nikona Crocker presented this matter to the Council. She stated the outdoor area to the west side of the building they have decided to completely eliminate that so that is no longer in their plans. With the north side fenced in area they have yet to get around to getting the fencing for that so that is going to be postponed as far as construction on the outside area until they get that put up they do not plan on doing any outside liquor sales so just strictly inside the building.

Basically, her guideline is for all staff to get their alcohol training finished online through the State of Nebraska TIPS certified training or Responsible Beverage Management Training by September 20th. If they do not complete it by September 20th they will not be allowed to serve alcohol to their customers. Same thing goes to those who want to cross train for bartenders. As far as managing the liquor license, there is herself and three others who do work underneath her who do have the proper training in alcohol service. They have yet to provide her with copies of their certificates and she told them they have until the end of this week to get those to her otherwise they do need to retake the course. It is on management to go around and ask for ID's and make sure that they are selling to people who are legally of age and have the proper identification with them.

Council Member Buschkoetter asked if they would never have the outdoor seating. Ms. Crocker stated in the future they will, right now they are just getting started and unfortunately dumped more than what they expected into the building as far as remodeling and modifications to the interior. They are trying to get some money built up so that way they can go and buy the fencing to get the outdoor area completed. They do have the table and chairs but it is just the fencing that is the issue right now.

Council Member Buschkoetter asked if it would make sense because for her to be able to serve alcohol it has to be licensed first. So maybe it would make sense to still keep that in the application. Ms. Crocker stated the north area would be best. Council Member Buschkoetter stated so when you are doing that then you are ready to go as soon as you get the fencing. Ms. Crocker stated that would be great if they could do that.

Council Member Lammers asked as far as their staffing what were their ages and what she would do if they were caught selling to a minor. Ms. Crocker stated her staff ranges anywhere from 19-45 years old. She has a bartender who is 55 and she has been in the bartending business for 14 years so she is pretty adamant on checking ID's. It is in the Bico's Bistro Employee Handbook that if they sell to a minor that they are to be terminated right there on the spot. She does not have a tolerance for it and it makes her business look bad.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-150** recommending approval to the Nebraska Liquor Control Commission the Application for a Class I-108528 liquor license submitted by Lagnaipe LLC, dba Bico's Bistro located at 3012 West Highway 30 subject to compliance with their letter agreeing to minimize their seating occupancy from 239 seats to 224 seats with 14 of these seats being placed outside for the sidewalk café area located on the north side of the facility measuring 53 feet by 22 feet, and approve the manager application for Nikona Crocker. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2014-150

WHEREAS, Lagnaipe LLC, dba Bico's Bistro has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Class I-108528 Liquor License to do business at 3012 West Highway 30, 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 August 12, 2014 and the cost of the published notice was \$11.78; and

WHEREAS, the applicant has submitted the Liquor License Training Compliance form indicating they will comply with the policy; and

WHEREAS, Lagnaipe LLC, dba Bico's Bistro shall provide certification of this training of their employees to the City Clerk within 60 days of the issuance of their liquor license from the Nebraska Liquor Control Commission.

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

City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of Class I-108528 Liquor License to Lagnaipe LLC, dba Bico's Bistro located at 3012 West Highway 30, Kearney, Nebraska. However, because of the limited parking availability, approval is subject to compliance with the letter submitted by Bico's Bistro agreeing to minimize their seating occupancy from 239 seats to 224 seats with 14 of these seats being placed outside for the sidewalk café area located on the north side of the facility measuring 53 feet by 22 feet. A copy of the letter is attached hereto and made a part hereof by reference.

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 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LAND USE MAP AMENDMENT FOR 1170 30TH AVENUE

Mayor Clouse stated the City was notified by the applicant requesting to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agriculture/Open to Mixed Use 2 property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue).

Moved by Nikkila seconded by Lear to postpone until August 26, 2014 hearing the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agriculture/Open to Mixed Use 2 property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

REZONE 1170 30TH AVENUE

Mayor Clouse stated the City was notified by the applicant requesting to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha to rezone from District AG, Agricultural District to District C-3, General Commercial District property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue).

Moved by Nikkila seconded by Lear to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha to rezone from District AG, Agricultural District to District C-3, General Commercial District property described as a tract of land being part of the South Half of the

Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

FINAL PLAT FOR TACHA ADDITION

Mayor Clouse stated the City was notified by the applicant requesting to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for the Final Plat and Subdivision Agreement for Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue).

Moved by Nikkila seconded by Lear to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for the Final Plat and Subdivision Agreement for Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ANNEXATION OF TACHA ADDITION

Mayor Clouse stated the City was notified by the applicant requesting to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for the annexation of Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue).

Moved by Nikkila seconded by Lear to postpone until August 26, 2014 the public hearing on the Application submitted by Buffalo Surveying for Lynn and Sandra Tacha for the annexation of Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (1170 30th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

VACATE LOT 12, WESTERN HILLS SUBDIVISION AND REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 56TH STREET AND 30TH AVENUE

Mayor Clouse stated the City received notification from the applicant requesting to postpone until August 26, 2014 the Applications submitted by Miller & Associates for Tracy and Jacqueline Burns for (1) the vacation of Lot 12, Western Hills Subdivision, Buffalo County, Nebraska; and (2) the rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28,

Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue).

Moved by Lear seconded by Buschkoetter to postpone until August 26, 2014 the public hearing on the Applications submitted by Miller & Associates for Tracy and Jacqueline Burns for (1) the vacation of Lot 12, Western Hills Subdivision, Buffalo County, Nebraska; and (2) the rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

FINAL PLAT FOR WESTERN HILLS SECOND SUBDIVISION

Mayor Clouse stated the City received notification from the applicant requesting to postpone until August 26, 2014 the Application submitted by Miller & Associates for Tracy and Jacqueline Burns for the Final Plat for Western Hills Second Subdivision, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue).

Moved by Lear seconded by Buschkoetter to postpone until August 26, 2014 the public hearing on the Application submitted by Miller & Associates for Tracy and Jacqueline Burns for the Final Plat for Western Hills Second Subdivision, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (southwest corner of 56th Street and 30th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

REZONING WEST OF PLATTE ROAD AND 2ND AVENUE

Public Hearings 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, to rezone from District AG/PD, Agricultural/Planned Development Overlay District to District C-3, General Commercial District property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and consider Ordinance No. 7919. Planning Commission recommended approval.

The applicant is seeking approval to rezone and subdivide a 1-lot subdivision for commercial development behind the Holiday Inn Express Motel south of Interstate 80. The proposed lot will contain 2.00 acres and the requested rezoning is from AG/PD to

C-3, General Commercial District. There is no need to amend the Land Use Map as this parcel is shown as "Mixed-Use 1." Municipal water and sanitary sewer are available in Platte Road. No Infrastructure Feasibility Plan or Subdivision Agreement is required. An easement has been added to the plat for an existing storm sewer line that crosses Platte Road. This property will be annexed into the City by Final Plat as "An Addition to" the City of Kearney.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated he is here to represent TAAA Lakes, LLC. The parcel they are looking is a one lot subdivision its primarily location is located southeasterly of the Kearney Event Center, south of I-80, west of 2nd Avenue and adjacent to an existing pond. The intent is that the property line will be short of the pond or it will not have water front access directly but it will be in very close proximity.

The Land Use Map as part of a component for this shows this as being in the area of a Mixed-Use 2 which this would be consistent with the Mixed-Use 2 that is adjacent to the east of it. The existing zoning of the parcel is AG/PD and they are requesting it be rezoned from AG/PD to C-3 which is consistent with what is on the north and east part. Sanitary sewer is in place adjacent to Platte Road and would be simply extended to provide a one service for the building. There is a 12-inch water line in Platte Road which would be the same and the property is located in a 100-year flood plain which most of the property is around the intersection of the interstate and 2nd Avenue which is not a problem. The property will not have a basement.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, to rezone from District AG/PD, Agricultural/Planned Development Overlay District to District C-3, General Commercial District property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and introduced Ordinance No. 7919 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 7919. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7919 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7919 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7919 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 TAAA ESTATES

Public Hearings 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, for the Final Plat for TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and consider Resolution No. 2014-155. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-155** approving the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, for the Final Plat for TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2014-155

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 9, and the Accretion thereto, in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 14, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to the Northeast corner of Government Lot 8 and assuming the East line of Government Lot 8 as bearing S00°37'24"W and all bearings contained herein are relative thereto; thence S00°37'24"W and on said East line a distance of 1098.48 feet to a point on the South line of Platte Road as platted in Broadfoot Addition to the City of Kearney, Buffalo County, Nebraska (if extended easterly); thence N89°22'36"W on said South line (if extended easterly) a distance of 157.15 feet to the Northeast corner of Lot 1, of said Broadfoot Addition; thence

continuing N89°22'36"W on said South line a distance of 455.75 feet to a 5/8" rebar at the Northwest corner of said Lot 1; thence S00°36'06"W on the West line of said Broadfoot Addition a distance of 10.00 feet to a 5/8" rebar with cap and the ACTUAL POINT OF BEGINNING; thence continuing S00°36'06"W on said West Line a distance of 325.18 feet to a 5/8" rebar with cap at the Southwest corner of Lot 2 of said Broadfoot Addition; thence N89°23'56"W a distance of 225.00 feet to a 5/8" rebar with cap; thence N00°36'04"E a distance of 40.00 feet to a 5/8" rebar with cap; thence N20°26'30"W a distance of 110.00 feet to a 5/8" rebar with cap; thence N13°36'27"E a distance of 55.00 feet to a 5/8" rebar with cap; thence N01°12'36"E a distance of 80.00 feet to a 5/8" rebar with cap; thence N26°09'42"W a distance of 38.00 feet to a 5/8" rebar with cap; thence N37°42'27"E a distance of 105.13 feet to a 5/8" rebar with cap on the Southerly line of Platte Road as platted in Broadfoot Third Addition to the City of Kearney, Buffalo County, Nebraska; thence Southeasterly on said southerly line and on a non-tangent curve to the Left having a central angle of 37°04'43", a radius of 340.00 feet, an arc length of 220.03 feet, and a chord bearing of S70°49'55"E a distance of 216.21 feet to the Point of Beginning, containing 2.00 acres more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF TAAA ESTATES

Public Hearings 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, for the annexation of TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue) and consider Resolution No. 2014-156. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-156** approving the Application submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company, for the annexation of TAAA Estates, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 9 and accretion thereto, the Southeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (west of Platte Road and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2014-156

WHEREAS, an Application has been submitted by Miller & Associates for TAAA Lakes, LLC, a Nebraska Limited Liability Company for the inclusion of TAAA Estates, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of Government Lot 9, and the Accretion thereto, in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 14, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to the Northeast corner of Government Lot 8 and assuming the East line of Government Lot 8 as bearing $S00^{\circ}37'24''W$ and all bearings contained herein are relative thereto; thence $S00^{\circ}37'24''W$ and on said East line a distance of 1098.48 feet to a point on the South line of Platte Road as platted in Broadfoot Addition to the City of Kearney, Buffalo County, Nebraska (if extended easterly); thence $N89^{\circ}22'36''W$ on said South line (if extended easterly) a distance of 157.15 feet to the Northeast corner of Lot 1, of said Broadfoot Addition; thence continuing $N89^{\circ}22'36''W$ on said South line a distance of 455.75 feet to a 5/8" rebar at the Northwest corner of said Lot 1; thence $S00^{\circ}36'06''W$ on the West line of said Broadfoot Addition a distance of 10.00 feet to a 5/8" rebar with cap and the ACTUAL POINT OF BEGINNING; thence continuing $S00^{\circ}36'06''W$ on said West Line a distance of 325.18 feet to a 5/8" rebar with cap at the Southwest corner of Lot 2 of said Broadfoot Addition; thence $N89^{\circ}23'56''W$ a distance of 225.00 feet to a 5/8" rebar with cap; thence $N00^{\circ}36'04''E$ a distance of 40.00 feet to a 5/8" rebar with cap; thence $N20^{\circ}26'30''W$ a distance of 110.00 feet to a 5/8" rebar with cap; thence $N13^{\circ}36'27''E$ a distance of 55.00 feet to a 5/8" rebar with cap; thence $N01^{\circ}12'36''E$ a distance of 80.00 feet to a 5/8" rebar with cap; thence $N26^{\circ}09'42''W$ a distance of 38.00 feet to a 5/8" rebar with cap; thence $N37^{\circ}42'27''E$ a distance of 105.13 feet to a 5/8" rebar with cap on the Southerly line of Platte Road as platted in Broadfoot Third Addition to the City of Kearney, Buffalo County, Nebraska; thence Southeasterly on said southerly line and on a non-tangent curve to the Left having a central angle of $37^{\circ}04'43''$, a radius of 340.00 feet, an arc length of 220.03 feet, and a chord bearing of $S70^{\circ}49'55''E$ a distance of 216.21 feet to the Point of Beginning, containing 2.00 acres more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on July 18, 2014 on the inclusion of TAAA Estates 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 TAAA Estates, 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 August 12, 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 TAAA Estates 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 TAAA Estates 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 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LAND USE MAP AMENDMENT FOR THE SOUTHEAST CORNER OF CHERRY AVENUE AND UPRR

Public Hearings 11, 12, 13 and 14 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Preserve to General Industrial property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider Resolution No. 2014-157. Planning Commission recommended approval.

The applicant is seeking approval to rezone and subdivide a tract of land for an industrial park on the east side of existing Cherry Avenue south of the railroad tracks. The property is currently zoned AG and contains 27.03 acres. The current zoning of this property is Agricultural and the rezoning request is for Limited Industrial District. The Future Land Use Map of the City Comprehensive Development Plan shows this property designated "Agricultural Preserve" so it needs to be amended to "General Industry" to allow for the requested M-1 rezoning.

The developer is proposing a 2-lot subdivision on 27.03 acres. Both the Preliminary and Final Plat depict the two lots. Lot 1 contains 6.06 acres fronting on Cherry Avenue and Lot 2 is a "flag" lot that contains 19.93 acres with 150 feet of frontage on Cherry Avenue. The Preliminary Plat was approved by Planning Commission on July 18, 2014. Easements are shown on the Final Plat for the existing overhead electric line that run along the north line of the proposed subdivision.

Additional right-of-way is being dedicated along existing Cherry Avenue for a total of fifty feet from centerline. (The proposed Cherry Avenue by-pass is actually off-alignment some 200 or so feet west from the existing Cherry Avenue right-of-way.) Existing Cherry Avenue provides access to the site from Coal Chute Road. The railroad crossing

will be closed and Cherry Avenue will dead-end at this location. The City can only create paving improvement districts for property that is within the city limits. Since this parcel will be annexed, the City can improve the portion of Cherry Avenue that abuts the subdivided tract, but the Buffalo County Highway Department will be responsible for any road improvements extending south to tie into Coal Chute Road.

An Infrastructure Feasibility Plan is not required because services are available and provision of public infrastructure will be handled through a Subdivision Agreement. The agreement will address such issues as:

- Sanitary sewer requires boring under the railroad tracks and installing a force main to connect to an existing lift station north of Highway 30. The agreement will require the developer to pay the cost for boring, force main construction, and necessary permits that need to be acquired from UP Railroad.
- There are connection fees due to connect to the existing water main.
- The developer will be required to not protest future improvement districts.
- The developer will agree to provide fire protection to City and NFPA standards if required.
- Stormwater detention is required and will be addressed in the agreement.

Public services are available and this property is contiguous to the City limits across Cherry Avenue. Therefore, this property will be annexed into the City by Final Plat as "An Addition to" the City of Kearney.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated he is representing Norris and Lori Marshall on the parcel. The property is located south of Union Pacific Railroad and Highway 30, east and adjacent to Cherry Avenue and within the City limits. The property that the owner bought is approximately 154 acres but they are platting 27 acres out of that. The current zoning of the parcel is AG and is bordered on the east and south by AG, adjacent to M-2 across the highway and railroads tracks on the north, M-2 on the west, and northwesterly M-1 so M-1 is what they are proposing and is a good fit for the area.

From the Land Use Map this is outside of what was planned to be developed so it's listed as by default "Agricultural Preserve" they are asking for that to be amended from Agricultural Preserve to Light Industrial. From sanitary sewer standpoint there is currently sanitary sewer available via the lift station that is providing a force main that goes south across the highway and southwesterly along the railroad tracks. With the parcel what they would be doing is providing a lift station for its own development and it with a lift station into that force main so there is not gravity currently available but it will use a little lift station just for its own purposes there. There is currently a 30 inch water main that goes along Cherry Avenue and along the south side of the railroad tracks which is adjacent to the parcel as well.

The property that they have here is a little over 100 acres for the entire property. The Preliminary Plat however is identical to the Final Plat, its two lots along the existing Cherry Avenue which is a gravel road. They have brought in two lots out of this a 6-acre lot and just under a 20-acre lot which would be known as Lot 2 and would have access to Cherry Avenue.

The proposed development is not a requirement of the M-1 zone but to give some indication of what would be on the 20-acre parcel. A building would be situated with vehicular loading dock circulation and access around it with its access back onto Cherry Avenue on the southwest portion of the lot.

The County road will remain and the bypass is located west of Cherry Avenue. Coal Chute Road will be its connecting point to either go onto the bypass which also allows it to have east/west connectivity to the intersection at the Minden intersection. Mayor Clouse stated the railroad crossing will be closed and Mr. Bennett confirmed that it will be closed with that process.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2014-157** approving the Application submitted by Miller & Associates for Norris and Lori Marshall for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Agricultural Preserve to General Industrial property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2014-157

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 Northwest Quarter of the Southwest Quarter of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a BLM brass cap at the Northwest corner of the Southwest Quarter of Section 33 and assuming the North line of said Southwest Quarter as bearing N89°06'11"E and all bearings contained herein are relative thereto; thence N89°06'11"E on said North line a distance of 1300.00 feet to a 5/8" rebar with cap; thence S00°49'11"E parallel with the West line of said Southwest Quarter a distance of 907.77 feet to a 5/8" rebar with cap; thence S89°17'13"W parallel with and 410.00' North of the South line of the North half of said Southwest Quarter a distance of 1300.00 feet to a 5/8" rebar with cap on the West line of said Southwest Quarter; thence N00°49'11"W on said West line a distance of 903.59 feet to the Point of Beginning, containing 27.03 acres, more or less, Buffalo County, Nebraska, from Agricultural Preserve to General Industrial, 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 Agricultural Preserve to General Industrial the use classification for a tract of land being part of the Northwest Quarter of the Southwest

Quarter of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a BLM brass cap at the Northwest corner the Southwest Quarter of Section 33 and assuming the North line of said Southwest Quarter as bearing N89°06'11"E and all bearings contained herein are relative thereto; thence N89°06'11"E on said North line a distance of 1300.00 feet to a 5/8" rebar with cap; thence S00°49'11"E parallel with the West line of said Southwest Quarter a distance of 907.77 feet to a 5/8" rebar with cap; thence S89°17'13"W parallel with and 410.00' North of the South line of the North half of said Southwest Quarter a distance of 1300.00 feet to a 5/8" rebar with cap on the West line of said Southwest Quarter; thence N00°49'11"W on said West line a distance of 903.59 feet to the Point of Beginning, containing 27.03 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONE THE SOUTHEAST CORNER OF CHERRY AVENUE AND UPRR

Public Hearings 11, 12, 13 and 14 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider Ordinance No. 7920. 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 Norris and Lori Marshall to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of the Northwest Quarter of Section 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and introduced Ordinance No. 7920 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. 7920. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7920 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None.

Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7920 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7920 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 CHERRY AVENUE INDUSTRIAL PARK

Public Hearings 11, 12, 13 and 14 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall for the Final Plat and Subdivision Agreement for Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider Resolution No. 2014-158. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt **Resolution No. 2014-158** approving the Application submitted by Miller & Associates for Norris and Lori Marshall for the Final Plat and Subdivision Agreement for Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2014-158

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Cherry Avenue Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a BLM brass cap at the Northwest corner of the Southwest Quarter of Section 33 and assuming the North line of said Southwest Quarter as bearing N89°06'11"E and all bearings contained herein are relative thereto; thence N89°06'11"E on said North line a distance of 1300.00 feet to a 5/8" rebar with cap; thence S00°49'11"E parallel with the West line of said Southwest Quarter a distance of 907.77 feet to a 5/8" rebar with cap; thence S89°17'13"W parallel with and 410.00' North of the South line of the North half of said Southwest Quarter a distance of 1300.00 feet to a 5/8" rebar with cap on the West line of said Southwest Quarter; thence N00°49'11"W on

said West line a distance of 903.59 feet to the Point of Beginning, containing 27.03 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF CHERRY AVENUE INDUSTRIAL PARK

Public Hearings 11, 12, 13 and 14 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Norris and Lori Marshall for the annexation of Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR) and consider Resolution No. 2014-159. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-159** approving the Application submitted by Miller & Associates for Norris and Lori Marshall for the annexation of Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2014-159

WHEREAS, an Application has been submitted by Miller & Associates for Norris and Lori Marshall for the inclusion of Cherry Avenue Industrial Park, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a BLM brass cap at the Northwest corner of the Southwest Quarter of Section 33 and assuming the North line of said Southwest Quarter as bearing N89°06'11"E and all bearings contained herein are relative thereto; thence N89°06'11"E on said North line a distance of 1300.00 feet to a 5/8" rebar with cap; thence S00°49'11"E parallel with the West line of said Southwest Quarter a distance of 907.77 feet to a 5/8" rebar with cap; thence S89°17'13"W parallel with and 410.00' North of the South line of the North half of said Southwest Quarter a distance of 1300.00 feet to a 5/8" rebar with cap on the West line of said Southwest Quarter; thence N00°49'11"W on said West line a distance of 903.59 feet to the Point of Beginning, containing 27.03 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on July 18, 2014 on the inclusion of Cherry Avenue Industrial Park 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 Cherry Avenue Industrial Park, 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 August 12, 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 Cherry Avenue Industrial Park 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 Cherry Avenue Industrial Park 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 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that since he has a conflict of interest with regard to Subsection 7, he will have to abstain from voting on that item.

Mayor Clouse stated the Consent Agenda was amended on Monday, August 11 by adding Subsection 8.

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 6 and 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held July 22, 2014 and Minutes of Joint City/County Budget Meeting held July 23, 2014.

2. Approve the following Claims:

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

3M \$5,967.00 smcs; Adira Construction \$170,588.69 co; Alamar Uniforms \$701.04 smcs; Alfred Benesch \$4,314.62 co; Ally B Designs \$80.00 smcs; Altec Astoria \$2,391.00 co; Amer First Aid \$357.47 smcs; Amer Library Assoc. \$249.00 smcs; Anderson Bros \$256.39 smcs; Anderson,B \$40.00 smcs; Anderson,T \$463.33 smcs; Ask Supply \$587.22 smcs; Aurora Coop \$87.44 smcs; Baker & Taylor \$3,453.46 smcs; Bamford \$487.98 smcs; Baughman,J \$70.40 smcs; Beads In A Box \$30.00 smcs; Beehive Inds \$3,600.00 smcs; Bells Curb Grinding \$650.00 smcs; Bennett,H \$2.21 smcs; Bethune,G \$182.65 smcs; Blackstone Audio Books \$97.99 smcs; Blessing \$391,966.77 smcs,co; BlueCross BlueShield \$259,392.15 smcs; Bosselman \$38,616.34 smcs; Brabec,R \$2,534.49 smcs; Broadfoot's \$612.00 smcs; Brown,S \$105.00 smcs; Bruha,S \$150.00 smcs; Bubak,C \$59.22 smcs; Buckendahl,J \$3.85 smcs; Buffalo Co. Mutual Aid \$50.00 smcs; Buffalo Co Treasurer \$20.00 co; Buffalo Surveying \$1,732.78 smcs; Builders \$449.14 smcs,co; Bustamante,J \$84.45 smcs; Buysm Sod \$200.00 smcs; CANDO \$3,000.00 smcs; Capital Business Systems \$161.65 smcs; Casey's \$103.50 smcs; Cash Wa \$8,394.79 smcs; Central Auto Electric \$192.50 smcs; Central District Health \$3,363.50 smcs; Charter \$392.96 smcs; ChemSearch \$856.97 smcs; Chesterman \$891.85 smcs; City of Ky \$369,908.51 ps, smcs,co; Cleveland,E \$859.00 smcs; Community Action Partner \$6,038.79 smcs; Compasscom \$50.00 smcs; Conesco Life Ins \$19.00 ps; Control Yours \$23.00 smcs; Copycat Printing \$304.69 smcs; Consolidated Management \$517.00 smcs; Crane River Theater \$2,377.50 smcs; Crane Sales & Service \$635.52 smcs; Crouch Recreational \$310.00 co; Culligan \$4,730.00 smcs; Cummins \$604.71 smcs; Danko Emergency \$5,686.00 smcs; Dawson PPD \$3,973.82 smcs; Dell \$2,530.28 co; Dennis Electric \$112.71 smcs; Depository Trust \$758,193.57 ds; Deterding's \$104.13 smcs; Dish Network \$95.00 smcs; Dmilaco \$176.00 smcs; DPC Industries \$6,274.60 smcs; Dutton-Lainson \$81.98 smcs; Eakes \$850.00 co; Eakes \$1,804.91 smcs,ps; Easy Pickers Golf Products \$296.17 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$356.06 smcs; Emergency Apparatus \$3,743.20 smcs; Emerson Network Power \$1,693.12 smcs; Engineered Systems \$239.68 smcs; Evans,J \$78.33 smcs; Express Distributing \$88.00 smcs; Fehringer,H \$44.92 smcs; Fernandez,R \$42.88 smcs; Fireguard \$10,154.79 smcs; Footjoy \$107.94 smcs; Foremost Promotions \$57.75 smcs; Frontier \$80.05 smcs; Gale \$572.70 smcs; Gall's \$1,027.77 smcs; Gangwish Turf \$1,134.00 co; GE Money Bank \$1,383.82 smcs;

General Traffic Controls \$623.37 smcs; Glaser,V \$22.36 smcs; Govt Finance \$50.00 smcs; GW Brown Co \$125.00 smcs; H&H Distributing \$1,833.60 smcs; Hamilton,K \$15.17 smcs; Harshbarger,K \$2.54 smcs; HD Supply \$4,290.35 smcs; Heartland Strategy Group \$5,000.00 smcs; HOA Solutions \$2,028.75 smcs; Hoehner Turf \$138.85 smcs; Hogeland,P \$11.23 smcs; Holson,J \$10.70 smcs; Hometown Leasing \$423.12 smcs; Houser,B \$6.62 smcs; Hutcheson,L \$50.00 smcs; ICMA RC \$8,197.23 ps; IRS \$285,997.93 ps; Interstate Battery \$169.50 smcs; IPMA \$390.00 smcs; Jack Lederman \$219.90 smcs; James,D \$210.00 smcs; JCB Delivery Co \$58.50 smcs; JCI Industries \$2,438.62 smcs; Jeffreyes,D \$41.95 smcs; Johnson Controls \$474.00 smcs; Johnson Service \$8,702.00 smcs; Jons,S \$37.63 smcs; K&D Motor \$1,899.00 co; Kart-Man \$998.74 smcs; Ky Area Builders \$376.00 smcs; Ky Clinic \$406.00 ps; Ky Concrete \$712.90 smcs; Ky Crete & Block \$1,561.17 smcs,co; Ky Glass \$75.00 smcs; Ky Hub \$5,842.00 smcs; Ky Humane Soc \$6,825.00 smcs; Ky Literacy Council \$1,143.20 smcs; Ky Towing \$700.00 smcs; Ky United Way \$590.00 ps; Ky Visitors Bureau \$56,768.41 smcs; Kolar,J \$64.03 smcs; Konica Minolta \$877.41 smcs; Kowalek,G \$9.81 smcs; Kreutzer,C \$103.00 smcs; Kring,J \$600.00 smcs; Krolikowski,K \$9.83 smcs; Krull Ins \$1,950.00 smcs; Kwik-N-Kleen \$2,350.00 smcs; Landmark Implement \$107.33 smcs; Larson,T \$13.27 smcs; Lowe,N \$12.30 smcs; Mac Tools \$109.13 smcs; Maessner,J \$463.33 smcs; Magic Cleaning \$2,090.00 smcs; Mail Express \$6,137.95 smcs; Mama's Wranglers \$200.00 smcs; Marzolf,D \$5.55 smcs; Matheson Tri-Gas \$22.09 smcs; Mathis,R \$14.76 smcs; McDonald,B \$18.36 smcs; Merryman Performing Arts \$450.50 smcs; Metlife \$7,998.21 ps; Microfilm Imaging \$11,036.00 smcs; Mid-American Courtworks \$681.00 co; Midlands Contracting \$211,409.47 co; Mid-NE Garage Doors \$1,800.00 smcs; Midwest Breathing \$299.55 smcs; Midwest Concrete Leveling \$2,700.00 co; Mike's Creative Carvings \$119.00 smcs; Miles,W \$122.88 smcs; Miller & Associates \$17,485.81 co; Miller Signs \$626.00 smcs; Mindmixercom \$250.00 smcs; Mirror Image \$195.70 smcs; Moonlight Embroidery \$240.00 smcs; Morris Press \$285.90 smcs; Mostek Electric \$8,873.43 smcs,co; Motion Picture Licensing \$222.44 smcs; Municipal Supply \$7,008.12 smcs,co; Murphy Tractor \$29,412.08 smcs; NAVSEA \$1,800.00 smcs; NCS Equipment \$279.74 smcs; NE Dept. Environmental \$300.00 smcs; NE Child Support \$4,878.54 ps; NE Dept of Rev \$96,493.49 smcs,ps; NE DOL/Office of Safety \$280.00 smcs; NE Safety \$377.50 smcs; NE Salt & Grain \$27,535.20 smcs; NE Sec of State \$60.00 smcs; NE State Treasurer \$825.53 smcs, ps; NEland Distributors \$1,847.28 smcs; Northwestern Energy \$3,713.21 smcs; O'Keefe Elevator \$382.68 smcs; Olivarez,Z \$6.14 smcs; Olive Software \$4,500.00 smcs; Omaha Performing Arts \$1,749.75 smcs; Orr,L \$31.00 smcs; Outdoor Recreation \$27,403.00 co; Paramount \$326.14 smcs; Pat's Plbg \$600.00 smcs; Patton,W \$4.62 smcs; Paulsen \$254,141.31 co; Payflex Systems \$561.00 smcs,ps; PC Mall Gove \$3,778.00 smcs; Pearson,S \$53.00 smcs; Pep Co \$56.34 smcs; Philadelphia Mixers \$3,576.08 smcs; Pillar Design Studios \$1,200.00 co; Platte Valley Comm \$33.00 smcs; Precision Rifle Workshop \$1,250.00 smcs; Presto-X \$42.00 smcs; Pulliam,E \$40.00 smcs; Random House \$97.50 smcs; Rasmussen Mechanical \$199.00 smcs; Reams \$733.97 smcs; Recorded Books \$1,446.01 smcs; Reed's Performance \$560.00 co; Reinke's \$275.00 smcs; Resource Management \$662.40 smcs; Rheome Tree \$2,785.00 smcs; Riverside Mfg \$241.45 ps; RNDC-Eagle \$542.61 smcs; RNDC-Falcon \$429.64 smcs; Roberts,K \$30.97 smcs; Rogue Fitness \$1,386.88 ps; Roper Radiator \$285.00 smcs; S&B Heating \$1,692.40 smcs; Saltzgaber,S \$52.16 smcs; Saner,B \$30.45 smcs; Sapp Bros \$25,991.10 smcs; School District #7 \$1,188.65 smcs; Sherwin Williams \$29.66 smcs; Siddons Martin Emergency \$2,414.90 smcs; Sign Center \$10.00 ps; Sign Center

\$2,525.00 smcs,co; Smith,S \$7.46 smcs; Snow,T \$113.00 smcs; SPS VAR \$10,585.00 smcs; Squad-Fitters \$76.50 smcs; State of NE/AS Central \$3,759.73 smcs; Steinbrook,S \$463.33 smcs; Sterling Distributing \$519.65 smcs; Suburban Fire Protection \$745.32 smcs; Sun Life Financial \$60,727.84 smcs; Sutphen \$2,698.40 smcs; Swanson,R \$24.69 smcs; Tacha,J \$50.00 smcs; Theis,J \$200.00 smcs; Thiele,T \$35.00 smcs; Thompson Co. \$64.56 smcs; Tielke's \$60.05 smcs; Titan Machinery \$988.91 smcs; TL Sund Construction \$19,452.60 co; Tri-City BMX \$405.00 smcs; Tri-County Glass \$50.00 smcs; TruGreen ChemLawn \$196.00 smcs; Tye & Rademacher \$11,935.05 smcs,ps; UL \$4,508.00 smcs; Union Bank \$122,254.65 ps; Verizon Wireless \$1,129.15 smcs; Village Cleaners \$828.08 smcs; Wagner,K \$3.08 smcs; Walter's Electric \$728.56 smcs; Warren T Plbg \$312.00 smcs; Watchguard Video \$418.00 co; Wells,H \$668.93 co; World Book \$1,903.00 smcs; Yanney Heritage Park Found. \$480.95 smcs; Payroll Ending 7-26-2014 -- \$422,844.65. 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. Adopt **Resolution No. 2014-160** approving Change Order No. 1 showing a decrease in the amount of \$11,057.05, Application and Certificate for Payment No. 4-Final in the amount of \$21,808.99, and accept the Certificate of Substantial Completion 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. 2014-160

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 Change Order No. 1 showing a decrease in the amount of \$11,057.05, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Application and Certificate for Payment No. 4-Final in the amount of \$21,808.99 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$542,906.65
Change Order No. 1 (8-12-2014)	<u>- 11,057.05</u>
Contract Sum To Date	531,849.60
Gross Amount Due	531,849.60
Retainage (0%)	.00
Amount Due to Date	531,849.60
Less Previous Certificates for Payment	<u>510,040.61</u>
Current Payment Due	\$ 21,808.99

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 24, 2014, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF AUGUST, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

4. Approve the applications for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer and distilled spirits in Parking Lot 12, Zone C on UNK Campus located at 905 West 25th Street on September 11, 2014 from 3:30 p.m. until 9:00 p.m., September 20 from 11:00 a.m. until 5:00 p.m., October 4 from 10:00 a.m. until 4:00 p.m., October 18 from 9:30 a.m. until 4:00 p.m., November 1 from 9:00 a.m. until 9:00 p.m., and November 15 from 9:30 a.m. until 4:00 p.m. for tailgating area.

5. Adopt **Resolution No. 2014-161** approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Steven Brumbaugh, Christopher Kupec, Seth Lunbery, Matthew McDonald, Jarod Nitkiewicz, Philip Odom, and Emily Vincent.

RESOLUTION NO. 2014-161

WHEREAS, Terry Eirich, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Eirich, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that those persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Accept the bids received for the construction of the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet and adopt **Resolution No. 2014-162** awarding the bid to Midlands Contracting Inc. in the amount of \$749,062.00.

RESOLUTION NO. 2014-162

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on August 5, 2014 at 2:00 p.m. for the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$832,886.00; and

WHEREAS, the City has recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$749,062.00 be accepted as the lowest responsible bid for the 2014 Part 8 Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the 2014 Part 8 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 \$749,062.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for in the amount of \$832,886.00 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 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

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 August 30, 2014 from 3:00 p.m. until 1:00 a.m. for a reception.

Moved by Lammers seconded by Nikkila that Subsection 7 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

7. Adopt **Resolution No. 2014-163** authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area to include the annexed land described as Cherry Avenue Industrial Park, 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 33, Township 9 North, Range 15 West of 6th P.M., Buffalo County, Nebraska (southeast corner of Cherry Avenue and UPRR).

RESOLUTION NO. 2014-163

WHEREAS, on August 12, 2014 the Kearney City Council passed and approved Resolution No. 2014-159 extending to include within the corporate limits of the City the contiguous and adjacent tract of land described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a BLM brass cap at the Northwest corner of the Southwest Quarter of Section 33 and assuming the North line of said Southwest Quarter as bearing N89°06'11"E and all bearings contained herein are relative thereto; thence N89°06'11"E on said North line a distance of 1300.00 feet to a 5/8" rebar with cap; thence S00°49'11"E parallel with the West line of said Southwest Quarter a distance of 907.77 feet to a 5/8" rebar with cap; thence S89°17'13"W parallel with and 410.00' North of the South line of the North half of said Southwest Quarter a distance of 1300.00 feet to a 5/8" rebar with cap on the West line of said Southwest Quarter; thence N00°49'11"W on said West line a distance of 903.59 feet to the Point of Beginning, containing 27.03 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Nebraska Public Power District (NPPD) will apply to the Nebraska Power Review Board for an order amending its existing retail service area, which includes the City of Kearney, to include the above described property into the corporate boundaries of the City of Kearney, Nebraska; and

WHEREAS, the City of Kearney has an interest in the outcome of such application by reason of its rights under the Professional Retail Operations Agreement with NPPD approved on July 11, 1989, pursuant to which NPPD operates and maintains the electric distribution system owned by the City of Kearney; and

WHEREAS, it is determined by the City Council that it would be desirable and in the best interests of the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City of Kearney, Nebraska, be authorized to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the City to include the above described property into the corporate boundaries of the City of Kearney, Nebraska in said retail service area.

BE IT FURTHER RESOLVED that the Vice-President be and is hereby authorized to execute on behalf of the City of Kearney a joint application with NPPD to the Nebraska Power Review Board and to cooperate with NPPD in the prosecution of its application.

BE IT FURTHER RESOLVED that such joint application shall be prosecuted at the sole cost and expense of NPPD.

PASSED AND APPROVED THIS 12TH DAY OF AUGUST, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7921 VACATE EASEMENT IN BIG BOY ADDITION

The applicant is requesting approval to vacate existing utility easements in two places on Big Boy Addition, a subdivision that was recently platted in March of this year. This is a 3-lot subdivision on the south side of South Railroad Street between Avenue A and Avenue B. There is a 15-foot wide utility easement that is located on the south side of all three lots in Big Boy Addition and a north-south 15-foot wide easement along the west line of Lot 2.

A new sanitary sewer line is going to be installed to serve properties on the north side of South Railroad Street. The anticipated completion date for the sewer is August 26th. This sewer line will be constructed from the south to north in an existing 20-foot wide sanitary sewer easement that traverses Brown's Second Addition abutting Big Boy Addition to the south. It will continue north using the existing easements on Lot 2 of Big Boy Addition, one along the south property line and one along the west property line of Lot 2. Both of these easements are labeled as "15-foot Sanitary Sewer and Utility Easement" on the Final Plat of Big Boy Addition. Consequently, the easements on Lot 2 cannot be reduced or vacated because the entire width of the easements must be maintained for the new sanitary sewer main. The existing easements on Lot 1 and 3 can be reduced from fifteen feet to five feet in width gaining the owner an additional ten feet of buildable site area. The south five feet of the existing easements shall be retained across Lots 1 and 3. This vacation request does not affect the sanitary sewer installation project.

The various utility companies have reviewed this utility easement vacation request and signed off on the consent form.

Council Member Nikkila introduced Ordinance No. 7921 vacating the north five feet of the existing 15-foot wide sanitary sewer and utility easement located along the south side of Lot 1 and the south side of Lot 3, Big Boy Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of South Railroad Street between Avenue A and Avenue B), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7921 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7921 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7921 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. 7922 AMENDING CHAPTER 9 ELIMINATING THE EXAMINING BOARD FOR PLUMBERS

The Examining Board no longer functions as the name implies since the City has adopted on-line testing through an accreditation to replace oral exams. The plumbing community could maintain a voice in proposed code amendments or adoption of new plumbing code versions in the same manner as other trades – via direct mailings when code changes are considered. Currently, there are no members on the Board, nor are there any applicants interested in serving.

State Statute does not require first class cities to have a plumbing examination board. (<http://nebraskalegislature.gov/laws/statutes.php?statute=18-1901>) We MAY have such a board; as opposed to Omaha, which SHALL have such a board. The City opted in the past to establish a board as a mechanism for testing and licensing plumbers, which State Statute does require. New testing methods meet that licensing requirement without the need for a board.

Staff recommends amending City Code, Chapter 9, Article 10, Division III Examining Board of Plumbers to abolish the Examining Board for Plumbers. The plumbing community would still maintain the right to bring code questions and suggestions to staff, as other contractors currently do. Proposed code changes are direct mailed to

contractors for their review and opportunity for comment prior to consideration by City Council.

Council Member Nikkila introduced Ordinance No. 7922 amending the follow sections of Division III "Licensing and Regulation of Plumbers" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the City Code: Section 9-1044, 9-1045, 9-1047, 9-1048, 9-1049, 9-1051, 9-1052, 9-1053, and 9-1055 eliminating the Examining Board for Plumbers and replacing any reference of said Board to the Chief Building Official and/or Development Services Director, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7922 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7922 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7922 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. 7923 CREATING PAVING DISTRICT NO. 2014-967

At the June 10, 2014 Council meeting the Council approved the Final Plat and Subdivision Agreement for Good Samaritan Society Kearney Village Subdivision. In the agreement The Evangelical Lutheran Good Samaritan Society (Owner) agreed to construct water and sanitary sewer improvements and requested the City create a paving improvement district to serve the development. In the agreement, the Owner also agreed to pay a deposit of fifty percent of the engineer's estimated assessable cost of the paving improvement district that benefit the Owner's property prior to the City awarding the bid. The deposit will be applied to assessments to all of the Owner's lots and lands included in the district boundaries.

Paving Improvement District No. 2014-967 commences in 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision to the City of Kearney, Buffalo County, Nebraska, thence easterly in and including all of 49th Street to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of

Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition to the City of Kearney, Buffalo County, Nebraska.

Council Member Nikkila introduced Ordinance No. 7923 creating Paving Improvement District No. 2014-967 for 49th Street from the west line of Lot 1, Block Four, Good Samaritan Society Kearney Village Subdivision, thence easterly to the south line of Lot 9, Block Four, Good Samaritan Society Kearney Village Subdivision, thence continuing northerly and easterly in 50th Street to the east line of Outlot B, Good Samaritan Society Kearney Village Subdivision and continuing easterly in 50th Street to a point located 140.38 feet east of the east line of Outlot B, Castle Ridge Fourth Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7923 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7923 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7923 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

ORDINANCE NO. 7924 ISSUING COMBINED UTILITIES REVENUE AND REFUNDING BONDS, SERIES 2014E

The City of Kearney currently has Combined Utilities Revenue Bonds Series 2000 (SRF), Series 2001 (SRF), and Series 2002 (SRF) outstanding. The outstanding Series 2000 Bonds have an interest coupon rate of 3.24% with a final maturity of June 15, 2022, the Series 2001 Bonds have an interest coupon rate of 3.39% with a final maturity of December 15, 2022, and the Series 2002 Bonds have an interest coupon rate of 3.48% with a final maturity of December 15, 2023. After monitoring the municipal bond market over the past several months, it appears that the City of Kearney could save considerable interest costs by refinancing the Series 2000, 2001, and 2002 Bonds.

Additionally, as you will recall, on April 14, 2014 the City Council awarded a bid of \$2,474,169 to Blessing, LLC for the 2014 Part 2 Improvements. This project includes water and sanitary sewer improvements for Central Avenue from 26th Street to 31st Street and 26th Street from Central Avenue to Avenue C. The water and sanitary sewer portion of this project, which totals \$713,644, must be financed by the issuance of Series 2014 Combined Utility Revenue Bonds.

The Series 2014 Combined Utilities Refunding Bonds will have an interest rate ranging from 0.25% on the one-year bonds to 3.90% on the twenty-year bonds with a final maturity of December 15, 2034.

Bruce Lefler from Ameritas presented that matter. He stated \$4,000,000 of Combined Utilities Revenue Bonds will provide funding for 2014 Part 2 Improvements, refinance some State Revolving Fund Loans that are outstanding from 2000-2002. The overall borrowing rate for these total bonds over the 20-year period of time is 2.60 percent and he would reiterate the point that the refinancing of the State Revolving Fund Loans and the interest rate shown do not include an additional one percent administration fee that is charged on top of those interest rates on the SRF loans. They are reducing the loan interest rates from 2.1 percent to 2.35 percent; the savings to the City by refinancing of those bonds over the remaining term of nine and ten years is \$270,000.

Council Member Buschkoetter introduced Ordinance No. 7924 authorizing the issuance of Combined Utilities Revenue and Refunding Bonds, Series 2014E, of the City of Kearney, Nebraska, in the aggregate principal amount of \$4,000,000 for the purpose of providing for the payment and redemption of the City's Series 2000, 2001A, 2001B and 2002 Bonds and paying the cost of maintaining, extending, enlarging and improving the waterworks plant and water system and the sewage disposal plant and sanitary sewer system of the City; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; entering into a contract on behalf of the City with the holders of said bonds, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to 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, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7924 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7924 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7924 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. 7925 ADDING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS TO THE CITY CODE

Mayor Clouse opened for discussion the ordinance amend the Kearney City Code by adding a section entitled "Residency Restrictions for Sex Offenders" to Article 15 "General Offenses" of Chapter 8 "Police".

City Attorney Michael Tye presented this matter. In 2006, the Nebraska Legislature passed the Sexual Predator Residency Restriction Act which is found at Neb. Rev. Stat. §29-4015 to 29-4017. This Act allowed any political subdivision the authority to enact an ordinance or resolution or other legal restriction prescribing where convicted sex offenders may reside and indicated that the limitations could not extend more than 500 feet from a school or licensed child care facility. The law would allow the City or other municipality the authority to pass an ordinance restricting convicted sex offenders from residing closer than 500 feet from a school or licensed child care facility as those are defined by statute. Child care facilities are defined as any that is required to be licensed pursuant to State law and schools would include not only a public but a private or parochial schools.

The City of Kearney has not adopted an ordinance pursuant to this grant of authority from the State. There has been litigation regarding these restrictions from other states with reference to similar ordinances claiming that they are unconstitutional. For example, Des Moines, Iowa, passed restrictions on residency for convicted sex offenders, and their residency ordinance was challenged all the way to the Eighth Circuit Court of Appeals. The Court upheld their restrictions and found that there are no constitutional issues restricting a city from implementing such an ordinance.

The grant of authority from the State of Nebraska does limit the city's ability to create restrictions to a distance from child care facilities and schools to a maximum of 500 feet and could only include those types of facilities. Also, Section 29-4017 indicates that a city ordinance does not apply to a sexual offender that resides within a prison or a correctional or treatment facility operated by the State or another political subdivision.

It should also be noted that convicted sex offenders throughout the State of Nebraska are required to register pursuant to the Sex Offenders Registration Act (Neb. Rev. Stat. §29-4001 to 29-4014).

This statute establishes a process for identifying and informing the public when a registered sex offender moves into their community. The offender is legally obligated to inform the local Sheriff's office who in turn provides information to the Nebraska State

Patrol. The State Patrol maintains a website with this information so that the public can educate themselves as to the residency of convicted sex offenders. A convicted sex offender is obligated to register for 15 years, 25 years or life depending on the severity of the offense for which they were convicted. It is a felony not to comply with the Statewide Registration Act or if you fail to report a change in status to the local Sheriff's office.

A local ordinance would be an additional restriction on convicted sex offenders and failure to comply would be a misdemeanor.

At the request of citizens, City staff has reviewed ordinances from other communities in the State with reference to restricting residency for sex offenders and have prepared a proposed Ordinance. This includes reviewing ordinances from Lincoln, Papillion and other communities. City staff has also discussed these matters with both the Buffalo County Sheriff and the Buffalo County Attorney.

City staff has prepared a proposed Ordinance which would restrict residency of any convicted sex offender so that they could not live within 500 feet or less from a school or licensed daycare facility. This ordinance would not be retroactive but would apply to any convicted sex offenders that move into the community or change their residency after the approval of the Ordinance.

There are a couple modifications that have been made from the Ordinance that went out in the packet then what Council has in front of them today just to clarify some things and he wanted to cover those. One is the reference to licensed daycare, his memo referenced licensed daycare but the version of the Ordinance that they gave to Council did not specifically indicate that, they have now included that so it is not only schools but also licensed daycare facilities. They have also clarified that it would be all schools including the high school so it would go all the way to 12th grade to make sure it covers all schools.

They also have clarified some language in the sex offender definition; the prior version had some references which he has been told by the County Attorney that muddies the water in terms of calling someone a level 3 sex offender. The terminology is just that they are on the registry for different periods of time depending on the severity of the conviction that they have and they are either on there for life for certain types of offenses or they can be on there as little as five years for other types of offenses. In order to make it clear they are indicating in the ordinance that if you are required to be on the registry then this would apply to you and your residency would be limited and you could not live within 500 feet of a school or a licensed daycare.

The state statute provides if you are a convicted sex offender you are required to go to the local sheriff's office to fill out paperwork, that paperwork is then submitted by the sheriff to the State Patrol. The State Patrol then maintains a website for the State of Nebraska and provides that information to the public so a citizen could go onto the website and search for sex offenders that are in their community and area and have that information so that they can educate themselves. If an individual fails to comply with that state requirement, they can be guilty of a felony; this requirement would be in addition to that and if somebody fails to comply it would be a misdemeanor. This is

basically in addition to that framework that is already in place through State Statute. It would apply prospectively not retroactively so people who are already residing in certain places this would not affect them.

Council Member Buschkoetter asked if the 500 feet is fence line to fence line, door to door because that could vary significantly. City Attorney stated his understanding is it would be property line to property line so there would be a way of determining that. It is his understanding that the Chief of Police has talked with the Sheriff and they are talking about a document that would go with the form that a person would fill out when they are at the Sheriff's office that basically states they need to be aware that the City of Kearney has an ordinance that restricts residency for sex offenders; that they might want to get the information on that ordinance and make sure their residency complies with the ordinance so they can make sure that people are in compliance.

Council Member Lear asked why would they not include any other post-secondary educational institutes like UNK or Central Community College. City Attorney stated because they are not required to by State Law. His understanding is the definition of school is not that broad but he can do some more research if there is an interest in doing that. All of the restrictions they looked at were basically K-12 schools. He has not seen a restriction dealing with a college campus.

Mayor Clouse stated you can put all kinds of restrictions in there and what makes sense so the Nebraska Statute as its written it drew that line; that is probably what you would find. It has been discussed and debated and this is what they ended up with.

City Attorney stated a lot of the language that they are basing this on it comes from Lincoln so he is guessing they probably had that conversation but he does not know of another community that has gone that far but they can certainly look at it. Part of the discussion is if you set too many limitations in too many directions in a smaller community it can really reduce the areas of the community where a person on the registry could live if you included all sorts of other items. He thinks when the Legislature looked at this they tried to narrow it down to schools and licensed daycares because those were easily definable, areas where children would be and those sorts of things.

Council Member Nikkila asked anyone who is convicted of a sexual offense against a minor be on the registry. City Attorney stated they would be, they would be required to register and this would then apply to them if they were to move into the community or change their residency.

Council Member Lear stated he does not really care to slow down the process or anything but he would like them to look at what they could do relative to other educational institutions. Obviously families from places far away from here send their children and everything they can do to provide a safe environment for them is appropriate for them to consider. City Attorney stated he would be happy to research that and if they would need to they can certainly come back with a modification to this provision or always amend it.

Council Member Lammers introduced Ordinance No. 7925 amending the Kearney City Code by adding a section entitled "Residency Restrictions for Sex Offenders" to Article

15 "General Offenses" of Chapter 8 "Police", and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7925 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7925 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7925 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.

LITTLE LEAGUE PRESENTATION

Mayor Clouse stated that Mike Koski requested to make a presentation to the City Council. This is a presentation and no action will be needed.

Mike Koski presented this matter to the Council. He stated he speaks on behalf of a citizens committee for youth baseball and softball. He represents USSSA Baseball and Kearney Little League (KLL). Also present were Deb Straka from the Kearney Competitive Girls Softball Association (KCGSA), Troy Janicek from Kearney Girls Softball Association and Todd Herges from Kearney Little League. Mr. Koski made the following presentation:

He previously stood before the Council in the spring of this year when Council listened to citizen suggestions for possible uses of the City's ½ cent sales tax in which he spoke about the need for youth ball fields because of the neighborhood parks being overcrowded with many user groups on the ball diamonds. It seems obvious that these dollars are well spoken for towards streets and public safety which, he agrees, are a very high priority for Kearney's growing needs. However, the need for youth ball fields remains.

He illustrated the overcrowding that the four user groups of Kearney Little League, USSSA baseball, Kearney Competitive Softball, and KGSA are experiencing on the neighborhood parks that are Collins Park, Harmon, Dryden, Centennial, and the Northwest & Southwest fields at West Lincoln Way.

He has 10 bullet points to share:

The little league age divisions for 5, 6, & 7 play during the morning hours at West Lincolnway (WLW) on the diamonds and soccer fields in June. The most frequent question KLL receives is, "How come ages 5-7 are in the morning? Why can't they play at night because Mom and Dad work during the day?" Answer: I am so sorry; there just is no room for this to happen to be played in the evening.

KCGSA hosts two tournaments each year. They are maxed out at accepting 63 team registrations due to limited fields to use. Keep in mind that this is with reserving the use of youth baseball diamonds and the adult complex fields at Harvey Park.

The youth baseball diamonds are blacked out, this is a term KLL and USSSA uses that KPR shares with us that means no youth baseball games or practices these blackout dates. Black out dates include...Two weekends for KGCSA tournaments, one weekend for Soccer Tournament at WLW, one weekend for Community Olympics at Harmon, WLW has a delayed season startup date until the Spring Soccer season comes to a close, and weekend KLL practices are limited when USSSA baseball games begin. KLL also hosted their first USSSA tournament this summer in which the adult complex was requested for to use.

The youth baseball and softball user groups really do not have a place to call "home" that they can use their money to add amenities because of the many users that share the neighborhood parks that are scattered around in Kearney.

The KLL season game schedule on Harmon and Collins has very few open evenings to hold team practices or even reschedule rainout games once the season gets into full swing.

The three diamonds on the UNK West Campus helped serve as overflow walk-up practice for all user groups but are now no longer there.

Overcrowding of neighborhood ball fields cuts off one of the original intended uses which was for the walk-up casual neighborhood users for softball, baseball, and kickball.

Harmon in 2014 had 12 different baseball teams and Collins had 14 different teams trying to use their one field for practices and games. Practice times were drafted by the team managers for one weeknight practice and one weekend practice per team. That's it. Time slots were managed so one team had the actual playing field for only an hour. The next team that had the field for only an hour used the grass park area at Harmon and Collins for 30 minutes before it was their hour to gain the field.

Now imagine parking at Harmon and Collins in the street when two teams are playing at 5:30. Then the car traffic for the 2nd 7:00 game starts showing up during the end of the first game. This leads to very crowded neighborhood off-street parking.

KLL athletes playing baseball has increased from 520 in 2012 to 609 in 2014. This is an increase of 89 athletes or 17%. Kearney teams participating in USSSA baseball has increase from 5 teams in 2005 to 16 in 2014. This is an increase of 11 teams or 220%. KGSA had 11 teams for their 134 athletes in 2014. KCGSA has grown from 6 teams and 72 athletes in 2009 to 15 teams and 191 athletes for the upcoming 2015 season giving an increase of 165% in participation.

These are only 10 of the many reasons to illustrate that the addition of ball field space is needed for youth baseball and youth softball associations.

The City of Kearney was awarded a \$10,000 grant for planning a new ball field complex from the Nebraska Department of Economic Development as stated in the Kearney Hub on May 24. The City matched this grant to evaluate locations and cost estimates for a possible ball field complex. By being awarded this, it gives Kearney the incredible opportunity to apply for a \$750,000 grant from the Nebraska DED to also be matched for construction.

What would a youth softball and baseball complex need to have to provide adequate facilities for Kearney youth to move a majority of the occupancy off the overcrowded neighborhood parks to a ball field complex for practices, games, and the ability to host tournaments. He has listed from the committee what would be needed:

Baseball: 4-5 lighted fields for ages 8-12, 225' fences, of which one to be a premier championship field featuring added bleachers with scoring and announcing booth, covered bleacher seating for spectators, covered and enclosed team dugouts, bullpens, batting cages, warm-up area, and electronic scoreboards

Softball: 4-5 lighted fields for ages 8-18, 200' fences, of which one to be a premier championship field featuring added bleachers with scoring and announcing booth, covered bleacher seating for spectators, covered and enclosed team dugouts, bullpens, batting cages, warm-up area, and electronic scoreboards.

General: ADA accessible, playing equipment storage, concession area, restrooms, playground, maintenance shop, paved parking, drop-off area, covered shelter with picnic area seating, tournament umpires room, flag pole, Wi-Fi access and trees to enhance area landscape.

Where would it be located? The City owns 137 acres of flat land south of the new Veterans Home at 56th Street and Cherry Avenue. A youth ball field complex would fit in 50-80 acres of which 57-87 acres would remain waiting to be used for other purposes.

Why this location? The City owns the land. It's flat. It does have infrastructure to the area because of the Veterans Home. It has paved road access in 56th and Cherry. It gives home to many divisions of youth softball age 5-18 and baseball

5-12 instead of primarily using neighborhood parks that are scattered around Kearney. This helps keep annual maintenance costs stay down when located at one site. No significant challenges for this location from a latest development report. It's safer because more games would be able to be hosted at an actual complex instead of neighborhood parks with increased traffic flow.

How much would this cost? It would be around the \$7-\$8.5 million. Again, there is no room in the ½ cent sales tax project list for something like this.

What have other Nebraska cities done to provide for other growing needs that are not within their budgets? Grand Island City Council approved a 1.5% restaurant tax to assist with State Fair facilities. Originally to be in place for 8 years but has been extended to 9. Norfolk voters approved 2% restaurant tax and 4% lodging tax for recreation improvements of \$16.4 million for 20 years. Omaha City Council approved a 2.5% restaurant tax to offset cost of public safety employee pensions. Sidney City Council approved a 2% lodging and 1% restaurant tax for street improvements, rescinded in 2013 and increased sales tax to 2%. Lincoln City Council approved a 2% restaurant tax to pay for \$340 million arena.

What could Kearney do to help generate funds for a softball and baseball complex that their youth can call "home" and move the majority of their games and practices away from the scattered about neighborhood ball fields? We, the Citizens Committee for Youth Softball & Baseball, feel that a 1% restaurant tax would be appropriate.

How is this different than what was on the Kearney ballot in 2011? It is restaurant only and not alcohol. It is 1% and not 2%. It addresses a specific project need due to past, present, and future growth. It would be sunset for 10 years to generate the needed amount of dollars of around \$8.6 million.

How can this benefit the City of Kearney? It is a conservative approach that helps free up dollars from the City budget towards other projects, parks, and user groups. It is an attempt to pull in dollars from outside visitors and is discretionary for Kearneyites. It provides incredible opportunities for user groups to properly host youth tournaments to bring in outside teams and families to make purchases at Kearney shopping locations, restaurants, and motels. It is cost effective from a maintenance standpoint having ball parks in one location. It provides a place that can be called home for youth softball and baseball associations. Associations can invest their dollars for future amenities at their home complex. Proper and safe parking for teams and fans instead of off-street neighborhood parking would be in place. It is an affordable flat location with water, sewer, and pavement leading to it.

On behalf of the Citizen's Committee for a Kearney Youth Softball & Baseball Complex, he is asking the Kearney City Council to respectfully please consider adding to the November 4th City ballot for the citizens of Kearney to decide on a 1% restaurant tax, sunset for 10 years, with dollars to be used to construct a Youth Softball & Baseball Complex for the City of Kearney.

In closing, he would like to share a couple things concerning our kids.

KLL was chartered in 1952 and has an objective that is clearly stated on their website at kearneylittleleague.org. The objective of Kearney Little League is to provide a baseball program that will implant firmly in children of the community the ideals of good sportsmanship, honesty, loyalty, courage, and respect for authority, so that they may be well-adjusted, stronger, and happier children and will grow to be good, decent, healthy, and trustworthy citizens.

Give a child a bat and a ball and a place to play and you'll have a good citizen.--
Joe McCarthy, New York Yankees Manager from 1931-46."

Mayor Clouse stated this is something Council will have to take under advisement and discuss and bring back.

Council Member Buschkoetter stated he has seen the need on both the baseball and softball level. He thinks Kearney is a generation behind. He thinks it makes sense for Council to look at this and see if they can make it happen.

Council Member Lammers stated the City of Kearney has the opportunity to host some tournaments if they go with a new complex and bring some revenue to the community through that method. Council has always talked about getting more fields for softball and they need to do that too so he is certainly in favor of this.

Mayor Clouse asked about repurposing the existing fields. City Manager Michael Morgan stated any of the existing fields were designed for neighborhood parks and they are being used for games and other events with traffic and they were not really designed for that. As the Council has looked in the last couple years and has focused and directed Staff to really pursue and work with the Park & Recreation Advisory Board to develop more neighborhood parks and bring the neighborhood parks back so they were accessible at any time for walk up play versus always being scheduled. He thinks the repurposing if this would occur Park & Rec would look at that and the Advisory Board, Scott Hayden and his staff would continue to do the neighborhood park concept with the items such as a splash ground trying to get each neighborhood to have a park that has those amenities.

Council Member Nikkila asked \$8.6 million do you think that is sufficient or will your committee have to do private fundraising as well to cover different amenities at the park. Mr. Koski stated he thinks through projected of what one percent would earn from previous history restaurant sells that that would get it right in the ballpark. The biggest thing right now it already has the infrastructure and it is flat.

Council Member Nikkila stated he would like to see the schedule to see how many days really are free and not free in our neighboring parks for the practice. He is not sure if the Parks Department keeps track of that but to put into clear terms exactly what you are saying, he thinks it would be interesting to see.

Mr. Koski stated on the Little League website each division, the schedule is posted online and he knows the USSSA person that sets up all the games with the USSSA teams on weekends that could be produced also and he is sure for softball they can produce their weekend use, tournaments and game schedules. It is booked fairly solid.

Council Member Lear asked do you envision both practices and games at this facility largely. Mr. Koski stated that would be correct with a large majority of it.

Mayor Clouse stated the next steps they will bring it back in a couple weeks and address it. City Manager stated in order to place it on the general election for November 4th, Council would need to have to place it on the next Council agenda and make a decision if they wish to pursue doing that. One question that will be asked could City Council just pass this. Certainly under State law City Council still has the authority although it has changed somewhat from last time to pass a restaurant tax but one that would only be capped at \$700,000 per year so the number they are seeking is a little above that. Of the other communities mentioned some of them just did do that but since that time different than when it was before Council a few years ago the State law has changed.

Mayor Clouse stated he would suggest Council put it on the agenda and then they will have a couple weeks to entertain cards and letters and will discuss it at the meeting in two weeks.

Council Member Nikkila stated this is a one-time cost \$8.6 million but he thinks it would be great to ask the staff to work on what the annual increase in the Parks budget will have to be to maintain the facility. He thinks it is something they should be aware of before they put it on the ballot.

City Manager stated that will be difficult and actually in many cases it will be less but there would be some increase costs for the level of fields at one location. It would depend somewhat on how the existing facilities were going to be used.

Council Member Buschkoetter stated whether they want to keep some of the baseball fields for pick-up games or kickball games. Council Member Nikkila asked it is possible it would require additional staff for the Parks Department to maintain the complex. City Manager stated that is correct but the majority of the same individuals would just move to do the maintenance at the new facility. They would not be doing the same maintenance depending on the use and how active the use is on those fields. Council Member Nikkila stated they are not eliminating any other parks though. City Manager stated the use will be reduced. There is no question there will be more it would be hard to figure out exactly how much. They will try to get the best estimate they can.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$110,003.20 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council members commended everyone involved with the new skateboard park. The Ribbon Cutting was held on Monday, August 11, 2014.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 6:36 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**