

Kearney, Nebraska
December 9, 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 December 9, 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; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Terry Eirich, Kelly Hardin, Jim Tacha, Jim Brooker, Tony Rich, John Sydow, Brian Wolfe, Sonny O'Connor, Dan Thompson, Matt Ullman, John Keeney, Alex Brush, Robert Cinatl, Cory Flaig, Jarrett Johnston, Jon Schroeder, Julie Spiers, Jerry Thompson, Barb Thompson, Gisel Theis, Jason Whalen, Bill Blake, Mitch Humphrey, Jeff Overturf, Craig Bennett, Shelley Dennis, Tehya Dennis, Joshua Rock, Adriane Juel, 5 UNK students, several volunteer firefighters, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

A Boy Scout from Troop 158 led the Council members and 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.

APPROVE MINUTES

Moved by Lammers seconded by Nikkila that the Minutes of Regular Council Meeting of November 25, 2014, and Minutes of the Kearney Area Solid Waste Agency Meeting of September 9, 2014 be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ADMINISTER THE OATH OF OFFICE

City Clerk administered the Oath of Office to Council Members Randy Buschkoetter and Bob Lammers.

NOMINATION FOR PRESIDENT/MAYOR

City Clerk stated that nominations would be received for President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Council Member Buschkoetter nominated Stanley Clouse for this position. Hearing no other nominations, nominations were closed. Stanley Clouse is nominated President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Roll call for those in favor of Stanley Clouse for President of the Council: Nikkila, Lammers, Buschkoetter, Lear, Clouse. City Clerk stated the ayes have it and Stanley Clouse is elected President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency.

NOMINATION FOR VICE-PRESIDENT

Mayor Clouse stated that nominations would be received for Vice-President of the Council. Mayor Clouse nominated Randy Buschkoetter for this position. Hearing no other nominations, nominations were closed. Randy Buschkoetter is nominated Vice-President of the Council. Roll call for those in favor of Randy Buschkoetter for Vice-President of the Council: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Mayor Clouse stated the ayes have it and Randy Buschkoetter is elected Vice-President of the Council.

REAPPOINTMENT OF MICHAELLE TREMBLY AS CITY CLERK

Moved by Nikkila seconded by Lammers to reappoint Michaelle Trembly as City Clerk. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Mayor Clouse and Council Members recognized the following volunteer firefighters: Kelly Hardin, 30 years; Jim Brooker, 25 years; Tony Rich, 20 years; John Sydow, 20 years; Brian Wolfe, 20 years; Sonny O'Connor, 10 years; Dan Thompson, 10 years; Matt Ullman, 10 years; John Keeney, 5 years and Mark Panowicz, 5 years. Fire Chief Terry Eirich presented each with Service Awards.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I

Mayor Clouse and Council Members recognized the following volunteer firefighters for completing the Firefighter I Course: Alex Brush, Robert Cinatl, Cory Flaig, Jarrett Johnston, Shaun Mewes, Jon Schroeder and *Honorary* Kim “Pyro Chic” Schmidt. Fire Chief Terry Eirich presented each with a plaque.

In the absence of Kim Schmidt, Julie Spiers read the following letter from Kim into the record:

Mayor Clouse and fellow council members:

Please accept my sincerest apology for my absence from tonight’s presentation.

I want to thank fire chief Terry Eirich, officers and firefighters for their acknowledgment, support and cooperation with the Pro Chick project. The training and experience was nothing like I ever imagined.

Firefighters treated me with respect, encouragement, grace and dignity. I have never met a group of people more dedicated and passionate than those on the Kearney Volunteer Fire Department.

They give a remarkable amount of time to protect the community and keep it, and each other, safe. And they do it with immense pride.

You truly have remarkable people protecting the city, and a volunteer fire department you should be deeply proud of.

Thank you.

Kim Schmidt
The Pyro Chic

II. UNFINISHED BUSINESS

There was no Unfinished Business.

Mayor Clouse stated he has a prior commitment and Vice-President Buschkoetter will preside over the remainder of the meeting (5:48p.m.).

III. PUBLIC HEARINGS

REZONING 501, 503, 507 AND 511 EAST 26TH STREET

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

Vice-President Buschkoetter opened the public hearing on the Application submitted by Essam Arram for Arram Equities, Inc. to rezone from District C-3, General Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District property described as Lots 131 through 136 inclusive, Keen’s Park Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated south 20 feet of 26th Street abutting said lots on the north (501, 503, 507 and 511 East 26th Street) and consider Ordinance No. 7946. Planning Commission recommended approval subject to approval of the requested deviation in a PD Overlay for a reduced setback along the east side and revising the tree size for columnar oaks to a minimum of 2-inch caliper.

The applicant is requesting approval of rezoning and development plans for a multi-family development on commercially zoned property. The developer is proposing two buildings with eight 1-bedroom apartments in each building for a total of 16 units to be used for elderly housing. The proposed site area is 267 feet by 160 feet for a total of 42,720 square feet of area. City Code requires 3,000 square feet of site area per housing unit in conventional multi-family development which would allow a maximum of 14 units on this parcel. Only 2,500 square feet of site area per housing unit is required in PD overlay for planned developments which would allow up to 17 units.

The property is currently zoned C-3 with the westerly lot the location of an existing ATM and an access lane for the ATM. The developer has included the 33.6 foot by 160 foot ATM parcel in the overall density calculations since this additional property is necessary to combine sufficient lot area to meet the 16-unit density that is desired by the developer. The housing project will not compromise the ATM location. The property must also be rezoned to C-3/PD to allow the higher density to achieve 16 units.

A 25-foot setback is required on the east side of the property and the site plans shows a 12-foot setback. The developer is requesting a deviation regarding the east setback under PD, Planned Development Overlay District consideration. The site plan shows an existing access lane for the East Town Mall along the south property line. There is ample room on the site to establish the building footprint and other required setbacks. A green area in excess of 50 feet will remain open along Avenue E to compensate for the reduced setback on the east side.

City code requires 1.5 parking spaces for efficiency and one-bed apartment units. A total of 24 parking spaces are required and 24 are proposed.

A Landscape Plan has been submitted. Street trees are proposed along the public street frontages. One large existing tree is to be saved on site. All plant material as shown on the plans meet minimum size requirements for commercial landscape standards except the columnar oaks. These trees are labeled as 1½-inch caliper but they need to be at least two-inch caliper. All landscaped areas will be irrigated by automatic underground sprinkler system.

Stormwater will surface flow across the lots and into the streets. On-site detention is not feasible at this location.

City water and sanitary sewer is available in 26th Street. A separate water and sanitary sewer service will be required for each building. The water use during winter months, January, February and March, is averaged to set the sanitary sewer use fees for the upcoming year beginning in April. There is no need to have landscape irrigation metered separately unless the developer finds it more convenient. Water meters must be purchased from the City. Refuse collection locations and screening are shown on the development plans, but are subject to final approval by the Utilities Department. Dumpsters/trash containers must be purchased from the City.

Proposed building elevations depicting architectural style and construction materials are also included in the PD Development Plan submittal as required by code.

Essam Arram presented this matter to the Council. He stated their proposal is clear and simple. They are proposing to put two buildings, each building is 8 units of single bedrooms. The two buildings face each other and the parking is in the middle of the buildings. He was in agreement with the conditions.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Essam Arram for Arram Equities, Inc. to rezone from District C-3, General Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District property described as Lots 131 through 136 inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated south 20 feet of 26th Street abutting said lots on the north and introduced Ordinance No. 7946 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 7946. 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: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7946 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Lammers that Ordinance No. 7946 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7946 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.

DEVELOPMENT PLANS FOR 16 SINGLE BEDROOM UNITS AT 501, 503, 507 AND 511 EAST 26TH STREET

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

Vice-President Buschkoetter opened the public hearing on the Application submitted by Essam Arram for Arram Equities, Inc. for Planned District Development Plan Approval to construct 16 single bedroom units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District property described as Lots 131 through 136 inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated south 20 feet of 26th Street abutting said lots on the north (501, 503, 507 and 511 East 26th Street) and consider Resolution No. 2014-236.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-236** approving the Application submitted by Essam Arram for Arram Equities, Inc. for Planned District Development Plan Approval to construct 16 single bedroom units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District property described as Lots 131 through 136 inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated south 20 feet of 26th Street abutting said lots on the north (501, 503, 507 and 511 East 26th Street) subject to (1) the tree size for columnar oaks shall be a minimum of 2-inch caliper and (2) allowing the deviation regarding the east setback under the Planned Development Overlay District to be 12-foot rather than the required 25-foot setback. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-236

WHEREAS, Essam Arram for Arram Equities, Inc. have applied for Planned District Development Plan Approval to construct 16 single bedroom units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lots 131 through 136 inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated south 20 feet of 26th Street abutting said lots on the north (501, 503, 507 and 511 East 26th Street) more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Essam Arram for Arram Equities, Inc. for Planned District Development Plan Approval to construct 16 single bedroom units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lots 131 through 136 inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated south 20 feet of 26th Street abutting said lots on the north (501, 503, 507 and 511 East 26th Street) more or less, Buffalo County, Nebraska be approved subject to (1) the tree size for columnar oaks shall be a minimum of 2-inch caliper and (2) allowing the deviation regarding the east setback under the Planned Development Overlay District to be 12-foot rather than the required 25-foot setback.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

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

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

Vice-President Buschkoetter opened the public hearing on the Applications submitted by Miller & Associates for Tracy and Jacqueline Burns to (1) vacate Lot 12, Western

Hills Subdivision, Buffalo County, Nebraska and consider Ordinance No. 7947; and (2) rezone 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) and consider Ordinance No. 7948. Planning Commission recommended approval.

The applicant is seeking approval to rezone and subdivide a tract of land in the two-mile ETJ for rural residential purposes. The overall tract contains 14.36 acres and it is located at the intersection of two arterial streets, 56th Street and 30th Avenue, on the southwest corner. There is an existing house on the property. The owners would like to set this property up to retain the existing house and provide two additional rural residential lots.

12.85 acres of the property was originally platted as a single lot, Lot 12 of Western Hills Subdivision. An additional tract containing 1.51 acres located at the northwest corner of this area will also be included in the new subdivision but is not included in Lot 12. Lot 12 must now be vacated and the additional 1.51 acres added to provide an aggregate parcel of 14.36 acres to allow further subdivision into three new lots.

The current zoning of this property is primarily RR-1, Rural Residential District/Rural Standards except for the aforementioned 1.51 acre piece which is zoned AG, Agricultural. The 1.51 acre piece is proposed for RR-1 zoning so that all 14.36 acres will be appropriately zoned as RR-1. The Future Land Use Map of the City Comprehensive Development Plan shows this property designated for "Rural Estates" so there is no need to amend the Land Use Map.

The developer is proposing a three lot subdivision with two lots of about three plus acres fronting on 56th Street and one large lot of 7.82 acres that basically comprises the southern half of the overall tract. Both the Preliminary and Final plat contain three lots. The Preliminary Plat was approved by Planning Commission at the November 15, 2014 meeting. The larger lot is proposed as Lot 1. Lot 1 contains the existing house and associated outbuildings.

A 40-foot wide access easement is shown parallel to 56th Street to provide ingress and egress between Lots 2 and 3. Both lots shall take access from 56th Street via a shared drive on the west end of Lot 2 that lines up with the existing driveway on the north side of 56th Street. The shared access is required to reduce the number of access points onto the arterial roadways.

Easements are shown on the Final Plat for a fiber optic line that cuts through Lot 1 and a utility easement is shown for the existing underground electric line that runs along the west line of the proposed subdivision.

Additional right-of-way is being dedicated along both arterial streets for a total of fifty feet from centerline.

An Infrastructure Feasibility Plan is not required. If any of the homeowners would like to be connected to City water there is a water main available and water could be provided

by agreement with the Utilities Department. Connection to City water is not a requirement. Well and septic systems are allowed in RR-1 zones subject to DEQ approval.

Craig Bennett from Miller & Associates presented this matter to the Council. The property is located south of 56th Street and west of 30th Avenue in the northwest part of Kearney, just outside of corporate limits. There is currently one house and a building on it, the owners live there and it is their residence and they want to subdivide it into two additional residential lots. Comprehensive Plan shows that it is to be Low Density Residential so they are not asking to change the Land Use Map. The area they want to subdivide currently consists of one lot known as Lot 12, Western Hills and there is an area just outside of it of 1.51 acres that is currently zoned Ag so they are asking that it be rezoned to RR-1 which is what is contiguous and adjacent to it.

Currently there is a fiber optic line and underground electrical that goes through it but it does have public water available on the north although it is outside of City limits and they will not be utilizing City water there. There will be three lots and they will live and keep the south half as one lot and would subdivide the other two lots on the north which would be known as Lots 2 and 3 which would be available for residential development; there is just over three acres. They would have one common access located in the northwest corner and there would be an easement of ingress/egress for what will be known as Lot 3 to go across the north frontage to allow for proper separation from intersection of 56th Street and 30th Avenue.

Council Member Buschkoetter asked what the distance was and Mr. Bennett stated there is 1,000 feet of separation from the driveway access to the intersection.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Tracy and Jacqueline Burns for property located at the southwest corner of 56th Street and 30th Avenue and introduced Ordinance No. 7947 to vacate Lot 12, Western Hills Subdivision of Buffalo County, Nebraska and Ordinance No. 7948 to rezone 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 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7948. 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: Buschkoetter, Nikkila, Lammers, Lear. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 7947 and 7948 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Nikkila, Lammers, Lear. Nay: None.

Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance Nos. 7947 and 7948 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 7947 and 7948 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 WESTERN HILLS SECOND SUBDIVISION

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

Vice-President Buschkoetter opened 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) and consider Resolution No. 2014-237.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Lammers to close the hearing and adopt **Resolution No. 2014-237** approving 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: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-237

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Western Hills Second Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a chiseled + at the Northeast Corner of the Northeast Quarter of Section 28 and assuming the East line of said Northeast Quarter as bearing S 00°06'25" E and all bearings contained herein are relative thereto; thence S 00°06'25" E on said East line a distance of 52.49 feet; thence S 89°41'35" W parallel with the North line of said Northeast Quarter a distance of 72.10 feet to a 5/8" rebar with cap at the intersection of the South line of 56th Street and the West line of 30th Avenue, as described in a Deed of Correction filed as instrument 1999-9178 in the Buffalo County, Nebraska, Register of Deeds Office and the ACTUAL POINT OF BEGINNING; thence S 05°04'06" E on said West line of 30th Avenue a distance of 378.41 feet to a 5/8" rebar with cap; thence S

00°06'25" E continuing on said West line of 30th Avenue and parallel to said East line of the Northeast Quarter a distance of 262.46 feet to a 5/8" rebar with cap; thence N 89°53'35" E continuing on said West line of 30th Avenue and perpendicular to said East line of the Northeast Quarter a distance of 6.37 feet to a 5/8" rebar with cap on the West line of 30th Avenue as dedicated in Western Hills Subdivision, Buffalo County, Nebraska; thence S 00°06'25" E on said West line of 30th Avenue and parallel to said East line of the Northeast Quarter a distance of 67.86 feet to a 5/8" rebar with cap at the Northeast Corner of Lot 11 of said Western Hills Subdivision; thence S 89°49'37" W on the North line of said Lot 11 a distance of 893.83 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 11; thence N 00°06'25" W parallel with said East line of the Northeast Quarter a distance of 331.68 feet to a 5/8" rebar with cap; thence N 00°08'12" W a distance of 380.24 feet to a 5/8" rebar with cap on said South line of 56th Street; thence N 89°41'35" E on said South line of 56th Street and parallel to said North line of the Northeast Quarter a distance of 560.80 feet to a 5/8" rebar with cap; thence S 88°23'51" E continuing on said South line of 56th Street a distance of 196.88 feet to a 5/8" rebar with cap; thence N 89°41'35" E continuing on said South line of 56th Street and parallel to said North line of the Northeast Quarter a distance of 97.34 feet to the Point of Beginning, containing 14.36 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

REZONING BETWEEN 8TH STREET AND 11TH STREET ALONG 17TH AVENUE

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

Vice-President Buschkoetter opened the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue) and consider Ordinance No. 7949. Planning Commission recommended approval.

On September 19, 2014 Planning Commission approved a 29 lot subdivision between 17th Avenue and the Tailrace to be known as Parkview Estates Seventh Addition. Four lots at the north end towards 11th Street lots were zoned R-2 and the remaining 25 lots were zoned R-1 extending down both sides of 17th Avenue. The westerly lots will abut

the NPPD tailrace. The developer has since decided to reduce the number of lots to be platted by retaining the four R-2 lots and only platting nine additional lots to R-1. The developer withdrew his applications from the City Council Agenda in October and will have to go back through Planning Commission and City Council review for approval of the revised subdivision submittal depicting the reduced number of lots. This project requires rezoning, platting and annexation.

The property is currently zoned AG by default. The applicant would like to rezone Lots 1 and 2, Block 1 and Lots 1 and 2, Block 2 containing a total of 2.77 acres from AG to R-2 and the remaining nine lots from AG to R-1 (Lots 3- 7, Block 1; Lots 3-8, Block 2.) The R-1 lots comprise 3.96 acres in total. The Future Land Use Map of the Comprehensive Development Plan categorizes this area as "Low Density Residential." The proposed development is in conformance with this land use designation.

The Preliminary Plat for this parcel was approved by Planning Commission December 18, 2009. The layout of the reduced number of lots shown on the Final Plat is in conformance with the corresponding lot layout approved on the Preliminary Plat. A high-pressure gas line easement traverses Lot 1, Block 1 which is a duplex lot. The Owner chose to develop this lot with a duplex approach to more effectively address the challenges that the gas line presents. The final plat will have a 20 foot pedestrian sidewalk easement between Lots 3 and 4. Owners of Lots 3 and 4 would own the sidewalk but it will be a dedicated easement for the public to use. There will need to be a "No Build" note put on the plat so property owners are not building structures over the easement, such as sheds, playgrounds or gardens.

Staff had some concerns regarding access points for the duplex lots. For comparison purposes, Lots 1 and 2 (proposed R-2) have 302.19 linear feet of frontage; the four lots south of Lots 1 and 2 (proposed R-1) exhibit a total of 300 linear feet of frontage. In either case, the number of driveways is the same over roughly 300 feet of frontage with two duplex units or four single family units. Staff wants to insure that no additional curb cuts are allowed for the duplex lots.

A Public Works Plan was previously submitted and approved. Drainage and stormwater management was engineered and constructed for the subdivision with previous phases of platting and development. City water and sanitary sewer were constructed with the paving in 16th Avenue. The developer/owner took an agricultural deferral of water, sanitary sewer and paving assessments for this property. The agricultural deferral will be waived and assessments will be due when the zoning is changed from agricultural to residential.

Water and sanitary sewer services were stubbed into the proposed lots located on the west side of 16th Avenue according to the proposed lots shown on the preliminary plat. City Code requires that every separate premise be directly connected to City water and sanitary sewer. Only one water and sanitary sewer service were stubbed into each of the northern two lots in anticipation of single-family use. Now that these lots will be used for duplex units an additional water service will be required on each lot. The cost to construct the water service will be the developer's/owner's expense. The water main is located on the west side of the street making the construction of the additional water services more convenient.

An additional sanitary sewer service will also be required on each lot to serve the duplexes. The cost to construct the additional sanitary sewer service will be the developer's/owner's expense. Since the sanitary sewer is located in the center of the street and since a manhole may not be properly located to bore a new sewer service into the Utilities Department will allow the developer/owner to install a sewer chamber over the existing sewer service and to construct a separate service from the sewer chamber to each unit of the duplex.

A Subdivision Agreement has been prepared to address the following issues:

- Design and installation of public improvements through the improvement district process and creation of improvement districts.
- Paving of the sidewalk within the northerly pedestrian easement will be tied to construction of 17th Avenue by Paving Improvement District.
- Likewise, paving of the sidewalk along 11th Street will be also be tied to the paving districts for 17th Avenue.
- Water connection fees are due for the 11th Street frontage.

This property abuts incorporated land and is already served with public infrastructure. As per the annexation policy approved by City Council a few years ago, no "islands" of un-annexed land are to remain as such. Therefore, this property will be annexed into the City limits by Final Plat as "an addition to the City of Kearney."

Craig Bennett from Miller & Associates presented this matter to the Council. He stated this went through Planning Commission and went to Council and was withdrawn. The developer reduced the size that they wanted to plat. This will be known as Park View Estates Seventh. It is bordered on the north by 11th Street just west of Kenwood Elementary and it consists of approximately six acres. There is a component of rezoning and in this process he is choosing to rezone two parts of it which would basically line up with what he did on Park View Estates Sixth. The portion of R-2 would be consistent in distance off of 11th Street which would also be for duplexes and then it would come back for R-1, so there would be 2.77 acres of R-2 along the 11th Street corridor and 3.96 acres of R-1 just south of it.

The Preliminary Plat shows all the phases when the school was done. There have been portions of it that has not been final platted yet at this point of time. There are four lots of R-2 and nine lots of R-1. As a component of this part there will be a hike/bike in connectivity for pedestrian purposes which align up with the sidewalk access to the school and that is because when you look at the overall plan, the children accessing the school do not have to go clear up to the north.

Council Member Buschkoetter asked if there is some access to the south. Mr. Bennett stated the access south has been proposed as a pedestrian access that would be across the NPPD canal and then access Yanney Park. He would say there would be more discussion about what the bridge can look like.

Council Member Nikkila asked in reference having to go back to Planning Commission again was that just a reference to the southern portion and Mr. Bennett confirmed. Council Member Nikkila asked the southern portion will have to go back again. Mr. Bennett confirmed and stated if Mr. Rapp decides to final plat any of the L-shaped area

on the south which is what remains, he would do the same process they are doing today.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue) and introduced Ordinance No. 7949 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 7949. 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: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7949 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7949 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7949 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 PARK VIEW ESTATES SEVENTH ADDITION

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

Vice-President Buschkoetter opened the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp for the Final Plat and Subdivision Agreement for Park View Estates Seventh Addition, 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 the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue) and consider Resolution No. 2014-238.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-238** approving the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the Final Plat and Subdivision Agreement for Park View Estates Seventh Addition, 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 the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue). Roll call resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-238

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Park View Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 11, and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: Referring to a mag nail at the Northwest Corner of the Northwest Quarter of Section 11 and assuming the North line of said Northwest Quarter as Bearing N 89°20'53" E and all other bearings contained herein are relative thereto; thence N 89°20'53" E on said North line a distance of 64.99 feet; thence S 00°11'46" W a distance of 25.31 feet to a 5/8" rebar at the intersection of the South line of 11th Street as platted in the City of Kearney, Buffalo County, Nebraska and the East line of a tract of land deeded to Nebraska Public Power District as Instrument No. 2008-8834 recorded in the Buffalo County, Nebraska Register of Deed Office and the ACTUAL POINT OF BEGINNING; thence N 82°09'52" E on said South line of 11th Street a distance of 430.74 feet to a 5/8" rebar with cap at the Northwest corner of Park View Estates Sixth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°40'27" W on the West line of said Park View Estates Sixth Addition a distance of 172.30 feet to a 5/8" rebar with cap; thence S 16°37'25" W continuing on said West line a distance of 144.01 feet to a 5/8" rebar with cap; thence S 00°40'27" W continuing on said West line a distance of 470.00 feet to a 5/8" rebar with cap at the Southwest Corner of Lot 8, of said Park View Estates Sixth Addition; thence N 89°19'33" W perpendicular to said West line of Park View Estates Sixth a distance of 155.00 feet; thence continuing N 89°19'33" W a distance of 66.00 feet; thence N 00°40'27" E parallel to said West line a distance of 15.00 feet to a 5/8" rebar with cap; thence N 89°19'33" W perpendicular to said West line a distance of 159.57 feet to a 5/8" rebar with cap at a point on said East line of the Nebraska Public Power District tract; thence N 00°11'46" E on said East line a distance of 702.05 feet to the Point of Beginning, containing 6.73 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 inhabits 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 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

ANNEXATION OF PARK VIEW ESTATES SEVENTH ADDITION

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

Vice-President Buschkoetter opened the public hearing on the Application submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp for the annexation of Park View Estates Seventh Addition, 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 the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue) and consider Resolution No. 2014-239.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Lammers to close the hearing and adopt **Resolution No. 2014-239** approving the Application submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp for the annexation of Park View Estates Seventh Addition, 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 the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue). Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-239

WHEREAS, an Application has been submitted by Miller & Associates for Kelly Rapp and Lauren Striker-Rapp for the inclusion of Park View Estates Seventh Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter, of Section 11, and part of the Southwest Quarter of the Southwest

Quarter of Section 2, Township 8 North, Range 16 West of the Sixth P.M., Buffalo County, Nebraska being more particularly described as follows: Referring to a mag nail at the Northwest Corner of the Northwest Quarter of Section 11 and assuming the North line of said Northwest Quarter as Bearing N 89°20'53" E and all other bearings contained herein are relative thereto; thence N 89°20'53" E on said North line a distance of 64.99 feet; thence S 00°11'46" W a distance of 25.31 feet to a 5/8" rebar at the intersection of the South line of 11th Street as platted in the City of Kearney, Buffalo County, Nebraska and the East line of a tract of land deeded to Nebraska Public Power District as Instrument No. 2008-8834 recorded in the Buffalo County, Nebraska Register of Deed Office and the ACTUAL POINT OF BEGINNING; thence N 82°09'52" E on said South line of 11th Street a distance of 430.74 feet to a 5/8" rebar with cap at the Northwest corner of Park View Estates Sixth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°40'27" W on the West line of said Park View Estates Sixth Addition a distance of 172.30 feet to a 5/8" rebar with cap; thence S 16°37'25" W continuing on said West line a distance of 144.01 feet to a 5/8" rebar with cap; thence S 00°40'27" W continuing on said West line a distance of 470.00 feet to a 5/8" rebar with cap at the Southwest Corner of Lot 8, of said Park View Estates Sixth Addition; thence N 89°19'33" W perpendicular to said West line of Park View Estates Sixth a distance of 155.00 feet; thence continuing N 89°19'33" W a distance of 66.00 feet; thence N 00°40'27" E parallel to said West line a distance of 15.00 feet to a 5/8" rebar with cap; thence N 89°19'33" W perpendicular to said West line a distance of 159.57 feet to a 5/8" rebar with cap at a point on said East line of the Nebraska Public Power District tract; thence N 00°11'46" E on said East line a distance of 702.05 feet to the Point of Beginning, containing 6.73 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on November 21, 2014 on the inclusion of Park View Estates Seventh Addition within the corporate limits and recommended the Kearney City Council approve said application; and

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

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on December 9, 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 Park View Estates Seventh Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

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

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

CONDITIONAL USE PERMIT GRANTED TO JEFF OVERTURF; 710 WEST 30TH AVENUE

Vice-President Buschkoetter opened the public hearing on the Application submitted by Jeffrey and Lisa Overturf for a Conditional Use Permit to haul gravel and sand off site to enable construction of a private lake on property zoned "District AG, Agricultural District" and described as being part of Government Lots 2 and 3, part of the North Half of the Northeast Quarter, all of Government Lot 4 and part of accretions in Section 9, Township 8 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (710 West 30th Avenue) and consider Ordinance No. 7950. Planning Commission recommended approval subject to compliance with the 10 conditions listed in the ordinance. The ordinance was provided to Mr. Overturf last week for review. He has signed and submitted the Acknowledgment agreeing to the conditions.

Attorney William Blake presented this matter to the Council. He stated the applicants have had a sand and gravel pumping operation to extract the resources under the Conditional Use Permit for the last five years. It has recently expired and they wish to renew for an additional three years or will expire December 2017. There are some conditions that were discussed with City staff, they worked out the conditions and have signed the acknowledgement agreeing to the conditions and they ask the Council to approve the operation so they can finish pumping that lake and turn it into a good development.

Council Member Buschkoetter asked about this process lasting longer than the original five years. Mr. Blake stated they expected to be completed in five years and have a much larger lake than they have but getting it started took a lot longer than they expected. It has picked up and they expect to get it done now at the current base in another three years.

Council Member Lammers asked about the accesses with regard the new high school. Mr. Blake stated the conditions provide that starting in August 2016, access to and from the property for gravel trucks and heavy equipment will need to use the south access point and go around to the south rather than have that conflict with the school's main entrance.

Council Member Buschkoetter asked what is the methodology to enforce that to make sure that it is adhered to. Mr. Blake stated it is a condition of the permit and it could be monitored by law enforcement or City staff. The property owner risks his permit if there were violations of the conditions. City staff worked together with Mr. Overturf and the suggestion came from him that it would be better if the trucks went south. It is his understanding that they are heading west anyway ultimately and so it was his suggestion that they develop that south exit so they do not have conflict with the high school once it opens up. As a practical matter the sand and gravel operator who is pumping the pit will want to make sure the truck drivers do not get them into trouble, they want to finish the job.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Jeffrey and Lisa Overturf for a Conditional Use Permit to haul gravel and sand off site to enable construction of a private lake on property zoned "District AG, Agricultural District" and described as being part of Government Lots 2 and 3, part of the North Half of the Northeast Quarter, all of Government Lot 4 and part of accretions in Section 9, Township 8 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska (710 West 30th Avenue) and introduced Ordinance No. 7950 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 7950. 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: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7950 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 7950 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7950 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.

BOARD OF EQUALIZATION

Vice-President Buschkoetter opened the public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Water District No. 2014-573 and Sanitary Sewer District No. 2014-511 and consider Resolution No. 2014-240.

At the April 22, 2014 Council meeting the Council approved Ordinance No. 7886 creating Water District No 2014-573 in Avenue A from a point located at the south line of Lot 717, Original Town of Kearney Junction northward to the north line of South Railroad Street, then easterly in South Railroad Street to the west line of Avenue B. Also on April 22, 2014 Ordinance No. 7887 creating Sanitary Sewer District No. 2014-511 in the easement located in Lot 1, Brown's Second Addition beginning at a point 132 feet south of the south line of Lot 2, Big Boy Addition northward to the south line of Lot 2, Big Boy Addition, then west along the south line of Big Boy Addition in the easement to the west line of Lot 2, Big Boy Addition then north along the west line of Big Boy Addition in an easement to the north line of Big Boy Addition.

After completion of the construction project, the City hired a title company to complete property abstracts so that assessments could be levied. The costs of the improvements

shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing meeting as the Board of Equalization and adopt **Resolution No. 2014-240** assessing costs in connection with Water District No. 2014-573 and Sanitary Sewer District No. 2014-511. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-240

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

Section 1. The President and Council find and determine that the water main heretofore ordered installed in Water District No. 2014-573 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the sanitary sewer main heretofore ordered installed in Sanitary Sewer District No. 2014-511 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sanitary sewer main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 3. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 4. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2014-573 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.5 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

Section 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District No. 2014-511 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.5 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

LAND ACQUISITION FOR PROPOSED PARK IN NORTHEAST PARK

Vice-President Buschkoetter opened the public hearing on the proposed acquisition of Lots 3 through 7 inclusive, Block 3, Eastbrooke 14th Addition, an addition to the City of Kearney, Buffalo County, Nebraska for recreational purposes and consider Resolution No. 2014-241.

City Attorney Michael Tye presented this matter to the Council. A Purchase Agreement has been negotiated between the City of Kearney and Camron, Inc. who is the owner and developer of Eastbrooke 14th Addition in northeast Kearney. The Purchase Agreement is for five residential lots in the Eastbrooke Addition for the price of \$250,000.00. If the Agreement is approved, this property will be purchased for the purpose of creating a City park on these lots. With the growth in this part of Kearney, there is not a neighborhood park that has been established and City staff would propose this purchase so that this neighborhood would have a City park.

Council Member Buschkoetter stated it's his understanding that they will be talking with the neighborhood groups as well on what kind of amenities they would like to have in there as well. City Manager Mike Morgan stated they will use very similar process on which they used for Fountain Hills Park and have reached out to the neighborhood association and advised them of this and the timing and continue that conversation.

Council Member Bushkoetter stated it is an area that is under served by parks and it's really designed for a nice neighborhood park and will be a nice amenity up there.

Council Member Nikkila stated he thinks if you look at a map of Kearney and how the neighborhood parks have developed over the years when City hit 39th Street that concept slowed down. He thinks the neighborhood park additions will be a great addition for that area and something the City needs to be financially conscious of, the City can't put one everywhere but within reason and he hopes people will be patient with them that the City can't build a big park instantly it will take time.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Lammers to close the hearing and adopt **Resolution No. 2014-241** approving the proposed acquisition of Lots 3 through 7 inclusive, Block 3, Eastbrooke 14th Addition, an addition to the City of Kearney, Buffalo County, Nebraska for recreational purposes. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-241

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for recreational purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Camron, Inc., a Nebraska Corporation, has signed a Purchase Agreement for the following tract of land for recreational purposes: Lots 3 through 7 inclusive, Block 3, Eastbrooke 14th Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Purchase Agreement signed by Camron, Inc., a Nebraska Corporation, with the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Purchase Agreement between the City of Kearney and Camron, Inc., a Nebraska Corporation. The said Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

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

1. Approve the following Claims:

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

Agri Coop \$1,839.59 smcs; Ahren,V \$300.00 smcs; Alamar Uniforms \$3,772.97 smcs, ps; Alfred Benesch \$1,039.41 co; Amer First Aid \$160.97 smcs; Anderson Bros \$142.26 smcs; Anderson,B \$40.00 smcs; Angry Cow Adventures \$500.00 smcs; Artic Refrigeration \$160.00 smcs; ASI \$200.36 co; Aurora Coop \$57.92 smcs; Baker & Taylor \$2,404.30 smcs; Bamford \$250.00 smcs; Blackstone Audio \$532.47 smcs; Blessing \$459,005.97 co; BlueCross BlueShield \$133,454.88 smcs; Boersma,C \$32.50 smcs; Bosselman \$6,508.25 smcs; Bright,H \$23.12 smcs; Broadfoot's \$1,115.00 smcs,co; Buffalo Co Reg Deeds \$46.00 smcs; Builders \$521.60 smcs; Capital Business Systems \$169.93 smcs; Capstone Press \$5,633.18 smcs; Carquest \$81.27 smcs; Cash-Wa \$135.80 smcs; Center Point Publishing \$123.80 smcs; Charter \$274.75 smcs; Chief Supply \$99.98 smcs; City of Ky \$354,899.02 smcs,ps; Clipper-Herald \$500.00 smcs; Coat All Painting \$4,100.00 smcs; Community Action Partner \$736.00 smcs; Consolidated Mgmt \$194.50 smcs; Cook Construction \$400.00 smcs; Cool Tech \$78.50 smcs; Cooperative Producers \$146.80 smcs; Copycat \$359.79 smcs; Danko Emergency \$396.95 co; Demco \$101.37 smcs; Depository Trust \$92,143.75 ds; Dish \$95.00 smcs; DPC Industries \$6,804.78 smcs; Dutton-Lainson \$6,645.00 smcs; Eakes \$75.03 smcs; Eggen,M \$655.00 smcs; Eirich,T \$50.00 smcs; Emergency Medical \$1,344.70 co; Farmers Union \$30.00 smcs; Fireguard \$30.04 smcs; Frontier \$77.56 smcs; Garrett Tires \$4,925.42 smcs; Gear for Sports \$462.00 smcs; General Traffic Controls \$344.59 smcs; GPM \$6,003.00 smcs; Gullion,E \$45.77 smcs; HD Supply \$12,155.22 smcs; Heggemeyer,L \$60.00 smcs; Heinz,L \$422.05 co; Hometown Leasing \$157.20 smcs; ICMA RC \$4,169.18 ps; IRS \$135,097.73 ps; Jack Lederman \$691.01 smcs; Jahn,E \$144.00 smcs; Kalkowski,K \$13.79 smcs; Fulton,K \$94.00 smcs; Ky Chamber Comm. \$1,544.00 smcs; Ky Concrete \$6,116.10 co; Ky Crete & Block \$458.00 smcs; Ky United Way \$1,086.00 smcs; Ky Visitors Bureau \$42,268.90 smcs; KHGI/KWNB \$95.00 smcs; Krull Ins \$1,950.00 smcs; Larue Distributing \$88.60 smcs; Lawn Builders \$350.00 smcs; LCL Truck Equipment \$1,306.33 smcs; Leigh Enviro. Equip \$468.00 smcs; Lerner Publications \$24.95 smcs; Lewis,D \$41.89 smcs; Librarica \$907.35 smcs; Lincoln Winwater \$854.55 smcs; Magic Cleaning \$4,690.00 smcs; Matheson Tri Gas \$34.22 smcs; McGee,A \$400.00 smcs; Mead Lumber \$345.02 smcs; Mellow D's \$175.00 smcs; Menards \$130.32 smcs; Metlife \$8,370.00 ps; Middleton Electric \$110.00 smcs; Midlands Contracting \$126,616.44 co; Miller & Associates \$10,150.00 smcs; Miller Signs \$600.00 smcs; Municipal Supply \$7,073.85 smcs; NLETC \$50.00 smcs; NCS Equipment \$195.60 smcs; NE Child Support \$2,732.58 ps; NE Dept Revenue \$38,920.32 ps; NE Public Health \$1,151.00 smcs; NE Rural Water \$50.00 smcs; NE State Fire Marshall \$120.00 smcs; NE State Library \$105.25 smcs; NE Truck Center \$1,750.14 smcs; Northwestern Energy \$2,625.23 smcs; O'Keefe Elevator \$382.68 smcs; O'Reilly Auto \$13.99 smcs; Paez,G \$525.00 smcs; Paramount \$268.90 smcs; Paulsen \$150,945.94 co; Payflex Systems \$565.25 smcs,ps; Peerless Machine \$11,985.00 smcs; Petersen,R \$31.00 smcs; Physio-Controls \$552.00 smcs; Platte Valley Comm \$491.54 smcs; Plinske,P \$18.72 smcs; Pulliam,R \$40.00 smcs; Quill \$94.98 smcs; Rackevicius,J \$42.29 smcs; Random House \$90.00 smcs; Rasmussen Mechanical \$1,306.37 smcs; Ready Mixed Concrete \$10,806.79 smcs,co; Recorded Books \$744.05 smcs; Reinke's Refrigeration \$268.51 smcs; Rheome Tree \$1,540.00 smcs; Sapp Bros \$18,893.70 smcs; Schuck,E \$1.15 smcs; Sedlacek,N \$100.00 smcs; Snap-On Tools \$32.85 smcs; Sonetics \$366.64 smcs;SOS Portable Toilets \$117.00 smcs; State of NE/AS Central \$3,641.52 smcs; Steinbrink Landscaping \$100.00 smcs; Sun Life Financial \$61,475.20 smcs; Tacha,T \$50.00 smcs; Titan Machinery \$1,800.00 smcs; Tool Doctor \$25.00 smcs; Trade Well Pallet \$3,150.00

smcs; Tye Law Firm \$188.69 ps; Union Bank & Trust \$65,253.21 ps; Verizon Wireless \$1,205.48 smcs; Village Cleaners \$448.71 smcs; Warren-T Plumbing \$255.00 smcs; Weller,B \$7.62 smcs; Williams,M \$203.84 smcs; Payroll Ending 11-29-2014 -- \$382,855.17 and Longevity Payroll Ending 12-12-2014 -- \$62,875.41. 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.

2. Adopt **Resolution No. 2014-242** appointing Kim Smith to serve on the Advisory Board of Park & Recreation Commissioners.

RESOLUTION NO. 2014-242

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, a vacancy currently exists on the Advisory Board of Park & Recreation Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as proposed by the Mayor of the City of Kearney, Nebraska, is hereby appointed to the Advisory Board of Park & Recreation Commissioners for the term indicated:

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS
Kim Smith appointed to fulfill the term of Mitchell Greenwall until July 31, 2016

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

3. Approve the applications for deferral of special assessments submitted by David Terveen for TWL LLC and Tom and Julie Larsen and Theodore and Penalton Larsen with regard to Sanitary Sewer District No. 2014-510 with regard to the Northeast Trunk Sanitary Sewer project.

4. Adopt **Resolution No. 2014-243** approving the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates for the Community Revitalization 2015 Part 3 project.

RESOLUTION NO. 2014-243

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Professional Service Consultant Agreement for Community Revitalization 2015 Part 3 Project

between the City of Kearney and Miller & Associates. The said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

5. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on January 3, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

6. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on January 10, 2015 from 4:00 p.m. until 1:00 a.m. for a company Christmas party.

7. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine and distilled spirits inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on January 24, 2015 from 4:00 p.m. until 1:00 a.m. for a dance.

8. Adopt **Resolution No. 2014-244** approving the Subordination Agreements between the City of Kearney and Nebraska Public Power District.

RESOLUTION NO. 2014-244

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to execute the Subordination Agreements on behalf of the City of Kearney with Nebraska Public Power District pertaining to property described as: Lots 3, 4, 5 and 6 of the South Half less a strip 17 feet in width on the west side of Lot 3 of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described in said Subordination Agreements. A copy of the Subordination Agreements, marked as Exhibits "A" and "B" are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7951 AMENDING SECTION 3-1206 "EXCESSIVE FALSE ALARMS" OF THE CITY CODE

In an effort to make billing for excessive false fire alarms easier for businesses and the Fire Department to track, the following amendments to Section 3-1206 "Excessive False Alarms" of the City Code is requested with a January 1, 2015 effective date: (1) increase allowable false alarms from 3 to 4; and (2) change the time period from 12 consecutive months to a calendar year, beginning each January.

Council Member Nikkila introduced Ordinance No. 7951 amending Section 3-1206 "Excessive False Alarms" of Article 12 "Alarm Systems" of Chapter 3 "Business Regulations" of the Code of the City of Kearney changing the number of false alarms allowed to four in a calendar year, 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: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7951 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7951 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7951 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. 7952 REPEALING ORDINANCE NO. 7939 AND VACATE LOT 12, WESTERN HILLS SUBDIVISION

On November 11, 2014 the Council approved the development of Wise Estates. As part of that development, Ordinance No. 7939 was approved vacating Lot 1, Star View Acres. When Buffalo Surveying attempted to file the ordinance and final plat with the Register of Deeds, it was noted that there was an error in the legal description. Therefore, Ordinance No. 7952 will repeal Ordinance No. 7939 and will vacate Lot 1 with the correct legal description.

Council Member Nikkila introduced Ordinance No. 7952 repealing Ordinance No. 7939 and to vacate Lot 1, Star View Acres, a subdivision of Buffalo County, Nebraska, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member 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: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7952 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7952 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7952 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. 7953 SELLING SOUTH 10 FEET OF 19TH STREET TO GLEN MILLER

Back in July of 1985, the City vacated ten feet on both sides of 19th Street. At that time, the state law required abutting property owners to purchase the vacated right-of-way. The state law was amended in 2001 that allowed the vacation of public right-of-way to revert to the abutting property owners. Lots 785 and 786, Original Town of Kearney Junction was recently purchased and the new owner wants to acquire that vacated 10 feet abutting Lot 785. Therefore, Ordinance No. 7953 will sell the vacated right-of-way to the abutting property owner.

Council Member Nikkila introduced Ordinance No. 7953 selling the vacated south ten (10) feet of 19th Street abutting Lot 785 on the north, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska to Glen Miller and Austin Miller, 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: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7953 by

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

Moved by Lear seconded by Buschkoetter that Ordinance No. 7953 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7953 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

KEARNEY RAMADA INN MANAGER APPLICATION FOR ADRIANCE JUEL

Vice-President Buschkoetter opened for discussion the manager application for Adriane Juel submitted by Kearney Lodging, LLC, dba Ramada Kearney/Al Fresco in connection with their Class C-096499 liquor license and located at 301 South 2nd Avenue.

Adriane Juel presented this matter to the Council. She has worked for the Ramada just over a year and she is the catering manager. She is in charge of cash bars at the Ramada. They have recently made sure all the bartenders have gone through the Responsible Training or the TIPS training that the City requires. They also make sure that they have been trained to wristband and card anyone who looks under 30 and when they have college events they do make sure that they have an off duty officer.

Council Member Buschkoetter stated they have a few other situations that occur in a hotel environment that is a little different. Ms. Juel stated they do have the Elephant's Eye which is the bar that is currently operated there, the bartenders there have all gone through the training so they wristband at the bar also.

Council Member Lammers asked about their policy in case somebody does serve to a minor. Ms. Juel stated with something like that it would be immediate dismissal, they have not had any and that does put the liquor license servers in jeopardy. They have not had that situation yet but she would advocate that it would go for immediate dismissal of the employee.

Chief Lynch stated everything is fine, the restaurant does a good job as it is. Everybody has done an appropriate job during the background completing the questions appropriately.

Moved by Buschkoetter seconded by Lammers to approve the manager application for Adriane Juel submitted by Kearney Lodging, LLC, dba Ramada Kearney/Al Fresco in connection with their Class C-096499 liquor license and located at 301 South 2nd Avenue. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

PIZZA HUT MANAGER APPLICATION FOR JOSHUA ROCK

Vice-President Buschkoetter opened for discussion the manager application for Joshua Rock submitted by Peak Interests, LLC, dba Pizza Hut in connection with their Class A-033603 liquor license and located at 1412 2nd Avenue.

Joshua Rock presented this matter to the Council. He just recently moved to general manager at Pizza Hut on 2nd Avenue. He was not aware of all the labor laws when it comes to drinking but he recently has taken a lot of extra courses. They have installed books that allow employees if they have any strange ID's or out of state, they have a book for logging that. They have a Responsible Beverage Service Training that everybody is required to take that is older than 19. Nobody is allowed to serve under the age of 21 in his establishment. If they have anybody serving alcohol to a minor, they have all kinds of precautions for getting that. They have rules against that.

Council Member Buschkoetter asked about Mr. Rock's training that he has had, referring to the TIPS training. Mr. Rock stated he and his employees have taken the Responsible Beverage Service Training.

Moved by Lammers seconded by Nikkila to approve the manager application for Joshua Rock submitted by Peak Interests, LLC, dba Pizza Hut in connection with their Class A-033603 liquor license and located at 1412 2nd Avenue. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers, Lear. Nay: None. Clouse absent. Motion carried.

OPEN ACCOUNT CLAIMS

Moved by Nikkila seconded by Lear that the Open Account Claims in the amount of \$200.58 payable to Stan Clouse and in the amount of \$95,142.35 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Council Member Nikkila congratulated Randy and Bob for being re-elected. He commended Mayor Clouse; he really appreciates his leadership, not only his willingness to go out and speak to people in the community and talk to people from out of town and loves that side of promoting Kearney but he appreciates as a Councilman how he is willing to acknowledge all Council members whenever he speaks and sends a message that it is a group effort.

Council member also thank the Kearney Area Community Foundation for "Give Where You Live". It is a unifying idea that the City can get behind. A person cannot donate to all of them but he learned a lot about non-profits in the town that he was not aware of. There are a few that apply to the City, the Archway Foundation, the White Water Park, Yanney and Heritage Park and Veterans First.

Council Member Lammers thanked the citizens of Kearney for the opportunity to serve another four years; he appreciates it very much and will do the best job for them.

Council Member Buschkoetter thanked the citizens also. He looks forward to the opportunity to serve another four years and grateful for the opportunity to do that. They look back at the last four years and look forward to the next four years and excited about the direction the City is heading and for the opportunity to be part of the team because it is an absolute team effort.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 6:23 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

MICHAELLE E. TREMBLY
CITY CLERK